

**CITY OF NORTH BONNEVILLE  
ORDINANCE NO. 1046**

**AN ORDINANCE OF THE CITY OF NORTH BONNEVILLE AMENDING NORTH BONNEVILLE MUNICIPAL CODE CHAPTER 21.10 RESOURCE LANDS AND CRITICAL AREAS PROTECTION.**

**WHEREAS**, the State of Washington Department of Ecology adopted an updated wetland rating system in 2014, and

**WHEREAS**, the City of North Bonneville, after careful consideration and study, has determined that amending the Resource Lands and Critical Areas Protection code will more accurately reflect state adopted wetland rating policies, and

**WHEREAS**, the City Council held a public hearing on \_\_\_\_\_, 2015,

**NOW, THEREFORE**, the City Council of the City of North Bonneville does hereby ordain as follows:

**Section 1. NBMC Chapter 21.10 Resource Lands and Critical Areas Protection.  
Shall be amended as follows:**

**21.10.020 Definitions.**

61. "Wetlands Delineation Manual"—means the ~~Washington State Wetlands Identification and Delineation Manual (Washington Department of Ecology (WDOE) Publication #96-94) dated March 1997 (or as revised by WDOE)~~ approved federal wetland delineation manual and applicable regional supplements.

**21.10.070 Resource lands and critical areas; standards for site-specific analysis; additional critical area report requirements; development standards**

I. Resource Lands.

- A. Agricultural lands.  
(None identified)
- B. Forest lands.  
(None identified)
- C. Mineral resource lands.  
(None identified)

II. Critical Areas.

A. Wetlands.

- 1. Site analysis—required for the purpose of establishing an exact wetland boundary using the criteria found in the ~~Washington State Wetlands Identification and Delineation Manual (1997, or as revised by Washington State Department of Ecology (WDOE))~~ approved federal wetland delineation manual and applicable regional supplements. Field delineation of the boundary is required and a scaled map must be produced (at 1:2,400 or larger). The classifications of Section 7.2 must then be applied to the wetland area to establish the category(s) of wetlands in evidence. The applicant or proponent shall provide a wetlands report prepared by a qualified professional.

2. Wetlands rating system—The following rating system, adapted from the WDOE wetland rating system found in the Washington State Wetland Rating System for Western Washington — (~~Publication #04-06-025, or as revised by WDOE~~) 2014 Update (Publication #14-06-029, or as revised by WDOE) is hereby adopted for the purpose of determining Wetlands Classifications. The wetland rating system is used in part to determine buffer widths pursuant to Section 21.10.070.II.A.2. The wetland rating and buffer systems are also used for mitigation and enhancement options under Section 21.10.070.II.A.3.
- a. Wetland rating categories.

~~(1) Category I. Category I wetlands are:~~

- ~~(a) wetlands that are identified by scientists of the Washington Natural Heritage Program/DNR as high quality, relatively undisturbed wetlands, or wetlands that support State listed threatened or endangered plants;~~
- ~~(b) bogs;~~
- ~~(c) mature and old-growth forested wetlands, as defined by WDFW Priority Habitat and Species provisions, larger than one (1) acre; or~~
- ~~(d) wetlands that perform many functions well, as characterized by a wetland score of seventy (70) or greater on the rating form. Category I wetlands represent a unique or rare wetland type, are more sensitive to disturbance than most wetlands, are relatively undisturbed and contain some ecological attributes that are impossible to replace within a human lifetime, or provide a very high level of functions.~~

~~(2) Category II. Category II wetlands are wetlands with a moderately high level of functions, as characterized by a wetland score of fifty one (51) through sixty nine (69) on the rating form. Category II wetlands are difficult, though not impossible, to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but they still need a relatively high level of protection.~~

~~(3) Category III. Category III wetlands are wetlands with a moderate level of functions, as characterized by a score of thirty (30) through fifty (50) on the rating form. Generally, wetlands in this category have been disturbed in some way and 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 — and are often heavily disturbed. They are characterized by a score of — less than thirty (30) on the rating form. These are wetlands that — should be replaceable, and in some cases may be improved. — 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.~~

(1) Category I. Category I wetlands are:

- (a) relatively undisturbed estuarine wetlands larger than 1 acre;
- (b) wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR;
- (c) bogs;
- (d) mature and old-growth forested wetlands larger than 1 acre;

- (e) wetlands in coastal lagoons;
- (f) interdunal wetlands that score 8 or 9 habitat points and are larger than 1 acre; and
- (g) 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. Category II wetlands are:

- (a) estuarine wetlands smaller than 1 acre, or disturbed estuarine wetlands larger than 1 acre;
- (b) interdunal wetlands larger than 1 acre or those found in a mosaic of wetlands; or
- (c) wetlands with a moderately high level of functions (scoring between 20 and 22 points).

(3) Category III. Category III wetlands are:

- (a) wetlands with a moderate level of functions (scoring between 16 and 19 points);
- (b) can often be adequately replaced with a well-planned mitigation project; and
- (c) 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. 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. 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.
3. Wetland buffers. Wetland buffer widths shall be determined by the planning official in accordance with the standards below:
- a. All buffers shall be measured horizontally outward from the delineated wetland boundary.
  - b. Buffer widths are established by comparing the wetland rating category and the intensity of land uses proposed on development sites per Table 21.10.070-1, 21.10.070-2, 21.10.070-3 and 21.10.070-4. For Category IV wetlands, the required water quality buffers, per Table 21.10.070-1, are adequate to protect habitat functions.
  - c. Functionally Isolated Buffer Areas. Areas which are functionally separated from a wetland and do not protect the wetland from adverse impacts shall be treated as follows:
    - (1) Pre-existing roads, structures, or vertical separation shall be excluded from buffers otherwise required by this chapter;
    - (2) Distinct portions of wetlands with reduced habitat functions that are components of wetlands with an overall habitat rating score greater

than ~~twenty (20)~~ five (5) points shall not be subject to the habitat function buffers designated in Table 21.10.070-2 and Table 21.10.070-3 if the area of reduced habitat function is at least one (1) acre in size and does not meet any WDFW priority habitat or species criteria.

<b>Table 21.10.070-1: Buffers Required to Protect Water Quality Functions</b>			
<b>Wetland Rating</b>	<b>Low Intensity Use</b>	<b>Moderate Intensity Use</b>	<b>High Intensity Use</b>
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.

<b>Table 21.10.070-2: Buffers Required to Protect Habitat Functions in Category I and II Wetlands</b>			
<b>Habitat Score in the Rating Form</b>	<b>Low Intensity Use</b>	<b>Moderate Intensity Use</b>	<b>High Intensity Use</b>
19 points or less	See Table 21.10.070-1	See Table 21.10.070-1	See Table 21.10.070-1
20	60 ft.	75 ft.	100 ft.
21	70	85	100
22	80	95	120
23	90	105	140
24	100	115	160
25	110	125	180
26	120	135	200
27	130	145	220
28	140	165	240
29	150	185	260
30	150	205	280
31 points or greater	150	225	300

<b>Table 21.10.070-3: Buffers Required to Protect Habitat Functions in Category III Wetlands</b>			
<b>Habitat Score in the Rating Form</b>	<b>Low Intensity Use</b>	<b>Moderate Intensity Use</b>	<b>High Intensity Use</b>
20 points or less	See Table 21.10.070-1	See Table 21.10.070-1	See Table 21.10.070-1
21	45 ft.	65 ft.	90 ft.
22	50	70	100
23	55	80	110
24	60	90	120
25	65	100	130
26	70	105	140
27 points or greater	75 ft.	110 ft.	150 ft.

<b>Table 21.10.070-1: Buffers Required to Protect Water Quality Functions</b>			
<u>Wetland Rating</u>	<u>Low Intensity Use</u>	<u>Moderate Intensity Use</u>	<u>High Intensity Use</u>
<u>Category I</u>	<u>50 ft.</u>	<u>75 ft.</u>	<u>100 ft.</u>
<u>Category II</u>	<u>50 ft.</u>	<u>75 ft.</u>	<u>100 ft.</u>
<u>Category III</u>	<u>40 ft.</u>	<u>60 ft.</u>	<u>80 ft.</u>
<u>Category IV</u>	<u>25 ft.</u>	<u>40 ft.</u>	<u>50 ft.</u>

<b>Table 21.10.070-2. Buffers Required to Protect Habitat Functions in Category I and II Wetlands</b>			
<u>Habitat Score in the Rating Form</u>	<u>Low Intensity Use</u>	<u>Moderate Intensity Use</u>	<u>High Intensity Use</u>
<u>3-4 points</u>	<u>See Table 21.10.070-1</u>	<u>See Table 21.10.070-1</u>	<u>See Table 21.10.070-1</u>
<u>5</u>	<u>70 ft.</u>	<u>105 ft.</u>	<u>140 ft.</u>
<u>6</u>	<u>90</u>	<u>135</u>	<u>180</u>
<u>7</u>	<u>110</u>	<u>165</u>	<u>220</u>
<u>8</u>	<u>130</u>	<u>195</u>	<u>260</u>
<u>9</u>	<u>150</u>	<u>225</u>	<u>300</u>

<b>Table 21.10.070-3. Buffers Required to Protect Habitat Functions in Category III Wetlands</b>			
<u>Habitat Score in the Rating Form</u>	<u>Low Intensity Use</u>	<u>Moderate Intensity Use</u>	<u>High Intensity Use</u>
<u>3-4 points</u>	<u>See Table 21.10.070-1</u>	<u>See Table 21.10.070-1</u>	<u>See Table 21.10.070-1</u>
<u>5</u>	<u>60 ft.</u>	<u>90 ft.</u>	<u>120 ft.</u>
<u>6</u>	<u>65</u>	<u>100</u>	<u>135</u>
<u>7</u>	<u>75</u>	<u>110</u>	<u>150</u>

**Table 21.10.070-4: Land Use Intensity Matrix**<sup>1</sup>

Parks and Recreation		Streets and Roads	Stormwater Facilities	Utilities	Commercial /Industrial	Residential <sup>2</sup>
Low	Natural fields and grass areas, viewing areas, split rail fencing	NA	Outfalls, spreaders, constructed wetlands, bioswales, vegetated detention basins, overflows	Underground and overhead utility lines, manholes, power poles (without footings)	NA	NA
Moderate	Impervious trails, engineered fields, fairways	Residential driveways and access roads	Wet ponds	Maintenance access roads	NA	Density less than 1 unit per acre
High	Greens, tees, structures, parking, lighting, concrete or gravel pads, security fencing	Public and private streets, security fencing, retaining walls	Maintenance access roads, retaining walls, vaults, infiltration basins, sedimentation fore bays and structures, security fencing	Paved or concrete surfaces, structures, facilities, pump stations, towers, vaults, security fencing, etc.	All site development	Density higher than 1 unit per acre

<sup>1</sup> The planning official shall determine the intensity categories applicable to proposals should characteristics not be specifically listed in Table 21.10.070-4.

<sup>2</sup> Measured as density averaged over a site, not individual lot sizes.

4. Critical Area Report-Additional Requirements for Wetlands

A critical areas report for wetlands shall be prepared by a qualified professional as defined herein. The Critical Areas Report shall contain an analysis of the wetlands including the following site and proposal-related information:

- a. A written assessment, data sheets and accompanying maps of any wetlands or buffers on the site including the following information:
  - (1) Hydrogeomorphic (HGM) classification;
  - (2) Wetland category;
  - (3) Wetland delineation and required buffers including the following:
    - (a) Methodology. The location of a wetland and its boundary shall be determined through the performance of a field investigation utilizing the methodology contained in the Wetlands Delineation Manual approved federal manual and applicable regional supplements. Discussion of methods and results with special emphasis on technique used from the Wetlands Delineation Manual approved federal manual and applicable regional supplements.
    - (b) Information Requirements. Wetland boundaries shall be staked and flagged in the field and a delineation report shall be submitted to the department. The report shall include the following information:

- (i) USGS quadrangle map with site clearly defined;
- (ii) Topographic map of area (2 foot contours at a minimum scale of 1:2,400);
- (iii) National wetland inventory map showing site;
- (iv) Natural Resource Conservation Service (NRCS) soils map showing site;
- (v) Site map, at a scale no smaller than one (1) inch equals one hundred (100) feet (1" = 100', a scaling ratio of 1:1,200), if practical, showing the following information:
  - (a) Wetland boundaries,
  - (b) Sample sites and sample transects,
  - (c) Boundaries of forested areas,
  - (d) Boundaries of wetland classes if multiple classes exist;
- (vi) All completed field data sheets per the ~~Wetlands Delineation Manual~~ approved federal manual and applicable regional supplements , numbered to correspond to each sample site.
- (c) Existing wetland acreage;
- (d) Vegetative, faunal, and hydrologic characteristics;
- (e) Soil types and substrate conditions;
- (f) Topographic elevations, at 1' contours; and
- (g) A discussion of the water sources supplying the wetland and documentation of hydrologic regime.
- (h) Functional evaluation for the wetland and buffer using WDOE's most current approved method and including the reference of the method and all data sheets.
- (i) Proposed mitigation, if needed, including a discussion of alternatives and trade-offs inherent in the various alternatives, a written description and accompanying maps of the mitigation area, including the following information:
  - (i) A discussion of measures, including avoidance, minimization and mitigation, proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the current proposed land use activity.
  - (ii) Existing and proposed wetland acreage;
  - (iii) Existing and proposed vegetative and faunal conditions;
  - (iv) Surface and subsurface hydrological conditions of existing and proposed wetlands and hydrologically associated wetlands including an analysis of existing hydrologic regime and proposed hydrologic regime for enhanced, created, or restored mitigation areas;
  - (v) Relationship to lakes, streams and rivers in the watershed;
  - (vi) Soil type and substrate conditions;
  - (vii) Topographic elevations, at 1' contours; and
  - (viii) Required wetland buffers including existing and proposed vegetation.
  - (ix) Identification of the wetland's contributing area.
  - (x) Required wetland buffers; and
  - (xi) Property ownership.

- (j) A discussion of ongoing management practices that will protect wetlands after the project site has been developed; including proposed monitoring and maintenance programs.
  - (k) When deemed appropriate, the Planning Advisor may also require the critical area report to include an evaluation by WDOE 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.
5. Development Standards in Wetlands and Buffers.
- a. Authorized Activities in Wetlands. Activities and uses shall be prohibited from wetlands, except as provided for in this chapter. Wetland permit applications shall be based upon a mitigation plan and shall satisfy the following general requirements:
    - (1) The proposed activity shall not cause significant degradation of wetland functions;
    - (2) The proposed activity shall comply with all state, local and federal laws, including those related to sediment control, pollution control, floodplain restrictions, stormwater management, and on-site wastewater disposal.
    - (3) The proposed activity shall demonstrate avoidance and minimization of impacts to wetlands and wetland functions.
      - (a) Category III and IV wetlands between 1,000 square feet and 4,000 square feet may be exempted from demonstrating avoidance if the applicant shows that all of the following criteria have been met:
        - (i) Wetland is not associated with a riparian corridor; and
        - (ii) Wetland is not part of a wetland mosaic; and
        - (iii) Wetland does not score ~~20~~ 5 points or greater for habitat in the ~~2004~~ 2014 Western Washington Rating System; and,
        - (iv) Wetland does not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife. Impacts allowed under this provision to these wetlands will be fully mitigated as required in mitigation section.
      - (b) All Category I and II Wetlands between 1,000 square feet and 4,000 square feet should be evaluated with full mitigation sequencing and buffer establishment. Any approved impacts should be adequately compensated by mitigation.
      - (c) Wetlands larger than 4,000 square feet will be evaluated using standard procedures for wetland review.
    - (4) If the proposed activity impacts wetlands or wetland functions mitigation as provided in the chapter will be required.
    - (5) Exempted Wetlands. This chapter shall not apply to the following wetlands:
      - (a) Wetlands less than 1,000 square feet where it has been demonstrated by the applicant that they are not associated with a riparian corridor, they are not part of a wetland mosaic and do not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife.



- (b) Riparian. Wetlands less than five feet wide above the ordinary high water mark along streams and lakes.
  - (c) Stormwater Facilities. Stormwater facilities are only allowed in buffers of Category III and IV wetlands with low habitat function (less than ~~twenty (20)~~ five (5) points on the habitat section of the rating system form); provided, the following conditions are demonstrated by the applicant:
    - (i) Facilities shall be built on the outer twenty-five (25) percent of the buffer
    - (ii) Facilities do not degrade the existing buffer function; and are designed to blend with the natural landscape; and
    - (iii) Stormwater facilities do not alter the hydroperiod of the wetland or adversely affect water quality; and
    - (iv) Stormwater facilities are limited to dispersion outfalls, bioswales, or other new technologies approved by WDOE.
- b. Authorized Activities in Wetland Buffers. The following additional standards apply for regulated activities in a wetland buffer:
- (1) Buffer averaging. Averaging buffers is not allowed in conjunction with any of the other provisions for reductions in buffer width. The City shall have the authority to average buffer widths on a case-by-case basis, where a qualified wetlands professional demonstrates, as part of a critical area report, that all of the following criteria are met:
    - (a) The total area contained in the buffer after averaging is no less than that contained within the buffer prior to averaging;
    - (b) Decreases in width are generally located where wetland functions may be less sensitive to adjacent land uses and increases are generally located where wetland functions may be more sensitive to adjacent land uses, to achieve no net loss or a net gain in functions; and
    - (c) The averaged buffer, at its narrowest point, shall not result in a width less than twenty-five (25) percent of the required width, provided that minimum buffer widths shall never be less than twenty-five (25) feet.
    - (d) There is no feasible alternative to the site design that could be accomplished without buffer averaging.
  - (2) Road and Utility Crossings. Crossing buffers with new roads and utilities is allowed provided all the following conditions are met:
    - (a) Buffer functions, as they pertain to protection of the adjacent wetland and its functions, are replaced and mitigated as specified in 21.10.070(II)(A)(6); and
    - (b) Impacts to the buffer and wetland are minimized.
  - (3) Other Activities in a Buffer. Regulated activities not involving stormwater management, road and utility crossings, or a buffer reduction are allowed in the buffer if all the following conditions are met:
    - (a) The activity is temporary and will cease or be completed within three (3) months of the date the activity begins;
    - (b) The activity will not result in a permanent structure in or under the buffer;
    - (c) The activity will not result in a reduction of buffer acreage or function;

- (d) The activity will not result in a reduction of wetland acreage or function.
6. Wetland and wetland buffer mitigation.
- a. Location of Wetland Mitigation. Wetland mitigation for unavoidable impacts shall be located using the following prioritization:
    - (1) Within the same watershed. Mitigation actions shall be conducted within the same watershed as the project site and preferable within the same stream reach.
      - (a) On-site mitigation is preferred and should be based on the natural capacity of the site to mitigate for impacts. If on-site mitigation is not feasible or on-site opportunities do not have a high likelihood of success then off-site mitigation within the same watershed shall be considered.
      - (b) Off-site mitigation shall demonstrate that mitigation will result in greater benefits or functions, or restore or enhance limited or important functions to the health of the watershed. Off-site mitigation shall be in the same watershed unless:
        - (i) Watershed goals for water quality, flood or conveyance, habitat or other wetland functions have been established and strongly justify location of mitigation at another site; or
        - (ii) Credits from a certified wetland mitigation bank are used as mitigation and the use of credits is consistent with the terms of the bank's certification.
    - (2) In-kind. Locate or create wetlands with similar landscape position and the same hydro-geomorphic (HGM) classification based on a reference to a naturally occurring wetland system; and
    - (3) Out-of-kind. Mitigate in a different landscape position and/or HGM classification based on a reference to a naturally occurring wetland system.
  - b. Types of Wetland Mitigation. The various types of wetland mitigation allowed are listed below in the general order of preference.
    - (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. Restoration results in a gain in wetland acres and/or functions. Activities could include removing fill material, plugging ditches, or breaking drain tiles. There are two types of restoration:
      - (a) Re-establishment— Re-establishment results in a gain in wetland acres and functions. Activities could include removing fill material, plugging ditches or breaking drain tiles.
      - (b) Rehabilitation— Rehabilitation results in a gain in wetland functions but not in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain, restoring tidal influence to a wetland or breaking drain tiles and plugging drainage ditches.
    - (2) Creation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of developing a wetland on an upland or deepwater site where a wetland did not previously exist. Establishment results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydro-period, create hydric soils, and support the growth of hydrophytic plant species.

- (3) Enhancement: The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify, or improve the 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. 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. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydro-periods, or some combination of these activities.
  - (4) Preservation: Removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements repairing water control structures or fences, or structural protection such as repairing a barrier island. This term also includes activities commonly associated with the term, preservation. Preservation does not result in a gain of wetland acres, but may result in improved wetland functions.
- c. Effect of mitigation. If wetland mitigation occurs such that the rating of the wetland changes, the requirements for the category of the wetland after mitigation shall apply.
- d. Standard Wetland Mitigation Ratios. The mitigation ratios in Table 21.10.070-5 apply for each of the mitigation types described in this chapter:
  - (1) Preservation. The Planning Advisor has the authority to approve preservation of existing wetlands as wetland mitigation under the following conditions:
    - (a) The wetland area being preserved is a Category I or II wetland or is within a WDFW Priority Habitat or Species area;
    - (b) The preservation area is at least one (1) acre in size;
    - (c) The preservation area is not an existing or proposed wetland mitigation site; and
    - (d) The preservation/mitigation ratio's in Table 21.10.070-6 apply:
- e. Buffer Mitigation. Regulated activities in buffers shall be required to provide mitigation as follows:
  - (1) Mitigation shall be provided for buffer averaging as stipulated in 21.10.070(II)(A)(5)(b)(1).
  - (2) Direct impacts to buffers will be mitigated at a 1:1 mitigation ratio provided the applicant demonstrates that the mitigation provides buffer functions at an equal or greater level than the pre-project buffer.
- f. The Planning Advisor has the authority to reduce wetland mitigation ratios under the following circumstances:
  - (1) Documentation by a qualified wetland specialist demonstrates that the proposed mitigation actions have a very high likelihood of success based on prior experience;
  - (2) Documentation by a qualified wetland specialist demonstrates that the proposed actions for compensation will provide functions and values that are significantly greater than the wetland being affected;
  - (3) The proposed actions for compensation are conducted in advance of the impact and are shown to be successful.

- g. Wetland Mitigation Banking. Wetland mitigation banking developed per WDOE requirements and approved by WDOE may be used for wetland mitigation. A wetland permit shall be obtained prior to any mitigation banking. If a wetland permit is not obtained prior to mitigation bank construction, mitigation credit shall not be awarded. The mitigation credits shall be determined as follows:
- (1) Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:
    - (a) The bank is certified under Chapter 173-700 WAC;
    - (b) The Planning Advisor determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
    - (c) The proposed use of credits is consistent with the terms and conditions of the bank's certification.
  - (2) Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.
  - (3) Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.

<b>Wetland to be Replaced</b>	<b>Reestablishment or Creation</b>	<b>Rehabilitation</b>	<b>Reestablishment or Creation and Rehabilitation</b>	<b>Reestablishment or Creation and Enhancement</b>	<b>Enhancement</b>
Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I, Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
Category I, Based on Score for Functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I, Natural Heritage Site	Not Considered Possible	6:1 Rehabilitate a Natural Heritage Site	N/A	N/A	Case-by-Case

Table 21.10.070-6: Wetland Preservation Ratios for Category I and II Wetlands				
In Addition to Standard Mitigation			As the Only Means of Mitigation	
Habitat Function of Wetland to be Replaced	Full and Functioning Buffer	Reduced and/or Degraded Buffer	Full and Functioning Buffer	Reduced and/or Degraded Buffer
Low (<20 <del>3-4</del> points)	10:1	14:1	20:1	30:1
Moderate (20-30 <del>5-7</del> points)	13:1	17:1	30:1	40:1
High (>30 <del>8-9</del> points)	16:1	20:1	40:1	50:1

**Section 2. Severability.**

If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 4. Effective Date and Publication.**

This ordinance shall become effective five days after its passage by the City Council, approval by the Mayor, and publication as provided by law.

**PASSED BY THE CITY COUNCIL ON \_\_\_\_\_, 2015.**

\_\_\_\_\_  
Don Stevens, Mayor

**ATTEST:**

\_\_\_\_\_  
Steve Hasson, City Clerk

**APPROVED AS TO FORM:**

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Ken Woodrich, City Attorney

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