

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1924

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, REPEALING SECTION 17.17.270 AND AMENDING SECTIONS 17.05.050, 17.05.070, 17.05.080, 17.05.090, 17.17.020, 17.17.070, 17.17.210, 17.17.220, 17.17.230, 17.17.240, 17.17.270, 17.17.280, 17.17.290, 17.17.330, 17.17.360, 17.17.390, AND 17.17.420 REGARDING WETLAND REGULATIONS**

WHEREAS, the Growth Management Act (RCW 36.70A.130) requires Cities within King, Pierce, and Snohomish Counties to periodically update their development regulation; and

WHEREAS, the City of Fife City Council adopts the amendments to the Municipal Code in order to meet the mandates of the Growth Management Act; and

WHEREAS, the Growth Management Act affords cities significant flexibility and there are various legitimate alternative methods to accomplish the requirement of the Growth Management Act; and

WHEREAS, the Growth Management Act, in RCW 36.70A.130, requires the City of Fife to take legislative action to review, and if needed, revise its development regulations to ensure their continued compliance with the requirements in Chapter 36.70A RCW by June 30<sup>th</sup>, 2016 (also known as “periodic review”); and

WHEREAS, the Fife Planning Commission reviewed the proposed amendments at their regularly scheduled meeting(s) in July, August and September; and

WHEREAS, the Fife Planning Commission made a recommendation of approval, on INSERT DATE, to the Fife City Council; and

WHEREAS, the City issued a SEPA Determination of Non-significance on August 18<sup>th</sup>, 2015; and

WHEREAS, the City has met all notice and procedural requirements for the adoption of the proposed amendments; and

WHEREAS, the proposed amendments are supported by best available science and the Department of Ecology’s guidance found in publication #10-06-002, titled “Wetlands and CAO Updates: Guidance for Small Cities”; and

WHEREAS, the staff are known to the City Council and Council considers the professional judgment and experience of the staff that have worked on this update; and

WHEREAS, this ordinance is supported by the Agenda Bill summary and attachments associated with this Ordinance

WHEREAS, the City Council finds the proposed amendments as accepted by Council, as set forth in this ordinance are consistent with the Fife Comprehensive Plan and with the goals and policies of the Growth Management Act; and

WHEREAS, this Ordinance is adopted pursuant to RCW 36.70A and Article 11, Section 11 of the Washington State Constitution; and

WHEREAS, adoption of the proposed amendments completes the City's GMA mandated periodic review and update of the City's development regulations; now therefore

THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Section 17.05.050 of the Fife Municipal Code is hereby amended to read as follows:

**17.05.050 Exemptions.**

All exempted activities shall use reasonable methods to avoid potential impacts to critical areas. Exemption from this title does not authorize the degradation of a critical area or the ignoring of risk from natural hazards. Any ~~incremental damage to, or alteration of, a critical area and/or its associated buffer that is not a necessary outcome of the exempted activity~~ shall be restored, rehabilitated, or replaced at the responsible party's expense. The following activities are exempt from the provisions of this title:

- A. Existing agricultural activities as defined in FMC Title 19;
- B. Maintenance and reconstruction of existing roads; provided, the reconstruction does not involve expansion of facilities;
- C. Maintenance or replacement of existing utility lines; provided, that replacement occurs at the same location;
- D. Reconstruction, maintenance, or remodeling of existing single-family residential structures; provided, that the building footprint does not increase by more than ~~25~~10 percent; and provided, that the expansion does not intrude further into the critical area;
- E. Reconstruction, maintenance, or remodeling of other than single-family structures; provided, that such reconstruction, maintenance, or remodeling does not increase building floor area or existing lot coverage;
- F. Site investigative work necessary for land use application submittals;
- G. Permit requests subsequent to previous critical area review and approval;

H. Modification to existing structures that does not further alter or increase the impact to the critical area or buffer;

I. Activities within an improved right-of-way;

J. Public and private pedestrian trails subject to the following requirements; and;

1. Trails in wetland buffers or fish and wildlife habitat conservation area buffers shall be located in the outer 25 percent of the buffer where feasible;

2. The trail surface shall meet all other applicable requirements including water quality standards set forth in the storm water management regulations (Chapter 13.26 MMC), and parks trail standards;

3. Critical area and/or buffer widths shall be increased, where possible, equal to the width of the trail corridor, including disturbed areas; and

4. Trails proposed to be located in landslide or erosion hazard areas shall be constructed in a manner that does not increase the risk of landslide or erosion and in accordance with an approved geotechnical report;

K. Selected vegetation removal activities upon approval by the community development director, subject to the following requirements;

1. The removal of the following vegetation with hand labor and light equipment:

a. Invasive and noxious weeds;

b. English Ivy (Hedera helix);

c. Himalayan blackberry (Rubus discolor, R. procerus);

d. Evergreen blackberry (Rubus laciniatus);

e. Canary grass; and

f. Other commonly found invasive species.

2. The removal of trees from critical areas and buffers that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to private property; provided, that:

a. The applicant submits a report from a certified arborist, registered landscape architect, or professional forester that documents the hazard and provides a replanting schedule for the replacement trees;

b. Where trimming is not sufficient to address the hazard, trees should be removed or converted to wildlife snags;

c. All vegetation cut (tree stems, branches, etc.) shall be left within the critical area or buffer unless removal is warranted due to the potential for disease or pest transmittal to other healthy vegetation;

d. Coniferous trees shall be replaced by coniferous trees native to Washington and deciduous trees shall be replaced by deciduous trees native to Washington;

e. Replacement coniferous trees shall be at least eight feet in height. Replacement deciduous trees shall be at least one and one-half inches in diameter (DBH);

f. Trees shall be replaced subject to the following replacement ratios:

i. Removed trees with a DBH greater than nine inches up to 12 inches shall be replaced by four trees;

ii. Removed trees with a DBH greater than 12 inches up to 16 inches shall be replaced by six trees; and

iii. Removed trees with a DBH of 16 inches or more shall be replaced by eight trees;

g. If a tree to be removed provides critical habitat, such as an eagle perch, a qualified wildlife biologist shall be consulted to determine timing and methods of removal that will minimize impacts;

h. Hazard trees determined to pose an imminent threat or danger to public health or safety, to public or private property, or of serious environmental degradation may be removed or pruned by the landowner prior to receiving written approval from the city; provided, that within 14 days following such action, the landowner shall submit a restoration plan that demonstrates compliance with the provisions of this title; and

i. Financial guarantees for replacement trees may be required consistent with the provisions of FMC 17.05.120.

Section 2. Section 17.05.070 of the Fife Municipal Code is hereby amended to read as follows:

**17.05.070 Reasonable use exception.**

A. If the application of this title would deny all reasonable use of the site, an applicant for development proposal may submit a request for a reasonable use exception to the hearing examiner. Development may be allowed which is consistent with the purpose of this title; provided, the hearing examiner, after public hearing and consultation with the city attorney, enters written findings that the provisions of this title would deny all reasonable use of the property, that there is no other reasonable use with less impact on the critical area or its buffer, that any alteration is the minimum necessary to allow a reasonable use of the property, and that the proposed development does not pose an unreasonable threat to the public health, safety, or welfare on or off the property. The inability to derive reasonable economic use shall not be a

result of actions by the applicant or that of a previous owner, such as segregation or ~~diving~~ dividing the property and creating an undevelopable condition. The burden of ~~proof~~ proof in meeting the requirements of a reasonable use exception shall be on the applicant.

B. The hearing examiner shall impose all conditions necessary to minimize the impact on the critical area and its buffer and further the purpose and goals of this title. Full mitigation shall be required under the city's environmental protection regulations adopted pursuant to SEPA. (Ord. 1593-06 § 47, 2006; Ord. 1566-05 § 9, 2005; Ord. 1111 § 8, 1992).

Section 3. Section 17.05.080 of the Fife Municipal Code is hereby amended to read as follows:

**17.05.080 Critical areas review.**

A. The community development director shall perform a critical areas review of all applications for land use activities within critical areas, their buffers, or lands within ~~200~~ 225 feet of a critical area, unless otherwise provided in this chapter.

B. The community development director shall verify the information submitted by the applicant to:

1. Confirm the nature and type of critical areas;
2. Determine if the applicant must conduct further studies including submittal of a critical areas report to allow proper analysis of the project impact upon a critical area or its buffer;
3. Determine whether the development proposal is consistent with the purpose, goals and intent of this chapter and title;
4. Determine whether any alterations to the critical area may be avoided by reasonable modification of the proposal;
5. Determine if the management, mitigation, or monitoring plans, if any, proposed by the applicant are sufficient to carry out the intent of this chapter and title. (Ord. 1566-05 § 11, 2005; Ord. 1111 § 9, 1992).

Section 4. Section 17.05.090 of the Fife Municipal Code is hereby amended to read as follows:

**17.05.090 Approval.**

The community development director may approve, approve with conditions, or deny any development proposal as is necessary to further the goals of this chapter and title and to comply with their intent, based on the following criteria:

A. The proposal minimizes the impact on critical areas in accordance with FMC 17.05.087;

B. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;

C. The proposal is consistent with the general purposes of this title and the public interest;

D. Any alterations permitted to the critical areas are mitigated in accordance with the critical areas report and FMC 17.05.087;

E. The proposal protects the critical area functions and values consistent with the best available science;

F. The proposal is consistent with the other requirements, regulations, and provisions of this chapter and title. (Ord. 1566-05 § 14, 2005; Ord. 1111 § 10, 1992).

Compliance with the provisions of this Chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (for example, Shoreline Substantial Development Permits, HPA permits, Army Corps of Engineers Section 404 permits, NPDES permits). The applicant is responsible for complying with these requirements, apart from the process established in this Chapter. Where applicable, the Administrator will encourage use of information such as permit applications to other agencies or special studies prepared in response to other regulatory requirements to support required documentation submitted for critical areas review.

Section 5. Section 17.17.020 of the Fife Municipal Code is hereby amended to read as follows:

**17.17.020 Definitions.**

A. “Administrative authority” means those public officials authorized by this chapter to administer the provisions and employ the procedures set forth in this chapter.

B. “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.

C. “Best management practices” means conservation practices or systems of practices and measures that:

1. Control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment;
2. Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of wetlands.

D. “Categories I, II, III, IV wetlands” means the category applied to the wetland consistent with the Washington State Wetland Rating System for Western Washington—2014 Update (Ecology Publication #14-06-029, October 2014) or as thereafter revised and approved by Ecology. ~~the Puget Sound region wetland rating system developed by the Department of Ecology.~~ Wetland

rating categories shall be applied as the wetland exists on the date of adoption of the rating system by the local government, as the wetland may naturally change thereafter, or as the wetland may change in accordance with permitted activities. Wetland rating categories shall not be altered to recognize illegal modifications. The criteria for the rating system are:

~~1. Category I Criteria:~~

- ~~a. Documented habitat for endangered or threatened plant, fish, or animal species or for potentially extirpated plant species recognized by state or federal agencies; or~~
- ~~b. High quality native wetland communities, including documented Category I or II quality natural heritage wetland sites and sites which qualify as a Category I or II quality natural heritage wetland; or~~
- ~~c. High quality, regionally rare wetland communities with irreplaceable ecological functions, including sphagnum bogs and fens, estuarine wetlands, or mature forested swamps; or~~
- ~~d. Wetlands of exceptional local significance. The criteria for such a designation shall be developed and adopted by the city. The criteria may include, but not be limited to, rarity, groundwater recharge areas, significant habitats, unique educational sites or other specific functional values within a watershed or other regional boundary.~~

~~2. Category II Criteria:~~

- ~~a. Wetlands that do not contain features outlined in Category I; and~~
- ~~b. Documented habitats for sensitive plant, fish or animal species recognized by federal or state agencies; or~~
- ~~c. Rare wetland communities which are not high quality; or~~
- ~~d. Wetland types with significant functions which may not be adequately replicated through creation or restoration. In the Puget Sound planning area, these wetlands may be demonstrated by the following characteristics:
  - ~~i. Significant peat systems; or~~
  - ~~ii. Forested swamps that have three canopy layers, excluding monotypic stands of red alder averaging eight inches diameter at breast height or less; or~~
  - ~~iii. Significant spring-fed systems;~~~~
- ~~e. Wetlands with significant habitat value based on diversity and size, which are defined as:
  - ~~i. Ten acres or greater in size; and two or more wetland classes together with open water at any time during a normal year; or~~
  - ~~ii. Ten acres or greater in size; and three or more wetland classes; and five or more subclasses of vegetation in a dispersed pattern; or~~~~

~~iii. Five acres or greater in size; and 40 percent to 60 percent open water at any time during a normal year; and two or more subclasses of vegetation in a dispersed pattern;~~

~~f. Wetlands contiguous with salmonid fish-bearing waters, including streams where flow is intermittent; or~~

~~g. Wetlands with significant use by fish and wildlife.~~

~~3. Category III Criteria. Category III are wetlands that do not contain features outlined in Category I, II or IV.~~

~~4. Category IV Criteria.~~

~~a. Wetlands which do not meet the criteria of a Category I or II wetland; and~~

~~b. Hydrologically isolated wetlands that are less than or equal to two acres in size, and have only one wetland class and have only one dominant plant species (monotypic vegetation); or~~

~~e. Hydrologically isolated wetlands that are less than or equal to two acres in size, and have only one wetland class and a predominance of exotic species.~~

**Category I.** Category I wetlands are: (1) relatively undisturbed estuarine wetlands larger than 1 acre; (2) wetlands of 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.

**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).

**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.

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

F. "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 where a wetland formerly existed, but 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.

G. "Conservation easement" means a reservation or encumbrance on a particular piece of real property that precludes building improvement(s) intended for human habitation or other structures or activities that would frustrate the primary purpose of the easement as a buffer.

H. "Critical habitat" means habitat necessary for the survival of endangered, threatened, rare, sensitive or monitor species.

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

J. "Development proposal" means all activity relating to the use and/or development of land requiring a permit or approval from the city, including, but not limited to: commercial or residential permit; franchise right-of-way permit; grading and clearing permit; mixed use approval; planned unit development; shoreline conditional use permit; shoreline substantial development permit; shoreline variance; short subdivision; special use permit; subdivision; flood hazard permit; unclassified use permit; utility and other use permit; variance; rezone; or any subsequently required permit or approval not expressly exempted by this chapter.

K. "Emergent wetland" means a regulated wetland with at least 30 percent of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative strata.

L. "Existing and ongoing agriculture" includes those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops or livestock, for

example, the operation and maintenance of farm and stock farms or drainage ditches, operation and maintenance of ditches, irrigation systems, 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 conservation 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.

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

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

O. "Federal manual for identifying and delineating jurisdictional wetlands" means the ~~manual prepared by the federal interagency committee for wetland delineation in 1989~~ approved federal wetland delineation manual and applicable regional supplement.

P. "Forested wetland" means a regulated wetland with at least 20 percent of the surface area covered by woody vegetation greater than 20 feet in height.

Q. "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, groundwater 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.

R. "High intensity land use" includes land uses which are associated with moderate or high levels of human disturbance or substantial wetland impacts including, but not limited to, residential densities higher than four units per acre, multifamily residential, active recreation, and commercial and industrial land uses.

S. "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 water quality problems.

T. "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 approved federal wetland delineation manual and applicable regional supplement. ~~"federal manual for identifying and delineating jurisdictional wetlands."~~

U. "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 approved federal wetland delineation manual and applicable regional supplement. ~~"federal manual for identifying and delineating jurisdictional wetlands."~~

V. "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 mean replacement "in-category."

W. "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.

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

Y. "Major structures and improvements" means projects which require a threshold determination and environmental documentation under the city's environmental policy act.

Z. "Maps and inventory" means that series of maps maintained by the city department of community development for the purpose of graphically depicting the boundaries of wetland, and the associated report entitled, "Wetland Inventory, City of Fife" of October 1991.

AA. "Mitigation" includes avoiding, minimizing or compensating for adverse impacts. Mitigation for individual actions may include a combination of measures. 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.

BB. "Monitor species" means taxa of potential concern; species that are managed by the Washington Department of Fish and Wildlife as needed, and are classified as such for one or more of the following reasons:

1. They were classified as endangered, threatened, or sensitive within the previous five years.
2. They require habitat that is of limited availability during some portion of their life cycle.
3. They are indicators of environmental quality.
4. There are unresolved taxonomic questions that may affect their candidacy for listing as endangered, threatened, or sensitive species.

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

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

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

FF. "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."

GG. "Practicable alternative design" means an alternative project design that is reasonable 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 on wetlands. It includes, but is not limited to: reducing density, phasing of project development, change in timing of activities, revision of road and utility and lot layout.

HH. "Qualified wetland professional" means a professional wetland scientist with at least two years of full-time work experience as a wetlands professional, including delineating wetlands using the state or federal manuals, preparing wetland reports, conducting function assessments, and developing and implementing mitigation plans.

II. "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 that would alter the character of a regulated wetland; provided, that these activities are not part of a forest practice governed under Chapter 76.09 RCW and its rules; or
8. Activities that result in a significant change of water temperature, a significant change of physical or chemical characteristics of wetland water sources, including quantity, or the introduction of pollutants.

HJJ. “Regulated wetlands” mean the following: means ponds 20 acres or less, including their submerged aquatic beds, and those lands defined as wetlands under the federal Clean Water Act, 33 U.S.C. Section 1251 et seq., and rules promulgated pursuant thereto and shall be those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Regulated wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands created as mitigation and wetlands modified for approved land use activities shall be considered as regulated wetlands. All Category I and II wetlands shall be considered regulated wetlands. Regulated wetlands do not include Category III and IV wetlands less than 2,5001,000 square feet, provided that a qualified wetland professional submits a critical areas report verifying the wetland is not 1) Are not associated with riparian areas or buffers, or 2) Are not part of a wetland mosaic, or 3) 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 identified in FMC 17.11 –and Category IV wetlands less than 10,000 square feet. Regulated wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. The applicant shall bear the burden of proving that the site was not previously a wetland. For identifying and delineating a regulated wetland, Fife shall consider the “federal manual for identifying and delineating jurisdictional wetlands.”approved federal wetland delineation manual and applicable regional supplements.

HJK. “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 are not included in this definition.

~~KKLL~~. “Scrub-shrub wetland” means a regulated wetland with at least 30 percent of its surface area covered by woody vegetation less than 20 feet in height as the uppermost strata.

~~LLMM~~. “Serviceable” means presently usable.

~~MMNN~~. “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.

~~NNOO~~. “Water-dependent” means requiring the use of surface water that would be essential to fulfill the purpose of the proposed project.

~~OOPP~~. “Wetland” or “wetlands” means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that 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 nonwetland 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 the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands. RCW 36.70A.030(21)

~~OO~~. “Wetland,” for the purposes of inventory, incentives, and nonregulatory 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:

- ~~1. At least periodically, the land supports predominantly hydrophytes;~~
- ~~2. The substrate is predominantly undrained hydric soil; and~~
- ~~3. The substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.~~

~~PPQQ~~ “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.

~~PPQQR~~. “Wetland edge” means the boundary of a wetland as delineated based on the definitions contained in this chapter. (Ord. 1804 § 1, 2012; Ord. 1566-05 § 46, 2005; Ord. 1116 § 3, 1992).

Section 6. Section 17.17.070 of the Fife Municipal Code is hereby amended to read as follows:

**17.17.070 Maps and inventory.**

The approximate location and extent of wetlands in the city are shown on adopted critical area maps, including city maps and National Wetlands Inventory maps. Additionally, soil maps produced by the United States Department of Agriculture Natural Resources Conservation Service may be used to help identify potential wetland areas. These maps are to be used as a guide for the city, project applicants, and/or property owners, and shall be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation. The exact location of a wetland's boundary shall be determined through the performance of a field investigation by a qualified professional applying the latest edition of the approved federal wetland delineation manual and applicable regional supplement~~Washington State Wetlands Identification and Delineation Manual~~ as required by RCW 36.70A.175. (Ord. 1566-05 § 47, 2005; Ord. 1116 § 8, 1992).

Section 7. Section 17.17.210 of the Fife Municipal Code is hereby amended to read as follows:

**17.17.210 Site analysis.**

The exact location of the wetland boundary shall be determined by the applicant through the performance of a field investigation applying the wetland definitions contained in this chapter. Qualified professional and technical scientists shall perform wetland delineations using the "approved federal wetland delineation manual and applicable regional supplements."~~federal manual for identifying and delineating jurisdictional wetlands~~<sup>2</sup>. The results of the site analysis shall be placed on a map showing the wetlands to scale and the map shall be submitted as part permit application. (Ord. 1116 § 22, 1992).

B. The community development director, when requested by the applicant, may waive the delineation of the boundary requirement for the applicant and, in lieu of delineation by the applicant, perform the delineation. The community development director shall consult with qualified professional scientists and technical experts or other experts as needed to perform the delineation. The applicant shall be charged for the costs incurred as part of his permit application fee.

C. Where the community development director 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 community development director 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 community development director shall, at the applicant's expense, obtain expert services to render a final delineation. (Ord. 1116 § 22, 1992).

Section 8. Section 17.17.220 of the Fife Municipal Code is hereby amended to read as follows:

**17.17.220 Exempted wetlands.**

Category III and IV wetlands less than 1,000 square feet ~~Category II and III wetlands of 2,500 square feet or less, and Category IV wetlands of 10,000 square feet or less~~ are exempt from the buffer provisions contained in this Chapter and the normal mitigation sequencing process in FMC 17.05.087, provided the following is verified by a qualified wetland professional, with the submission of a critical areas report:

1. All isolated Category III and IV wetlands less than 1,000 square feet that:

a. Are not associated with riparian areas or buffers

b. Are not part of a wetland mosaic

c. 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 identified in Chapter 17.15.

~~excluded from all provisions of this chapter.~~ (Ord. 1116 § 23, 1992).

Section 9. Section 17.17.230 of the Fife Municipal Code is hereby amended to read as follows:

**17.17.230 Required buffer depths.**

~~A. A buffer zone shall be required adjacent to, and outside of, all regulated wetlands according to the following schedule: Buffer Requirements. The standard buffer widths in Table XX-1 have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington state wetland rating system for western Washington.~~

1. The use of the standard buffer widths requires the implementation of the measures in Table XX-2, where applicable, to minimize the impacts of the adjacent land uses.

2. If an applicant chooses not to apply the mitigation measures in Table XX-2, then a 33% increase in the width of all buffers is required. For example, a 75-foot buffer with the mitigation measures would be a 100-foot buffer without them.

3. The standard buffer widths assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should shall either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.
4. Additional buffer widths are added to the standard buffer widths. For example, a Category I wetland scoring 32 points for habitat function would require a buffer of 225 feet (75 + 150).

Category I wetlands—150 feet

Category II wetlands—100 feet

Category III wetlands—50 feet

Category IV wetlands—25 feet

**Table XX.1 Wetland Buffer Requirements for Western Washington**

<u>Wetland Category</u>	<u>Buffer width (in feet) based on habitat score</u>			
	<u>3-4</u>	<u>5</u>	<u>6-7</u>	<u>8-9</u>
<u>Category I:</u> <u>Based on total score</u>	<u>75</u>	<u>105</u>	<u>165</u>	<u>225</u>
<u>Category I:</u> <u>Bogs and</u> <u>Wetlands of High</u> <u>Conservation Value</u>	<u>190</u>			<u>225</u>
<u>Category I:</u> <u>Coastal Lagoons</u>	<u>150</u>		<u>165</u>	<u>225</u>
<u>Category I:</u> <u>Forested</u>	<u>75</u>	<u>105</u>	<u>165</u>	<u>225</u>
<u>Category I:</u> <u>Estuarine</u>	<u>150</u> (buffer width not based on habitat scores)			
<u>Category II:</u> <u>Based on score</u>	<u>75</u>	<u>105</u>	<u>165</u>	<u>225</u>

<u>Category II:</u> <u>Estuarine</u>	<u>110</u> (buffer width not based on habitat scores)			
<u>Category III (all)</u>	<u>60</u>	<u>105</u>	<u>165</u>	<u>225</u>
<u>Category IV (all)</u>	<u>40</u>			

**Table XX.2 Required measures to minimize impacts to wetlands**

(Measures are required, where applicable to a specific proposal)

<b><u>Disturbance</u></b>	<b><u>Required Measures to Minimize Impacts</u></b>
<u>Lights</u>	<ul style="list-style-type: none"> <li>• <u>Direct lights away from wetland</u></li> </ul>
<u>Noise</u>	<ul style="list-style-type: none"> <li>• <u>Locate activity that generates noise away from wetland</u></li> <li>• <u>If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source</u></li> <li>• <u>For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer</u></li> </ul>
<u>Toxic runoff</u>	<ul style="list-style-type: none"> <li>• <u>Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered</u></li> <li>• <u>Establish covenants limiting use of pesticides within 150 ft of wetland</u></li> <li>• <u>Apply integrated pest management</u></li> </ul>
<u>Stormwater runoff</u>	<ul style="list-style-type: none"> <li>• <u>Retrofit stormwater detention and treatment for roads and existing adjacent development</u></li> <li>• <u>Prevent channelized flow from lawns that directly enters the buffer</u></li> <li>• <u>Use Low Intensity Development techniques (for more information refer to the drainage ordinance and manual) (per PSAT publication on LID techniques)</u></li> </ul>
<u>Change in water regime</u>	<ul style="list-style-type: none"> <li>• <u>Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns</u></li> </ul>

<u>Pets and human disturbance</u>	<ul style="list-style-type: none"> <li>• <u>Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion</u></li> <li>• <u>Place wetland and its buffer in a separate tract or protect with a conservation easement</u></li> </ul>
<u>Dust</u>	<ul style="list-style-type: none"> <li>• <u>Use best management practices to control dust</u></li> </ul>
<u>Disruption of corridors or connections</u>	<ul style="list-style-type: none"> <li>• <u>Maintain connections to offsite areas that are undisturbed</u></li> <li>• <u>Restore corridors or connections to offsite habitats by replanting</u></li> </ul>

~~B. The above buffer zone depths for Category I and II wetlands may be increased or decreased by a maximum of 25 percent if appropriate pursuant to the terms of this chapter. (Ord. 1116 § 24, 1992).~~

Section 10. Section 17.17.240 of the Fife Municipal Code is hereby amended to read as follows:

**17.17.240 Buffers in natural state.**

Wetland buffer zones shall be retained in their natural condition. Where buffer disturbance is unavoidable during adjacent construction, re-vegetation will be required with native plant materials preferred. (Ord. 1116 § 25, 1992).

Section 11. Section 17.17.270 of the Fife Municipal Code is hereby repealed:

~~**17.17.270 Reduction of standard wetland buffer zone width.**~~

~~The community development director may reduce the standard wetland buffer zone widths on a case by case basis where it can be demonstrated that:~~

~~A. The adjacent land is extensively vegetated and has less than 15 percent slopes and that no direct or indirect, short term or long term, adverse impacts to regulated wetlands, as determined by the community development director, will result from a regulated activity. The community development director may require long term monitoring of the project and subsequent corrective actions if adverse impacts to regulated wetlands are discovered; or~~

~~B. The project includes a buffer enhancement plan using native vegetation which substantiates that an enhanced buffer will improve the functional attributes of the buffer to provide additional protection for wetlands functions and values. An enhanced buffer shall not result in greater than a 25 percent reduction in the buffer width, and the reduced buffer shall not be less than 25 feet. (Ord. 1116 § 28, 1992).~~

Section 12. Section 17.17.280 of the Fife Municipal Code is hereby amended to read as follows:

**17.17.280 Standard wetland buffer width averaging.**

Standard wetland buffer zones may be modified by averaging buffer widths. Wetland buffer width averaging shall be allowed only where the applicant demonstrates all of the following:

- A. That averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the ~~property~~property, which does not qualify for a reasonable use exception;
- B. That the wetland contains variations in sensitivity due to existing physical characteristics;
- C. That low intensity land uses would be located adjacent to areas where buffer width is reduced, and that such low intensity land uses are guaranteed in perpetuity by covenant, deed restriction, easement, or other legally binding mechanism;
- D. That width averaging will not adversely impact the wetland functional values; and
- E. That the total area contained within the wetland buffer after averaging is no less than that contained within the standard buffer prior to averaging. In no instance shall the buffer width be reduced by more than ~~50~~25 percent of the standard buffer or be less than 25 feet. (Ord. 1116 § 29, 1992).

Section 13. Section 17.17.290 of the Fife Municipal Code is hereby amended to read as follows:

**17.17.290 Permitted uses in a wetland buffer zone.**

- A. Regulated activities shall not be allowed in a buffer zone except for the following:
  - 1. Activities having minimal adverse impacts on buffers and no adverse impacts on regulated wetlands. These may include low intensity, passive recreational activities such as pervious trails, nonpermanent wildlife watching blinds, short term scientific or educational activities, and sports fishing or hunting;
  - 2. With respect to Category III and IV wetlands, stormwater management facilities having no reasonable alternative location; or
  - ~~3. With respect to Category III and IV wetlands, development having no feasible alternative location.~~
- B. The community development director may impose such conditions on the above referenced uses as is necessary to protect the integrity of the wetland and to fulfill the policies purposes, and further the goals set forth in this chapter. (Ord. 1116 § 30, 1992).

Section 14. Section 17.17.330 of the Fife Municipal Code is hereby amended to read as follows:

**17.17.330 Compensatory mitigation performance standards.**

Compensatory mitigation shall follow an approved mitigation plan and shall meet the following minimum performance standards:

A. Given the uncertainties in scientific knowledge and the need for expertise and monitoring, wetland compensatory projects may be permitted only when the community development director finds that the compensation project is associated with an activity or development otherwise permitted and that the restored, created, or enhanced wetland will be as persistent as the wetland it replaces. Additionally, applicants shall:

1. Demonstrate sufficient scientific expertise, supervisory capability, and financial resources to carry out the proposed mitigation project;
2. Demonstrate the capability for monitoring the site and to make corrections during the monitoring period if the project fails to meet projected goals; and
3. Protect and manage or provide for the protection and management of the compensation area to avoid further development or degradation and to provide for long term persistence of the compensation area.

B. Wetland functions and values shall be calculated using the best professional judgment of a qualified wetland ~~ecologist~~ professional using the best available techniques. (Ord. 1116 § 34, 1992).

Section 15. Section 17.17.360 of the Fife Municipal Code is hereby amended to read as follows:

**17.17.360 Wetlands creation.**

A. Any person proposing to alter wetlands may propose to create wetlands of equivalent areas or greater functions and values than those altered in order to compensate for wetland losses.

B. Where feasible, created wetlands should be a higher category than the altered wetland.

C. Acreage Replacement Ratio. The following ratios apply to creation which is in kind, on-site, 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:

Category I ————— 6:1

Category II or III forested — 3:1

Scrub-shrub ————— 2:1

Emergent ————— 1.5:1

Category IV ————— 1.25:1

<u>Category and Type of Wetland</u>	<u>Creation or Re-establishment</u>	<u>Rehabilitation</u>	<u>Enhancement</u>
Category I: <u>Bog, Natural Heritage site</u>	<u>Not considered possible</u>	<u>Case by case</u>	<u>Case by case</u>
Category I: <u>Mature Forested</u>	<u>6:1</u>	<u>12:1</u>	<u>24:1</u>
Category I: <u>Based on functions</u>	<u>4:1</u>	<u>8:1</u>	<u>16:1</u>
Category II	<u>3:1</u>	<u>6:1</u>	<u>12:1</u>
Category III	<u>2:1</u>	<u>4:1</u>	<u>8:1</u>
Category IV	<u>1.5:1</u>	<u>3:1</u>	<u>6:1</u>

(Ord. 1116 § 37, 1992).

Section 16. Section 17.17.390 of the Fife Municipal Code is hereby amended to read as follows:

**17.17.390 Location of wetland compensatory mitigation.**

A. On-site compensation should be provided except where the applicant can demonstrate that:

1. On-site mitigation would require elimination of high-quality upland habitat; and

2. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the altered wetland; or.

3. The hydrology and ecosystem of the original wetland and those who benefit from the hydrology and ecosystem will not be significantly adversely impacted by the on-site loss; and

4. On-site compensation is not scientifically feasible due to problems with hydrology, soils, waves, or other factors; ~~or~~ and

5. Off-site mitigation has a higher likelihood of success; or

36. Compensation is not practical due to potentially adverse impact from surrounding land uses; and impacted functions are not limited in the basin and an offsite location can provide function to offset the loss; or

46. Existing functional values at the site of the proposed restoration are significantly greater than lost wetland functional values; or

576. That local or regional goals for flood storage, flood conveyance, habitat or other wetland functions have been established and strongly justify location of compensatory measures at another site; or-

8. For large public works projects or large infrastructure projects, credits are used from a wetland bank or In Lieu Fee program.

B. Off-site compensation shall occur within the same watershed as the wetland loss occurred; provided, that Category IV wetlands may be replaced outside of the watershed when there is no reasonable alternative and local or regional environmental goals are furthered by this action.

C. In selecting compensation sites, applicants shall pursue siting in the following order of preference:

1. Degraded wetland sites;
2. Upland sites which were formerly wetlands;
3. Upland sites generally having bare ground or vegetative cover consisting primarily of exotic introduced species, weeds, or emergent vegetation;
4. Other disturbed upland sites. (Ord. 1116 § 40, 1992).

Section 17. Section 17.17.420 of the Fife Municipal Code is hereby amended to read as follows:

**17.17.420 Mitigation plans for wetland compensatory mitigation.**

A. All wetland enhancement, restoration, or creation projects required pursuant to this chapter either as a permit condition or as the result of an enforcement action shall follow a mitigation plan prepared by qualified wetland professionals approved by the community development director. The applicant or violator shall receive written approval of the mitigation plan by the director prior to commencement of any wetland restoration, creation or enhancement activity.

B. Unless the director, in consultation with qualified wetland professionals, determines, based on the size and nature of the development proposal, the nature of the impacted wetland, and the degree of cumulative impacts on the wetland from other development proposals, that the scope

and specific requirements of the mitigation plan may be reduced from what is listed below, the mitigation plan shall contain at least the following components:

1. Baseline Information. A written assessment and accompanying maps drawn to an appropriate scale of the:

a. Impacted wetland including, at a minimum, wetland delineation; existing wetland acreage; vegetative, faunal, and hydrologic characteristics; soil and substrate conditions; topographic elevations.

b. Impacted wetland functions and values shall be described using the system described in this chapter.

c. Compensation site, if different from the impacted wetland site, including at a minimum: existing acreage; vegetative, faunal and hydrologic conditions; relationship within watershed and to existing waterbodies; soil and substrate conditions, topographic elevations; existing and proposed adjacent site conditions; buffers; and ownership.

2. Environmental Goals and Objectives. A written report shall be provided identifying goals and objectives and describing:

a. The purposes of the compensation measures including a description of site selection criteria, identification of compensation goals; identification of target evaluation species and resource functions, dates for beginning and completion, and a complete description of the structural and functional relationships sought in the new wetland. The goals and objectives shall be related to the functions and values of the original wetland or if out-of-kind, the type of wetland to be emulated; and

b. A review of the available literature and/or experience to date in restoring or creating the type of wetland proposed shall be provided. An analysis of the likelihood of success of the compensation project at duplicating the original wetland shall be provided based on the experiences of comparable projects, if any. An analysis of the likelihood of persistence of the created or restored wetland shall be provided based on such factors as surface and groundwater supply and flow patterns, dynamics of the wetland ecosystem; sediment or pollutant influx and/or erosion, periodic flooding and drought, etc., presence of invasive flora or fauna, potential human or animal disturbance, and previous comparable projects, if any.

3. Performance Standards. Specific criteria shall be provided for evaluating whether or not the goals and objectives of the project and for beginning remedial action or contingency measures. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological, or hydrological criteria.

4. Detailed Construction Plans. Written specifications and descriptions of compensation techniques shall be provided including the proposed construction sequence, grading and excavation details, erosion and sediment control features needed for wetland construction and long term survival, a planting plan specifying plant species, quantities, locations, size, spacing, and density; source of plant materials, propagules, or seeds; water and nutrient

requirements for planting; where appropriate, measures to protect plants from predation; specification of substrate stockpiling techniques and planting instructions; descriptions of water control structures and water-level maintenance practices needed to achieve the necessary hydrocycle/hydroperiod characteristics; etc. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome. The plan shall provide for elevations which are appropriate for the desired habitat type(s).

#### 5. Monitoring Program.

a. A program outlining the approach for monitoring construction of the compensation project and for assessing a completed project shall be provided. Monitoring may include, but is not limited to:

i. Establishing vegetation plots to track changes in plant species composition and density over time;

ii. Using photo stations to evaluate vegetation community response;

iii. Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions (pH, nutrients, heavy metals);

iv. Measuring base flow rates and storm water runoff to model and evaluate water quality predictions, if appropriate;

v. Measuring sedimentation rates, if applicable; and

vi. Sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity.

b. A protocol shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the compensation project. A monitoring report shall be submitted annually, at a minimum, documenting milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years. For example, ten years or more of monitoring are needed for forested and scrub-shrub communities.

6. Contingency Plan. Identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

7. Permit Conditions. Any compensation project prepared pursuant to this section and approved by the community development director shall become part of the application for the permit.

8. Demonstration of Competence. A demonstration of financial resources, administrative, supervisory, and technical competence and scientific expertise of sufficient standing to

successfully execute the compensation project shall be provided. A compensation project manager shall be named and the qualifications of each team member involved in preparing the mitigation plan and implementing and supervising the project shall be provided, including educational background and areas of expertise, training and experience with comparable projects. (Ord. 1116 § 43, 1992).

Section 18. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof, provided the intent of this Ordinance can still be furthered without the invalid provision.

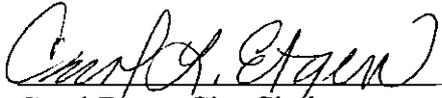
Section 19. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced on the 8<sup>th</sup> December day of Month, 2015.

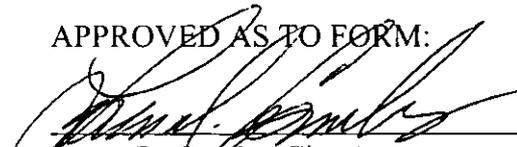
Passed by the City Council on the 8<sup>th</sup> December day of Month, 2015.

  
Subir Mukerjee, City Manager

ATTEST:

  
Carol Etgen, City Clerk

APPROVED AS TO FORM:

  
Loren D. Combs, City Attorney

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