

ORDINANCE

1012

CITY OF LACEY

AN ORDINANCE RELATING TO ACTIVITIES ALLOWED IN WETLANDS, TIME PERIODS FOR COUNCIL ACTION ON WETLAND APPLICATIONS AND CLASSIFICATIONS OF WETLANDS SUBJECT TO STANDARD BUFFER ZONE WIDTH REDUCTION AND AMENDING SECTIONS 14.28.120, 14.28.260 AND 14.28.300 OF THE LACEY MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Section 14.28.120 is hereby amended to read as follows:

14.28.120 Allowed activities. The following uses shall be allowed within a wetland or wetland buffer subject to site plan review approval from the site plan review committee pursuant to section 16.84.010 LMC to the extent that they are not prohibited by any other chapter or law and provided they are conducted using best management practices, except where such activities result in the conversion of a regulated wetland or wetland buffer to a use to which it was not previously subjected.

- A. Construction of a single family residence within the normal required wetland buffer on any legally established lot of record; provided it is not possible to locate said single family residence on said lot without reduction of the normally required buffer area and provided the site plan review committee shall require as large a buffer from the wetland as can reasonably be accommodated on said lot. In no case shall a dwelling be permitted to be developed in the wetland area except through the provisions and procedures of Section 14.28.350 of this chapter;
- B. Efforts of public and private organizations, clubs or memberships for the conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife;

- C. Outdoor recreational activities developed for the public or private organizations, clubs or memberships, including hunting, fishing, bird watching, hiking, boating, swimming, and canoeing, provided they do not adversely impact the wetland or wetland buffer;
- D. The maintenance ~~(but not construction)~~ of drainage ditches. Maintenance shall not include construction of such drainage ditches except pursuant to subsections K and L of this section;
- E. Development of nature trails;
- F. Boat mooring buoys;
- G. Normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas. Maintenance and repair does not include any modification that changes the character, scope or size of the original structure, facility, or improved area and does not include the construction of a maintenance road; and
- H. Minor modification of existing serviceable structures within a buffer zone where modification does not adversely impact wetland functions;
- I. Relocation of electric facilities, lines, equipment, or appurtenances, not including substations, with an associated voltage of fifty-five thousand volts or less when required by a local governmental agency;
- J. Relocation of natural gas, cable communications, and telephone facilities, lines, pipes, mains, equipment or appurtenances when required by a local governmental agency.
- K. Improvement of existing stormwater treatment facilities provided such activities are designed to improve or enhance wetlands by reduction of existing stormwater drainage impacts.
- L. Construction of new publicly owned stormwater treatment facilities designed to improve or enhance wetlands by reduction of existing drainage impacts due to older substandard drainage infrastructure or design. Provided further such facilities shall be included in an adopted regional drainage basin plan or other adopted surface water improvement plan.

Section 2. Section 14.28.260 is hereby amended to read as follows:

14.28.260 Permit processing--Action on wetland applications.

- A. Upon receipt of a complete application for approval authorizing activities on a Category I wetland or its buffer,

the city of Lacey shall submit the application to the Washington State Department of Ecology and other state and local agencies having an interest in such applications for review and comment. When such applications are submitted, said agencies should submit comments or should request an extension of the review period within fifteen days. Extensions may be granted by the city of Lacey where complex issues necessitate a longer review period. When submitted, no approval shall be issued under this subsection prior to receipt of such comments or the expiration of the time period for an extension.

- B. The council shall approve, approve with conditions, or deny a permit application within thirty working days ~~of the public hearing~~ after receipt of the Hearings Examiner's decision, except that where additional information is required by the council it may extend this period by sixty days. In acting on the application, the council shall in writing deny, permit, or conditionally permit the proposed activity. If a decision must be made in a ninety day period and there is insufficient information or time to process the application, a denial will be issued.

Section 3: Section 14.28.300 is hereby amended to read as follows:

14.28.300 Reduction of standard wetland buffer zone width.

- A. The city of Lacey may reduce the standard buffer zone widths for Category II, III, IV, and V wetlands up to fifty percent on a case-by-case basis when an existing wetland or wetland buffer area is significantly degraded, and it can be shown that the activities described below are in the best interest of wetland protection. The full fifty percent reduction may be allowed when all of the activities listed below are deemed necessary to protect the wetland. A twenty-five percent reduction may be permitted when three of the five activities listed below are deemed necessary to protect the wetland.
1. Buffer Restoration. This means improving the quality of the buffer so that it provides for increased visual screening or increased vegetative diversity.
 2. Shielding High Intensity Land Uses. This means providing berms and/or permanent solid fences at the edge of the buffer. It may also include orientation of the building so that the building itself acts as a shield to buffer the wetland.
 3. Hydrologic Restoration. This means providing permanent improvements to the site hydrology, which may include removal of a ditch that is draining a wetland.
 4. Habitat Restoration. This means substantial improvements

to the fish and wildlife habitat of a wetland or its buffer such as importing snag or meandering a channelized stream.

5. Wetland Restoration. This means improving other functions and values of a wetland. Wetland enhancement is not allowed in a Class I wetland.
- B. Whenever any of the activities listed in subsection 14.28.300(A) are used to reduce buffer widths, it shall be in accordance with a written plan provided by the qualified professional or technical wetlands consultant or scientist substantiating that the activity is necessary because of existing degraded conditions of the wetland or buffer and that it will result in improved protection of the wetland and wetland functions and values.
- C. Any wetland created, restored, or enhanced as compensation for approved wetland alterations shall have the standard buffer required for the category of the created, restored, or enhanced wetland.

Section 4: The summary of this Ordinance, which is attached hereto, is approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON,
this 8TH day of June, 1995.

CITY COUNCIL

By John W. Halverson
Mayor

Attest:

Approved as to form:

Charlotte M. Taylor
City Clerk

[Signature]
City Attorney

Published: June 11, 1995
Sunday

SUMMARY FOR PUBLICATION
ORDINANCE 1012

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on June 8, 1995, Ordinance No. _____ entitled "AN ORDINANCE RELATING TO ACTIVITIES ALLOWED IN WETLANDS, TIME PERIODS FOR COUNCIL ACTION ON WETLAND APPLICATIONS AND CLASSIFICATIONS OF WETLANDS SUBJECT TO STANDARD BUFFER ZONE WIDTH REDUCTION AND AMENDING SECTIONS 14.28.120, 14.28.260 AND 14.28.300 OF THE LACEY MUNICIPAL CODE."

A section by section summary of this Ordinance is as follows:

Section 1 amends section 14.28.120 to allow improvement of existing stormwater treatment facilities and construction of new publicly owned stormwater treatment facilities within wetland or wetland buffers subject to meeting the criteria set forth in this section.

Section 2 modifies the time within which the council must act upon a wetland application to be within 30 working days after receipt of the hearings examiner's decision.

Section 3 amends section 14.28.300 relating to possible reduction of standard wetland buffer zone widths to include category II wetlands within its area of applicability.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: June 11, _____, 1995.

Shirley