



## ECONOMIC & COMMUNITY DEVELOPMENT

Kurt Hanson, Director

### PLANNING SERVICES

Erin George, AICP, Current Planning Manager

Director's Rule 2020-3

Effective: March 26, 2020

Approved:

### **Code and Section Reference:**

- KCC 11.06.145
- KCC 11.06.580
- KCC 11.06.080(A)
- KCC 11.06.600 (B)
- KCC 11.06.600 (D)
- Ecology Publication 14-06-029
- Ecology Publication 16-06-001, July 2018 Modifications
- RCW 36.70A.130(4)

**Purpose:** To recognize the July 2018 modifications to the Washington State Department of Ecology guidance relating to habitat score ranges for wetland ratings (Ecology Publication 16-06-001), and apply the amended habitat scoring to Kent's Critical Areas Ordinance in Kent City Code section 11.06.600.

**Background:** In the City of Kent, projects located within 275 feet of critical areas are reviewed pursuant to KCC 11.06, last updated in July 2015 (Ordinance #4159). As mandated by RCW 36.70A.130(4), the CAO is required to be updated every eight years with the next update required in Summer 2023.

Pursuant to KCC 11.06.580, wetlands are classified based on the *2014 Washington State Wetland Rating System for Western Washington* (Ecology Publication 14-06-029). KCC 11.06.600.B includes a table for wetland categories, habitat scores, and buffers that is similar to the table in the 2014 rating system.

In June 2016, the Department of Ecology issued scientific guidance titled *Wetland Guidance for CAO Updates* (Ecology Publication 16-06-001). The City of Kent typically evaluates best available science as part of CAO updates every eight years, so this guidance has not been reviewed in its entirety or adopted by the City at this time. In July 2018, Ecology amended their guidance - specifically sections xx.040 and xx.050 - to change habitat score ranges for wetlands, now grouping habitat

scores of 3 to 5 into low habitat function and scores of 6 to 7 into moderate habitat function.

Upon release of the 2018 amended guidance, Department of Ecology provided instructions for local jurisdictions to utilize the modified scoring tables through an ordinance update *or administrative decision*. KCC 11.06.080 gives the Director the authority to determine the level of detail and appropriate methodologies for critical area reports and studies. It is the interpretation of the Economic and Community Development Director that the July 2018 amended guidance, limited only to sections xx.040 and xx.050 of Ecology Publication 16-06-001, reflect the most appropriate and accurate methodology for categorizing wetlands in Kent.

**Rule:**

The July 2018 Department of Ecology amended guidance relating to habitat scoring in sections xx.040 and xx.050 of Publication 16-06-001 shall be used by applicants' biologists to determine wetland rating and buffers in the City of Kent. The table in KCC 11.06.600.B shall be modified in accordance with the 2018 guidance as shown below.

Habitat Score (Points)	<del>3 – 45</del> Points	<del>3 – 45</del> Points w/Subsection (C) of This Section	<del>56 – 7</del> Points	<del>56</del> – 7 points w/Subsection (C) of This Section	8 – 9 points	8 – 9 points w/Subsection (C) of This Section
Category I	125	100	150	125	225	200
Category II	100	75	125	110	200	175
Category III	75	60	125	110	n/a	n/a
Category IV	50	40	n/a	n/a	n/a	n/a

Section 11.06.600.D, relating to increased buffer widths near priority habitat areas, shall remain unmodified as the verbiage “greater than five points” is equivalent to the Ecology guidance verbiage of “six points or more.”