

City of Lacey

Avoiding Wetland Impacts – City of Lacey Lift Station 6 Upgrade

July 2023

Case No. 22-0201

14.28.350

A. Regulated activities and special uses shall not be authorized in a regulated wetland except where it can be demonstrated that the impact is both unavoidable and necessary or that all reasonable economic uses are denied.

Response: No fill or removal is proposed in the regulated wetland. This criterion is met.

B. Category I wetlands – *not applicable.*

C. With respect to Category II and III wetlands, the following provisions shall apply:

1. For water-dependent activities, unavoidable and necessary impacts can be demonstrated where there are no practicable alternatives which would not involve a wetland or which would not have less adverse impact on a wetland, and would not have other significant adverse environmental consequences.

Response: No fill or removal is proposed in the regulated Category II wetland. This criterion is met.

2. Where nonwater-dependent activities are proposed, it shall be presumed that adverse impacts are avoidable. This presumption may be rebutted upon a demonstration that:

a. The basic project purpose cannot reasonably be accomplished utilizing one or more other sites in the general region that would avoid, or result in less, adverse impact on a regulated wetland; and

b. A reduction in the size, scope, configuration, or density of the project as proposed and all alternative designs of the project as proposed that would avoid, or result in less, adverse impact on a regulated wetland or its buffer will not accomplish the basic purpose of the project; and

c. In cases where the applicant has rejected alternatives to the project as proposed due to constraints such as zoning, deficiencies of infrastructure, or parcel size, the applicant has made reasonable attempt to remove or accommodate such constraints.

Response: Although no fill or removal is proposed in the regulated Category II wetland, the project is not able to avoid impacts to the wetland buffer which extends across the entire existing lift station parcel. No alternate sites located out

of the buffer are feasible as lift station 6 is part of a large wastewater system and no city-owned parcels are located nearby that could be used for utility purposes. This criterion is met.

D. Category IV wetlands – *not applicable.*

E. Reasonable Use. If an applicant for a development proposal demonstrates to the satisfaction of the city of Lacey that application of these standards would deny all reasonable economic use of the property, development as conditioned shall be allowed if the applicant also demonstrates all of the following to the satisfaction of the city of Lacey:

1. That the proposed project is water-dependent or requires access to the wetland as a central element of its basic function, or is not water-dependent but has no practicable alternative pursuant to this section;

Response: The project is not water-dependent but has no practicable alternative pursuant to being located in a wetland buffer. This criterion is met.

2. That no reasonable use with less impact on the wetland and its buffer is possible (e.g., agriculture, aquaculture, transfer or sale of development rights or credits, sale of open space easements, etc.);

Response: No impacts to the regulated wetland are proposed, although the entire existing lift station is within the regulated buffer and no alternative sites are available. This criterion is met.

3. That there is no feasible on-site alternative to the proposed activities, including reduction in density, phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning considerations, that would allow a reasonable economic use with less adverse impacts to wetlands and wetland buffers;

Response: The project will decommission and condense proposed lift station appurtenances which minimizes impacts to the buffer and allows for restoration of vegetated cover to occur. This criterion is met.

4. That the proposed activities will result in minimum feasible alteration or impairment to the wetland's functional characteristics and its existing contours, vegetation, fish and wildlife resources, and hydrological conditions;

Response: The project will decommission and condense lift station appurtenances which will minimize impacts to the buffer for the long-term. The project will allow for restoration of a portion of the existing buffer that is currently covered in pavement. Only a minor change in contours (< 1 ft) in the existing developed portion of the wetland is proposed. One hazard tree is proposed for removal in the wetland buffer and is exempt from replacement requirements per LMC 16.80.0404A. The proposed Landscape/Mitigation/Irrigation Plan (Figure 5) shows how on-site revegetation will compensate for potential adverse impacts. Over time, vegetation functions will be

improved for the benefit of fish and wildlife resources. Only a small amount of new impervious surface is proposed (< 500 sf) and will not adversely affect the adjacent wetland. This criterion is met.

5. That disturbance of wetlands has been minimized by locating any necessary alteration in wetland buffers to the extent possible;

Response: The entire project will occur in the wetland buffer, not in the wetland. This criterion is met.

6. That the proposed activities will not jeopardize the continued existence of species listed by the federal government or the state as endangered, threatened, rare, sensitive, or as documented priority species or priority habitats;

Response: No federal or state endangered, threatened, rare, sensitive, or priority species will be affected by the project as no protected species occur within the footprint or immediate vicinity of the existing lift station. Refer to the Critical Areas Report for more details. This criterion is met.

7. That the proposed activities will not cause significant degradation of ground water or surface water quality;

Response: Run-off from new and existing impervious surfaces will be collected and treated according to city standards. No adverse impacts to ground water or surface water quality would result from the project. This criterion is met.

8. That the proposed activities comply with all state, local and federal laws, including those related to sediment control, pollution control, floodplain restrictions, and on-site wastewater disposal;

Response: The project will comply with all state and local laws – no federal permitting will be needed as no Endangered Species Act or federal Clean Water Act impacts will result. Best management practices will be implemented to prevent erosion and sedimentation of the adjacent regulated wetland. This criterion is met.

9. That any and all alterations to wetlands and wetland buffers will be mitigated as provided in LMC 14.28.510;

Response: No alterations to the wetland are proposed. Proposed alterations in the wetland buffer will be mitigated to meet and/or exceed local standards. Refer to supporting Figures 4 to 8 for the CUP application. This criterion is met.

10. That there will be no damage to nearby public or private property and no threat to the health or safety of people on or off the property; and

Response: The arborist report recommends the removal of a large western red cedar rooted on the western property line that is leaning over the project site. With the removal of this hazardous tree, the project will not damage nearby public or private property and

the health and safety of people on or off the property will be maintained. This criterion is met.

11. That the inability to derive reasonable economic use of the property is not the result of actions by the applicant in segregating or dividing the property and creating the undevelopable condition after the effective date of this chapter.

Response: The project does not propose to segregate or divide the property in a way that renders the site undevelopable. This criterion is met.