

**Chapter 14.260  
Wetlands**

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**14.260.010 Purpose and Intent**

- A. Wetlands perform numerous important functions, including but not limited to provision of wildlife and fish habitat, water quality enhancement, flood and erosion control, ground water recharge and discharge, shoreline stabilization, research and education opportunity, and recreation. Protection of these systems is necessary to protect the public health, safety, and general welfare.
- B. To achieve the goal of “no net loss” of wetland functions and values within the City, the regulations of this chapter are intended to discourage or prohibit:
  - 1. Activities that block water flows, or damage or destroy flood storage areas or storm barriers, thereby resulting in greater potential flood damages;
  - 2. Disposal of wastewater or solid wastes, or creation of unstable fills inappropriate to the function of wetlands, which may result in water pollution;
  - 3. Application of pesticides, herbicides and algaecides on wetlands unless warranted to protect the ecological functions of the wetland;

- 4. Activities that limit the function of a wetland to control erosion or runoff; provide water storage; or provide wildlife breeding, spawning, nesting, wintering, or feeding grounds;
- 5. Activities that detract from a wetland’s value in providing educational experiences, recreational uses, and/or open space.

**14.260.020 Rating and Designation**

- A. Rating categories. Wetlands shall be rated Category I, II, III, or IV according to the Department of Ecology’s *Washington State Wetland Rating System for Western Washington (Ecology Publication #04-06-025)*. (See WAC 365-190-080(1)(a).) Wetland categories shall apply to the wetland as it exists on the date the City adopts 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. The City will conduct an analysis of new wetlands rating systems as proposed by the State on an annual basis for consideration as an amendment to this chapter.
- B. Designating Wetlands
  - 1. As set forth in RCW 36.70A.030(20), wetlands are those areas 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. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetlands do not include those artificial wetlands intentionally created from non-wetland 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 non-wetland areas to mitigate conversion of wetlands.

2. Pursuant to RCW 36.70A.175, wetlands are designated in accordance with the *Washington State Wetland Identification and Delineation Manual* (Ecology Publication #96-94).
3. The City has maps showing the approximate location and extent of wetlands. However, these maps are only a guide and will be updated as critical areas become better known. The exact location of a wetland's boundary shall be determined in accordance with the above-referenced manual.

**C. Rating wetlands.** Wetlands shall be rated according to the Department of Ecology wetland rating system, as set forth in the *Washington State Wetland Rating System for Western Washington* (Ecology Publication #04-06-025, or as revised and approved by DOE). These documents contain the definitions and methods for determining if the criteria below are met.

1. **Category I.** Category I wetlands are

those wetlands that meet any of the following criteria:

- a. Wetlands that are identified by scientists of the Washington Natural Heritage Program/DNR as high quality wetlands;
- b. Bogs larger than a half acre;
- c. Mature and old growth forested wetlands larger than one acre;
- d. Wetlands that perform many functions well (score at least 70 points); or
- e. Wetlands that:
  - i. represent a unique or rare wetland type; or
  - ii. are more sensitive to disturbance than most wetlands; or
  - iii. are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or
  - iv. provide a high level of functions.

2. **Category II.** Category II wetlands are those wetlands that meet any of the following criteria:

- a. A wetland identified by the Washington State Department of Natural Resources as containing "sensitive" plant species;
- b. A bog between one-quarter and one-half acre in size; or

c. Wetlands with a moderately high level of functions (score between 51 and 69 points).

3. **Category III.** Category III wetlands are wetlands with a moderate level of functions (score between 30 and 50 points), which generally have been disturbed in some way and which are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

4. **Category IV.** Category IV wetlands have the lowest levels of functions (score less than 30 points) and are often heavily disturbed. These are wetlands that should be replaceable and in some cases improvable. 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.

D. **Date of wetland rating.** Wetland rating categories shall be applied as the wetland exists on the date of adoption of the rating system by the local government, 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.

#### **14.260.030 Critical Area Reports**

In addition to the requirements of SMC 14.255.080, critical area reports for wetlands shall include the following:

A. Wetland delineation map as surveyed and flagged in the field.

B. Assessment of wetlands, including

acreage, category, required buffers, evidence of past alterations, soil, topography, hydrology, ecology, and functional evaluation using a recognized method.

C. Discussion of measures to preserve wetland functions and values, including the “sequencing” set forth in SMC 14.255.120.(E).

D. If mitigation is proposed, a mitigation plan including the existing and proposed status of:

1. Wetland acreage;
2. Vegetation and fauna;
3. Surface and subsurface hydrology;
4. Soils, substrate, and topography;
5. Required wetland buffers; and
6. Property ownership.

E. Proposed wetland management and monitoring.

#### **14.260.040 Substantive Requirements**

In addition to the substantive requirements of SMC 14.255.120, the requirements of this section shall apply to developments in wetlands, except as exempted above.

A. The higher the wetland category (Category I is highest), the greater shall be the emphasis on higher-priority “sequencing” methods per SMC 14.255.120.E.

B. The following buffer width requirements are established as the minimum wetland buffer widths:

1. The standard buffer widths in this section are based on the fact that most impacts adjacent to wetlands in the City of Snohomish will be high intensity impacts characteristic of an urban area. Accordingly, one baseline buffer will generally apply to each category of wetland, as provided in subsection 14.060.040(B)(2), unless the habitat function score requires increasing the buffer width, as provided in subsection 14.260.040(B)(3), or unless the buffer width is increased, decreased, and/or averaged, as provided in subsections 14.260.040(D, E, F, and G).

2. Standard/baseline buffer widths shall be:

Category I                    **150** feet  
 Category II                   **100** feet  
 Category III                 **50**        feet  
 (exempt if smaller than 1000 square feet: see SMC 14.255.060(S); between 1000 square feet and 3000 square feet in area shall be exempt from the normal sequencing process but shall be fully mitigated: see SMC 14.255.060(T))

Category IV                   **50** feet  
 (exempt if smaller than 1000 square feet: see SMC 14.255.060(S); between 1000 square feet and 3000 square feet in area shall be exempt from the normal sequencing process but shall be fully mitigated: see SMC 14.255.060(T))

3. The standard/baseline buffer widths shall be increased for each Category of wetland to the following wetland buffer widths, if the habitat function scores (derived from the 2004 Wetland Rating System for Western

Washington) meet the following thresholds:

Category I                    **200** feet, if habitat function score is at least 28

Category II                   **150** feet, if habitat function score is at least 28

Category III                 **100** feet, if habitat function score is at least 20

Category IV                   **50** feet, i.e. no increase regardless of habitat function score.

C. Buffers shall be measured from the wetland boundary as surveyed in the field. If wetland enhancement is proposed, the requirements for the category of the wetland after enhancement shall apply.

D. The above standard buffer widths presume the following:

1. The buffer is at least moderately endowed with healthy native vegetation (i.e., 75% ground cover) and other factors affecting its ability to protect the wetland, such as favorable topography.

2. The City Planner may increase the required buffer width or require buffer enhancement if the buffer is poorly endowed with healthy native vegetation or is otherwise handicapped in its ability to protect the wetland as specified in 14.260.040(E).

3. The City Planner may reduce the required buffer width if the buffer is, or after enhancement will be, well endowed with healthy native vegetation or otherwise unusually

able to protect the wetland as specified in 14.260.040(E).

- E. The City Planner may increase or reduce the standard buffer width if the function(s) served by the particular wetland need(s) more or less buffer width, as indicated by a wetland functional analysis. Buffer widths may be reduced not more than 25% of the standard/baseline buffer width and only if restoration or enhancement occurs within the remaining buffer such that no net loss of function is realized.
- F. The City Planner shall have the authority to average buffer widths on a case-by-case basis, where a qualified professional demonstrates to the City Planner's satisfaction that all the following criteria are met:
  - 1. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer.
  - 2. The buffer averaging does not reduce the functions or values of the wetland.
  - 3. The wetland contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation.
  - 4. The director shall have the authority to increase the minimum width of the standard buffer on a case-by-case basis when such increase is necessary.
  - 5. Buffer width averaging does not reduce the original buffer width by more 50% at any one point.

- G. The City Planner may combine the use of buffer restoration or enhancement to reduce buffer width, as provided in subsection 14.260.040(E), with the use of buffer width averaging, as provided in subsection 14.260.040(F), provided that there is no net loss of function and the original buffer width is not reduced by more than 50% at any one point.
- H. Except as provided elsewhere in the Critical Areas Code, all existing native vegetation in wetland buffers shall be retained without disturbance, mowing, or hard surfacing, nor shall any action be taken to inhibit volunteer re growth of native vegetation. Invasive weeds shall be removed for the duration of the monitoring period. Stormwater management facilities, bioswales, and treated-water outfalls are permitted in the outer 50 percent of the buffer of Category III or IV wetlands, provided that wetland functions and values are not significantly lost through fluctuations in wetland hydrology and construction integrates best management practices.

**14.260.050 Mitigation**

- A. All significant adverse impacts to wetlands and buffers as determined by the City Planner shall be fully mitigated in accordance with the standards in this section and a mitigation plan consistent with this section. Mitigation measures to be addressed in the mitigation plan shall include, in order of preference, avoidance, minimization, restoration, rehabilitation, and compensation.
- B. Mitigation for alterations to wetlands may be by restoring former wetlands, creating wetlands, or enhancing degraded wetlands, consistent with the

*Department of Ecology Guidance on Wetland Mitigation in Washington State, Part 2* (Ecology Publication #04-06-013B).

C. Mitigation shall generally replace wetland functions lost from the altered wetland except that the City may permit out-of-kind replacement when the lost functions are minimal or less important to the drainage basin than the functions that the mitigation action seeks to augment.

D. Mitigation shall be in the same drainage basin or sub-basin as the altered wetland, unless a higher level of ecological functioning would result from an alternate approach.

E. Mitigation projects shall be completed as quickly as possible, consistent with such factors as rainfall and seasonal sensitivity of fish, wildlife, and flora, and shall be completed no later than the first year following completion of the development project.

F. Mitigation projects shall be designed with reference to the Department of Ecology's *Guidance on Wetland Mitigation in Washington State, Part 2* (Ecology Publication #04-06013B) and Appendix 8-C of the Department of Ecology's *Wetlands in Washington - Volume 2: Guidance for Protecting and Managing Wetlands* (Ecology Publication #04-06-024).

G. Mitigation for alterations to wetlands shall achieve equivalent or greater biologic functions and shall provide similar wetland functions as those lost, except when:

1. The lost wetland provides minimal functions as determined by a site-

specific function assessment and the proposed mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a watershed assessment plan or protocol; or

2. Out-of-kind replacement will best meet formally identified regional goals such as replacement of historically diminished wetland types.

H. Compensation in the form of wetland creation, restoration or enhancement is required when a wetland is altered permanently as a result of an approved project. Alterations shall not result in net loss of wetland area, except when compensation for wetland alterations is provided in the following order of preference:

1. Wetlands are restored on upland sites that were formerly wetlands.
2. Wetlands are created on disturbed upland sites such as those with vegetative cover consisting primarily of exotic introduced species.

I. Mitigation actions shall be conducted within the same sub-drainage basin and on the same site as the alteration except when all of the following apply:

1. Either there are no reasonable on-site or in-sub-drainage basin opportunities, or on-site and in-sub-drainage basin opportunities do not have a high likelihood of success due to development pressures, adjacent land uses, or on-site buffers or connectivity are inadequate.

2. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the altered wetland.
3. Where feasible, mitigation projects shall be completed prior to activities that will disturb wetlands. In all other cases, mitigation shall be completed immediately following disturbance and prior to use or occupancy of the activity or development.
4. Construction of mitigation projects shall be timed to reduce impacts to existing wildlife and vegetation.
5. The applicant shall develop a mitigation plan that provides for construction, maintenance, monitoring, contingencies and adaptive management of the wetland compensation projects, as required by conditions of approval and consistent with the requirements of this chapter.

J. Wetland mitigation – Replacement ratios

1. When an applicant proposes to alter or eliminate a regulated wetland, the functions and values of the affected wetland and buffer shall be replaced through wetland creation, restoration, or enhancement, according to the minimum ratios established in the table in this section. The ratios shall apply to wetland creation, restoration, or enhancement, which is in-kind, on-site, of the same category, timed prior to or concurrent with alteration, and has a high probability of success.
2. Ratios for out-of-kind or off-site

mitigation may be greater than set forth in the table, if the City Planner determines that additional mitigation is warranted to mitigate impacts. Ratios for remedial actions resulting from unauthorized alterations shall be greater than set forth in the table, provided that the extent of the increase shall be as determined by the City Planner to be appropriate in the circumstances.

3. Replacement ratios may be decreased by up to 25 percent by the City Planner, if the applicant demonstrates to the satisfaction of the City Planner that all of the following criteria are met:
  - a. Documentation by a qualified professional demonstrates that the proposed mitigation actions have a very high likelihood of success;
  - b. Documentation by a qualified professional demonstrates that the proposed mitigation actions will provide functions and values that are significantly greater than the wetland being altered;
  - c. The proposed mitigation actions are conducted in advance of the impact and shown to be successful through post-construction monitoring and function assessment.
4. The mitigation ratios in the following table are based on Appendix 8-C of the Department of Ecology's *Wetlands in Washington - Volume 2: Guidance for Protecting and Managing Wetlands* (Ecology Publication #04-06-024):

**Acreege-Based Mitigation Ratios Table**

Affected Wetland	Mitigation Type and Ratio			
Category	Re-establishment or Wetland Creation	Rehabilitation	Re-establishment or Creation (R/C) and Enhancement (E)	Enhancement Only
Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1
Category III	2:1	4:1	1:1 R/C and 2:1 E	8:1
Category II	3:1	6:1	1:1 R/C and 4:1 E	12:1
Category I - Forested	6:1-	12:1	1:1 R/C 10:1 Enhancement	24:1
Category I - Score Based	4:1-	8:1	1:1 R/C 10:1 Enhancement	16:1
Category I - Bog	Not considered possible	6:1	Case by Case	Case by Case

K. Definitions specific to Wetland Mitigation:

1. **Restoration:** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into re-establishment and rehabilitation, as follows:

a. **Re-establishment:** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Activities could include removing fill material, plugging ditches, or breaking drain tiles. Re-establishment results in a gain in wetland acres.

b. **Rehabilitation:** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres.

2. **Creation:** The manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site, where a wetland did not

previously exist. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species. Creation results in a gain in wetland acres.

3. **Enhancement:** The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or wildlife habitat. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres.

4. The distinction between rehabilitation and enhancement for the purposes of the rating system is further explained as follows:

a. Rehabilitation includes:

i. Actions that restore the original hydrogeomorphic (HGM) class, or subclass, to a wetland whose current HGM class, or subclass, has been changed as a result of human activities; and

- ii. Actions that restore the water regime that was present and maintained the wetland before human activities changed it.
- b. Enhancement includes:
- i. Any other actions taken in existing wetlands.
  - ii. For example, a wetland that was once a forested riverine wetland was changed to a depressionnal, emergent wetland by the construction of a dike and through grazing. Rehabilitating the wetland would involve breaching the dike so the wetland becomes a riverine wetland again, removing the grazing, and reforesting the area. Removing the grazing and reforesting the wetland without reestablishing the links to the riverine system would be considered as enhancement. (Ord. 2083, 2005)