ORDINANCE NO. 1190

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, ADOPTING THE 2002 AMENDMENTS TO THE LACEY COMPREHENSIVE PLAN AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, the City Council previously adopted the Lacey Comprehensive Plan containing those elements described in Section 16.03.015 of the Lacey Municipal Code (LMC), and

WHEREAS, during the calendar year 2002, the City Planning Commission considered amendments to that portion of the Comprehensive Plan designated as Environmental Protection and Resource Conservation Plan for the City of Lacey and further considered proposed modifications to the Comprehensive Plan Map and the Zoning Map for the Lacey Urban Growth Area, and

WHEREAS, after public meetings and hearings held with effective notice and after providing opportunity for open discussion, communication and assimilation of adequate information and an opportunity to consider the environmental and economic impacts and consequences which would flow from adoption of the amendments, such amendments and redesignations have been recommended for adoption by the City Council; NOW, THEREFORE

BE IT ORDAINED by the City Council of the City of Lacey, Washington, as follows:

Section 1. The text amendments to that portion of the Environmental Protection and Resource Conservation Plan relating to wetlands which are set forth in Exhibit A, attached hereto, are hereby adopted as amendments to said Environmental Protection and Resource Conservation Plan.

Section 2. The following changes shall be made to the Comprehensive Plan Map for the Lacey Urban Growth Area adopted by LMC Section 16.03.015 and to the Zoning Map for the Lacey Urban Growth Area adopted by LMC Section 16.09.020:

A. The plan and zone designations of that certain real property currently proposed as "The Villages at Avonlea" located west of College Street and directly north and directly south of 45th Avenue southeast and shown on Exhibit B, attached hereto are hereby changed from Village Center to those certain land designations shown on said Exhibit B.

B. The plan and zone designation of that certain parcel of real property located at 1113 Golf Club Road S.E. and designated as tax parcel no. 11820123200 are hereby changed from Moderate Density Residential to Central Business District 4.

Section 3. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, at a regularly-called meeting thereof, held this 10th day of October, 2002.

CITY COUNCIL

By: _____
Mayor

Approved as to form:

_____
City Attorney

Attest:

_____
City Clerk

I. WETLANDS

A. Primary Issues

1. Protection of wetland areas has been controversial:

One of the most controversial areas of land use planning the last ~~several years~~ decade has been wetlands. This has been true in the City of Lacey, ~~particularly over the last couple of years,~~ as large sites containing wetlands have been proposed for development. With much of the area in Lacey currently developed, there has been more pressure brought to bear for development of those lands with wetlands.

2. Historically wetland areas have been lost at an alarming rate:

In the past, many have considered the country's wetlands as wastelands to be used for such things as dumping, draining for agriculture, or filling for building sites. Up until the 1970's, federal policy actually encouraged the draining and filling of wetlands to accommodate agriculture, forestry, mining and other economic development. Urban growth and development has also accounted for significant historical losses of wetlands. In Washington, it is estimated that Washington's coastal urban areas have already lost 90 – 98% of their estuarian wetlands and the Puget Sound basin has lost 70% of its wetlands to port development and other activities. Before wetland protection requirements in GMA ~~T~~the Washington State Department of Ecology estimate~~s~~d, that throughout the 1980s, on the low end, between 716 and 2,034 acres of wetland ~~are~~ were lost each year in Washington State alone. Much of this loss ~~is~~ was from small projects, such as bulkheading. It is the overall cumulative loss that can represent significant percentages of lost habitat. The Department of Ecology has no firm figures for wetland loss since passage of GMA. However, the State has not achieved it's goal of no net loss. Wetlands are still being filled and mitigation and replacement plans have often failed.

3. Lacey's wetland areas bring specific benefits to the City of Lacey:

Lacey's wetlands are of great importance to Lacey for social/economic, as well as environmental reasons. Lacey's wetlands provide significant local habitat in our urban area, including habitats for the survival of threatened and endangered animals. Lacey's wetlands offer potential scenic recreation value in association with nature trails along lake shorelines. Our wetlands

also contribute to flood reduction control in association with drainage during severe storms, as well as stream flow maintenance in dry periods for areas like Lake Lois and Woodland Creek. Wetland areas provide groundwater recharge which is an important local concern, as 100% of our local water supply comes from the local aquifer. Wetlands contribute to pollution control for protection of our major lakes. Local wetlands have also provided St. Martins and North Thurston School District with educational and research opportunities, like the outdoor classroom areas developed by the North Thurston School District adjacent to wetlands to accommodate student education.

4. Land use activities can have significant impacts to wetland areas:

Almost any urban land use will impact wetlands. Activities that affect hydrology may change the way a wetland functions, including how much flood protection the wetland affords, how much sediment and pollutants can be removed, the amount of water available for stream and groundwater recharge, and the type of plants and wildlife habitat found there. Such things as channelization, dredging, diking, impounding and draining are the most common activities that disrupt or destroy the hydraulic balance of a wetland system. Other activities, like utilizing wetlands for water for livestock, building bulkheads, or beaver dam construction, can have significant impact on wetlands.

Introduction of non-native plants has damaged or ruined many ecosystems around the world. Exotic plants can choke out native vegetation and alter the way wetlands function. This has direct impact upon sedimentation, nutrient use, habitat value, and other wetland benefits.

~~Even~~ tThe use of fertilizers, pesticides and herbicides also represent a threat to wetlands. Use of these chemicals on upland lawns may result in the eventual entering of local waterways and wetlands. Use of chemicals will alter the ecological balance of the wetlands.

Dumping and filling are other activities which have obvious impacts on wetland areas. Traditionally, wetlands have been viewed as wasteland that could be used for garbage dumps. It is a common practice around residential subdivisions for dumping fill dirt, lawn clippings, chips and other yard wastes into wetlands. This can result in filling of the wetland area and can change the wetland's chemical balance.

Stormwater runoff is another area that can potentially impact wetlands. Stormwater runoff eventually ends up in wetland areas and can cause degradation of the wetland area. Typical pollutants such as petroleum products and other chemicals used for household and car maintenance can wash into local waterways and impact wetlands. Stormwater runoff also impacts the hydrology of the wetland. Fluctuations in water level can significantly impact amphibian breeding and limit vegetation communities. Septic systems are also a source of pollutants to wetlands. If septic systems are not operating properly, they may be polluting nearby areas. Even if a septic system is functioning properly it can still impact the wetland by contributing large amounts of nitrates to the wetland. This can have significant impacts particularly to peat systems that are adapted to low nutrient conditions.

Recreation overuse can also impact wetlands. Off-road vehicles may destroy soils, vegetation and wildlife habitat within wetland or buffer areas. Motor boats may disrupt wildlife in wetlands located along shores of rivers, lakes and estuaries. Even passive recreation activities such as hiking, canoeing and bird watching may have impacts on wetlands if wetland is disturbed or disrupted.

Pet control is another problem in urbanized areas. Dogs and cats can have significant impacts to wetland wildlife populations. Both cats and dogs can be very effective predators, upsetting the natural ecology of wetland areas.

In the past, the main impacts in Lacey have been seen from development pressure to fill and develop small areas close in and around wetlands without adequate protection. Additionally, with such development comes typical human activity and urban impacts, such as dumping garbage and lawn wastes, stormwater pollution with pesticide, herbicide and petroleum products, introduction of cats and dogs as predators to wildlife. Development approval as late as mid-1980's often did not consider buffers and conditions necessary to protect wetlands from these impacts.

5. The Growth Management Act requires designation of Wetland Areas:

The Growth Management Act recognizes the significance of wetland areas and requires jurisdictions to designate and protect these critical environmentally sensitive areas. Protection measures must be based upon best available science. According to State law, published literature from State agencies with expertise in a given area may be used as best available science. For wetland

protection, information and recommendations from the Department of Ecology and a publication from the Office Of Community Development (OCD) titled "Model Code Recommendations for Designating and Protecting Critical Areas", have been utilized.

B. Wetlands Defined

1. ~~Growth Management Act d~~Definition of "Wetland":

Wetlands are those areas designated in accordance with the Washington State Wetland Identification and Delineation Manual ~~The Growth Management Act defines wetland or wetlands as "areas~~ that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and under normal circumstances, do support, a prevalence of vegetation typically 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, grassland 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. However, wetland may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands if permitted by the County of City."

~~2. The City of Lacey definition for "Regulated Wetland" and "Wetlands":~~

~~The Growth Management Act definition of wetland is adapted from the U.S. Army Corp of Engineers and the Environmental Protection Agency definition of "wetland." This definition in part has also been adopted by the City of Lacey as part of its definition of "regulated wetland" in the City's wetland protection ordinance. In defining and delineating wetlands, the City and the Washington State Department of Ecology use the 1989 Federal Manual for identifying and delineating wetlands. The one drawback of the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency definition of wetland is it may not include all stream corridors. In adoption of the City's wetland protection ordinance, the City desired to cover stream corridors in its definition of wetland. The City of Lacey therefore added Type 2-5 waters as defined by the Washington Forest Practice Rules and Regulations, WAC 222, to its definition of wetland to cover stream corridors.~~

In addition to a definition of "regulated wetland" in the City wetlands protection ordinance, the City adopted a definition of "wetlands" which is taken from the U.S. Fish and Wildlife Service classification, which is more liberal in its definition of wetland. Definition of "wetlands" in the wetland protection ordinance states, "for the purposes of inventory, incentives and non-regulatory programs means those lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered by shallow water. For the purposes of this definition, wetlands must have one or more of the following attributes:

a) At least periodically, the land supports predominantly hydrophytes;

b) The substrate is predominantly undrained hydric soil; and

c) The substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of the year."

For the purposes of this plan, to avoid confusion, the definitions of a "regulated wetland" and "wetlands" within the City's wetland protection ordinance shall be utilized.

3. New Federal and State definition changes:

It should be noted that attempts are being made at the Federal level to change the definition of wetlands by a redefinition of hydrology requirements lengthening the duration required for inundation or saturation. The net effect would be to significantly reduce the amount of lands that could qualify under the new guidelines and allow filling and development on lands previously classified as wetlands.

Changes in current policy on wetlands is also being considered by the State. Changes proposed include using the 1987 Federal Manual on wetlands identification and delineation as opposed to the more restrictive 1989 Manual, as well as other changes designed to limit areas qualifying as wetlands and limiting restrictions applying to wetland protection.

Lacey sees efforts at redefinition or limitation on protection as an attempt to allow development in these critical resource areas that would result in the degradation of environmentally critical areas that

~~are of proven social/economic and environmental value. The City of Lacey, therefore, will keep its existing definitions and restrictions applying to wetlands, including current requirements for hydrology, regardless of any changes made at the Federal or State level unless forced to do otherwise by law.~~

C. Analysis/Methodology

1. Three factors to determine a Wetland: hydrology, soils, and vegetation:

Wetland determinations should be conducted in accordance with the 1997 Washington State Identification and Delineation Manual (ecology publication # 96-94) and WAC 173-22-080 (3). The criteria and field indicators for hydric soils, hydrophytic vegetation, and wetland hydrology shall be as described therein. The following information regarding hydric soil, hydrophytic vegetation, and wetland hydrology parameters is specific to Thurston County and the City of Lacey. For more detailed information refer to the referenced materials.

In identification of wetland areas, three specific characteristics are looked at, including hydrology, soils and vegetation.

a) Hydrology:

~~Regarding hydrology~~, ~~s~~Several factors influence the hydrology of an area, including precipitation, stratigraphy, topography, soil permeability, and plant cover. Water sources include precipitation, flooding, groundwater, and tidal influence.

Hydrology of an area can be described as inundation, which means soil surfaces are covered by water, or saturated, where oxygen in pour spaces of soil is displaced by water. In the field, this might be observed when waters glistens on a soil sample. ~~The hydraulic period, which is important for wetland definition,~~ Wetland hydrology is defined as inundate~~d~~ion or /saturate~~d~~ion to the surface for a significant portion of the growing season.

The growing season is defined as that period when the soil temperature, 50 cm below the soil surface, is ~~5 degrees Centigrade~~ above biological zero, or greater than 5 degrees Centigrade (41 degrees Fahreheit). If an area is inundated or saturated to the surface for more than 5% of the growing

season, or approximitly 9 days, ~~in an average rainfall year which corresponds with native plant growth. A significant portion of the growing season is defined as 7 – 10 days. If an area is inundated or saturated within the native growing season for a period of 7 – 10 days~~, that area is considered likely to have hydrology corresponding to a wetland. ~~This period of saturation is where the Federal Government is proposing to change the definition of hydrology by lengthening the period of the growing season required to qualify as a wetland. Such a change, if it occurs, would significantly reduce the number of areas that would qualify as a wetland~~.

In making a determination on hydrology, ~~there is some~~ recorded data may be useful. ~~that might be available~~. If no data is available, field data has to be taken. Determination of soil saturation often can not be performed by staff and would take a professional hydrologist acquainted with methods for determining saturation to make such a determination. Many wetlands will not exhibit wetland hydrology during the drier parts of the year, especially during low rainfall years. Soil saturation may need to be inferred from field indicators and from indicators of hydric soil and hydrophytic vegetation. In some cases, a final wetland determination may need to be deferred to the wetter portion of the growing season (early spring) so that hydrology may be directly observed. Experts are available to provide assistance.

b) Soil:

Review of the soil survey of Thurston County prepared by the Soil Conservation Service describes most of the wetland soils in Lacey as having an apparent water table at or above the surface between October and April.

In review of wetland soils, there are a number of identified soil types which are considered hydric soils and organic soils. Such soils include soils described as peat, muck, or mineral soils. In making a determination of wetland soils, there is a color comparison test to determine whether a soil is a hydric soil. Essentially, it requires matching soil color to an array of specific identified soil colors and types to determine whether the soil is a hydric soil. However, failing the color test does not necessarily mean it is not a hydric soil. The test does not apply to organic soils and is in-

effective in sand. Also, hydric soil color characteristics may take some time to form in newly created wetlands.

Review of the soil survey of Thurston County, completed by the Soil Conservation Service, shows Bellingham, Mukilteo, Norma, and Shalcor soils as Lacey's predominant wetland soil types. The Bellingham soil typically has a 5-inch top layer of silt/clay loam and a 9-inch underlying mottled gray silt loam.

The Mukilteo soil, which is the most predominant wetland soil in Lacey, typically has a 6-inch surface layer that is dark yellowish or reddish brown muck, with an underlying dark reddish-brown mucky peat to 60 inches.

The Norma soil is described as having an 8-inch surface of gray silt loam and a dark grayish-brown mottled sandy loam as a subsoil.

The Shalcor soil is described as having a surface of dark reddish-brown about 6 inches think, with the next 14 inches being black muck.

Actual soil profiles are likely to deviate frequently from these general discriptions. The reader is referred to the Washington State Wetlands Identification and Delineation Manual for more detailed information.

c) Vegetation:

In reviewing wetland vegetation at a site, it must be determined that the area is dominated by wetland plants. An evaluator will look to see how landscaping is arranged at the site, whether in patches, groupings or zones, will look at canopy layers, trees, shrubs, herbaceous growth, and will evaluate how observed species relate to wetland areas. Plants are classified either as obligate, facultative, or upland. Obligates are ~~only~~ found in wetlands 99% of the time. It is possible Obligates will occur in non wetland areas although they will generally look severely stressed in such conditions. If obligate plant types are observed, those areas with obligate can generally be determined to be wetland. Facultatives are variable, and this category is broken down into facultative wet and facultative up. Facultative wet species are found in wetland 67% - 99% of the time, while facultative up species are found in wetlands 2% - 33% of the

time. The upland category is found in wetlands only 1% of the time. ~~In evaluating those areas that are not clearly wetland or upland, it is usually a determination of facultative species that is important. If 50% of the species are determined to be facultative wet, then the area may well be wetland. If 50% or more of the species are facultative up, the area may not be a wetland.~~ In determining wetland vegetation, some determinations can be made with limited training, if obligate types of vegetation are readily apparent. Determination of facultative vegetation becomes more complex, as the evaluator must be familiar with numerous types of vegetation to be able to identify and classify observed vegetation. The reader is referred to the Washington State Wetlands Identification and Delineation Manual for more detailed information.

~~The soil survey for Thurston County describes predominant wetland vegetation in Lacey as sedges, rushes, and red alder. All of the wetland soils are described as very good for wildlife habitat.~~

2. Mapping Sources:

Currently, three mapping sources are available showing the approximate delineation of wetland areas within the City of Lacey. The City zoning map has an overlay zone that was developed in the early 1980's showing an environmentally sensitive areas designation. While the environmentally sensitive areas designation may indicate other environmentally sensitive factors, it predominantly indicates the existence of wetland areas. While the maps appear to designate the vast majority of wetlands within the City of Lacey, some wetlands have been observed that are not designated as environmentally sensitive on the zoning map.

Another mapping resource is the maps prepared by the U.S. Department of the Interior Fish and Wildlife Service titled "The National Wetlands Inventory." These maps provide very good information regarding wetland areas, including location and classification according to the U.S. Fish and Wildlife Service wetland classification scheme.

~~Another resource for identifying wetland areas as defined by the Lacey wetlands protection ordinance are the Department of Natural Resources water typing maps. These water typing maps classify all of the Type 1-5 waters found within the City of Lacey and are used to identify and rate stream corridors.~~

~~All three of the sources of mapping, including the City zoning code environmentally sensitive areas designation, the National Wetlands Inventory, and the Department of Natural Resources water typing maps are referenced in the City's wetland protection ordinance and shown on Map 2 titled City of Lacey Wetland Areas~~.

In addition ~~to the existing mapping resources~~, Thurston Regional Planning, in association with a grant from the Department of Ecology, ~~is undertaking~~ has developed maps based upon an aerial photography survey. ~~and mapping project to~~ These maps delineate all of the wetlands within the Thurston County area. This ~~will~~ includes the Lacey area and Lacey's urban growth area. ~~When this information is available, it will provide a more precise delineation of Lacey's wetland resources.~~

All three of the sources of mapping, including the City zoning code environmentally sensitive areas designation, the National Wetlands Inventory, and the Thurston County aerial photography study are referenced in the City's wetland protection ordinance and shown on Map 2 titled City of Lacey Wetland Areas.

~~Until new~~ Even with the mapping information ~~is~~ available, precise designation and delineation of wetlands must rely on field surveys at the time of review of individual sites initiated by development proposals. At such time, Lacey's wetland protection ordinance requires a qualified wetland biologist to provide studies delineating, designating and classifying existing wetlands. The City of Lacey, in cooperation with the Department of Ecology, reviews the reports and field verifies reports to ensure wetland protection standards of the ordinance are applied properly.

3. Wetland protection techniques:

As part of the State's effort to protect wetlands, and meet requirements for best available science, the Department of Ecology ~~was directed to~~ has developed ~~a~~ new model wetland protection ~~ordinance~~ regulations published by OCD titled "Model Code Recommendations for Designating and Protecting Critical Areas". This publication was designed to help jurisdictions with Growth Management Act updates of critical area legislation. This model ~~ordinance~~ code was prepared by the State's wetland biologists and ~~incorporated into what~~ is based upon ~~considered state of the art technology~~ the best available science ~~in~~ for wetlands protection. ~~The local Puget Sound Water Quality Authority has also reviewed wetland protection and has come up with specific recommendations~~

~~for local jurisdictions. The Puget Sound Water Quality Authority has recommended that local jurisdictions either adopt the Department of Ecology's model wetland protection ordinance or something similar~~.

~~In 1991,~~ As part of it's 2002 update the City of Lacey, using the ~~Department of Ecology's~~ OCD model for wetland protection ~~ordinance~~ as a base, ~~developed and adopted a~~ will need to update it's wetland protection ordinance now codified as LMC Chapter 14.28. This piece of legislation incorporates all of the major concepts and recommendations for wetland protection provided ~~in~~ by the Department of Ecology~~'s~~, in the wetlands section of the OCD publication "Model Code Recommendations for Designating and Protecting Critical Areas" ~~model wetland protection ordinance~~.

Key features of this ~~ordinance~~ model code include the classification system for wetlands based on the wetland's value and significance, specific buffers for each classification, and specific standards for replacement of wetland areas where impacts are unavoidable.

The classification system recommended by the Department of Ecology is a four-tier rating system classified as Category I through IV, with Category I being the most significant, and IV being the least significant. The City of Lacey adopted all four of the Department of Ecology's classifications ~~and, in addition, developed a fifth classification to cover stream corridors. The City of Lacey's system for wetland classification therefore includes five categories~~.

The next primary component of the model ordinance is the buffering requirement dependent upon the classification of wetland. Table 5 presents the wetland categories and their respective buffers.

Table 5

WETLAND CATEGORIES AND ASSOCIATED BUFFER REQUIREMENTS

CATEGORY	LAND USE PROPOSED	BUFFER REQUIREMENT
Category I	High intensity Moderate Intensity Low intensity	300 feet 250 feet 200 feet
Category II	High intensity Moderate Intensity	200 feet 150 feet

CATEGORY	LAND USE PROPOSED	BUFFER REQUIREMENT
	Low intensity	100 feet
Category III	High intensity Moderate Intensity Low intensity	100 feet 75 feet 50 feet
Category IV	High intensity Moderate Intensity Low intensity	50 feet 35 feet 25 feet
~~Category V~~	~~Type 2-3 waters~~ ~~Type 4 waters~~ ~~Type 5 waters~~	~~200 feet~~ ~~100 feet~~ ~~50 feet~~

Another major concept deals with density calculation when wetlands are involved in development proposals. The model ~~ordinance~~ code and the Lacey wetland protection ordinance do not allow any credit for wetland areas, as they are considered undevelopable. However, credit is allowed for buffer areas. The area of the buffer may be transferred for density calculation purposes. ~~according to a sliding scale dependent upon percentage of the site that is in the buffer area. This reflects the fact that as the buffer area becomes larger, the developable area becomes smaller and units must be clustered on a smaller percentage of the land. Table 6 shows the formula and density allowances.~~

~~Table 6~~

~~WETLAND DENSITY ALLOWANCES~~

~~PERCENTAGE OF SITE IN BUFFERS~~	~~DENSITY CREDIT~~
~~1—10%~~	~~100%~~
~~11—20%~~	~~90%~~
~~21—30%~~	~~80%~~
~~31—40%~~	~~70%~~
~~41—50%~~	~~60%~~
~~51—60%~~	~~50%~~
~~61—70%~~	~~40%~~
~~71—80%~~	~~30%~~
~~81—90%~~	~~20%~~
~~91—99%~~	~~10%~~

~~Explanation of Table:~~

~~The maximum number of dwelling units (DU) for a lot or parcel which contains wetlands and wetland buffers shall be equal to:~~

~~The buffer density credit + upland non buffer area density computed as follows:~~

~~The buffer density credit;~~
~~(acres in wetland buffer) (DU/acre) (Density credit)~~

~~added to:~~

~~The upland non buffer area density;~~
~~(acres out of wetland buffer) (DU/acre)~~

The density credit can only be transferred within the development proposal site. To the extent that application of the formula may result in lot sizes and other zoning standards less than the minimum allowed by the underlying district, they may be authorized up to a fifty (50) percent reduction of said standards provided that the resultant lot is of sufficient size to reasonably accommodate the intended use with room for adequate setbacks, private yard areas and other provisions deemed important to neighborhood quality, and that any reduced standards result in a more innovative and superior design and provided further that uses allowed within the zoning district shall not be varied from. Additionally, lots must be of sufficient size to meet applicable health requirements. In cases where reduced lot sizes or departure from other standards is requested, the minimum standards shall be up to the sole discretion of the site plan review committee or city hearings examiner and city council through the review process of section 15.12.060.

The City of Lacey shall not allow credit for density for the portions of the site occupied by wetlands.

Another major concept is mitigation requirements for unavoidable impacts to wetland areas. When wetland impacts are unavoidable, mitigation plans must be prepared. Specific standards are contained within the Lacey ordinance for wetland replacement or enhancement that must be undertaken in compensation for unavoidable wetland impacts. Table ~~7~~ 6 shows replacement ratios for creation or enhancement mitigation. The overall goal is to achieve no net loss of wetlands functions and acreage and to strive for a net resource gain in wetlands over present conditions.

Table ~~7~~ 6

WETLAND REPLACEMENT RATIOS

CATEGORY OF WETLAND	REPLACEMENT RATIOS
Category I	6:1
Category II ~~or III~~ ~~Forested~~ ~~Scrub-shrub~~ ~~Emergent~~ Category III	3:1 ~~3:1~~ ~~2:1~~ ~~1.5:1~~ 2:1
Category IV	~~1.25:1~~ 1.5:1
~~Category V~~ ~~Type 2 water~~ ~~Type 3 water~~ ~~Type 4 water~~ ~~Type 5 water~~	 ~~6:1~~ ~~3:1~~ ~~2:1~~ ~~1.25:1~~

Note: This table shows Acreage Replacement Ratios that apply to creation or restoration of wetlands which is in-kind, onsite, timed prior to or concurrent with alteration, and has a high probability of success. These ratios do not apply to remedial actions resulting from illegal alterations. The first number specifies the acreage of wetlands requiring replacement and the second specifies the acreage of wetlands altered.

D. Conclusions

Based on the above analysis, the City has formulated the following conclusions:

1. Wetlands have a broad variety of social, economic, and environmental values and benefits and are considered critical environmentally sensitive areas that must be protected.

2. Destruction or degradation of wetland areas ~~has~~ proceeded at an alarming rate throughout the State of Washington and the Puget Sound area before the Growth management Act. Even today, the State has not achieved it's goal of no net loss of wetlands.

3. The same development pressures contributing to wetland losses throughout the state are present in the City of Lacey. However, over the last decade, our wetland protection legislation has resulted in preservation and protection of Lacey's wetland resources.

4. The City of Lacey ~~needs~~ should maintain it's strong legislation, based upon best available science, with the goal of no net loss of wetlands and the goal to increase the quantity and quality of

wetlands to protect and enhance the benefits and values of wetlands in the Lacey area.

E. Goals/Policies

1. Goal

To achieve no net loss of wetlands and to increase the quantity and quality of Lacey's wetland resources through the application of best available science.

A. Policy

Update and ~~U~~utilize Lacey's ~~existing~~ wetland protection legislation to ensure protection of Lacey's wetland resources through use of techniques considered the best available science.

B. Policy

Use State agencies as a source of best available science. ~~Keep the existing definition of regulated wetland in the wetland protection ordinance that utilizes the U.S. Corps of Engineers definition of wetlands, and also incorporates the DNR Type 2-5 waters, which cover Lacey's stream corridors.~~

~~C. Policy~~

~~Utilize the U.S. Fish and Wildlife Service definition of "wetlands" for purposes of inventory, incentives and non-regulatory programs.~~

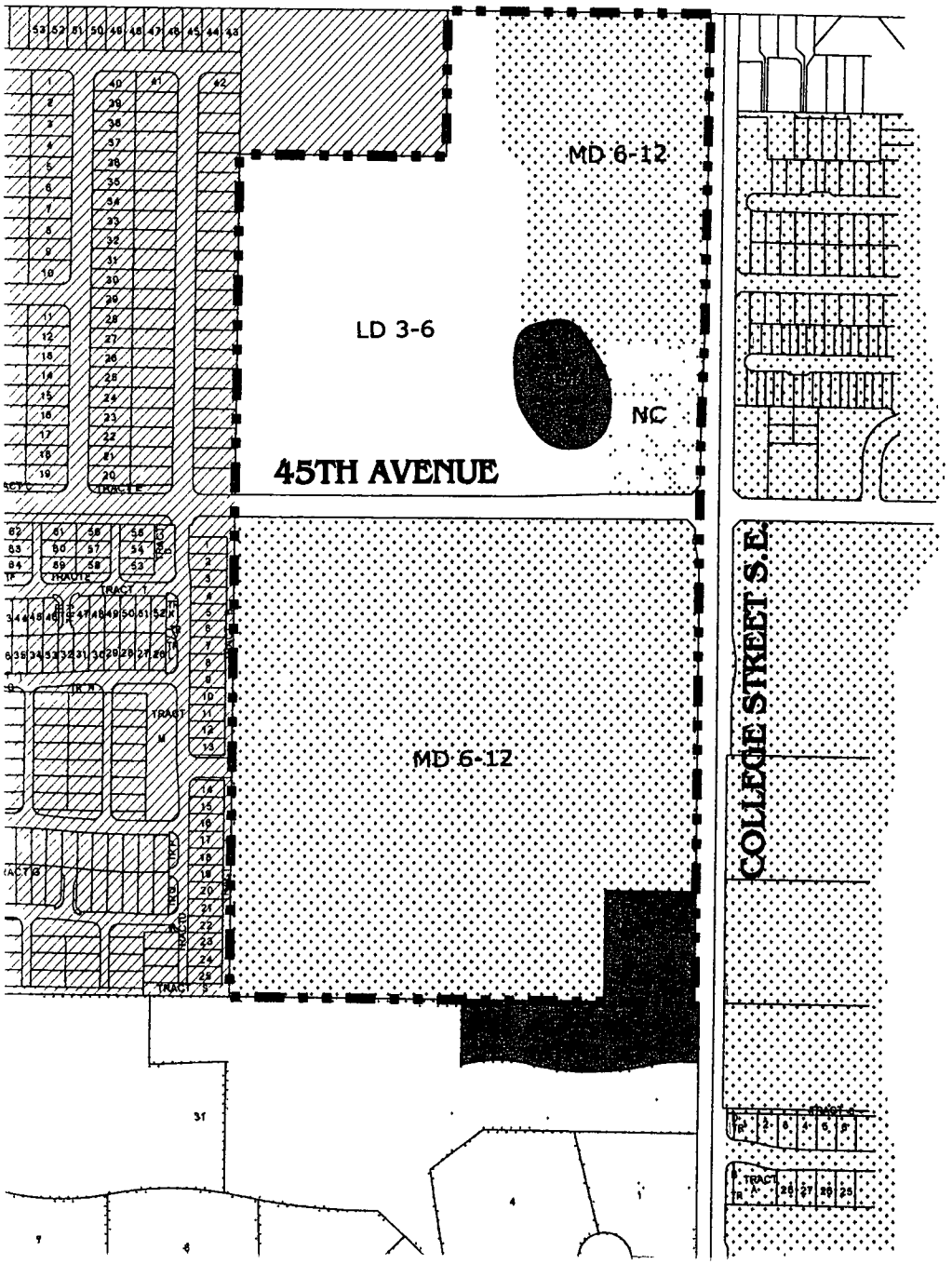
~~D. Policy~~

~~Continue to utilize the 1989 Federal Manual for identification and delineation of regulated wetlands and the current standard threshold for determination of a site's hydrology, with a significant portion of the growing season defined as 7-10 days, as this period is considered reasonable and appropriate in the designation of wetlands that have significant community benefits. This definition should be kept regardless of any federal or state changes that might be made in an effort to reclassify current wetland areas for development purposes.~~

EXHIBIT B

THE VILLAGES AT AVONLEA

PROPOSED ZONING



LEGEND

- MD 6-12 (Moderate Density Residential)
- OSI (Open Space Institutional)
- LD 3-6 (Low Density Residential)
- NC (Neighborhood Commercial)
- VC (Village Center)
- BP (Business Park)
- Re-Zone Limits

HATTON GODAT PANTIER
ENGINEERS AND SURVEYORS
1840 BARNES BOULEVARD S W
TUMWATER, WA 98512

SUMMARY FOR PUBLICATION

ORDINANCE 1190

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on October 10, 2002 Ordinance No. 1190, entitled "AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, ADOPTING THE 2002 AMENDMENTS TO THE LACEY COMPREHENSIVE PLAN AND APPROVING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. The Wetlands section of the City's Environmental Protection and Resource Conservation Plan are amended to be consistent with state law and the requirements of the Washington State Department of Ecology.

2. Those certain parcels of real property located west of College Street S.E. and lying directly north and directly south of 45th Avenue S.E. which are currently proposed as a plat known as "The Villages at Avonlea" are amended to remove the Village Center designation and to zone various portions of the parcels as low density 3 –6, medium density 6 – 12, Open Space Institutional and Neighborhood Commercial.

3. The Comprehensive Plan and Zoning Map are modified to designate that certain parcel of property located at 1113 Golf Club Road from the designation of Moderate Density Residential to a designation of Central Business District 4.

4. The Ordinance approves this Summary for publication.

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: October 14, Monday, 2002.