

## Article IX. Wetlands

21.06.910 Designation, mapping, and rating.

(1) Wetlands are those areas identified in accordance with the Washington State Wetlands Identification and Delineation Manual as required by RCW [36.70A.175](#) (~~Ecology Publication No. 96-94~~). [Wetland Delineations will be conducted in accordance with the current manual\(s\) required to be utilized by the Department of Ecology, including federally approved Army Corps of Engineers manual\(s\) and regional supplements](#). All areas within the city meeting the criteria in the Washington State Wetlands Identification and Delineation Manual, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this chapter. Ponds and other open water bodies shall also be subject to the provisions of this chapter.

(2) The approximate location and extent of previously identified wetlands are shown on the city's adopted critical area maps. These maps are to be used as a guide for the city, project applicants and/or property owners, and shall be updated as new wetlands are identified. The city's maps do not represent to show all possible wetlands within city boundaries. The actual location of a wetland's boundary shall be determined through field investigation by a qualified professional applying the Washington State Wetlands Identification and Delineation Manual methods and procedures.

(3) Wetlands shall be rated and regulated according to the categories defined by the [most current](#) Washington Department of Ecology Wetland Rating System for Western Washington (~~Ecology Publication No. 04-06-014~~). This document contains the methods for determining the wetland category based on the following criteria:

(a) Category I. Category I wetlands are rare and irreplaceable in terms of their function and value to Puyallup's natural aquatic systems. All wetlands with one or more of the following criteria shall be considered Category I wetlands.

(i) Wetlands that are designated as natural heritage wetlands by the Washington State Department of Natural Resources;

(ii) High quality, regionally rare wetland communities with irreplaceable ecological functions, including sphagnum bogs and fens, and mature forested wetlands as defined in PMC [21.06.210](#); or

(iii) Wetlands that provide a very high level of functions as evidenced by a score of 70 points or more on the Western Washington Wetland Rating System form.

(b) Category II. Category II wetlands are ecologically important and provide high levels of function. A wetland is considered a Category II wetland if it meets the following criteria:

(i) Wetlands that do not meet the criteria of Category I wetlands; and

(ii) Wetlands performing significant wildlife habitat and/or hydrologic functions, which cannot be replicated through creation or restoration as determined by a critical area report; or

(iii) Wetlands with significant functions and values as indicated by a score of 51 to 69 points on the Western Washington Wetland Rating System form.

(c) Category III. Category III wetlands provide a moderate level of functions. They are typically more disturbed, smaller, and/or more isolated in the landscape than Category I or II wetlands. Category III wetlands include all wetlands that score 30 to 50 points on the Western Washington Wetland Rating System form.

(d) Category IV. Category IV wetlands provide the lowest level of function, but still provide important functions as demonstrated by a score of less than 30 points on the Western Washington Wetland Rating System form.

(4) All wetlands shall be regulated and subject to the provisions of this chapter regardless of size, except for Category III wetlands less than 2,500 square feet if the wetland is not associated with a riparian corridor or part of a wetland mosaic and Category IV wetlands less than 10,000 square feet. Impacts will be allowed to Category III wetlands between 2,500 square feet and 3,000 square feet, if the following criteria are met as detailed in an approved critical area report demonstrating:

(a) The wetland is not associated with a riparian corridor;

(b) The wetland is not part of a wetland mosaic;

(c) The wetland does not score 20 points or greater for habitat in the Western Washington Wetland Rating System form; and

(d) The wetland does not contain habitat identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife. (Ord. 2859 § 1, 2006).

21.06.920 Performance standards – Alteration of wetlands. 

(1) Activities and uses shall be prohibited from wetlands and wetland buffers, except as provided for in this chapter. All feasible and reasonable measures shall be taken to avoid and minimize impacts. These actions may include consideration of alternative site plans and layouts, reductions in the density or scope of the proposal, and implementation of the performance standards contained in this chapter. Alteration of wetlands shall be permitted only in accordance with an approved critical area report and mitigation plan.

(2) Adverse impacts to wetland functions and values and to associated buffers shall be avoided. Where impacts cannot be avoided, the applicant shall implement appropriate compensatory mitigation according to the provisions of PMC [21.06.610](#) and [21.06.960](#).

(3) Alteration of Category I wetlands is prohibited.

(4) Alteration of Category II, III, and IV wetlands may be permitted in accordance with an approved critical area report and mitigation plan, and only when the applicant demonstrates that:

(a) The basic project purpose cannot reasonably be accomplished without the wetland alteration;  
and

(b) There are no reasonable or practical alternatives to the alteration including on-site design or acquisition of additional area. (Ord. 2859 § 1, 2006).

**21.06.930 Performance standards – Wetland buffer widths.**

(1) Wetland buffer areas shall be established for all development proposals and activities adjacent to wetlands to determine the need for the buffer to protect the integrity, function and value of the wetland. The director shall determine appropriate buffer widths based upon the [wetland rating form and](#) critical area report prepared pursuant to PMC [21.06.950](#). Wetland buffers shall be measured perpendicular to the wetland edge as marked in the field. Except as otherwise permitted by this chapter, buffers shall consist of an undisturbed area of native vegetation.

(2) The standard buffer widths required by this chapter are considered to be the minimum required and 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 is inadequate, then the buffer width shall be increased and/or the buffer planted to maintain or improve the buffer functions. The following standard buffer width requirements are established:

~~(a) Category I wetland: 200 feet;~~

~~(b) Category II wetland: 100 feet;~~

~~(c) Category III wetland: 50 feet, if the score for habitat function is 20 points or less and the wetland has limited opportunity to provide water quality functions as determined through the wetland rating form; 80 feet if the habitat function score is greater than 20 points and the wetland has opportunity to provide water quality functions as determined through the wetland rating form;  
and~~

~~(d) Category IV wetland: 35 feet, if the total wetland function score on the rating form is less than 20 points as determined through the wetland rating form; 50 feet if the total wetland function score is between 20 and 30 points as determined through the wetland rating form.~~

(a) Wetland buffer widths shall be determined based on the adjacent land use activities as follows:

<u>Level of Impact from Proposed Land Use</u>	<u>Types of Land Use Based on Common Zoning Designations</u>
<u>High</u>	<ul style="list-style-type: none"> <li>• <u>Commercial development</u></li> <li>• <u>Industrial development</u></li> <li>• <u>Institutional</u></li> <li>• <u>Retail sales</u></li> <li>• <u>Residential (more than 4 unit/acre)</u></li> <li>• <u>Conversion to high-intensity agriculture (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling and raising and maintaining animals, etc.)</u></li> <li>• <u>High-intensity recreation (golf courses, ball fields, etc.)</u></li> <li>• <u>Hobby farms</u></li> </ul>
<u>Moderate</u>	<ul style="list-style-type: none"> <li>• <u>Residential (4 unit/acre or less)</u></li> <li>• <u>Moderate-intensity open space (parks with biking, jogging, etc.)</u></li> <li>• <u>Conversion to moderate-intensity agriculture (orchards, hay fields, etc.)</u></li> <li>• <u>Paved trails</u></li> <li>• <u>Building of logging roads</u></li> <li>• <u>Utility corridor or right-of-way shared by several utilities and including access/maintenance road</u></li> </ul>
<u>Low</u>	<ul style="list-style-type: none"> <li>• <u>Forestry (cutting of trees only)</u></li> <li>• <u>Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.)</u></li> <li>• <u>Unpaved trails</u></li> <li>• <u>Utility corridor</u></li> </ul>

**(b) Width of buffers needed to protect Category I wetlands**

(For wetlands scoring 70 points or more for all functions or having the “Special Characteristics” identified in the rating system).

<u>Wetland Characteristics</u>	<u>Buffer Widths by Impact of Proposed Land Use (Apply most protective if more than one criterion is met)</u>
<u>Natural Heritage Wetlands</u>	<u>Low - 125 ft</u> <u>Moderate – 190 ft</u> <u>High – 250 ft</u>
<u>Bogs</u>	<u>Low - 125 ft</u> <u>Moderate – 190 ft</u> <u>High – 250 ft</u>
<u>Forested</u>	<u>Buffer width to be based on score for habitat functions or water quality functions</u>

<u>Estuarine</u>	<u>Low - 100 ft</u> <u>Moderate – 150 ft</u> <u>High – 200 ft</u>
<u>Wetlands in Coastal Lagoons</u>	<u>Low - 100 ft</u> <u>Moderate – 150 ft</u> <u>High – 200 ft</u>
<u>High level of function for habitat (score for habitat 29 - 36 points)</u>	<u>Low – 150 ft</u> <u>Moderate – 225 ft</u> <u>High – 300 ft</u>
<u>Moderate level of function for habitat (score for habitat 20 - 28 points)</u>	<u>Low – 75 ft</u> <u>Moderate – 110 ft</u> <u>High – 150 ft</u>
<u>High level of function for water quality improvement (24 – 32 points) and low for habitat (less than 20 points)</u>	<u>Low – 50 ft</u> <u>Moderate – 75 ft</u> <u>High – 100 ft</u>
<u>Not meeting any of the above characteristics</u>	<u>Low – 50 ft</u> <u>Moderate – 75 ft</u> <u>High – 100 ft</u>

**(c) Width of buffers needed to protect Category II wetlands**

(For wetlands scoring 51-69 points for all functions or having the “Special Characteristics” identified in the rating system).

<b><u>Wetland Characteristics</u></b>	<b><u>Buffer Widths by Impact of Proposed Land Use (Apply most protective if more than one criterion is met.)</u></b>
<u>High level of function for habitat (score for habitat 29 - 36 points)*</u>	<u>Low - 150 ft</u> <u>Moderate – 225 ft</u> <u>High – 300 ft</u>
<u>Moderate level of function for habitat (score for habitat 20 - 28 points)</u>	<u>Low - 75 ft</u> <u>Moderate – 110 ft</u> <u>High – 150 ft</u>
<u>High level of function for water quality improvement and low for habitat (score for water quality 24 - 32 points; habitat less than 20 points)**</u>	<u>Low - 50 ft</u> <u>Moderate – 75 ft</u> <u>High – 100 ft</u>
<u>Estuarine</u>	<u>Low - 75 ft</u> <u>Moderate – 110 ft</u> <u>High – 150 ft</u>
<u>Interdunal</u>	<u>Low - 75 ft</u> <u>Moderate – 110 ft</u> <u>High – 150 ft</u>

<u>Not meeting above characteristics</u>	<u>Low – 50 ft</u>
	<u>Moderate – 75 ft</u>
	<u>High – 100 ft</u>
<u>* Maintaining connections to adjacent and continuous habitat or wildlife corridors shall be considered</u>	
<u>** No additional discharge of untreated storm water permitted</u>	

**(d) Width of buffers needed to protect Category III wetlands**

(For wetlands scoring 30 – 50 points for all functions).

<u>Wetland Characteristics</u>	<u>Buffer Widths by Impact of Proposed Land Use</u>
<u>Moderate level of function for habitat (score for habitat 20 - 28 points)</u>	<u>Low - 75 ft</u> <u>Moderate – 110 ft</u> <u>High – 150 ft</u>
<u>Not meeting above characteristic</u>	<u>Low - 40 ft</u> <u>Moderate – 60 ft</u> <u>High – 80 ft</u>

**(e) Width of buffers needed to protect Category IV wetlands**

(wetlands scoring less than 30 points for all functions).

<u>Wetland Characteristics</u>	<u>Buffer Widths by Impact of Proposed Land Use</u>
<u>Score for all 3 basic functions is less than 30 points</u>	<u>Low - 25 ft</u> <u>Moderate – 40 ft</u> <u>High – 50 ft</u>

(3) The standard buffer widths of PMC 21.06.930 (2) may be decreased through the reduction measures of this Section.

a) The buffer widths recommended for land uses with “high intensity” impacts to wetlands can be reduced to those recommended for “moderate intensity” impacts under the following conditions:

- I. A relatively undisturbed vegetated corridor at least 100 feet in width is established, enhanced and/or protected (if adequate vegetation exists) between the wetland and any other upland Priority Habitats adjacent to the wetland as defined by the Washington State Department of Fish and Wildlife, The corridor shall be protected by a native growth protection easement or some other legal mechanism providing permanent protection.
- II. A buffer enhancement plan, consistent with applicable mitigation report and monitoring requirements of PMC 21.06, is submitted and approved in order to improve the functions of the buffer area to the maximum extent possible.
- III. All applicable measures to minimize the potential impacts of different land uses on wetland habitat functions, as summarized in the following table, are applied to the development:

<u>Examples of</u>	<u>Examples of Measures</u>	<u>Activities that Cause</u>
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<u>Disturbance</u>	<u>to Minimize Impacts</u>	<u>the Disturbance</u>
<u>Lights</u>	<u>Direct lights away from wetland</u>	<u>Parking Lots, Warehouses, Manufacturing, High Density Residential</u>
<u>Noise</u>	<u>Place activity that generates noise away from the wetland.</u>	<u>Manufacturing, High Density Residential</u>
<u>Toxic runoff</u>	<u>Route all new untreated runoff away from wetland, Covenants limiting use of pesticides within 150 feet of wetland Integrated pest management programs</u>	<u>Parking Lots, Roads, Manufacturing, Residential Areas, Application of Agricultural Pesticides, Landscaping</u>
<u>Change in water regime</u>	<u>Infiltrate or treat, detain and disperse into buffer new runoff from surfaces</u>	<u>Any impermeable surface, Lawns, Tilling</u>
<u>Pets and Human disturbance</u>	<u>Fence around buffer Plant buffer with "impenetrable" natural vegetation appropriate for region</u>	<u>Residential areas</u>
<u>Dust</u>	<u>BMP's for dust</u>	<u>Tilled fields</u>

b) For all wetlands that score less than 20 points for habitat, the buffer width can be reduced to those required for moderate land use impacts if measures to minimize the impacts of different land uses on wetland as summarized in the table above.

(3) The director has the authority to “average” buffer widths on a case-by-case basis where a qualified professional demonstrates that all the following criteria are met:

(a) The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer;

(b) The buffer averaging does not reduce the functions or values of the wetland;

(c) The portion of the buffer subject to buffer averaging is less than 20 percent of the total buffer length on a project site; provided, that:

(i) The director may waive the 20 percent limitation when there are specific topographic conditions adjacent to the wetland that render portions of the buffer nonessential or ineffective in protecting wetland functions, and

(ii) The director finds that the averaging occurs parallel to the existing wetland boundary;

(d) The wetland contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation;

(e) The buffer width for Category I and II wetlands is not reduced to less than 50 percent of the standard width; and

(f) The buffer width of a Category III or IV wetland may be reduced to 35 feet when planting or other measures are implemented to enhance buffer functions. The enhanced functions must be documented to the satisfaction of the director through a functions and values analysis prepared by a qualified professional.

(4) The director ~~shall~~ may have the authority to increase the standard buffer width for any category of wetland on a case-by-case basis when such increase is necessary to protect the function and value of the wetland, protect significant habitat, or protect lands adjacent to the wetland from erosion and other hazards. In determining if buffer width increases are warranted, the director ~~may require~~ shall ~~consultation~~ with the departments of Ecology and/or Fish and Wildlife and shall consider the following information to be provided in a critical area report:

(a) The specific plant and animal composition of the wetland;

(b) The sensitivity of the plant and animal species in the wetland to disturbance from existing and proposed land uses;

(c) The extent to which the wetland buffer is relied on to perform water quality functions such as sediment trapping and pollutant removal;

(d) Whether the wetland supports wetland-dependent wildlife species or wildlife that require large dispersal areas or access to upland habitats for critical life stage needs;

(e) The risk of altering the existing wetland functions if the standard buffers are used; and

(f) Other information that the director deems pertinent to the subject wetland.

(5) The edge of the buffer area shall be clearly staked, flagged, and fenced prior to any site clearing and construction. The buffer boundary markers shall be clearly visible, durable, and permanently affixed to the ground. Site clearing shall not commence until the applicant has submitted written notice to the department that buffer requirements of this chapter are met. Field-marking shall remain until all construction and clearing phases are completed, and removal of the markers has been granted by the city.

(6) Impervious surfaces shall not be constructed in wetland buffers within 50 feet of the wetland boundary except as provided for in this chapter