ORDINANCE NO. 1449

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY RELATING TO WETLANDS PROTECTION, AMENDING SECTIONS 14.28.030, 14.28.090, 14.28.100, 14.28.450, 14.28.455 AND 14.28.500, AND AMENDING TABLE 14T-19, ALL OF THE LACEY MUNICIPAL CODE, AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, the Washington State Department of Ecology has updated the Washington State wetland rating systems for eastern and western Washington to incorporate the most current and best available scientific information; and

WHEREAS, the updates to the rating system require the City to update the Wetlands Protection chapter of the Lacey Municipal Code; and

WHEREAS, on November 18, 2014, the Planning Commission reviewed the proposed revisions to the wetland chapter; and

WHEREAS, on December 1, 2014 The Land Use Committee reviewed the proposed revisions; and

WHEREAS, on December 2, 2014 the Planning Commission held a public hearing on the proposed revisions. At the conclusion of the public hearing the Planning Commission voted unanimously to recommend the proposed revisions to the City Council for adoption; and

WHEREAS, the City Council finds it is in the best interest of the citizens of Lacey to adopt the proposed revisions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, AS FOLLOWS:

Section 1. Section 14.28.030 of the Lacey Municipal Code is hereby amended to read as follows:

14.28.030 Definitions.

For the purposes of this chapter, the following definitions shall apply:

A. "Applicant" means a person who files an application for permit under this chapter and who is either the owner of the land on which that proposed activity would be located, a contract vendee, a lessee of the land, the person who would actually control and direct the proposed activity, or the authorized agent of such a person.

B. "Best management practices" means conservation practices or systems of practices and management measures that:

1. Control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment; and

2. Minimize adverse impacts to surface water and ground water flow, circulation patterns, and to the chemical, physical, and biological characteristics of wetlands; and

3. Protect trees and vegetation designated to be retained during the following site construction; and

4. Provide standards for proper use of chemical herbicides within critical areas.

C. "Best available science" means current scientific information used in the process to designate, protect, or restore critical areas, that is derived from a valid scientific process as defined in WAC 365-195-900 through365-195-925. Sources of best available science are included in "Citations of Recommended Sources of Best Available Science for designating and protecting critical areas" published by the State Office of Community Development.

D. "Compensation project" means actions necessary to replace project-induced wetland and wetland buffer losses, including land acquisition, planning, construction plans, monitoring and contingency actions.

E. "Compensatory mitigation" means replacing project-induced wetland losses or impacts, and includes, but is not limited to, the following:

1. "Restoration" - Actions performed to reestablish wetland functional characteristics and processes which have been lost by alterations, activities, or catastrophic events within an area which no longer meets the definition of a wetland.

2. "Creation" - Actions performed to intentionally establish a wetland at a site where it did not formerly exist.

3. "Enhancement" - Actions performed to improve the condition of existing degraded wetlands so that the functions they provide are of a higher quality.

4. "Preservation" - actions taken to ensure the permanent protection of existing high quality wetlands.

F. "Department" means the Washington State Department of Ecology.

G. "Developable area" means an area of land outside of wetlands and wetland buffers.

H. "Emergent wetland" means a regulated wetland with at least thirty percent of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative strata.

I. "Essential habitat" means habitat necessary for the survival of federally listed threatened, endangered, and sensitive species and state listed priority species.

J. "Existing and ongoing agriculture" includes those activities conducted on lands defined in RCW84.34.020(2), and those activities involved in the production of crops or livestock, for example, the operation and maintenance of farm and stock ponds or drainage ditches, operation and maintenance of ditches, irrigation systems including irrigation laterals, canals, or irrigation drainage ditches, changes between agricultural activities, and normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas. Activities which bring an area into agricultural use are not part of an ongoing operation. An operation ceases to be ongoing when the area on which it is conducted is converted to a nonagricultural use or has lain idle for more than five years, unless the idle land is registered in a federal or state soils conversation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity. Forest practices are not included in this definition.

K. "Exotic" means any species of plants or animals that are foreign to the planning area.

L. "Extraordinary hardship" means strict application of this chapter and/or programs adopted to implement this chapter by the city of Lacey would prevent all reasonable economic use of the parcel.

M. "Financial security" means a method of providing surety of financial performance and may include provision of a bond, assignment of savings, letter of credit or other financial guarantee approved by the city attorney.

N. "Forested wetland" means a regulated wetland with at least twenty percent of the surface area covered by woody vegetation greater than twenty feet in height.

O. "Functions", "beneficial functions", or "functions and values" means the beneficial roles served by wetlands including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, ground water recharge and discharge, erosion control, wave attenuation, historical and archaeological and aesthetic value protection, and recreation. These beneficial roles are not listed in order of priority.

P. "High intensity land use" includes land uses which are associated with moderate or high levels of human disturbance or substantial wetland habitat impacts including, but not limited to, urban residential densities, active recreation uses, and commercial and industrial land uses.

Q. "High quality wetlands" are those regulated wetlands which meet the following criteria:

1. No, or isolated, human alteration of the wetland topography;

2. No human-caused alteration of the hydrology or else the wetland appears to have recovered from the alteration;

3. Low cover and frequency of exotic plant species;

4. Relatively little human-related disturbance of the native vegetation, or recovery from past disturbance;

5. If the wetland system is degraded, it still contains a viable and high quality example of a native wetland community; and

6. No known major quality problems.

R. "Hydric soil" means a soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands".

S. "Hydrophytic vegetation" means macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands".

T. "In-kind compensation" means to replace wetlands with substitute wetlands whose characteristics closely approximate those destroyed or degraded by a regulated activity. It does not necessarily mean replacement "in-category."

U. "Isolated wetlands" means those regulated wetlands which:

1. Are outside of and not contiguous to any 100 year floodplain of a lake, river, or stream; and

2. Have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

V. "Lot of record" means a lot legally established by survey or legal description and recorded at the county auditor's office prior to adoption of the city of Lacey subdivision ordinance or a lot legally established after adoption of the city of Lacey subdivision regulations by recording of a building site plan, subdivision or short subdivision at the county auditor's office. The definition of lot shall be that definition used in the Lacey subdivision ordinance (LMC 15.08.020(E)).

W. "Low intensity land use" includes land uses which are associated with low levels of human disturbance or low wetland habitat impacts, including, but not limited to, passive recreation, open space, agricultural, or forest management land uses.

X. "Mitigation" includes avoiding, minimizing or compensating for adverse wetland impacts. Mitigation in the following order of preference is:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;

2. Minimizing 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. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;

4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;

6. Monitoring the impact and the compensation project and taking appropriate corrective measures. Mitigation for individual actions may include a combination of the above measures.

Y. "Native vegetation" means plant species which are indigenous to the area in question.

Z. "Off-site compensation" means to replace wetlands away from the site on which a wetland has been impacted by a regulated activity.

AA. "On-site compensation" means to replace wetlands at or adjacent to the site on which a wetland has been impacted by a regulated activity.

BB. "Out-of-kind compensation" means to replace wetlands with substitute wetlands whose characteristics do not closely approximate those destroyed or degraded by a regulated activity. It does not refer to replacement "out-of-category."

CC. "Practicable alternative" means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impacts to regulated wetlands. It may include an area not owned by the applicant which could reasonably have been or be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.

DD. "Priority habitats" are a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. These might include areas of high relative density or species richness, breeding habitat, winter range and movement corridors. These might also include habitats that are of limited availability or high vulnerability to alteration.

EE. "Priority species" are those species that are of concern due to their population status and their sensitivity to habitat manipulation. Priority species include those which are state-listed endangered, threatened, and sensitive species as well as other species of concern and game species.

FF. "Puget Sound" means all salt waters of the state of Washington inside the international boundary line between the State of Washington and the province of British Columbia, lying east of one hundred twenty-three degrees, twenty-four minutes west longitude.

GG. "Qualified professional or technical wetlands consultant or scientist" means an individual or team that has both the academic qualifications and field experience to provide the technical expertise for making competent wetland delineations and recommendations necessary to implement the goals and requirements of this chapter. Said persons must have previous demonstrated competence in wetland work by having successfully prepared complex wetland studies that have been approved and accepted by the State Department of Ecology, and must be accepted by the city of Lacey pursuant to the requirements of LMC 14.28.065 and 14.28.067.

HH. "Regulated activities" means any of the following activities which are directly undertaken or originate in a regulated wetland or its buffer:

1. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;

2. The dumping, discharging, or filling with any material;

3. The draining, flooding, or disturbing of the water level or water table;

4. The driving of pilings;

5. The placing of obstructions;

6. The construction, reconstruction, demolition, or expansion of any structure;

7. The destruction or alteration of wetlands vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland or any other activity taking place in a wetland or buffer involving the modification of vegetation falling under the jurisdiction of the city's Tree and Vegetation Protection and Preservation Ordinance;

8. Activities that result in a significant change of water temperature, a significant change of physical or chemical characteristics of wetlands water sources, including quantity, or the introduction of pollutants.

II. "Regulated wetlands" means all wetlands as defined herein and wetlands which fall waterward of the ordinary high water mark of lakes~~. At the time of adoption of this provision the Department of Ecology, had not provided a threshold for small wetland exemptions. Previous recommendations prepared by the Department of Ecology, in the early 1990's, provided exemptions for some small wetlands; Category II and III wetlands under 2,500 square feet, and Category IV wetlands under 10,000 square feet. The Department of Ecology no longer believes such exemptions are scientifically valid. Depending upon individual circumstances of a wetland site, these small wetlands may or may not have functions and~~

~~values justifying regulation.~~; except that all isolated Category III and IV wetlands less than 1000 square feet are exempt from the provisions of this chapter provided that:

a. They are not associated with riparian areas or buffers

b. They are not part of a wetland mosaic

c. They do not contain habitat identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife or species of local importance.

~~Therefore, a~~ A preliminary site review and assessment should be ~~preformed~~ performed prior to the modification of any small wetland, under the thresholds described above, to consider the probable functions and values of the wetland. A wetland permit or other mitigation will be required unless the applicant adequately demonstrates that the wetland functions and values provided by the small wetland are sufficiently limited enough that consideration during development of the property is not warranted. If the preliminary review indicates the values and functions are sufficiently limited, considering other goals and policies of the Comprehensive Land Use Plan to develop an urban community, the small wetland may be exempted from full wetland permit review.

JJ. "Repair or maintenance" means an activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter additional regulated wetlands are not included in this definition.

KK. "Scrub-shrub wetland" means a regulated wetland with at least thirty percent of its surface area covered by woody vegetation less than twenty feet in height as the uppermost strata.

LL. "Serviceable" means presently usable.

MM. "Unavoidable and necessary impacts" are impacts to regulated wetlands that remain after a person proposing to alter regulated wetlands has demonstrated that no practicable alternative exists for the proposed project.

NN. "Water-dependent" means requiring the use of surface water that would be essential to fulfill the purpose of the proposed project.

OO. "Wetlands" are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation 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, grass lined 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 construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands. For identifying and delineating a regulated wetland, local government shall use the approved federal wetland delineation manual and applicable regional supplements. ~~Washington State Wetland Identification and Delineation Manual.~~

PP. "Wetlands site plan review approval" means any approval issued, conditioned or denied to implement the standards of this chapter.

QQ. "Wetland buffers" or "wetland buffer zones" is an area that surrounds and protects a wetland from adverse impacts to the functions and values of a regulated wetland.

RR. "Wetland classes," "classes of wetlands" or "wetland types" means descriptive classes of the wetlands taxonomic classification system of the United States Fish and Wildlife Service (Cowardin, et al., 1978).

SS. "Wetland edge" means the boundary of a wetland as delineated based on the definitions contained in this chapter.

Section 2. Section 14.28.090 of the Lacey Municipal Code is hereby amended to read as follows:

14.28.090 Determination of regulatory wetland boundary.

A. The exact location of the wetland boundary shall be determined by the applicant through the performance of a field investigation applying the wetland definition provided in LMC 14.28.030. Qualified professional and technical scientists shall perform wetland delineations using the approved federal wetland delineation manual and applicable regional supplements. ~~"Washington State Identification and Delineation Manual".~~ The applicant is required under LMC 14.28.190 to show the location of the wetland boundary on a scaled drawing as a part of the permit application.

B. The city of Lacey, when requested by the applicant, may waive the delineation of boundary requirement for the applicant and, in lieu of delineation by the applicant, perform the delineation. The city of Lacey shall consult with qualified professional scientists and technical experts or other experts as needed to perform the delineation. The applicant may be charged for the costs incurred.

C. Where the city of Lacey performs a wetland delineation at the request of the applicant, such delineation shall be considered a final determination.

D. Where the applicant has provided a delineation of the wetland boundary, the city of Lacey shall verify the accuracy of, and may render adjustments to, the boundary delineation.

In the event the adjusted boundary delineation is contested by the applicant, the city of Lacey shall, at the applicant's expense, obtain expert services to render a final delineation.

Section 3. Section 14.28.100 of the Lacey Municipal Code is hereby amended to read as follows:

14.28.100 Wetlands rating system.

The following system shall be used to rate, establish and administer buffer widths, and replacement ratios for wetlands. For a detailed explanation of this system, refer to ~~Washington State Wetland Rating System documents for Western Washington 1993~~ *Washington State Wetland Rating System for Western Washington: 2014 Update* (Revised, Publication #14-06-029, October 2014), or as hereafter amended.

A. ~~"Category I wetlands" can be described as the premium wetlands. Generally, these wetlands are not common and would make up a small percentage of the wetlands in the state. These are wetlands that: (1) are very valuable for a particular rare animal species; (2) represent a high quality example of a rare wetland type; (3) are rare habitat type within a given region; or, (4) provide irreplaceable functions and values which are impossible to replace within a human lifetime.~~ **Category I.** Category I wetlands are: (1) relatively undisturbed estuarine wetlands larger than 1 acre; (2) wetlands with high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR; (3) bogs; (4) mature and old-growth forested wetlands larger than 1 acre; (5) wetlands in coastal lagoons; (6) interdunal wetlands that score 8 or 9 habitat points and are larger than 1 acre; and (7) wetlands that perform many functions well (scoring 23 points or more). These wetlands: (1) represent unique or rare wetland types; (2) are more sensitive to disturbance than most wetlands; (3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (4) provide a high level of functions.

B. ~~"Category II wetlands" occur more commonly than Category I wetlands. They can be described as those wetlands that: (1) provide habitat for very sensitive or important wildlife or plants; (2) are either difficult to replace; or, (3) provide very high functions and values, particularly for wildlife habitat.~~ **Category II.** Category II wetlands are: (1) estuarine wetlands smaller than 1 acre, or disturbed estuarine wetlands larger than 1 acre; (2) interdunal wetlands larger than 1 acre or those found in a mosaic of wetlands; or (3) wetlands with a moderately high level of functions (scoring between 20 and 22 points).

C. ~~"Category III wetlands" occur more frequently throughout the state than do Category I and Category II wetlands. Generally these wetlands will be smaller, less diverse and/or more isolated than Category II wetlands. These wetlands also provide important functions and values and are important for a variety of wildlife species. These wetlands would be difficult to replace.~~ **Category III.** Category III wetlands are: (1) wetlands with a moderate level of functions (scoring between 16 and 19 points); (2) can often be adequately replaced with a well-planned mitigation project; and (3) interdunal wetlands between 0.1 and 1 acre. Wetlands scoring between 16 and 19 points generally have been disturbed in some ways and

are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

D. ~~"Category IV wetlands" are smaller, more isolated and have less diverse vegetation than the other wetland categories. These wetlands do have important values and function, but could be replaced. In some cases it may be able to improve its value for habitat.~~ **Category IV.** Category IV wetlands have the lowest levels of functions (scoring fewer than 16 points) and are often heavily disturbed. These are wetlands that we should be able to replace, or in some cases to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.

E. The city of Lacey shall have the authority to re-evaluate Category II and III wetlands when the calculation from the rating manual results in point values from ~~twenty-seven to seventeen points~~ seven to three habitat points, or the point value described in the wetland rating manual as hereafter amended. This re-evaluation shall be documented in writing and the city may use the descriptions of these wetland categories as guidance in determining the appropriate wetland rating.

F. Wetland rating categories shall be applied as the wetland exists on the date of adoption of the ordinance codified in this chapter; as the wetland may naturally change thereafter; or as the wetland may change in accordance with permitted activities. Wetland ratings shall not be altered to recognize illegal modifications.

Section 4. Section 14.28.450 of the Lacey Municipal Code is hereby amended to read as follows:

14.28.450 Application approval – Compensatory mitigation – Wetlands restoration and creation.

A. Any person who alters regulated wetlands shall restore or create equivalent areas or greater areas of wetlands than those altered in order to compensate for wetland losses.

B. Where feasible, restored or created wetlands shall be a higher category than the altered wetland.

C. Compensation areas shall be determined according to function, acreage, type, location, time factors, ability to be self-sustaining and projected success. Wetland functions and values shall be calculated using the best professional judgment of a qualified wetland ecologist using the best available techniques. Multiple compensation projects may be proposed for one project in order to best achieve the goal of no net loss.

D. Acreage Replacement Ratio. The following ratios apply to creation or restoration which is in-kind, on-site, the same category, 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; greater ratios shall apply in those cases. These ratios do not apply to the use of credits from a wetland bank approved by the city, the Department of Ecology or the U.S. Corps of Engineers. When credits from a certified bank are used, replacement ratios should be consistent with the requirements of the banks certification. The first number specifies the acreage of wetlands requiring replacement and the second specifies the acreage of wetlands altered.

Wetland Mitigation Ratios

Category and Type of Wetland	Creation or Re-establishment	Restoration
Category I: Bog, Natural Heritage Site	Not Considered Possible	Case by case
Category I: Mature Forested	6:1	12:1
Category I Based on Functions	4:1	8:1
Category II	3:1	6:1
Category III	2:1	4:1
Category IV	1.5:1	3:1

~~Category I 6:1~~

~~Category II 3:1~~

~~Category III 2:1~~

~~Category IV 1.5:1~~

1. Increased Replacement Ratio. The city of Lacey may increase the ratios under the following circumstances:

   a. Uncertainty as to the probable success of the proposed restoration or creation;

   b. Significant period of time will elapse between impact and replication of wetland functions; or

   c. Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or

   d. The impact was an unauthorized impact.

2. Decreased Replacement Ratio. The city of Lacey may decrease these ratios under the following circumstance:

a. Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions have a very high likelihood of success;

b. Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions will provide functions and values that are significantly greater than the wetland being impacted; or

c. The proposed mitigation actions are conducted in advance of the impact and have been shown to be successful.

3. A minimum acreage replacement ratio of 1:1 shall be required except as provided by LMC 14.28.445(B).

Section 5. Section 14.28.455 of the Lacey Municipal Code is hereby amended to read as follows:

14.28.455 Wetland mitigation banks & In-Lieu Fee.

A. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:

1. The bank is approved by the city, the Department of Ecology, or the U.S. Army Corps of Engineers.

2. The city determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and

3. The proposed use of credits is consistent with the terms and conditions of the bank's certification.

B. Replacement ratios for projects using bank credits shall be consistent with the replacement ratios specified in the bank's certification.

C. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one Water Resource Inventory Area (WRIA) for specific wetland functions.

D. To aid in the implementation of off-site mitigation, the City may develop an in-lieu fee program. This program shall be developed and approved through a public process and be consistent with federal rules, state policy on in-lieu fee mitigation, and state water quality regulations. An approved in lieu-fee program sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the in-

lieu program sponsor, a governmental or non-profit natural resource management entity. Credits from an approved in-lieu fee program may be used when the following apply:

1. The approval authority determines that it would provide environmentally appropriate compensation for the proposed impacts; and

2. The mitigation will occur on a site identified using the site selection and prioritization process in the approved in-lieu fee program instrument; and

3. The proposed use of credits is consistent with the terms and conditions of the approved in-lieu fee program instrument; and

4. Land acquisition and initial physical and biological improvements of the mitigation site must be completed within three years of the credit sale; and

5. Projects using in-lieu fee credits shall have debits associated with the proposed impacts calculated by the applicant's qualified wetland scientist using the method consistent with the credit assessment method specified in the approved instrument for the in-lieu fee program; and

6. Credits from an approved in-lieu fee program may be used to compensate for impacts located within the service area specified in the approved in-lieu fee instrument.

Section 6. Section 14.28.500 of the Lacey Municipal Code is hereby amended to read as follows:

14.28.500 Application approval—Compensatory mitigation—Cooperative restoration, creation or enhancement projects.

A. The city of Lacey may encourage, facilitate, and approve cooperative projects wherein a single applicant or other organization with demonstrated capability may undertake a compensation project with funding from other applicants under the following circumstances:

1. Restoration, creation or enhancement at a particular site or wetland type may be scientifically difficult or impossible; or

2. Creation of one or several larger wetlands may be preferable to many small wetlands.

B. Persons proposing cooperative compensation projects shall:

1. Submit a joint permit application;

2. Demonstrate compliance with all standards;

3. Demonstrate the organizational and fiscal capability to act cooperatively; and

4. Demonstrate that long term management can and will be provided.

Section 7. Table 14T-19 of the Lacey Municipal Code is hereby amended to read as follows:

~~Points for Habitat from Wetland Rating Form~~	~~19~~	~~20~~	~~21~~	~~22~~	~~23~~	~~24~~	~~25~~	~~26~~	~~27~~	~~28~~	~~29~~	~~30~~	~~31~~	~~32~~	~~33~~	~~34~~	~~35~~	~~36~~
~~Wetland Buffer Width High Intensity Uses~~	~~100~~	~~100~~	~~100~~	~~120~~	~~140~~	~~160~~	~~180~~	~~200~~	~~220~~	~~240~~	~~260~~	~~280~~	~~300~~	~~300~~	~~300~~	~~300~~	~~300~~	~~300~~
~~Wetland Buffer Width Low Intensity Uses~~	~~50~~	~~50~~	~~50~~	~~60~~	~~70~~	~~80~~	~~90~~	~~100~~	~~110~~	~~120~~	~~130~~	~~140~~	~~150~~	~~150~~	~~150~~	~~150~~	~~150~~	~~150~~

Points for Habitat from Wetland Rating Form	3	4	5	6	7	8	9
Alternative 3A High Intensity	80	100	140	180	220	260	300
Alternative 3A Low Intensity	40	55	75	95	115	135	150

Section 8. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 9. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 10. 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 18th day of December, 2014.

CITY COUNCIL

By: Cynthia R. Pratt for Mayor Ryder
Mayor

Approved as to form:

City Attorney

Attest:

Carol Sitler
City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE NO. 1449

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on December 18, 2014, Ordinance No. 1449, entitled "AN ORDINANCE OF THE CITY OF LACEY RELATING TO WETLANDS PROTECTION, AMENDING SECTIONS 14.28.030, 14.28.090, 14.28.100, 14.28.450, 14.28.455 AND 14.28.500, AND AMENDING TABLE 14T-19, ALL OF THE LACEY MUNICIPAL CODE, AND APPROVING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. The Ordinance amends certain sections of the Lacey Municipal Code to conform with the Washington State wetland rating systems as updated by the Department of Ecology.

2. 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: December 22, 2014.