

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK AMENDING CHAPTER 16.16, “ENVIRONMENTALLY SENSITIVE AREAS” OF THE LAKE FOREST PARK MUNICIPAL CODE TO COMPLY WITH THE CITY’S PHASE II MUNICIPAL STORMWATER GENERAL PERMIT.

WHEREAS, the City finds that adoption of these amendments to the Lake Forest Park Municipal Code related to water quality are necessary to protect the health, safety and welfare of the residents of Lake Forest Park and the integrity of the city's resources for the benefit of all by: minimizing or eliminating water quality degradation; preserving and enhancing the suitability of waters for recreation, fishing, and other beneficial uses; and preserving and enhancing the aesthetic quality and biotic integrity of the water; and

WHEREAS, the City recognizes that adoption of these revisions are required under the federal Clean Water Act, 33 U.S.C. 1251 et. seq., and the Western Washington Phase II Municipal Stormwater General Permit issued by the Washington Department of Ecology pursuant to the Clean Water Act and Chapter 90.48 of the Revised Code of Washington; and

WHEREAS, while recognizing the necessity to comply with the Clean Water Act and Chapter 90.48 RCW, the City Council also recognizes the importance of maintaining economic viability while providing necessary environmental protection and believes that adoption of these amendments to the Lake Forest Park Municipal Code will help achieve both goals; now, therefore,

**THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK,
WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1. Section 16.16.330 of the Lake Forest Park Municipal Code is amended as follows:

16.16.330 Wetlands – Permitted alterations.

A. Exceptions to the wetlands requirements may be allowed only if it is determined by the planning director that the development site proposal will enhance or protect the wildlife habitat, natural drainage or other functions and will be consistent with the purposes of this chapter.

1. The applicant shall submit a report prepared by a qualified professional. The report shall assess the habitat, water quality, stormwater detention, groundwater recharge, and erosion protection functions of the buffer; assess the effects of the proposed modification on those functions; and address other criteria listed in this subsection. The report shall include specific recommendations for mitigation including, but not limited to, construction techniques or design, drainage or density specifications.

2. If a wetland is located in a flood hazard area, the applicant shall notify in writing the affected parties and the appropriate responsible officials of the proposed alterations before undertaking any alteration.
3. Introduction of nonnative plant material or wildlife into any wetland or buffer is prohibited unless authorized by a city-approved nonnative plant list or a state or federal permit or approval.

B. Sewer utility corridors may be allowed in wetland buffers only if:

1. The applicant demonstrates that there are no feasible alternatives;
2. The corridor is not located in a wetland or buffer that is used by species listed as endangered, threatened or priority by the state or federal government or that contains critical or outstanding actual habitat for those species or rookeries or raptor nesting sites;
3. The corridor alignment including, but not limited to, any allowed maintenance roads follows a path beyond a distance equal to 75 percent of the standard buffer width from the wetland edge;
4. Any corridor construction or maintenance protects the wetland and buffer, the corridor is aligned to avoid cutting trees greater than 12 inches in diameter when possible, and use of pesticides, fertilizers, or herbicides is consistent with best management practices to avoid wetland and habitat impacts;
5. Provision is made for an additional contiguous buffer of equal width to the proposed corridor, including any maintenance roads to protect the wetland;
6. The corridor is revegetated with native vegetation to a state equal to or greater than preconstruction densities immediately upon completion of construction or as soon as possible. Maintenance and monitoring provisions for the revegetation will be a part of any revegetation plan;
7. Additional access for maintenance shall be limited to specific points rather than via parallel roads; and
8. The width of any necessary parallel road providing maintenance access is as narrow as possible, not to exceed 15 feet, and maintenance is carried out in accordance with wetland management standards.

C. Joint use of an approved sewer utility corridor by other utilities shall be encouraged.

D. Surface water management activities and facilities may be allowed in wetland buffers only as follows:

1. Surface water may discharge to a wetland from a detention facility, presettlement pond or other surface water management activity or facility; provided, that the discharge does not increase the rate of flow, change the plant composition or decrease the water quality of the wetland;
2. A Category ~~2~~^{or 3} wetland or buffer may be used for a regional detention/retention facility only when:
 - a. A public agency or utility is authorized by LFPMC 16.16.260;
 - b. The rating or factors used in rating the wetlands will not alter the use;
 - c. There are no adverse impacts to the wetland;

3. A Category 3 wetland or buffer with the major function of water storage may be used as a regional retention/detention facility; provided, that presettlement ponds are required and all other applicable standards are met and:
- a. No other practical alternative exists; and
 - b. The functions of the buffer or wetland are not adversely affected.
 - c. [As allowed in wetlands approved for hydrologic modification and/or treatment in accordance with Guide sheet 1B in Appendix I-D of the Stormwater Management Manual for Western Washington \(2005\).](#)

E. Wetlands shall not be used for retention/detention facilities other than for regional facilities as provided for in this section.

F. Alterations to isolated wetlands will be permitted only pursuant to an approved mitigation plan.

G. Wetland crossings may be allowed; provided, that the planning director determines that:

- 1. No possible alternative exists;
- 2. All crossings minimize impact to the wetland and provide mitigation for unavoidable impacts through restoration, enhancement or replacement of disturbed areas;
- 3. The overall wetland hydrology is not changed;
- 4. Important habitat functions are not disturbed;
- 5. Construction is scheduled during periods of low water tables, generally during the drier summer months. (Ord. 930 § 2, 2005)

Section 2. If any provision of this chapter or its application to any person or property is held invalid, the remainder of the chapter or the application of the provision to other persons or property shall not be affected.

Section 3. This ordinance shall take effect on _____, 2010, following publication as provided by law.

PASSED BY A MAJORITY VOTE of the members of the City of Lake Forest Park City Council this ____ day of _____ 2010.

APPROVED:

David R. Hutchinson, Mayor