4. If the conclusion is other than an absolute statement that there is no likelihood of a wetland being on the site or within 300 feet of the site then a full written wetland report shall be required.

C. Minimum Standards for ~~Wetland~~ Critical Area Report~~s~~ for Wetlands. The written critical area wetland report and the accompanying plan sheets shall contain the following information, at a minimum:

1. The written report shall include:
   a. All of the requirements stated in SMC 14.255.060
   b. Documentation of any fieldwork performed on the site, including field data sheets for delineations, rating system forms, baseline hydrologic data, etc.
   c. A description of the methodologies used to conduct the wetland delineations, wetland ratings, or impact analyses, including references.
   d. Identification and characterization of all critical areas, wetlands, water bodies, shorelines, floodplains, and buffers on or adjacent to the proposed project area. For areas off site of the project site, estimate conditions within 300 feet of the project boundaries using the best available information.
   e. For each wetland identified on site and within 300 feet of the project boundary, provide:
      i. the wetland rating, including a description of and score for each function,;
      ii. required buffers;
      iii. hydrogeomorphic classification;
      iv. wetland acreage based on a professional survey from the field delineation (acreages for on-site portion or estimate entire wetland area including off-site portions);
      v. Cowardin classification of vegetation communities;
      vi. habitat elements;
      vii. soil conditions based on site assessment and/or soil survey information; and
      viii. to the extent possible, hydrologic information such as location and condition of inlets/outlets (if they can be legally accessed), estimated water depths within the wetland, and estimated hydroperiod patterns based on visual cues.
   f. Provide acreage estimates, classifications, and ratings based on entire wetland complexes, not only the portion present on the proposed project site.
   g. A description of the proposed actions, including an estimation of acreages of impacts to wetlands and buffers based on the field delineation and survey and an analysis of site development alternatives, including a no-development alternative.
   h. An assessment of the probable cumulative impacts to the wetlands and buffers resulting from the proposed development.
   i. A detailed description of how ~~reasonable efforts made to apply~~ mitigation sequencing, pursuant to SMC 14.260.~~070A~~080A, has been applied to avoid,

minimize, and mitigate impacts to critical areas.

j. A discussion of measures, including avoidance, minimization, and compensation, proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the current proposed land-use activity.

k. A conservation strategy for habitat and native vegetation that addresses methods to protect and enhance on-site habitat and wetland functions.

l. An evaluation of the functions of the wetland and its buffer. Include references for the method used and data sheets.

2. A copy of the site plan sheet(s) for the project must be included with the written report and must include, at a minimum:

a. Maps (to scale) depicting delineated and surveyed wetland and required buffers on site, including buffers for off-site critical areas that extend onto the project site; the development proposal; other critical areas; grading and clearing limits; and areas of proposed impacts to wetlands and/or buffers (include square footage estimates).

b. A depiction of the proposed stormwater management facilities and outlets (to scale) for the development, including estimated areas of intrusion into the buffers of any critical areas. The written report shall contain a discussion of the potential impacts to the wetland(s) associated with anticipated hydroperiod alterations from the project.

~~b.~~c. If mitigation is being proposed, a mitigation plan with a planting plan and specifications.

~~14.260.070~~ 14.260.080 Compensatory Mitigation.

A. **Mitigation Sequencing.** Before impacting any wetland or its buffer, an applicant shall demonstrate that the following actions have been taken. Actions are listed in the order of preference:

1. Avoid the impact altogether by not taking a certain action or parts of an action.
2. Minimize impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
3. Rectify the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reduce or eliminate the impact over time by preservation and maintenance operations.
5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments.
6. Monitor the required compensation and take remedial or corrective measures when necessary.

B. **Requirements for Compensatory Mitigation:**

1. Compensatory mitigation for alterations to wetlands shall be used only for impacts that cannot be avoided or minimized and shall achieve equivalent or greater biologic functions. Compensatory mitigation plans shall be consistent with *Wetland Mitigation in Washington State–Part 2: Developing Mitigation Plans—Version 1,*

(Ecology Publication #06-06- 011b, or as revised and approved by Ecology), and *Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington)* (Ecology Publication #09-06-32, December 2009, or as revised and approved by Ecology).

2. Mitigation ratios shall be consistent with Subsection H of this Chapter.

~~3. Mitigation requirements may also be determined using the credit/debit tool described in *Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report* (Ecology Publication #10-06-011, March 2012, or as revised and approved by Ecology) consistent with subsection H of this Chapter.~~

C. **Compensating for Lost or Affected Functions.** Compensatory mitigation shall address the functions affected by the proposed project, with an intention to achieve functional equivalency or improvement of functions. The goal shall be for the compensatory mitigation to provide similar wetland functions as those lost, except when either:

1. The lost wetland provides minimal functions, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal Washington state watershed assessment plan or protocol; or

2. Out-of-kind replacement of wetland type or functions will best meet watershed goals formally identified by the City, such as replacement of historically diminished wetland types.

D. **Approaches to Compensatory Mitigation.** Mitigation for lost or diminished wetland and buffer functions shall rely on the approaches listed below.

1. Wetland mitigation banks. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the mitigation bank instrument. Use of credits from a wetland mitigation bank certified under Chapter 173-700 WAC is allowed if:
    1. The ~~Director~~Planning Director determines that it would provide appropriate compensation for the proposed impacts; and
    2. The impact site is located in the service area of the bank.
    3. The proposed use of credits is consistent with the terms and conditions of the certified mitigation bank instrument.
    4. Replacement ratios for projects using bank credits is consistent with replacement ratios specified in the certified mitigation bank instrument.

2. Permittee-responsible mitigation. In this situation, the permittee performs the mitigation after the permit is issued and is ultimately responsible for implementation and success of the mitigation. Permittee-responsible mitigation may occur at the site of the permitted impacts or at an off-site location within the same watershed. Permittee-responsible mitigation shall be used only if the applicant's qualified wetland professional demonstrates to the ~~Director~~Planning Director's satisfaction that the proposed approach is ecologically preferable to use of a bank, consistent with the

criteria in this section.

E. **Types of Compensatory Mitigation.** Mitigation for lost or diminished wetland and buffer functions shall rely on a type listed below in order of preference. A lower- preference form of mitigation shall be used only if the applicant's qualified wetland professional demonstrates to the ~~Director~~Planning Director's satisfaction that all higher-ranked types of mitigation are not viable, consistent with the criteria in this section.

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:

   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. Re-establishment results in a gain in wetland acres and functions.

   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. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres.

2. Establishment (Creation): The manipulation of the physical, chemical, or biological characteristics of a site to develop 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 hydroperiod, create hydric soils, and support the growth of hydrophytic plant species.

   1. If a site is not available for wetland restoration to compensate for expected wetland and/or buffer impacts, the approval authority may authorize creation of a wetland and buffer upon demonstration by the applicant's qualified wetland professional that:

      i. The hydrology and soil conditions at the proposed mitigation site are conducive for sustaining the proposed wetland and that creation of a wetland at the site will not likely cause hydrologic problems elsewhere;

      ii. Adjacent land uses and site conditions do not jeopardize the viability of the proposed wetland and buffer (e.g., due to the presence of invasive plants or noxious weeds, stormwater runoff, noise, light, or other impacts); and

      iii. The proposed wetland and buffer will eventually be self- sustaining with little or no long-term maintenance.

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. 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 hydroperiods, or some combination of these activities. Applicants proposing to enhance wetlands or associated buffers shall demonstrate how the proposed enhancement will increase the wetland's/buffer's functions, how this increase in function will adequately compensate for the impacts, and how existing wetland functions at the mitigation site will be protected.

4. Protection/Maintenance (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, or repairing water control structures or fences. This term also includes activities commonly associated with the term *preservation*. Preservation does not result in a gain of wetland acres. Permanent protection of a Category I or II wetland and associated buffer at risk of degradation can be used only if:
   a. The ~~Director~~Planning Director determines that the proposed preservation is the best mitigation option;
   b. The proposed preservation site is under threat of undesirable ecological change due to permitted, planned, or likely actions that will not be adequately mitigated under existing regulations;
   c. The area proposed for preservation is of high quality or critical for the health of the watershed or basin due to its location. Some of the following features may be indicative of high-quality sites:
      i. Category I or II wetland rating (using the wetland rating system for western Washington)
      ii. Rare or irreplaceable wetland type (for example, bogs, mature forested wetlands) or aquatic habitat that is rare or a limited resource in the area;
      iii. The presence of habitat for priority or locally important wildlife species; or also list has provides biological and/or hydrological connectivity;
      iv. Provides biological and/or hydrological connectivity;
      v. Priority sites in an adopted watershed plan.
   d. Permanent preservation of the wetland and buffer will be provided through a conservation easement or tract held by an appropriate natural land resource manager, such as a land trust.
   e. The ~~Director~~Planning Director may approve other legal and administrative mechanisms in lieu of a conservation easement if it determines they are adequate to protect the site.
   f. Ratios for preservation in combination with other forms of mitigation shall range from 10:1 to 20:1, as determined on a case-by-case basis by the ~~Director~~Planning Director, depending on the quality of the wetlands being impacted and the quality of the wetlands being preserved. Ratios for preservation as the sole means of mitigation shall be at least 20:1.

F. **Location of Compensatory Mitigation.** Compensatory mitigation actions shall generally be

conducted within the same sub-drainage basin and on the site of the alteration except when the applicant can demonstrate that off-site mitigation is ecologically preferable. However, when purchasing credits from an off-site mitigation bank it is assumed that mitigation is ecologically preferable. Otherwise, ~~The~~ the following criteria will be evaluated when determining whether the proposal is ecologically preferable. When considering off-site mitigation, preference should be given to using alternative mitigation, such as a mitigation bank or advance mitigation.

1. There are no reasonable opportunities on site or within the sub-drainage basin (e.g., on-site options would require elimination of high-functioning upland habitat), or opportunities on site or within the sub-drainage basin do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Considerations should include: anticipated replacement ratios for wetland mitigation, buffer conditions and required widths, available water to maintain anticipated hydrogeomorphic classes of wetlands when restored, proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity);
2. On-site mitigation would require elimination of high-quality upland habitat.
3. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the altered wetland.
4. Off-site locations shall be in the same sub-drainage basin unless:
   a. Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the City and strongly justify location of mitigation at another site; or
   b. Credits from a state-certified wetland mitigation bank are used as compensation, and the use of credits is consistent with the terms of the certified bank instrument;
5. The design for the compensatory mitigation project needs to be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland.

G. **Timing of Compensatory Mitigation.** Compensatory mitigation projects shall be completed prior to activities that will impact wetlands. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.

The ~~Director~~Planning Director may authorize a one-time temporary delay in completing construction or installation of the compensatory mitigation when the applicant provides a written explanation from a qualified wetland professional as to the rationale for the delay. An appropriate rationale would include identification of the environmental conditions that could produce a high probability of failure or significant construction difficulties (e.g., project delay lapses past a fisheries window, or installing plants should be delayed until the dormant season to ensure greater survival of installed materials). The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the health, safety, or general welfare of the public. The request for the temporary delay must include a written justification that documents the

environmental constraints that preclude implementation of the compensatory mitigation plan. The justification must be verified and approved by the City.

H. **Wetland Mitigation Ratios: Table 3**

Category and Type of Wetland	Creation or Re-establishment	Rehabilitation	Enhancement
Category I: Bog, Natural Heritage site	Not considered possible	Case by case	Case by case
Category I: Mature Forested	6:1	12:1	24:1
Category I: Based on functions	4:1	8:1	16:1
Category II	3:1	6:1	12:1
Category III	2:1	4:1	8:1
Category IV	1.5:1	3:1	6:1

I. **Credit/Debit Method.** To more fully protect functions and values, and as an alternative to the mitigation ratios found in the joint guidance *Wetland Mitigation in Washington State Parts I and II* (Ecology Publication #06-06-011a-b, March 2006, or as revised and approved by Ecology), the ~~Director~~Planning Director may allow mitigation based on the "credit/debit" method developed by the Department of Ecology in *Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report,* (Ecology Publication #10-06-011, March 2012, or as revised and approved by Ecology).

J. **Compensatory Mitigation Plan.** When a project involves wetland and/or buffer impacts, a compensatory mitigation plan prepared by a qualified wetland professional shall be ~~required, meeting~~included as part of the wetland critical area report. ~~the following minimum standards:~~

~~1. Wetland Critical Area Report. A critical area report for wetlands must accompany or be included in the compensatory mitigation plan and include the minimum *parameters described in in this Chapter.*~~

~~2. Compensatory Mitigation Report.~~ The mitigation plan shall ~~report must~~ include a written report and plan sheets that contain, at a minimum, the following elements. Full guidance can be found in *Wetland Mitigation in Washington State– Part 2: Developing Mitigation Plans (Version 1)* (Ecology Publication #06-06- 011b, March 2006 or as revised and approved by Ecology).

1. The written report must contain, at a minimum:
   - ~~i.~~a. The name and contact information of the applicant; the name, qualifications, and contact information for the primary author(s) of the compensatory mitigation report; a description of the proposal; a summary of the impacts and proposed compensation concept; identification of all the local, state, and/or federal wetland-related permit(s) required for the project; and a vicinity map for the project.
   - ~~ii.~~b. Description of how the project design has been modified to avoid, minimize, or reduce adverse impacts to wetlands.
   - ~~iii.~~c. Description of the existing wetland and buffer areas proposed to be altered. Include acreage (or square footage), water regime, vegetation, soils, landscape position, surrounding land uses, and functions. Also describe impacts in terms of acreage by Cowardin classification, hydrogeomorphic classification, and wetland rating.
   - ~~iv.~~d. Description of the compensatory mitigation site, including location and rationale for selection. Include an assessment of existing conditions: acreage (or square footage) of wetlands and uplands, water regime, sources of water, vegetation, soils, landscape position, surrounding land uses, and functions. Estimate future conditions in this location if the compensation actions are not undertaken (i.e., how would this site progress through natural succession?).
   - ~~v.~~e. Surface and subsurface hydrologic conditions, including an analysis of existing and proposed hydrologic regimes for enhanced, created, or restored compensatory mitigation areas. Include illustrations of how data for existing hydrologic conditions were used to determine the estimates of future hydrologic conditions
   - ~~vi.~~f. A description of the proposed actions for compensation of wetland and upland areas affected by the project. Include overall goals of the proposed mitigation, including a description of the targeted functions, hydrogeomorphic classification, and categories of wetlands.
   - ~~vii.~~g. A description of the proposed mitigation construction activities and timing of activities.
   - ~~viii.~~h. Performance standards (measurable standards for years post-installation) for upland and wetland communities, a monitoring schedule, and a maintenance schedule and actions proposed by year.
   - ~~ix.~~i. A discussion of ongoing management practices that will protect wetlands after the development project has been implemented, including proposed monitoring and maintenance programs (for remaining wetlands and compensatory mitigation wetlands).
   - j. A ~~bond~~ surety estimate for the entire compensatory mitigation project, including the following elements: site preparation, plant materials, construction materials, installation oversight, maintenance twice per year for up to five (5) years, monitoring field work and reporting, and contingency actions for a maximum of the total required number of years for monitoring.
   - k. An acceptable surety device is required to ensure compliance with the

requirements of the mitigation plan.

i. Performance Surety. All wetland mitigation and buffer enhancement shall be completed prior to final plat approval and/or building occupancy depending on the type of application. However, when improvements cannot be completed prior to final acceptance due to weather conditions which may negatively affect the success of the project, a performance surety may be used. The surety shall equal one hundred fifty percent of the cost of the mitigation project, and the required improvements shall be installed in a satisfactory manner within six months or less.

ii. Maintenance Surety. A maintenance surety shall be required on all mitigation projects to ensure that the improvement successfully survives the monitoring periods set above.

iii. Wetland Mitigation Projects. The amount of the maintenance surety shall be equal to fifteen percent of the cost of the mitigation project and the term of the surety shall reflect that of the monitoring program.

~~x.~~iv. Buffer Enhancement Projects. The amount of the maintenance surety shall be equal to fifteen percent of the costs of the enhancement project and the term of the surety shall reflect that of the monitoring program.

~~xi.~~l. Proof of establishment of Notice on Title for the wetlands and buffers on the project site, including the compensatory mitigation areas.

2. The scaled plan sheets for the ~~compensatory~~ mitigation plan must contain, at a minimum:

~~i.~~a. Surveyed edges of the existing wetland and buffers, proposed areas of wetland and/or buffer impacts, location of proposed wetland and/or buffer compensation actions.

~~ii.~~b. Existing topography, ground-proofed, at two-foot contour intervals in the zone of the proposed compensation actions if any grading activity is proposed in the compensation area(s). Also include existing cross-sections (estimated one-foot intervals) of wetland areas on the development site that are proposed to be altered and for the proposed areas of wetland or buffer compensation.

~~iii.~~c. Conditions expected from the proposed actions on site, including future hydrogeomorphic types, vegetation community types by dominant species (wetland and upland), and future water regimes.

~~iv.~~d. Required wetland buffers for existing wetlands and proposed compensation areas. Also identify any zones where buffers are proposed to be reduced or enlarged outside of the standards identified in this Chapter.

~~v.~~e. A planting plan for the compensation area, including all species by proposed community type and water regime, size and type of plant material to be installed, spacing of plants, typical clustering patterns, total number of each species by community type, and timing of installation.

K. Buffer Mitigation Ratios. Impacts to buffers shall be mitigated at a minimum 1:1 ratio.

Compensatory buffer mitigation shall replace those buffer functions lost from development.

L. **Protection of the Mitigation Site.** The mitigation area and any associated buffer shall be located in a critical area tract or a conservation easement consistent with this Chapter.

M. **Monitoring.**

1. Mitigation monitoring shall be required for a 10-year period to establish that performance standards have been met. The project mitigation plan shall include monitoring elements that ensure certainty of success for the project's natural resource values and functions.

2. Monitoring reports prepared by a qualified wetland professional for years 1, 2, 3, 5, 7, and 10 of the monitoring period shall be submitted to the City. If the mitigation goals are not obtained within that period, the applicant remains responsible for restoration of the natural resource values and functions until the mitigation goals ~~agreed to~~stipulated in the mitigation plan are achieved.

N. **Advance Mitigation.** Mitigation for projects with pre-identified impacts to wetlands may be constructed in advance of the impacts if the mitigation is implemented according to federal rules, state policy on advance mitigation, and state water quality regulations consistent with *Interagency Regulatory Guide: Advance Permittee- Responsible Mitigation* (Ecology Publication #12-06-015, Olympia, WA, December 2012, or as revised and approved by Ecology).

O. **Alternative Mitigation Plans.** The ~~Director~~Planning Director may approve alternative wetland mitigation plans that are based on best available science, such as priority restoration plans that achieve restoration goals identified in the City of Snohomish Shoreline Master Program. Alternative mitigation proposals must provide an equivalent or better level of protection of wetland functions and values than would be provided by the strict application of this chapter.

The ~~Director~~Planning Director shall consider the following for approval of an alternative mitigation proposal:

1. The proposal uses a watershed approach consistent with *Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington)* (Ecology Publication #09-06-32, December 2009, or as revised and approved by Ecology).
2. Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas.
3. Mitigation according to Section E is not feasible due to site constraints such as parcel size, stream type, wetland category, or geologic hazards.
4. There is clear potential for success of the proposed mitigation at the proposed mitigation site.
5. The plan shall contain clear and measurable standards for achieving compliance with the specific provisions of the plan. A monitoring plan shall, at a minimum, meet the provisions in Section J.
6. The plan shall be reviewed and approved as part of overall approval of the proposed

use.

7. A wetland of a different type may be justified based on regional needs or functions and values; the replacement ratios may not be reduced or eliminated unless the reduction results in a preferred environmental alternative.
8. Mitigation guarantees shall meet the minimum requirements as outlined in ~~Section~~ SMC 14.260.070(J)(1)(j-k)~~J.2.a.viii~~.
9. Qualified professionals in each of the critical areas addressed shall prepare the plan.
10. The City may consult with agencies with expertise and jurisdiction over the critical areas during the review to assist with analysis and identification of appropriate performance measures that adequately safeguard critical areas.

~~14.260.080~~ 14.260.090 Unauthorized Alterations and Enforcement

A. When a wetland or its buffer has been altered in violation of this Chapter, all ongoing development work shall stop, and the critical area shall be restored. The City shall have the authority to issue a "stop-work" order to cease all ongoing development work and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of provisions of this Chapter.

B. **Requirement for Restoration Plan.** All development work shall remain stopped until a restoration plan is prepared and approved by the City. Such a plan shall be prepared by a qualified wetland professional using the currently accepted scientific principles and shall describe how the actions proposed meet the minimum requirements described in Subsection C below. The ~~Director~~Planning Director shall, at the applicant or other responsible party's expense, seek expert advice in determining the adequacy of the plan. Inadequate plans shall be returned to the applicant or other responsible party for revision and re- submittal.

C. **Minimum Performance Standards for Restoration.** The following minimum performance standards shall be met for the restoration of a wetland, provided that if the applicant or other responsible party can demonstrate that greater functions and habitat values can be obtained, these standards may be modified:

1. The historic structure, functions, and values of the affected wetland shall be restored, including water quality and habitat functions.
2. The historic soil types and configuration shall be restored to the extent practicable.
3. The wetland and buffers shall be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities. The historic functions and values should be replicated at the location of the alteration.
4. Information demonstrating compliance with other applicable provisions of this Chapter shall be submitted to the ~~Director~~Planning Director.

D. **Site Investigations.** The ~~Director~~Planning Director or designee is authorized to make site inspections and take such actions as are necessary to enforce this Chapter. The ~~Director~~Planning Director shall present proper credentials and make a reasonable effort

to contact any property owner before entering onto private property.

E. **Enforcement and Penalties.**

1. Any person, party, firm, corporation, or other legal entity convicted of violating any of the provisions of this Chapter shall be subject to the provisions of Chapter 14.85, Enforcement, SMC.

2. Any development carried out contrary to the provisions of this Chapter shall constitute a public nuisance and may be enjoined as provided by the statutes of the state of Washington. The City may levy civil penalties against any person, party, firm, corporation, or other legal entity for violation of any of the provisions of this Chapter. The civil penalty shall be assessed consistent with the provisions of Chapter 14.85, Enforcement, SMC and Chapter 1.14, Code Enforcement, SMC.

3. If the wetland affected cannot be restored, monies collected as penalties shall be deposited in a dedicated account for the preservation or restoration of landscape processes and functions in the watershed in which the affected wetland is located. The City may coordinate its preservation or restoration activities with other cities in the watershed to optimize the effectiveness of the restoration action.