



CITY OF PUYALLUP

Development Services Center

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Draft July 2019

Draft code amendment:

PMC 21.06.910 (4)

Draft amendment code text for review

Project:	Shoreline periodic update 2019, critical areas update
Description of code amendment:	Update to wetland regulations related to certain category III and IV wetlands
Discussion:	Changes required to update city critical areas ordinance for consistency with best available science guidance from Department of Ecology. PMC 21.06.910 (4) outlines certain wetlands not regulated by local ordinance, but which are still regulated by Federal and State regulations. This set of differing regulatory requirements creates inconsistencies with the way critical areas are regulated for local land owners and can cause confusion. Additionally, the Dept. of Ecology has presented information from the Wetland Guidance manual showing that the threshold for regulating some of these small, lower category wetlands should be lowered based on Best Available Science.
Original code text:	<p>21.06.910 Designation, mapping, and rating.</p> <p>(4) All wetlands shall be regulated and subject to the provisions of this chapter regardless of size, except for Category III wetlands less than 2,500 square feet if the wetland is not associated with a riparian corridor or part of a wetland mosaic and Category IV wetlands less than 10,000 square feet. Impacts will be allowed to Category III wetlands between 2,500 square feet and 3,000 square feet, if the following criteria are met as detailed in an approved critical area report demonstrating:</p> <ul style="list-style-type: none">(a) The wetland is not associated with a riparian corridor;(b) The wetland is not part of a wetland mosaic;(c) The wetland does not score six points or greater for habitat in the Western Washington Wetland Rating System form;(d) The wetland does not contain habitat identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife; and(e) The impacts are fully mitigated in accordance with any conditions from the state Department of Ecology and/or U.S. Army Corps (USACE). This exemption does not relieve the applicant/property owner from permits required by the

state Department of Ecology and/or U.S. Army Corps (USACE). The applicant/property owner shall provide proof of applicable approvals, exemptions and/or permits obtained from the state Department of Ecology and/or U.S. Army Corps (USACE) prior to the city approving any construction permits for the subject fill action.

Proposed amendment text:

21.06.910 Designation, mapping, and rating.

(4) All wetlands shall be regulated and subject to the provisions of this chapter regardless of size, except for ~~Category III~~ wetlands less than ~~2,500~~ 1,000 square feet if the wetland is not associated with a riparian corridor or part of a wetland mosaic and Category IV wetlands less than ~~10,000~~ 4,000 square feet. ~~Impacts will be allowed to Category III wetlands between 2,500 square feet and 3,000 square feet,~~ if the following criteria are met as detailed in an approved critical area report demonstrating:

(a) The wetland is not associated with a riparian corridor, or buffer associated with the riparian corridor;

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

(c) The wetland does not score ~~six~~ five points or greater for habitat function in the Western Washington Wetland Rating System form;

(d) The wetland does not contain priority habitat or a priority habitat area identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife, nor does the wetland habitat related to federally listed species or their critical habitat, or species of local importance; and

(e) The impacts are fully mitigated in accordance with any conditions from the state Department of Ecology and/or U.S. Army Corps (USACE). This exemption does not relieve the applicant/property owner from permits required by the state Department of Ecology and/or U.S. Army Corps (USACE). The applicant/property owner shall provide proof of applicable approvals, exemptions and/or permits obtained from the state Department of Ecology and/or U.S. Army Corps (USACE) prior to the city approving any construction permits for the subject fill action.

Supporting information:

WA State Ecology – Wetland Guidance for CAO updates

<https://fortress.wa.gov/ecy/publications/documents/1606001.pdf>