

CITY OF LACEY

ORDINANCE NO. 1058

AN ORDINANCE RELATING TO THE DIVISION OF INDUSTRIAL AND COMMERCIAL LANDS PURSUANT TO A BINDING SITE PLAN, AMENDING SECTIONS 15.04.040, 16.84.060 AND 16.84.100 OF THE LACEY MUNICIPAL CODE, ADDING A NEW SECTION, 16.84.110 TO SAID CODE AND ADOPTING A SUMMARY FOR PUBLICATION.

WHEREAS, in addition to the division of land by an approved subdivision or short subdivision, both state law and the ordinances of the city allow industrial and commercial lands to be divided by way of a binding site plan and it would be beneficial to further specify the requirements of such binding site plans,

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Section 15.04.040 is hereby amended to read as follows:

**15.04.040 Specific exemptions.** The provisions of this title shall not apply to the following:

A. Cemeteries and other burial plots while used for that purpose;

B. Divisions made by testamentary provisions or the laws of descent;

C. Assessor's plats made in compliance with RCW 58.18.010, RCW 58.17.240, and RCW 58.17.250;

D. A division for the purpose of lease when the land is to be developed as a mobile home park and a binding site plan has been approved pursuant to Chapter 16.84;

E. Contiguous lots: The transfer of ownership of contiguous platted or unplatted lots if:

1. The lots were created after June 9, 1937, or

2. The lots transferred and remaining lots are developed, provided that transfers pursuant to this subsection shall not be effective until the proponent is issued a certificate of compliance from the planning department. A certificate shall be issued when the owner or applicant shows that the lot conforms to the criteria of this subsection;

F. Condominiums: A division which is made by subjecting a portion of the land to RCW Chapter 64.32 (condominiums) and for which a binding site plan has been approved pursuant to Chapter 16.84 of this code;

G. Industrial and commercial site plans: A division for which a final binding site plan is approved when ~~the~~ such final binding site plan:

1. Limits the use of the land to industrial or commercial use;
2. Meets the requirements of Section 15.10.060 of the Lacey Municipal Code;
3. Is approved pursuant to Chapter 16.84 of this code; and
4. Contains ~~a legal description of the portions to be sold or transferred, prepared and certified by a registered land surveyor or title company~~ such information as is required by Section 16.84.110 and is filed for record in the county auditor's office ~~by the planning department;~~

H. Boundary line adjustments: A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site or division, nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site, provided:

1. The proponent has filed an application which includes:
  - a. An adjusted legal description of the lots affected by the adjustment prepared and certified by a registered land surveyor or title company.
  - b. A scale drawing of the lots affected by the adjustment.
  - c. Notarized declaration that the transferor consents to the proposed adjustment; and
2. The proponent is issued a boundary line adjustment certificate from the planning department verifying that the proposed division conforms to the requirements of this subsection. The certificate, legal description, scale drawing and notarized declaration will be recorded with the auditor by the planning department.

Section 2. Section 16.84.060 of the Lacey Municipal Code is hereby amended to read as follows:

**16.84.060 Contents of application.** Each application for site plan review shall contain the following information in clear and intelligible form:

A. The title and location of the proposed development, together with the names, addresses and telephone numbers of the record owner or owners of the land and of the applicant, and, if applicable, the names, addresses and telephone numbers of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;

B. The proposed use or uses of the land and buildings;

C. A site plan drawing or drawings at a scale of not less than one inch for each fifty feet which shall include or show:

1. The location of all existing and proposed structures, including, but not limited to, buildings, fences, culverts, bridges, roads and streets on the subject property,

2. The boundaries of the property proposed to be developed and, if the property is to be divided pursuant to a final binding site plan, the boundaries of each proposed lot within the property,

3. All proposed and existing buildings and setback lines,

4. All areas, if any, to be preserved as buffers or to be dedicated to a public, private or community use or for open space under the provisions of this or any other city ordinance, information regarding percentage of area covered, locations and general types of landscaping,

5. All existing and proposed easements,

6. The locations of all existing and proposed utility structures and lines,

7. The stormwater drainage systems for existing and proposed structures,

8. All means of vehicular and pedestrian ingress and egress at the site and the size and location of driveways, streets and roads,

9. The location and design of off-street parking areas showing their size and locations of internal circulation and parking spaces,

10. The location of all loading spaces, including, but not limited to, truck loading platforms and loading docks,

11. Location and area, in square feet, of all signs;

D. Topographic map or maps which delineate contours, both existing and proposed, at intervals of two feet, and which locate existing lakes, streams and forested areas;

E. The existing zoning district of the proposed development site and any other zoning district within three hundred feet of the site;

F. All special districts, including, but not limited to, fire, school and water districts, in which the proposed development shall be located and all such districts within three hundred feet of the proposed development;

G. The proposed number of square feet in paved or covered surfaces, whether covered by buildings, driveways, parking lots, or any other structure covering land; and the total amount of square feet in the entire proposed development site;

H. The proposed number of dwelling units and number of bedrooms in the development;

I. The proposed number of square feet in gross floor area for each commercial and industrial use;

J. A description of each proposed commercial and industrial use;

K. The written recommendations of the health department, the building department, engineering department and fire department as to any portion of the site plan application covering areas within their respective jurisdictions.

L. For properties containing wetlands or wetland buffers pursuant to Chapter 14.28, all informational requirements specified in Chapter 14.28 shall be included in the applications.

Section 3. Section 16.84.100 is hereby amended to read as follows:

**16.84.100 Duration of approval.**

A. Approval of the site plan shall be effective for eighteen months from the date of approval by the site plan

review committee. During this time, the terms and conditions upon which approval was given will not change. If application for a building permit is not made within the eighteen month period, the approval shall automatically terminate. ; provided, however, all site plans approved prior to the enactment of Section 16.84.100 shall be effective for five years from the date of approval or eighteen months after enactment of Section 16.84.100, whichever is later. In addition, if the approved site plan calls for a division of land pursuant to a final binding site plan, such final binding site plan must be submitted for approval within such eighteen month period.

B. However, upon the application of the owner or representative, the site plan review committee shall extend the approval period for one six-month time period unless since the initial approval substantive change has been made in the regulations, ordinances, requirements, policies or standards which impact the site.

C. Knowledge of expiration date and initiation of a request for extension of approval time is the responsibility of the applicant. The city shall not be held responsible for notification of expirations, although it may notify the applicant of date of expiration. All requests for additional time must be submitted to the planning department prior to expiration of site plan approval.

Section 4. There is hereby added to the Lacey Municipal Code a new section, 16.84.110, to read as follows:

**16.84.110 Division of Land Pursuant to Final Binding Site Plan.**

A. If the owner of commercial or industrial land wishes to legally divide such land in accordance with a preliminary binding site plan approved pursuant to the terms of this chapter, such owner shall, within the time limits set forth in section 16.84.100, file with the city a final binding site plan containing the following information, requirements and conditions:

1. Identification of the scale to which the drawing is prepared;

2. Identification and illustration of the areas and locations of all streets, roads, improvements, utilities, open spaces and any other matters specified by the site plan review committee in approving the preliminary binding site plan;

3. Inscriptions or attachments setting forth the limitations and conditions for use of the land as have been

established by the site plan review committee in approval of the preliminary binding site plan;

4. An appropriate statement or provision requiring that any development on such land be in conformity with the conditions of the site plan approval;

5. A proper legal description of each lot contained within the site;

B. There shall accompany and be referenced on said final binding site plan a lot owners association agreement and protective covenants containing at a minimum the following provisions:

1. Membership in the lot owners association will be mandatory for all lot owners.

2. The lot owners association shall have the power to levy fees and dues necessary to successfully maintain all common areas, including, but not limited to, utilities, shared parking facilities, open space, landscaped areas and streets;

3. Such agreement shall provide for the collection of attorney fees extended in collecting delinquent assessments from lot owners;

4. The responsibility of the lot owners association in relationship to the maintenance of the various common facilities and areas shall be detailed;

5. The amount of the initial fees or dues shall be established and be subject to approval of the city;

6. All agreements and requirements for shared parking shall be set forth;

7. All protective covenants and declarations applicable to the properties within the site shall be subject to approval of the city.

C. All public works improvements required by the approval of the preliminary binding site plan shall be installed and approved or proper financial security provided for such installation and approval prior to submitting the application for final binding site plan approval. Such public works improvements shall include landscaping for all common areas of the full site. Landscaping for each individual lot may be completed and approved or financial security provided therefore prior to the issuance of a building permit for such lot.

D. Upon receipt of the final binding site plan application and any accompanying documents, the community development director or the director's designee shall review the plan and documents to determine that the plan conforms with the conditions of the preliminary binding site plan approval and is otherwise in compliance with the ordinances of the city. The director or such designee may go upon the property for purposes of verifying the accuracy of the final binding site plan map. If the director determines that the final binding site plan and accompanying documents are in full compliance with the preliminary conditions and all applicable ordinances, the signature of the director shall be affixed to such final binding site plan document prior to the same being recorded with the Thurston County Auditor.

The final binding site plan shall be approved, disapproved or returned to the applicant for modification within 30 days from the date of filing the same with the city, unless the applicant has consented to an extension of such time period.

Section 5. The summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this 8TH day of MAY, 1997.

CITY COUNCIL

By: Nancy Peterson  
Mayor

Attest:

Approved as to form:

Charlotta M. Taylor  
City Clerk

[Signature]  
City Attorney

Published: May 12, 1997  
Monday

SUMMARY FOR PUBLICATION

ORDINANCE 1058

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on May 8, 1997, Ordinance No. 1058 entitled "AN ORDINANCE RELATING TO THE DIVISION OF INDUSTRIAL AND COMMERCIAL LANDS PURSUANT TO A BINDING SITE PLAN, AMENDING SECTIONS 15.04.040, 16.84.060 AND 16.84.100 OF THE LACEY MUNICIPAL CODE, ADDING A NEW SECTION, 16.84.110 TO SAID CODE AND ADOPTING A SUMMARY FOR PUBLICATION."

The main points of the ordinance are described as follows:

The ordinance specifies the requirements for a final binding site plan on industrial or commercial properties where the owner intends to accomplish a division of the property into separate lots by virtue of the approval of such a binding site plan. The ordinance specifies the details which must be contained on the site plan document itself and requires a lot owners' association agreement and protective covenants relating to the property. The ordinance further makes it clear that all public works improvements must be either installed or proper financial security provided prior to the processing of the final binding site plan. Finally, the ordinance names the city's community development director as the person responsible for determining that the final binding site plan submitted is in compliance with prior approvals by the site plan review committee.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: May 12, 1997.  
Monday