

ORDINANCE 1098

CITY OF LACEY

AN ORDINANCE ENACTING 1998 ANNUAL MODIFICATIONS TO THE CITY'S COMPREHENSIVE PLAN AND ZONING AND REGULATORY ORDINANCES, MODIFYING THE COMPREHENSIVE LAND USE MAP AND ZONING MAP, REZONING CERTAIN LANDS WITHIN THE CITY, ADOPTING THE 1998 TRANSPORTATION PLAN AND THE 1998 WASTEWATER COMPREHENSIVE PLAN, ADOPTING MODIFICATIONS TO THE CITY'S SEPA REGULATIONS, AMENDING THE CITY'S DEVELOPMENT GUIDELINES AND PUBLIC WORKS STANDARDS, REPEALING SECTION 16.40.080, ADOPTING NEW SECTIONS 14.24.105, 16.14.100, 16.23.024, 16.23.025, 16.40.080 AND 16.40.085 TO THE LACEY MUNICIPAL CODE AND AMENDING SECTIONS 12.28.010, 14.23.082, 14.24.020, 14.24.040, 14.24.100, 16.03.015, 16.09.020, 16.15.090, 16.18.090, 16.23.010, 13.23.020, 16.24.010, 16.24.020, 16.24.140, 16.59.070, 16.60.050, 16.60.170, 16.60.250, 16.68.020, 16.68.025, 16.84.010, TABLE 16T-06, 16T-07, 16T-11, 16T-13 AND 16T-16 OF SAID CODE AND ADOPTING A SUMMARY FOR PUBLICATION.

WHEREAS, the City's Planning Commission has conducted its annual review of the City's Comprehensive Plan and zoning ordinances and has conducted public hearings in the process of such review, and

WHEREAS, such review has included joint planning with Thurston County relating to the provisions of the Comprehensive Plan and Zoning Map; ordinances for Martin Way, the redesignation of sub-numbers within the Central Business District, the Downtown Element of the Comprehensive Plan, a new Transportation Plan for the City and a new Wastewater Plan for the City; and

WHEREAS, two village centers within the City have been approved requiring revisions in the City's land use maps; and

WHEREAS, the Planning Commission has reviewed and the City Council has taken action to approve the annexation of land lying north of the City and westerly of Marvin Road which annexation included a direction for modification of the land use designation upon the Comprehensive Plan Map and has approved a redesignation and rezoning of land adjacent to the Carpenter Road Extension and a part of the Lacey Corporate Center lying at the intersection of College Street and the Yelm Highway, and

WHEREAS, the Planning Commission has recommended the Comprehensive Plan modifications and additions, zone redesignations and code modifications set forth in this Ordinance and formal adoption of such recommendations and approvals are in the best interests of the citizens of the City of Lacey,

NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, AS FOLLOWS:

Section 1. That certain Comprehensive Land Map for the Lacey growth area adopted as part of the Lacey Comprehensive Land Use Map and the Zoning Map for the Lacey Urban Growth Area, last revised in 1997 are further revised to reflect those actions taken by the Council in approving the rezoning designations of the Martin Way Corridor, zoning changes in conjunction with the annexation lying north of the City boundary and westerly and adjacent to Marvin Road, modifications necessary as part of the approval of the Horizon Pointe and Summer Walk village centers, redesignation of the sub areas within the Central Business District and the land use redesignation as approved by the Council for that property adjacent to the Carpenter Road Extension and the redesignation subject to a development agreement of a portion of the Lacey Corporate Center and after said modifications are made, said maps shall be identified as "Revised 1998" and identified by the approving signatures of the Mayor and City Clerk.

Section 2. That certain portion of the Lacey Comprehensive Land Use Plan designated as "City of Lacey and Thurston County Land Use Plan for the Lacey Urban Growth Area" is amended in the following particulars:

A. Policy d. on page 120, Policy g. on page 122, Policy d. on page 124, Policy c. on page 125 and Standard iv. on page 26, all relating to when design review will be applicable in those portions of the Urban Growth Area lying outside of the City boundaries, are all amended to replace the reference to "buildings" with a reference to the word "projects" regarding those developments which will be subject to design review within such area.

B. Those policies of said plan relating to mixed-use arterial corridors and to goals and policies within the Tanglewilde/Thompson Place Planning Area are amended as set forth on Exhibit "A" attached hereto.

C. That portion of the Lacey Comprehensive Plan designated as "Comprehensive Plan Downtown Element" is amended by redesignating sub area 4.A. as sub area 4., redesignating sub area 4.B. as sub area 5., and eliminating that portion of said plan previously designated as sub area 5 (Martin Way) including all portions of said plan relating to such previously designated sub area contained on pages 20 through 22 of said plan.

Section 3. That certain document entitled "City of Lacey, 1998 Transportation Plan" is hereby adopted as part of the City's Comprehensive Plan.

Section 4. That certain document entitled "City of Lacey Wastewater Plan, 1998" is hereby adopted as part of the City's Comprehensive Plan.

Section 5. Section 16.03.015 of the Lacey Municipal Code is hereby amended to read as follows:

16.03.015 Lacey Comprehensive Land Use Plan. That certain series of documents identified as City of Lacey and Thurston County Land Use Plan for the Lacey Urban Growth Area, Housing Element for the City of Lacey and the Lacey Urban Growth Area, ~~Transportation Element for the City of Lacey and the Lacey Urban Growth Area,~~ City of Lacey 1998 Transportation Plan, Capital Facilities Element for the City of Lacey and the Lacey Urban Growth Area, Utilities Element for the City of Lacey and the Lacey Urban Growth Area, City of Lacey Comprehensive Plan for Outdoor Recreation, Water Comprehensive Plan for City of Lacey, ~~City of Lacey Transportation Improvement Program~~ City of Lacey Wastewater Comprehensive Plan, 1998, and Economic Development Element for the City of Lacey together with the Comprehensive Plan Downtown Element and the Northeast Area Plan constitutes the Lacey Comprehensive Plan and all regulatory and zoning ordinances of the city shall be construed to be consistent with said plan as adopted or hereafter amended.

Section 6. Section 16.09.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.09.020 Zoning map.

A. The districts are bounded as shown on a map entitled "Zoning Map for the Lacey Urban Growth Area, revised ~~1997,~~ 1998", identified by the approving signatures of the mayor and city clerk, and adopted by reference and declared to be a part of this title and shall be located on file in the office of the city clerk.

B. The zoning map shows zoning for the entire Lacey Urban Growth Area. This area includes both incorporated and unincorporated land. The City of Lacey in adopting this zoning map adopts that portion inside the city as its city zoning. The zoning for the area outside the city in unincorporated county is adopted as extraterritorial zoning for the purpose of future annexation.

The County, in adopting this map, adopts that portion that is unincorporated as its zoning for the Lacey Urban Growth Area.

C. If changes are made on the zoning map, such changes shall be entered on the zoning map after such changes are approved by the Lacey city council if inside the city of Lacey or after approved through a joint planning process by both the Lacey city council and the Board of County Commissioners if the change is outside the city of Lacey. No amendment shall become effective until such change has been entered upon the zoning map.

Section 7. Section 14.23.082 of the Lacey Municipal Code is amended by adding a new subsection G. as follows:

G. Refuse:

1. Refuse container screening shall be required and be of a material and design compatible with the overall architectural theme of the associated structure, shall be at least as high as the refuse container, and shall in no case be less than six feet high.

2. No refuse container shall be permitted between a street and the front of the building.

3. Refuse collection areas shall be designed to contain all refuse generated on site and deposited between collections. Deposited refuse shall not be visible from outside the refuse enclosure.

Section 8. Section 14.24.020, 14.24.040 and 14.24.100 of the Lacey Municipal Code relating to the City's environmental policy are hereby amended to read as follows:

A. **14.24.020 Adoption by reference.** The city adopts the following sections or subsections of WAC Chapter 197-11 of the Washington Administrative Code by reference.

197-11-040 Definitions
197-11-050 Lead Agency
197-11-055 Timing of the SEPA Process
197-11-060 Content of Environmental Review
197-11-070 Limitations on Action During SEPA Process
197-11-080 Incomplete or Unavailable Information
197-11-090 Supporting Documents
197-11-100 Information Required of Applicants
197-11-158 GMA project review - Reliance on existing plans, law, and regulations
197-11-164 Planned actions - Definition and criteria
197-11-168 Ordinances or resolutions designating planned actions - Procedures for adoption
197-11-172 Planned actions - Project review
197-11-210 SEPA/GMA integration
197-11-220 SEPA/GMA definitions
197-11-228 Overall SEPA/GMA integration procedures
197-11-230 Timing of an integrated GMA/SEPA process
197-11-232 SEPA/GMA integration procedures for preliminary planning, environmental analysis and expanded scoping
197-11-235 Documents
197-11-238 Monitoring
197-11-250 SEPA/Model Toxics Control Act integration
197-11-253 SEPA lead agency for MTCA actions
197-11-256 Preliminary evaluation
197-11-259 Determination of nonsignificance for MTCA remedial action.
197-11-262 Determination of significance and EIS for MTCA remedial actions

197-11-265 Early scoping for MTCA remedial actions

197-11-268 MTCA interim actions

197-11-300	Purpose of this Part
197-11-305	Categorical Exemptions
197-11-310	Threshold Determination Required
197-11-315	Environmental Checklist
197-11-330	Threshold Determination Process
197-11-335	Additional Information
197-11-340	Determination of Nonsignificance (DNS)
197-11-350	Mitigated DNS
<u>197-11-355</u>	<u>Optional DNS process</u>
197-11-360	Determination of Significance (DS)/Initiation of Scoping
197-11-390	Effect of Threshold Determination
197-11-400	Purpose of EIS
197-11-402	General Requirements
197-11-405	EIS Types
197-11-406	EIS Timing
197-11-408	Scoping
197-11-410	Expanded Scoping
197-11-420	EIS Preparation
197-11-425	Style and Size
197-11-430	Format
197-11-435	Cover Letter or Memo
197-11-440	EIS Contents
197-11-442	Contents of EIS on Nonproject Proposals
197-11-443	EIS Contents When Prior Nonproject EIS
197-11-444	Elements of the Environment
197-11-448	Relationship of EIS to Other Considerations
197-11-450	Cost-Benefit Analysis
197-11-455	Issuance of DEIS
197-11-460	Issuance of FEIS
197-11-500	Purpose of this Part
<u>197-11-502</u>	<u>Inviting comment</u>
197-11-504	Availability and Cost of Environmental Documents
197-11-508	SEPA Register
<u>197-11-510</u>	<u>Public Notice</u>
197-11-535	Public Hearing and Meetings
197-11-545	Effect of No Comment
197-11-550	Specificity of Comments
197-11-560	FEIS Response to Comments
197-11-570	Consulted Agency Costs to Assist Lead Agency
197-11-600	When to Use Existing Environmental Documents
197-11-610	Use of NEPA Documents
197-11-620	Supplemental Environmental Impact Statement--
Procedures	
197-11-625	Addenda--Procedures
197-11-630	Adoption--Procedures
197-11-635	Incorporation by Reference--Procedures
197-11-640	Combining Documents
197-11-650	Purpose of this Part
197-11-655	Implementation
197-11-660	Substantive Authority and Mitigation

197-11-680	Appeals
197-11-700	Definitions
197-11-702	Act
197-11-704	Action
197-11-706	Addendum
197-11-708	Adoption
197-11-710	Affected Tribe
197-11-712	Affecting
197-11-714	Agency
197-11-716	Applicant
197-11-718	Built Environment
197-11-720	Categorical Exemptions
<u>197-11-721</u>	<u>Closed record appeal</u>
197-11-722	Consolidated Appeal
197-11-724	Consulted Agency
197-11-726	Cost-Benefit Analysis
197-11-728	County/City
197-11-730	Decision maker
197-11-732	Department
197-11-734	Determination of Nonsignificance (DNS)
197-11-736	Determination of Significance (DS)
197-11-738	EIS
197-11-740	Environment
197-11-742	Environmental Checklist
197-11-744	Environmental Document
197-11-746	Environmental Review
197-11-748	Environmentally Sensitive Area
197-11-750	Expanded Scoping
197-11-752	Impacts
197-11-754	Incorporation by Reference
197-11-756	Lands Covered by Water
197-11-758	Lead Agency
197-11-760	License
197-11-762	Local Agency
197-11-764	Major Action
197-11-766	Mitigated DNS
197-11-768	Mitigation
197-11-770	Natural Environment
197-11-772	NEPA
197-11-774	Nonproject
<u>197-11-775</u>	<u>Open record hearing</u>
197-11-776	Phased Review
197-11-778	Preparation
197-11-780	Private Project
197-11-782	Probable
197-11-784	Proposal
197-11-786	Reasonable Alternative
197-11-788	Responsible Official
197-11-790	SEPA
197-11-792	Scope
197-11-793	Scoping
197-11-794	Significant
197-11-796	State Agency
197-11-797	Threshold Determination

197-11-799	Underlying Governmental Action
197-11-800	Categorical Exemptions
197-11-880	Emergencies
197-11-890	Petitioning DOE to Change Exemptions
197-11-900	Purpose of this Part
197-11-902	Agency SEPA Policies
<u>197-11-904</u>	<u>Agency SEPA procedures</u>
<u>197-11-906</u>	<u>Content and consistency of agency procedures</u>
<u>197-11-908</u>	<u>Critical areas</u>
<u>197-11-910</u>	<u>Designation of responsible official</u>
<u>197-11-912</u>	<u>Procedures of consulted agencies</u>
<u>197-11-914</u>	<u>SEPA fees and costs</u>
197-11-916	Application to Ongoing Actions
<u>197-11-917</u>	<u>Relationship to Chapter 197-10 WAC</u>
<u>197-11-918</u>	<u>Lack of agency procedures</u>
197-11-920	Agencies with Environmental Expertise
197-11-922	Lead Agency Rules
197-11-924	Determining the Lead Agency
197-11-926	Lead Agency for Governmental Proposals
197-11-928	Lead Agency for Public and Private Proposals
197-11-930	Lead Agency for Private Projects with One Agency with Jurisdiction
197-11-932	Lead Agency for Private Projects Requiring Licenses from more than one Agency, when One of the Agencies is a County/City
197-11-934	Lead Agency for Private Projects Requiring Licenses from a Local Agency, not a County/City, and one or more State Agencies
197-11-936	Lead Agency for Private Projects Requiring Licenses from more than one State Agency
197-11-938	Lead Agencies for Specific Proposals
197-11-940	Transfer of Lead Agency Status to a State Agency
197-11-942	Agreements on Lead Agency Status
197-11-944	Agreements on Division of Lead Agency Duties
197-11-946	DOE Resolution of Lead Agency Disputes
197-11-948	Assumption of Lead Agency Status
<u>197-11-950</u>	<u>Severability</u>
<u>197-11-955</u>	<u>Effective date</u>
197-11-960	Environmental Checklist
197-11-965	Adoption Notice
197-11-970	Determination of Nonsignificance (DNS)
197-11-980	Determination of Significance and Scoping Notice (DS)
197-11-985	Notice of Assumption of Lead Agency Status
197-11-990	Notice of Action

B. 14.24.040 Additional considerations in time limits applicable to the SEPA process. The following time limits (expressed in calendar days) shall apply when the city processes licenses for all private projects and those governmental proposals submitted to the city by other agencies:

A. Categorical Exemptions. The city shall identify whether an action is categorically exempt within seven days of receiving a completed application.

B. Threshold Determinations.

1. Further Clarification of ~~Fifteen~~ Fourteen-Day Period for Threshold Determination. The city should complete threshold determinations that can be based solely upon review of the environmental checklist for the proposal within ~~fifteen~~ working fourteen days of the date an applicant's adequate application and completed checklist are submitted.

2. When the responsible official requires further information from the application or consultation with other agencies with jurisdiction:

a. The city should request such further information within ~~fifteen~~ fourteen days of receiving an adequate application and completed environmental checklist.

b. The city should wait no longer than ~~thirty~~ fourteen days for a consulted agency to provide additional information.

c. The responsible official should complete the threshold determination within ~~fifteen~~ fourteen days of receiving the requested information from the applicant or the consulted agency.

3. The city shall complete threshold determinations on actions where the applicant recommends in writing that an EIS be prepared, because of the probable significant adverse environmental impact(s) described in the application, within fifteen days of receiving an adequate application and completed checklist.

C. 14.24.100 Mitigated DNS.

A. As provided in this section and in WAC 197-11-350, the responsible official may issue a determination of nonsignificance (DNS) based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

B. An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:

1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency;

2. Precede the city's actual threshold determination for the proposal.

C. The responsible official should respond to the request for early notice within fifteen working days. The response shall:

1. Be written;
2. State whether the city currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that are leading the city to consider a DS;
3. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

D. As much as possible, the city should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

E. When an applicant submits a changed or clarified proposal, along with a revised environmental checklist, the city shall base its threshold determination on the changed or clarified proposal and should make the determination within fifteen days of receiving the changed or clarified proposal:

1. If the city indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the city shall issue and circulate a determination of nonsignificance under WAC 197-11-340(2).

2. If the city indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city shall make the threshold determination, issuing a DNS or DS as appropriate.

3. The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot stormwater retention pond at Y location" are adequate.

4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

F. A mitigated DNS issued under WAC 197-11-340(2), requires a ~~fifteen~~-fourteen day comment period and public notice. However, a mitigated DNS may be issued under WAC 197-11-340(1) if intended only to minimize adverse impacts and not to eliminate the requirements for an EIS.

G. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the city.

H. If the city's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the city should evaluate the threshold determination to assure consistency with WAC 197-11-340(3)(a) (withdrawal of DNS).

I. The city's written response under subsection 14.24.100(C) shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the city to consider the clarifications or changes in its threshold determination.

Section 9. There is hereby added to the Lacey Municipal Code Section 14.24.105 entitled Optional DNS process, relating to the City's environmental process to read as follows:

14.24.105 Optional DNS Process.

A. Pursuant to RCW 36.70.B.060 if the city has a reasonable basis for determining significant adverse environmental impacts are unlikely, it may use a single integrated comment period to obtain comments on the notice of application and the likely threshold determination for the proposal. If this process is used, a second comment period will typically not be required when the DNS is issued. (Refer to subsection D. of this section.)

B. If the city uses the optional process specified in subsection D. of this section, the city shall:

1. State on the first page of the notice of application that it expects to issue a DNS for the proposal and that:

- a. The optional DNS process is being used;
- b. This may be the only opportunity to comment on the environmental impacts of the proposal;
- c. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and
- d. A copy of the subsequent threshold determination for the specific proposal may be obtained upon request. (In addition, the City may choose to maintain a general mailing list for threshold determination distribution.)

2. List in the notice of application the conditions being considered to mitigate environmental impacts, if a mitigated DNS is expected;

3. Comply with the requirements for a notice of application and public notice in RCW 36.70B.110; and

4. Send the notice of application and environmental checklist to:

a. Agencies with jurisdiction, the Department of Ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of the implementation of the proposal; and

b. Anyone requesting a copy of the environmental checklist for the specific proposal. (In addition, the city may choose to maintain a general mailing list for checklist distribution.)

C. If the city indicates on the notice of application that a DNS is likely, and agency with jurisdiction may assume lead agency status during the comment period on the notice of application. (WAC 197-11-948)

D. The responsible official shall consider timely comments on the notice of application and either:

1. Issue a DNS or mitigated DNS with no comment period using the procedures in subsection E. of this section.

2. Issue a DNS or mitigated DNS with a comment period using the procedures in subsection E. of this section, if the lead agency determines a comment period is necessary;

3. Issue a DS; or

4. Require additional information or studies prior to making a threshold determination.

E. If a DNS or mitigated DNS is issued under subsection D.1. of this section, the City shall send a copy of the DNS or mitigated DNS to the Department of Ecology, agencies with jurisdiction, those who commented, and anyone requesting a copy. of the environmental checklist need not be recirculated.

Section 10. There is hereby added to the Lacey Municipal Code a new section 16.14.100 to read as follows:

16.14.100 Woodland Creek protection. All developments and uses proposed for lands bordering Woodland Creek shall be required to maintain a two-hundred-foot in depth natural buffer from the ordinary high water mark on both sides of the creek. Within this

buffer area, no development or use shall be permitted except for natural open spaces, trails, passive recreational activities, streets and utility services. Stormwater runoff directed to Woodland Creek shall be pretreated to mitigate water quality impacts as approved by the city.

Section 11. Section 16.15.090 is hereby amended to read as follows:

16.15.090 Open space for multi-family projects and similar condominiums. For multi-family developments and similar condominiums a minimum of twenty percent of the gross site area shall be set aside and utilized as open space area for use and enjoyment of future residents of the development. Such open space shall at a minimum meet the following standards:

A. Open space area must be designed to be attractive and usable for active as well as passive recreation opportunities. No use shall be allowed within open space that adversely affects the aesthetic appeal or usability of the open space.

B. For the purpose of calculation of the twenty percent requirement, open space shall be separate and distinct from buffers, required yard areas, setbacks, and other undeveloped portions of the site.

C. Open space area shall have convenient access for residences of the development and shall be consolidated to provide maximum access, visibility, usability, minimization of impacts to residential uses, and ease of maintenance.

D. Open space areas shall be designed and placed in consideration of existing and potential open space on adjacent parcels to provide consolidation or opportunities for future consolidation of neighborhood open space areas.

E. Existing trees and significant vegetation shall be maintained in open space areas unless an alternate landscaping plan for such areas is required or approved by the site plan review committee.

F. Cash or like value of land area and improvements may be donated to the city for open space purposes to fulfill open space requirements within that specific parks planning area. Acceptance will be at the discretion of the city.

Section 12. Section 16.18.090 of the Lacey Municipal Code is hereby amended to read as follows:

16.18.090 Open space for multi-family projects and similar condominiums. For multi-family developments and similar condominiums a minimum of twenty percent of the gross site area shall be set aside and utilized as open space area for use and

enjoyment of future residents of the development. Such open space shall at a minimum meet the following standards:

A. Open space area must be designed to be attractive and usable for active as well as passive recreation opportunities. No use shall be allowed within open space that adversely affects the aesthetic appeal or usability of the open space.

B. For the purpose of calculation of the twenty percent requirement, open space shall be separate and distinct from buffers, required yard areas, setbacks, and other undeveloped portions of the site.

C. Open space area shall have convenient access for residences of the development and shall be consolidated to provide maximum access, visibility, usability, minimization of impacts to residential uses, and ease of maintenance.

D. Open space areas shall be designed and placed in consideration of existing and potential open space on adjacent parcels to provide consolidation or opportunities for future consolidation of neighborhood open space areas.

E. Existing trees and significant vegetation shall be maintained in open space areas unless an alternate landscaping plan for such areas is required or approved by the site plan review committee.

F. Cash or like value of land area and improvements may be donated to the city for open space purposes to fulfill open space requirements within that specific parks planning area. Acceptance will be at the discretion of the city.

Section 13. The following amendments and additions are made to Chapter 16.23 of the Lacey Municipal Code relating to the mixed use high-density corridor.

A. Section 16.23.010 is hereby amended to read as follows:

16.23.010 Intent.

A. Over time, that portion of the Martin Way designated Mixed Use High Density is intended to gradually change from an area dominated by strip commercial development, light industry, warehousing, and other low intensity or non-pedestrian uses into mixed use, high density residential and commercial area where people enjoy walking, shopping, working and living.

B. To create three mixed high density corridor zones designed to reflect a desire to move away from traditional commercial strip development to a mixed high density corridor. The three zones are intended to reflect an emphasis on existing uses which are already established within the area to help promote a healthy business climate for existing uses.

BC. Create a specific mixed high density corridor zone for the eastern portion of Martin Way between Marvin and Meridian that will ~~to~~ make the transition away from strip commercial auto-oriented development, low intensity and motor-vehicle-oriented uses are not desirable within this area. Low intensity and motor vehicle-related uses are considered to be those which are relatively large in scale and which primarily serve patrons arriving by motor vehicle because:

1. The uses primarily sell products of such size or weight as to require motor transport by necessity, such as boats; and/or

2. They require substantial areas for outdoor storage of product or equipment or they are not pedestrian-oriented at all, such as warehousing or light industry;

3. Exception may be made for food and general merchandise stores where design of the site is integrated to serve local pedestrian traffic and compatible and complementary to adjacent uses.

D. Create a mixed high density corridor zone for the western portion of Martin Way generally between Hensley and Carpenter Road that will make the transition away from classic strip commercial development to a full range of commercial uses with attractive street fronts, multimodal improvements and a design which is compatible in an environment where residential uses and commercial uses are located adjacent to one another.

E. Create a mixed high density corridor zone as a transition between the east and west zones between Hensley and Marvin Road. This zone would recognize some automobile-related uses but only through a conditional use permit process.

CF. Allow for commercial uses and other mixed use development in a way that serves the needs of the neighborhood and the community and enhances the appearance and identity of the mixed high density corridor.

DG. Provide for a type, configuration, and density of development that will entice pedestrian shoppers to frequent the area, encourage pedestrian traffic between businesses, facilitate efficient mass transit, and require less reliance on motor vehicles.

EH. Encourage a variety of businesses which offer retail goods or consumer services that appeal to pedestrians and/or serve the needs of the surrounding neighborhood.

FI. Integrate new development with existing uses to achieve a better environment for pedestrians and to maintain or enhance the livability of the adjacent residential neighborhood.

—GJ. Provide development standards which require direct, convenient pedestrian and vehicular access to businesses.

—HK. Balance the needs of motorists and businesses serving a community-wide market with the needs of pedestrians and neighborhood residents.

B. Section 16.23.020 is hereby amended to read as follows:

16.23.020 Permitted uses in all mixed high density corridor zones.

A. Commercial uses and public administration. The following ~~commercial uses as classified in the Standard Industrial Classification Index 1987 edition~~ are permitted as an allowed use or by conditional use permit as noted if they have a gross floor area of no more than 15,000 square feet and require no outside storage. The square footage limitation may be waived by the site plan review committee for ~~uses under the general categories of general~~ merchandise stores (53), food stores (54), hotels and motels (701), rooming houses (702), educational services (82), and museums and gardens (84). To waive this requirement the site plan review committee must find that the proposed use can conform to other requirements of the high density corridor, is designed to accommodate the pedestrian emphasis and is compatible and complementary to surrounding uses in the zone. Noted conditional uses may also be approved with a greater or lesser square footage under the same conditions of pedestrian emphasis, compatibility and complementary design.

Uses allowed include:

1. Retail uses. Preferred retail activities are those that promote a shopping experience for pedestrians and can accommodate design that is easily integrated into the corridor's mixed use vision. Preferred retail uses include activities such as:

- a) general merchandise
- b) food
- c) apparel and accessories
- d) eating and drinking establishments
- e) drug and proprietary
- f) shopping goods stores

2. Finance, insurance and real estate. Preferred uses include finance, insurance and real estate servicing needs of surrounding neighborhood and community residents. Such uses will have a design that promotes the immediately surrounding mixed use high density corridor. Such uses include:

- a) finance depository institutions, non-depository institutions, holding companies, other investment

companies, brokers and dealers in securities and commodity contracts and security and commodity exchanges;

b) insurance, including carriers of all types of insurance and insurance agents and brokers;

c) real estate, including owners, lessors, lessees, buyers, sellers, agents and developers of real estate.

3. Services. Preferred service uses are establishments primarily engaged in a variety of services for individuals, business and government establishments and other organizations and have a design promoting the service needs of the mixed uses within the corridor.

Preferred service uses include activities such as:

a) hotels and lodging places;

b) personal services: laundry, photo studios, beauty shops, shoe repair and funeral service;

c) business services: advertising agencies, commercial art and computer programming;

d) repair services: radio and TV repair;

e) motion pictures: theaters and video tape rental stores;

f) amusement and recreation: physical fitness facilities and health clubs;

g) health services: office and clinics of doctors, dentists, health practitioners, veterinarian clinics and medical laboratories;

h) educational services: establishments involved in academic and technical instruction and libraries;

i) social services: child care and residential care;

j) museums, art galleries and botanical and zoological gardens;

k) membership organizations;

l) engineering, accounting, research, management and related services.

4. Public administration. Preferred uses include activities involving the executive, legislative, judicial, administrative and regulatory activities of federal, state, local and international governments.

Preferred public administration uses are those promoting the mixed use of the corridor by servicing the residents of the neighborhoods and within the corridor. Such uses include activities like a post office, satellite police stations and fire stations.

5. Transportation activities. Preferred uses are transportation activities which promote a multi-modal environment

or can be easily integrated into the mixed use vision for the corridor. Such uses include activities such as:

- a) bus terminals,
- b) taxi cab services,
- c) transportation services,
- d) travel agencies,
- e) tour operators,
- f) commercial parking facilities may be allowed provided they are limited to 25 cars. Commercial parking facilities shall be prohibited on corner lots.

- ~~43 postal services~~
- ~~472 passenger transportation arrangement~~
- ~~48 communications~~
- ~~49 electric, gas and sanitary services (provided they are required for normal allowed uses within the immediate surrounding planning area)~~
- ~~52 building materials and supplies with exception of mobile home dealers (527)~~
- ~~53 general merchandise stores~~
- ~~54 food stores~~
- ~~56 clothes store~~
- ~~57 furniture and home furnishing stores~~
- ~~58 eating and drinking places~~
- ~~59 miscellaneous retail~~
- ~~H finance, insurance and real estate~~
- ~~701 hotels and motels~~
- ~~702 rooming and boarding houses~~
- ~~72 personal services~~
- ~~73 business services~~
- ~~752 commercial parking limited to parking for 25 cars and prohibited on corner lots~~
- ~~76 miscellaneous repair services~~
- ~~78 motion pictures~~
- ~~791 dance studios~~
- ~~792 producers, orchestras, entertainers~~
- ~~793 bowling centers (c)~~
- ~~799 miscellaneous amusement recreation services (c)~~
- ~~80 health care~~
- ~~81 legal services~~
- ~~82 educational services~~
- ~~83 social services~~
- ~~84 museums, botanical, zoological gardens~~
- ~~86 membership organizations (c)~~
- ~~87 engineering and management services~~
- ~~J public administration~~

B. Residential uses. All residential uses are permitted with a minimum density of at least twelve units per acre. No density maximum shall be imposed provided any density beyond twenty units per acre shall be obtained by purchase of transfer of development rights; low income housing density bonuses or other incentive density bonuses as may be available or determined

in the best interest of the community by the site plan review committee.

~~C. Legal nonconforming uses in this zone may expand and enlarge through the site plan review process. Provided, however, the site plan review committee shall require conformance to all other provisions of this chapter and shall ensure, through conditions and design, that said expansion is consistent with the intent of this zone to provide an attractive streetscape friendly to pedestrians and transit activity. (Ord. 1045 §1, 1996; Ord. 1024 §38, 1995).~~

C. There is hereby added to the Lacey Municipal Code a new section 16.23.024 to read as follows:

16.23.024 Additional permitted uses. Selected automobile-related uses are allowed in the mixed high density corridor (west) zone pursuant to Section 16.23.010(D). Provided the use is designed to conform to other requirements of the high density corridor, is designed to accommodate the pedestrian emphasis and is compatible and complementary to surrounding uses. Such uses include:

A. Automobile related uses such as:

1. automobile parts store
2. automobile repair
3. service activities
4. gas stations
5. vehicle sales activities
6. mobile home sales activities

D. There is hereby added to the Lacey Municipal Code a new section 16.23.025 to read as follows:

16.23.025 Conditional uses.

A. Other uses in the following categories may be permitted through a conditional use permit. Provided the applicant can demonstrate such use can be designed to be integrated into the corridor and compatible and complementary to existing and future preferred uses and land use vision. Uses that may be approved through the conditional use permit process in all three mixed use high density corridor zones include:

1. Retail uses such as
 - a) hardware
 - b) building material and garden supply
 - c) home furnishings and equipment
2. Services
 - a) upholstery
 - b) furniture repair

3. Public administration

a) state offices

B. Additional conditional uses may be permitted in the central zone pursuant to Section 16.23.010(E). Provided it can be shown the use can conform to other requirements of the high density corridor, is designed to accommodate the pedestrian emphasis and is compatible and complementary to surrounding uses. Such uses include:

1. Automobile related uses such as:

- a) automobile parts store
- b) automobile repair
- c) service activities
- d) gas stations
- e) vehicle sales activities
- f) mobile home sales activities

C. Automobile gas stations may be permitted by special use permit at the northeast and southwest corners of the intersection of Meridian, Martin and Duterrow. This use shall be limited to the lots with gas stations existing on the effective date of this ordinance. Provided that the provisions of B. above can be satisfied.

Section 14. The following amendments are made to sections of Chapter 16.24 relating to the city's Central Business District.

A. Section 16.24.010 is hereby amended to read as follows:

16.24.010 Statement of intent. The central business district is the financial and business hub of the community. It is to be developed as an aesthetically attractive area of intense use. Toward this end, the city shall encourage the development of regional retail shopping facilities, and major office complexes along with specialty retail, business support services, urban residential, hotel and institutional uses. Development must enhance people orientation, and provide for the needs, activities and interests of people. The city will encourage land uses that emphasize variety, mixed uses and unity of form within buildings or complexes.

Specific land use districts in the form of sub areas have been established within the Central Business District (CBD) to permit variation in use and development standards in order to implement the CBD goals and policies of the Lacey comprehensive plan. (See Table 16T-05 for a description of each land use district.)

A. Central Business District-1 (CBD-1). The purpose of the CBD-1 land use district is to provide an area for the most intensive business, financial, specialized retail, hotel,

entertainment and urban residential activities. The district is limited in extent in order to provide the level of intensity needed to encourage and facilitate a significant level of transit service. Pedestrian-attracting daytime and nighttime activities are encouraged. Transit and pedestrian facilities linking them are encouraged; long-term parking and other automobile-oriented uses are discouraged.

B. Central Business District-2 (CBD-2). The purpose of the CBD-2 land use district is to provide an area for intensive business, financial, retail, hotel and urban residential activities.

C. Central Business District-3 (CBD-3). The purpose of the CBD-3 land use district is to provide an area for intensive regional retail activity along with mixed office complexes.

D. Central Business District-4 ~~Central Business District 4.A.~~ (CBD-4A). The purpose of the CBD-4A land use district is to provide an area for general commercial and limited business activities. This district also serves as a transition area between more intensive core area activities and neighboring residential areas. Long-term parking and automobile-oriented uses are encouraged.

E 2. Central Business District-5 ~~4B~~ (CBD-5 ~~4B~~). The purpose of CBD-5 ~~4B~~ land use district is to provide an area for general commercial activities along with mixed use activities, office complexes and public facilities.

~~E. Central Business District 5 (CBD 5). The purpose of the CBD 5 land use district is to provide an area for general commercial activities. This district is distinguished from other general commercial areas due to its partial isolation from other similar uses in the city of Lacey and its proximity to such uses in the city of Olympia.~~

F. Central Business District-6 (CBD-6). The purpose of the CBD-6 land use district is to provide an area for general commercial activities, along with mixed-use activities, office complexes, hotels and public facilities.

G. Central Business District-7 (CBD-7). The purpose of the CBD-7 land use district is to provide an area for a broad range of business park-type activities, along with mixed use activities, office complexes, hotels, limited general commercial, and public facilities.

H. Central Business District-8 (CBD-8). The purpose of the CBD-8 land use district is to provide an area for college campus activities, such as classrooms, dormitories, pavilions, athletic fields and facilities, and associated uses and activities.

B. Section 16.24.020 is hereby amended to read as follows:

16.24.020 Permitted uses.

A. Specific categories of uses are listed, by land use district, in *Table 16T-06*. In addition to such listing, child day care centers will be allowed subject to the provisions of Chapter 16.65 of this code as a permitted use in sub areas 1 through 8 ~~and as a special or conditional use in subarea 9.~~

B. Any person owning property in the city, agent of such person or resident of the city may appeal the determination of the enforcing officer and/or site plan review committee to the hearings examiner, following procedures and requirements specified in Chapter 16.84.

C. *Table 16T-06* and explanation thereof shall be used in determining generalized land uses in the city of Lacey Central Business District.

~~D. *Table 16T-06A* shall be conditions to the use of *Table 16T-06*. (Ord. 965 §3,~~

C. Section 16.24.140 is hereby amended to read as follows:

16.24.140 Woodland Creek protection. All developments and uses proposed for lands bordering Woodland Creek in sub areas 6 ~~7 and 7 and 9~~ shall be required to maintain a two-hundred-foot in depth natural buffer from the ordinary high water mark on both sides of the creek. Within this buffer area, no development or use shall be permitted except for natural open spaces, trails, passive recreational activities, streets and utility services. Stormwater runoff directed to Woodland Creek shall be pretreated to mitigate water quality impacts as approved by the city.

Section 15. Section 16.40.080 of the Lacey Municipal Code is hereby repealed.

Section 16. There is hereby added to Chapter 16.40 of the Lacey Municipal Code relating to the light industrial district the following new sections:

A. Section 16.40.080 entitled Landscaping, to read as follows:

16.40.080 Landscaping.

A. All applicable requirements of Chapter 16.80 shall be satisfied.

B. **Adjacent Areas.** Parcels or lots which share a common boundary with properties in a residential or open space/institutional district shall be required to landscape the required setback area.

The exterior edge(s) of the common boundaries shall be densely planted with site screening vegetation having a minimum height of four feet at the time of planting.

B. Section 16.40.085 entitled Refuse to read as follows:

16.40.085 Refuse.

A. Refuse container screening shall be required and be of a material and design compatible with the overall architectural theme of the associated structure, shall be at least as high as the refuse container, and shall in no case be less than six feet high.

B. No refuse container shall be permitted between a street and the front of a building.

C. Refuse collection areas shall be designed to contain all refuse generated on site and deposited between collections. Deposited refuse shall not be visible from outside the refuse enclosure.

Section 17. Section 16.59.070 is amended by amending section B. thereof to read as follows:

B. Pedestrian and Bicyclist Use of Streets. All streets shall be pedestrian-friendly and usable by pedestrians. Streets shall generally utilize a full range of innovative traffic-calming techniques to promote slow speeds throughout the village. ~~Basketball hoops along side streets within right of way are permitted, acknowledging use of streets by children and pedestrians for non auto-oriented activities in the neighborhood.~~

Section 18. The following sections of Chapter 16.60 of the Lacey Municipal Code relating to planned residential development are hereby amended to read as follows:

A. Section 16.60.050 is hereby amended to read as follows:

16.60.050 Relationship to other ordinance provisions.

A. Zoning Requirements. The provisions of the zoning ordinance pertaining to land use of the underlying zoning district shall govern the use of land in a planned residential development.

The specific setback, lot size, height limits and other dimensional requirements are waived, and provided the City may waive other normal design standards if it finds a proposed design provides a better approach to achieving quality and functional neighborhoods as promoted in Lacey's land use plan. ~~and the r~~ Regulations for PRDs shall be those indicated in Section 16.60.140.

B. Platting Requirements. A PRD shall be exempt from the specific design requirements of the subdivision ordinance, except that when any parcel of land in a PRD is intended for individual

ownership, sale or public dedication, the platting and procedural requirements of the subdivision ordinance and applicable state laws pertaining to the subdivision and conveyancing of land and the preparation of maps shall be followed.

C. Public Hearing Required. Applications for PRDs shall require a public hearing with notice thereof to be given as provided in Chapter 16.96.

B. Section 16.60.170 is hereby amended to read as follows:

16.60.170 Final review and approval--Application--Filing time limitation for applications not involving plats. An application for final review and approval shall be filed by the applicant within eighteen months of the date on which preliminary approval was given by the city council. If an application includes a plat the timing requirements of Chapter 15 shall apply. An extension not exceeding six months may be granted by the hearings examiner. If application for final approval is not made within eighteen months or within the time for which an extension has been granted, the plan shall be considered abandoned, and the development of the property shall be subject to the normal requirements and limitations of the underlying zone ~~and the subdivision ordinance.~~

C. Section 16.60.250 is hereby amended to read as follows:

16.60.250 Commencement of construction. Construction of the PRD project not involving a plat shall begin within one year from the date of the final approval of the plan. An extension of time for beginning construction may be requested in writing by the applicant, and such extension not exceeding six months may be granted by the council. If construction is not begun within one year or within the time for which an extension has been granted, the plan shall be considered abandoned, and the development of the property shall be subject to the normal requirements and limitations of the underlying zone ~~and the subdivision ordinance.~~ If the final approval was a plat no timing requirements for construction shall apply.

Section 19. The following sections of Chapter 16.68 relating to wireless communication facilities are hereby amended to read as follows:

A. Section 16.68.020 is hereby amended to read as follows:

16.68.020 Definitions.

A. "Antenna" means the specific device the surface to which is used to capture an incoming and/or to transmit an outgoing radio-frequency signal. Antennas include the following types:

1. Omni-Directional (or 'whip') Antenna. Receives and transmits signals in a three hundred-sixty degree pattern, and which is up to fifteen feet in height and up to four inches in diameter.

2. Directional (or 'panel') Antenna. Receives and transmits signals in a directional pattern typically encompassing an arc of one hundred-twenty degrees.

3. Parabolic (or 'dish') Antenna. A bowl shaped device that receives and transmits signals in a specific directional pattern.

4. Ancillary Antenna. An antenna that is less than twelve inches in its largest dimension and that is not directly used to provide persona wireless communications services. An example would be a global positioning satellite (GPS) antenna.

5. Other. All other transmitting or receiving equipment not specifically described herein shall be regulated in conformity with the type of antenna described herein which most closely resembles such equipment.

B. "Co-location" means the use of a single support structure and/or site by more than one wireless communications provider.

C. "Equipment enclosure" means a small structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communications signals. Associated equipment may include air conditioning and emergency generators.

D. "Stealth technology" means those strategies and technological innovations designed to resemble other features in the surrounding environment to better blend or integrate the technology into an area. Strategies include, but are not limited to, hiding, masking or screening the feature or mimicking other surrounding features.

~~—~~ E. "Support structure" means the structure to which antenna and other necessary associated hardware is mounted. Support structures include but are not limited to the following:

1. Lattice tower. A support structure which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.

2. Monopole. A support structure which consists of a single pole sunk into the ground and/or attached to a foundation.

3. Existing non-residential structure. Existing structures as specified in Section 16.68.030 to which antennas

may be attached which conform to the requirements of Section 16.68.030.

—E. F. "Wireless Communications Facility (WCF)" means an unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communications. WCFs are composed of two or more of the following components:

1. antenna
2. support structure
3. equipment enclosure
4. security barrier.

B. Section 16.68.025 is hereby amended to read as follows:

16.68.025 Review process.

A. All requests to locate wireless communication facilities in Lacey shall be reviewed through either the site plan review process of Chapter 16.84 or the conditional use permit process of Chapter 16.87.

B. Wireless communication facilities proposed for co-location or location on existing commercial buildings or public structures shall require approval through the site plan review process of Chapter 16.84.

C. Wireless communication facilities proposed as free-standing support structures shall require approval through the conditional use permit process of Chapter 16.87.

D. Third party review of submittal requirements. Because of the complexity of technical data and analysis required for adequate review of proposals, a third party may be contacted for review and analysis of such applications, particularly where disputes arise regarding the capability of meeting city goals, standards or policies in siting these facilities. The third party analysis will be at the discretion of the Community Development Director and will be at the expense of the applicant. The cost of such analysis will be agreed to and paid prior to processing or any action on the permit application.

C. Section 16.84.010 is hereby amended to read as follows:

16.84.010 Site plan review required, application and committee membership.

A. Site plan review and approval shall be required for any of the following activities.

1. The use of land for the location of any commercial, industrial or public building or activity, and for the location of any building containing more than two dwelling units or lot with more than one residential structure other than a permitted accessory dwelling.

2. A change of land use at an existing site or structure when the new activity requires either a change of occupancy according to the Uniform Building Code or is a change of land use according to the Standard Industrial Classification code and, in the opinion of the community development directory, results in an intensification of land use and will require new ~~planning~~ development conditions to comply with existing ~~planning~~ regulations. This provision may not apply to malls (buildings with ten or more tenants sharing common parking) where original conditions to establish the mall complex anticipated a range of tenants and existing facilities and where it can be shown existing infrastructure can accommodate the new intensified use.

3. Expansion of an existing commercial, industrial, public or multifamily structure or use. Provided residential duplexes are exempt.

4. A remodel of an existing structure where the remodel is twenty-five percent or more of the assessed valuation of existing structures. The remodel value shall be calculated according to methodology described in LMC 14.04.015. The value of existing structures shall be the most recent value assigned by the County Assessor. The twenty-five percent threshold shall be cumulative, including calculations of all previously exempt remodels. Remodels of residential duplex, triplex, and quadraplex shall be exempt from site plan review.

5. Uses and activities within designated environmentally sensitive areas or their buffers pursuant to the requirements of Chapter 14.

B. An application, in completed form, shall be filed for site plan review and approval with the department of public works. An application shall not be in completed form under this section if it fails to contain any of the information and material required under Section 16.84.060.

C. The site plan review committee shall consist of the following members: Lacey staff planner, who shall serve as chairman; city manager; and the city director of public works, or their designees in their temporary absence.

Section 20. Table 16T-06 of the Lacey Municipal Code is hereby amended to read as set forth on Exhibit "B" attached hereto.

Section 21. Table 16T-07 of the Lacey Municipal Code is hereby amended to read as set forth on Exhibit "C" attached hereto.

Section 22. Table 16T-11 of the Lacey Municipal Code is hereby amended to read as set forth on Exhibit "D" attached hereto.

Section 23. Table 16T-13 of the Lacey Municipal Code is hereby amended to read as set forth on Exhibit "E" attached hereto.

Section 24. Table 16T-16 of the Lacey Municipal Code is hereby amended to read as set forth on Exhibit "F" attached hereto.

Section 25. Section 12.28.010 of the Lacey Municipal Code is hereby amended to read as follows:

12.28.010 Adopted. Those certain guidelines and standards entitled "Development Guidelines and Public Works Standards" for the City of Lacey and first published in 1990 as the same have been or are in the future amended by specific action of the city council, ~~are adopted as~~ shall constitute the official development guidelines and public works standards for use on all development projects within the city and on all development projects located within the city service areas, annexation areas or planning areas to the extent that the city has the authority to require such guidelines and standards. In case of conflict between the Development Guidelines and Public Works Standards and other duly adopted ordinances, resolutions or policies of the city, the provisions of the Development Guidelines and Public Works Standards adopted by the ordinance codified in this section shall prevail.

Section 26. The summary attached hereto is approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this 25TH day of February, 1999.

CITY COUNCIL

BY Nancy Peterson
Mayor

Attest:

Approved as to form:

Charlotte M Taylor
City Clerk

[Signature]
City Attorney

Summary
Published: March 1, 1999
Monday

SUMMARY FOR PUBLICATION
ORDINANCE 1098
CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on FEBRUARY 25, 1999, Ordinance No. 1098 entitled "AN ORDINANCE ENACTING 1998 ANNUAL MODIFICATIONS TO THE CITY'S COMPREHENSIVE PLAN AND ZONING AND REGULATORY ORDINANCES, MODIFYING THE COMPREHENSIVE LAND USE MAP AND ZONING MAP, REZONING CERTAIN LANDS WITHIN THE CITY, ADOPTING THE 1998 TRANSPORTATION PLAN AND THE 1998 WASTEWATER COMPREHENSIVE PLAN, ADOPTING MODIFICATIONS TO THE CITY'S SEPA REGULATIONS, AMENDING THE CITY'S DEVELOPMENT GUIDELINES AND PUBLIC WORKS STANDARDS, REPEALING SECTION 16.40.080, ADOPTING NEW SECTIONS 14.24.105, 16.14.100, 16.23.024, 16.23.025, 16.40.080 AND 16.40.085 TO THE LACEY MUNICIPAL CODE AND AMENDING SECTIONS 12.28.010, 14.23.082, 14.24.020, 14.24.040, 14.24.100, 16.03.015, 16.09.020, 16.15.090, 16.18.090, 16.23.010, 13.23.020, 16.24.010, 16.24.020, 16.24.140, 16.59.070, 16.60.050, 16.60.170, 16.60.250, 16.68.020, 16.68.025, 16.84.010, TABLE 16T-06, 16T-07, 16T-11, 16T-13 AND 16T-16 OF SAID CODE AND ADOPTING A SUMMARY FOR PUBLICATION."

The main points of the ordinance are described as follows:

- 1) The ordinance modifies the provisions contained within the City of Lacey and Thurston County Land Use Plan for the Lacey Urban Growth Area to be consistent with the County's adoption of such plan and to reflect modifications made regarding the Martin Way Corridor.
- 2) The ordinance modifies the sub-area numbering system contained within the Comprehensive Plan Downtown Element and removes the former provisions regarding sub-area 5 which was formerly designated for an area of Martin Way.
- 3) The ordinance adopts the city of Lacey Comprehensive 1998 Wastewater Plan.
- 4) The ordinance takes final action approving a rezone of a portion of the corporate center and of property adjacent to Carpenter Road Extended and provides for modification of the Comprehensive Plan Map for the Lacey Growth Area and the Lacey Zoning Map to reflect these two actions and in addition, an action annexing and modifying the Comprehensive Plan Map designation of property lying north of the city and westerly of Marvin Road as well as prior actions of the City Council in approving the Horizon Pointe and Summer Walk village center projects.

Ordinance 1098

5) The ordinance makes a number of technical changes in the City's regulatory ordinances and zoning ordinance including changes to reflect the planning process and decisions regarding the Martin Way Corridor.

6) The ordinance takes official action approving the modifications made in Chapters 1, 2 and 3 of the City's Development Guidelines and Public Works Standards.

7) The ordinance modifies the City's SEPA ordinance to be consistent with changes made in the provisions of the Washington Administrative Code.

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: MARCH 1, 1999
Monday,

LACEY/THURSTON COUNTY JOINT COMPREHENSIVE PLAN

MARTIN WAY AMENDMENTS

General Policies, Page 128:

b. Policies Regarding Mixed Use Arterial Corridors

- i. Policy: Provide for mixed use arterial corridor zone along Martin Way encouraging high density residential infill and redevelopment opportunities along this commercial strip as a strategy to promote a mixed use concept.
- ii. Policy: Apply different mixes of commercial and residential land uses along the Martin Way corridor based upon sensitivity to existing uses so they may be integrated into the long term vision.
- iii. Policy: Establish the Martin Way corridor as a mixed use high density district that provides specific areas where auto-related businesses are permitted and others where they are restricted.
- iv. Policy: Street frontage improvements are prioritized by the City and County with input from property owners and the public. Prioritization is to be based in part on available funding mechanisms that will include, as appropriate, City/County/community funds, grants, requirements for building permits, Local Improvement Districts, Business Improvement Districts or any other combination of funding.
- v. Policy: The City and County monitor and coordinate needed safety improvements for the Martin Way corridor.
- ii.vi. Policy: Provide for a mixed use arterial corridor zone encouraging moderate density development and new commercial development opportunities along portions of Sleater Kinney and Pacific Avenue. Mixed moderate density corridors should take advantage of marketing opportunities provided by the surrounding planning area and adjacent neighborhoods. Commercial uses permitted should include a range of office and service activities identified in Divisions II and I of the 1987 Standard Industrial Classification Manual. Selections permitted from Divisions II and I should reflect the corridor's marketing opportunities and compatibility with the neighborhood in which the corridor is located.
- ii.vii. Policy: Use the 1993 study conducted by Thurston Regional Planning entitled "Evolution of a Corridor - From Auto-oriented Arterial to High

Density Residential Corridor" as a guide for creation of the mixed use arterial zone and accompanying standards.

- ~~iv~~viii. Policy: Provide strong emphasis on the commercial aspects of the corridors as a way of strengthening Lacey's commercial base.

Tanglewilde/Thompson Place Planning Area, Page 330

III. Goals and Policies

- A. Goal: Pursue the evolution of the existing Martin Way strip commercial area into an attractive, high-density mixed use corridor.
1. Policy: Use the evolution of a corridor study (from auto-oriented arterial to high density residential corridor) developed by Regional as a guide for redevelopment of Martin Way in this area.
 2. Policy: Recognize that viable auto-related uses exist along Martin Way that should be allowed to mix with other uses to maintain a healthy business environment.
 3. Policy: Provide for a mixed use corridor west of Ranger/Hensley along Martin Way that would include the numerous auto-related businesses as permitted uses.
 4. Policy: Provide for a mixed use corridor east of Ranger/Hensley along Martin Way to the general commercial area with limitations placed on new or expanded auto-related uses through a public hearing process.
 5. Policy: In development of the mixed use corridor, pay particular attention to ensuring compatibility with adjacent low density residential areas.
 6. Policy: Work on pedestrian connections to the corridor for surrounding residential neighborhoods.
 7. Policy: Funding methods will include City, County and property owners for developing and phasing road improvements to Martin Way.

CHART 16.24.020(1)
GENERALIZED LAND USES IN CBD ZONES
Amended by Ordinance 1080 Sec. 17, 1998

DIVISION A. AGRICULTURE, FORESTRY, AND FISHING

SIC CODES	MAJOR GROUP/ESTABLISHMENTS	CBD1	CBD2	CBD3	CBD4 _a	CBD5 _{4b}	CBD5	CBD6	CBD7	CBD8
0272	Animal Aquaculture							P		
0742	Veterinary Services for Animal Specialties				P	P				
0781	Landscape Counseling and Planning	P	P	P	P	P	P	P	P	P
0782	Lawn and Garden Services	P	P	P	C	P	P	P	P	P
0783	Ornamental Shrub and Tree Services	P	P	P	C	P	P	P	P	P
	Noncommercial Forest							P	P	P
	Water Areas							P	P	P
	Open Space, Open Space								P	P
	Open Space, Timber							P	P	
	Open Space, NEC							C	C	

DIVISION B. MINING

► Not allowed under current Zoning Codes for Lacey's C.B.D.'s

DIVISION C. CONSTRUCTION

SIC CODES	MAJOR GROUP/ESTABLISHMENTS	CBD1	CBD2	CBD3	CBD4 _a	CBD5 _{4b}	CBD5	CBD6	CBD7	CBD8
152	Residential Building Construction	P	P	P	P	P	P	P	P	
153	Operative Builders	P	P	P	P	P	P	P	P	
154	Nonresidential Building Construction	C	C	C	C	C	C	C	C	
17	Special Trade Contractors	P	P	P	C	P	P	P	P	

Table 16T-06.2

Ordinance 1098

DIVISION D. MANUFACTURING

SIC CODES	MAJOR GROUP/ESTABLISHMENTS	CBD1	CBD2	CBD3	CBD4 _a	CBD5 _{4b}	CBD5	CBD6	CBD7	CBD8
205	Bakery Products	A/1	A/1	A/1	P					
206	Sugar/Confectionery Products	A/1	A/1	A/1	P					
238	Miscellaneous Apparel & Accessories	A/1	A/1	A/1					P	
239	Misc. Fabricated Textile Products								P	
251	Household Furniture	A/1	A/1	A/1					P	
252	Office Furniture								P	
253	Public Building & Related Furniture								P	
254	Partitions & Fixtures								P	
259	Misc. Furniture & Fixtures								P	
271	Newspapers	P	P		C	P			P	
272	Periodicals	P	P						P	
273	Books	P	P						P	
274	Misc. Publishing	P	P						P	
275	Commercial Printing	P	P		P	P		P	P	
276	Manifold Business Forms	P	P					P	P	
277	Greeting Cards	P	P					P	P	
278	Blankbooks, Bookbinding	P	P				P	P	P	
279	Printing Trade Services	P	P		P	P	P	P	P	
31	Leather & Leather Products	A/1	A/1	A/1						
32	Stone, Clay, & Glass Products	A/1	A/1	A/1						
357	Computer & Office Equipment								P	
358	Refrigeration & Services Machinery								P	
36	Electric & Electronic Equipment								P	
381	Search/Navigation Equipment								P	
382	Measuring/Controlling Devices								P	
3827	Optical Instruments & Lenses								P	
384	Medical Instruments & Supplies								P	
385	Ophthalmic Goods								P	
386	Photographic Equip. & Supplies	C		C					P	
387	Watches, Clocks, Cases & Parts	C		C					P	
39	Misc. Manufacturing Industries								C	

Table 16T-06.3

Ordinance 1098

DIVISION H. FINANCE, INSURANCE, AND REAL ESTATE

SIC CODES	MAJOR GROUP/ESTABLISHMENTS	CDB1	CBD2	CBD3	CBD4 _a	CBD5 _{4b}	CBD5	CBD6	CBD7	CBD8
60	Depository Institutions	P	P	P	P	P	P	P	P	
61	Nondepository Institutions	P/1	P/1	P/1	P	P	P	P	P	
62	Security & Commodity Brokers	P	P	P	P	P	P	P	P	
63	Insurance Carriers	P	P	P	P	P	P	P	P	
64	Insurance Agents, Brokers & Services	P	P	P	P	P	P	P	P	
65	Real Estate	P	P	P	P	P	P	P	P	
67	Holdings & Other Investment Offices	P	P	P	P	P	P	P	P	

DIVISION I. SERVICES

SIC CODES	MAJOR GROUP/ESTABLISHMENTS	CBD 1	CBD 2	CBD 3	CBD 4a	CBD5 _{4b}	CBD 5	CBD 6	CBD 7	CBD 8
701	Hotels & Motels	P	P	P	P	P	P	P	P	
72	Personal Services	P	P	P	P	P	P	P	P	
73	Business Services	P	P	P	P	P	P	P	P	
751	Automotive Rentals, No Drivers	C	C	P		P		P		
752	Automobile Parking	C	C	C	C	P		C	C	C
753	Automotive Repair Shops			P		P	P			
7542	Carwashes	C	C	C	P	P	P			
76	Miscellaneous Repair Services	C	C	C	C	P	C	C		
78	Motion Pictures	P	P	P		P				
784	Video Tape Rental	P	P	P	P	P	P	P	P	
7832	Motion Picture Theaters, No Drive-In	P	P	P		P		P		
79	Amusement & Recreation Services	P	P	P	C	P		P	C	C
801	Offices & Clinics of Doctors of Medicine	P	P	P	P	P	P	P	P	P
802	Offices & Clinics of Dentists	P	P	P	P	P	P	P	P	P
803	Offices of Clinics of doctors of Osteopathy	P	P	P	P	P	P	P	P	P
804	Offices & Clinics of Other Health Practitioners	P	P	P	P	P	P	P	P	P

Table 16T-06.6

Ordinance 1098

DIVISION E. TRANSPORTATION & PUBLIC UTILITIES

SIC CODES	MAJOR GROUP/ESTABLISHMENTS	CBD1	CBD2	CBD3	CBD4 _a	CBD5 _{4b}	CBD5	CBD6	CBD7	CBD8
411	Local & Suburban Transportation	C	C	C	C	C	C	C	C	
412	Taxicabs	C	C		C	C		C	C	
417	Bus Terminal & Service Facilities	C/1	C/1				C/1			
4225	Public Warehousing & Storage				C	C				
43	United States Postal Service	C	C	C	C	C	C	C	C	C
45	Transportation by Air			C						
472	Passenger Transportation Activities	P	P	P	P	P	P	P	P	P
481	Telephone Communications	P	P	P	P	P				
482	Telegraph & Other Communications	P	P	P						
483	Radio & Television Broadcasting	P	P	P		P		P	P	P
489	Communication Services, NEC	C	C		C	C			C	
4939	Combination Utilities, NEC								C	

DIVISION F/G. WHOLESALE & RETAIL TRADE (all uses subject to note 1)

SIC CODES	MAJOR GROUP/ESTABLISHMENTS	CBD1	CBD2	CBD3	CBD4 _a	CBD5 _{4b}	CBD5	CBD6	CBD7	CBD8
501	Motor Vehicles, Parts, & Supplies					P	P	P		
502	Furniture & Home Furnishings	P	P	P		P	P	P		
503	Lumber & Construction Materials					P	P			
504	Professional & Commercial Equipment	P	P	P		P	P	P		
505	Metals & Minerals, Except Petroleum					P				
506	Electrical Goods	P	P	P		P	P	P		
507	Hardware, Plumbing, Heating Equipment			P		P	P	P		
508	Machinery, Equipment & Supplies	P	P	P		P	P	P	P	
509	Misc. Durable Goods	P	P	P		P	P	P	P	
511	Paper & Paper Products	P	P	P		P	P	P	P	
512	Drugs, Proprietaries & Sundries	P	P	P		P	P	P	P	
513	Apparel, Piece Goods, & Notions	P	P	P		P	P	P	P	
514	Groceries & Related Products	P	P	P		P	P	P	P	

Table 16T-06.4

Ordinance 1098

SIC CODES	MAJOR GROUP/ESTABLISHMENTS	CBD1	CBD2	CBD3	CBD4 _a	CBD5 _{4b}	CBD5	CBD6	CBD7	CBD8
518	Beer, wine & Distilled Beverages	P	P	P		P	P	P	P	
519	Misc. Nondurable Goods			C			P	P	P	
521	Lumber & Other Building Materials			P		P		P		
523	Paint, Glass & Wallpaper Stores	P	P	P		P		P		
525	Hardware	P		P		P	P	P		
526	Retail Nurseries & Garden Stores				P	P		P		
53	General Merchandise Stores	P	P	P	C	P		P	P	
54	Food Stores				C	P				
541	Grocery Stores	P		P	C	P		P		
542	Meat & Fish Markets				C	P	P	C		
551	New & Used Car Dealers					P	P			
553	Auto & Home Supply Stores			C		P	P	P		
554	Gasoline Service Stations	A/2	A/2	P	C	P	P	P		
555	Boat Dealers					P	P			
556	Recreational Vehicle Dealers					P	P			
557	Motorcycle Dealers					P	P			
559	Automotive Dealers, NEC					P	P			
56	Apparel & Accessory Stores	P	P	P	P	P		P	P	
57	Furniture & Homefurnishings Stores	P	P	P		P		P	P	
58	Eating & Drinking Places	P	P	P	P	P	P	P	P	P
58A	Fast Food Restaurants with Drive-in Windows		C/3	P		P	P			
591	Drug Stores & Proprietary Stores	P	P	P	C	P		P	P	
592	Liquor Stores	P	P	P	P	P		P		
593	Used Merchandise Stores	P	P	P		P		P		
594	Misc. Shopping Goods Stores	P	P	P	P	P		P	P	
596	Nonstore Retailers	P	P	P	P	P		P		
598	Fuel Dealers			P		P				
599	Retail Stores, NEC	C	C	P	P	P		P	P	

Table 16T-06.5

Ordinance 1098

SIC CODES	MAJOR GROUP/ESTABLISHMENTS	CBD 1	CBD 2	CBD 3	CBD 4a	CBD 4b	CBD 5	CBD 6	CBD 7	CBD 8
807	Medical and Dental Laboratories	P	P	P	P	P	P	P	P	P
808	Home Health Care Services	P	P	P	P	P	P	P	P	P
809	Misc Health and Allied Services	P	P	P	P	P	P	P	P	P
81	Legal Services	P	P	P	P	P	P	P	P	
82	Educational Services	P	P		P	P		P	P	P
83	Social Services				P	P		C		
835	Child Day Care Services	P	P	P	P	P	P	P	P	P
84	Museums, Botanical, Zoological Gardens	P	P	P	P	P	P	P	P	P
86	Membership Organizations	C	C	C	C	C	C	C	C	C
87	Engineering & Management Services	P	P	P	P	P	P	P	P	
88	Private Households				P					
89	Services, NEC	C	C	C	C	C	C	C	C	C

DIVISION J. PUBLIC ADMINISTRATION

SIC CODES	MAJOR GROUP/ESTABLISHMENTS	CBD1	CBD2	CBD3	CBD4 a	CBD5 4b	CBD5	CBD6	CBD7	CBD8
91	Executive, Legislative & General	PC8	PC8		PC8	PC8		PC8	PC8	PC8
9221	Police Protection				P	P			P	
9224	Fire Protection				P	P			P	
93	Finance, Taxation & Monetary Policy	PC8	PC8		PC8	PC8		PC8	PC8	PC8
94	Administration of Human Resources	PC8	PC8		PC8	PC8		PC8	PC8	PC8
95	Environmental Quality & Housing	PC8	PC8		PC8	PC8		PC8	PC8	PC8
96	Administration of Economic Programs	PC8	PC8		PC8	PC8		PC8	PC8	PC8
97	National Security & International Affairs	C	C	C	C	C	C	C	C	C
99	Nonclassifiable Establishments	C	C	C	C	C	C	C	C	C

Table 16T-06.7

Ordinance 1098

DIVISION K. RESIDENTIAL (Not Listed in SIC Codes)

SIC CODES	MAJOR GROUP/ESTABLISHMENTS	CBD1	CBD2	CBD3	CBD4 _a	CBD5 _{4b}	CBD5	CBD6	CBD7	CBD8
	Single Family				P1					
	Multi Family (2-4 Units)				P2					
	Multi Family (5+ Units)	P	P		P2	P3		P		
	Other Households	C	C			P3				
	Other Residential	C	C							

NOTES TO GENERALIZED LAND USES IN CBD ZONE

Land Use Code Category/Division

- A. **Agriculture, Forestry, and Fishing**
- B. **Mining**
- C. **Construction**
- D. **Manufacturing**

Notes specific to those uses as notated in the chart:

1. These manufacturing uses are permitted only as an accessory or subordinate use to office or retail shopping complexes where such uses are conducted jointly with retail outlets. Such uses shall be conducted in a "craft" fashion with public visibility of the skills used in the manufacturing process. No more than fifty percent (50%) of the gross floor area of the structure shall be devoted to these manufacturing uses in districts CBD-1, CBD-2, and CBD-3.

Notes applicable to all manufacturing activities in CBD zones:

2. Manufacture of flammable, dangerous or explosive materials are excluded in CBD districts.
3. Office space is permitted only if accessory and subordinate to a manufacturing use in CBD-5. No more than twenty-five percent (25%) of the gross floor area of the structure shall be devoted to non-manufacturing uses.

E. Transportation & Public Utilities

Notes specific to those uses as notated in the chart:

1. Permitted only as a subordinate use to a permitted or conditional use.

F./G. Wholesale & Retail Trade

Notes specific to those uses as notated in the chart:

1. Display and sales only; limited on-site inventory storage.
2. Permitted only as a subordinate use to commercial parking lots and garages.
3. Fast food restaurants may be considered for siting in CBD-2 only between Sleater-Kinney and Golf Club Road. Such use will be prohibited in the zone east of Golf Club Road because it is inconsistent with the goals of the zone to transition from more intensive commercial uses in the western portion of the zone to less intensive uses that are compatible with offices and governmental service activities. The eastern portion of CBD-2 is also considered a main entrance to the City, and a more pedestrian-friendly, professional and aesthetically attractive environment is desired.

H. Finance, Insurance, and Real Estate

I. & J. Services & Public Administration

Notes applicable to all Services and Public Administration uses in CBD districts:

1. Permitted only as a subordinate use to a permitted use.
2. Drive-in facilities may be permitted through Site Plan Review within districts CBD-1, CBD-2, and CBD-3 except along 7th Avenue, only if all the following criteria are met:
 - a. The vehicle stacking lanes must be contained within a structured parking area or driveway.
 - b. The design of the vehicular access is compatible with high volume pedestrian walkways and parking access. Vehicular access shall not disrupt established retail or service frontages designed to serve pedestrians, nor can the vehicular access lanes be located between the street and the main pedestrian access to the building.
 - c. Landscaping or screening must be provided to mitigate any adverse effects on nearby property.

3. Commercial lots and garages are those lots which provide vehicular parking for the public generally for a fee and do not include lots and garages which provide the required parking for other uses.
4. The location of any off-site parking facility must be approved by the Enforcing Officer and/or Site Plan Review Committee.
5. All types of commuter pooling facilities shall be regulated as a park-and-ride. A park-and-ride providing no more than twenty-five (25) parking spaces, and utilizing the parking area of an existing use, shall be regulated as an accessory use. Any other park-and-ride requires a conditional use permit.
6. Excludes zoos.
7. Excludes drive-in theaters.
8. To reserve prime retail commercial buildings and sites for retail commercial use, Government offices shall not be permitted in binding site plans, subdivisions or building complexes designed for commercial retail use unless the original design specifically included a mixed use concept anticipating such use. Provided, however, the city may consider government offices in commercial retail buildings and sites through a conditional use permit process if it can be demonstrated the use is complementary to adjacent commercial retail activity, enhances the retail environment and will not adversely impact the city's economic development strategies for the zone in which it is located. Provided further existing structures that have been used for government offices shall be considered to have been determined appropriate for such use under original approvals and will require only normal site plan review approval when new government tenants are proposed. ~~Provided further, existing structures that have been used for government offices shall be considered to have been determined appropriate for such use under original approvals and will require only normal site plan review approval when new government tenants are proposed.~~

K. Residential

Notes specific to those uses as notated in the chart:

1. Density and standards must comply with chapter 16.15.
2. Density and standards must comply with chapter 16.18.
3. Standards must comply with chapter 16.18. Density will be limited only by maximum floor area permitted.

DIMENSIONAL REQUIREMENTS IN CBD DISTRICTS
Amended by Ordinance 1080 Sec. 17, 1998

Land Use District	Building Type	Building Setback ³			Minimum Lot Area	Minimum Lot Dimension	Maximum ¹¹ Building Coverage	Maximum ⁹ Building Height	Floor ^{6,11} Area Ratio	
		Front ^{1,4}	Rear	Side					Basic ⁷	Maximum
CBD-1	Nonresidential	0 ²	15'	10'	1 acre	none	100%	Refer to map for CBD heights	4.0	6.0 ⁸
	Residential ¹⁰	0 ²	15'	10'	1 acre	none	100%		4.0	6.0 ⁸
	Mixed-Use	0 ²	15'	10'	1 acre	none	100%		5.0	7.0 ⁸
	Parking	0 ²	15'	10'	1 acre	none	100%		NA	NA
CBD-2	Nonresidential	0 ²	15'	10'	1 acre	none	75%	3.0	5.0	
	Residential ¹⁰	0 ²	15'	10'	1 acre	none	100%	3.0	5.0	
	Mixed-Use	0 ²	15'	10'	1 acre	none	100%	4.0	6.0	
	Parking	0 ²	15'	10'	1 acre	none	100%	NA	NA	
CBD-3	Nonresidential	0 ²	15'	10'	none	none	75%	2.0	3.0	
	Parking	0 ²	15'	10'	none	none	75%	NA	NA	
CBD-4A	Nonresidential	0 ¹² or 15'	25'	10'	10,000 sq.ft.	50' front	50%	0.5	1.0	
	Residential	0	15'	10'	10,000 sq ft	50' depth	75%	1.0	2.0	
	Parking	15'	15'	10'	10,000 sq.ft.	50' depth	50%	NA	NA	
CBD-4B-5	Nonresidential	0 ¹² or 15'	15'	10'	10,000 sq.ft.	50' front	50%	0.5	1.0	
	Residential	0	15'	10'	10,000 sq ft	50' depth	75%	2.0	3.0	
	Parking	15'	15'	10'	10,000 sq.ft.	50' depth	50%	NA	NA	
CBD-5	Nonresidential	0 ¹² or 15'	15'	10'	10,000 sq.ft.	75' front	50%	1.0	3.0	
	Residential ¹⁰	0 ¹² or 25'	15'	10'	1 acre	75' front	75%			
	Parking	15'	15'	10'	10,000 sq.ft.	50' depth	50%			
CBD-6	Nonresidential	0 ¹² or 15'	15'	10'	10,000 sq.ft.	75' front	50%	1.0	3.0	
	Residential ¹⁰	0 ¹² or 25'	15'	10'	1 acre	75' front	75%	1.5	3.0	
	Parking	15'	15'	10'	10,000 sq.ft.	50' depth	50%	NA	NA	
CBD-7	Nonresidential	0 ¹² or 15'	15'	10'	10,000 sq.ft.	75' front	50%	1.0	3.0	
	Residential ¹⁰	0 ¹² or 25'	15'	10'	10,000 sq.ft.	75' front	75%	1.5	3.0	
	Parking	15'	15'	10'	10,000 sq.ft.	50' depth	50%	NA	NA	
CBD-8	Nonresidential	0 ²	15'	10'	10,000 sq.ft.	75' front	50%	1.0	3.0	
	Residential	0 ²	15'	10'	10,000 sq.ft.	75' front	75%	1.5	3.0	
	Parking	0 ²	15'	10'	10,000 sq.ft.	50' depth	50%	NA	NA	

NOTES: DIMENSIONAL REQUIREMENTS IN CBD DISTRICTS

- Setback measured from the property side edge of the sidewalk. To accommodate 0' setback landscaping requirements for planter strips, sidewalks may be located out of right-of-way, in which case an unrestricted easement for sidewalk shall be granted to the City.
- The 0' front yard setback is a minimum. However, regardless of the setback used, no parking or vehicle access lane is permitted between the required perimeter sidewalk and the main pedestrian entrance to the building. Additionally, all of the requirements of Section 16.24.090Q shall be satisfied if the setback used is less than 15'.
- Minimum setbacks are subject to required landscape development (see Section 16.24.100). See Section 16.24.060(A) for additional height setbacks. Where 0 lot line front yard setbacks are utilized, required landscaping shall be provided in a planter strip area between the street and sidewalk.)
- The maximum setback from 7th Avenue in the CBD-1 District is 0'.
- The maximum building height may only be achieved by participation in the FAR Amenity Incentive System (Section 16.24.080).
- The maximum permitted FAR may only be achieved by participation in the FAR Amenity Incentive System (Section 16.24.080).
- See Section 16.24.060 for amenity requirements regarding the provision of basic floor area.
- The maximum floor area ratio may be exceeded if the major pedestrian corridor is constructed as required by Section 16.24.090. The maximum floor area ratio may only be exceeded by the amount provided for under the major pedestrian corridor amenity bonus, Section 16.24.080.
- The maximum building height may be exceeded by not more than ten percent (10%) or twenty-five (25) feet, whichever is greater, if the major pedestrian corridor is constructed as required by 16.24.090 and only to the extent required to accommodate the additional floor area ratio provided for under Section 16.24.080. See Figure 16.24.060(2) for maximum building heights.
- Hotels and motels shall be considered as residential structures.
- Maximum building coverage and floor area ratio shall be considered "net" coverage, excluding setback and landscaping requirements.
- A 0' front yard setback is optional if a proposal meets all of the requirements of Section 16.24.090Q.
- Parking and vehicle access lane is required to be located to the side or behind structures when 0' front yard setback is applied.

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Ordinance 1098

LANDSCAPING DEVELOPMENT REQUIREMENTS

Land Use District in which the subject property is located	Street frontage in pedestrian corridor (Type III landscaping)	Between pedestrian corridor and parking improvements (Type II landscaping) Not required if parking located to rear of structure.	Pedestrian walks from street to buildings (Type III and II landscaping)	Adjacent to building (Type II landscaping) Not required for front yard where parking is located to rear of structure.	Perimeter – side and rear yard (Type II landscaping, Type I where residential and commercial areas meet)	In parking lot (Type IV landscaping)
CBD1	Minimum 6-8' <u>6.5-8.5'</u> in planter strip and 10' along perimeter depending upon corridor type. See Section <u>16.24.090</u> and <u>Table 16T-23.</u>	Minimum 5' planter area	Minimum 6' landscaping on each side of pedestrian paths and walks	Minimum 5' planter strips along 20% each side of each building. Planter strip shall be adjacent to structure.	Minimum 10' planter strip side yard. Minimum 15' planter strip rear yard.	Same for all zones. Parking lots with 25 stalls or less, 35 square feet landscaping per stall + required pedestrian walks.
CBD2, CBD3, CBD4, CBD5, CBD6, CBD7, CBD8	Minimum <u>6' 6.5'</u> in planter strip and 8'- 10' along perimeter depending upon corridor type. See Section 16.26.090 <u>16.26.090</u> and <u>Table 16T-23.</u>	Same as CBD1	Same as CBD1,	Same as CBD1	Same as CBD1, provided, however, in CBD4-A a Type 1 vegetation shall be required in conjunction with other special techniques and design such as berm, fence, or wall to provide an effective buffer.	Parking lots with more than 25 stalls, 50 square feet per stall + require pedestrian walks. See Section 16.80.050D and 16.24.120E.5

Amended by Ordinance 1080 Sec. 17, 1998

Table 16T-11

Ordinance 1098

Parking Requirements - CBD Land Use Districts

Land Use	Unit Measure	CBD-1/CBD-2		Other CBD Areas	
		Min.	Max.	Min.	Max.
Banks	Per 1,200 gross square feet	3	5	4	6
Churches, mortuaries, funeral homes	Per 4 seats	1	3	1	4
Convalescent facilities	Per 2 patient beds	1	4	1	5
Hospital	Per 2 patient beds	1	3	1	4
Hotel	Per room or suite	1	3	1	4
Medical and dental clinics and offices	Per 1,200 gross square feet	3	6	4	7
Multifamily dwelling unit	Per dwelling unit	1	3	2	4
Office building	Per 1,200 gross square feet	2	6	3	6
Places of assembly without fixed seats	Per 1,000 gross square feet ¹	10	12	10	15
Restaurants	Per 100 gross square feet ¹	2	5	2	6
Retail	Per 1,000 gross square feet ¹	3	7	4	7
Retail in a mixed use development ²	Per 1,200 gross square feet	2	5	3	6
Roominghouses and lodging houses	Per occupant	1	4	1	4
Senior citizen apartments	Per 3 dwelling units	1	3	1	4

¹ Gross square feet does not include enclosed or covered areas used for off-street parking or loading, mechanical floor areas or covered public spaces as listed in Section 16.24.090.

² If retail space in a mixed development exceeds 40 percent of the gross floor area of the development, the retail use parking requirement of this section applies to the entire retail space.

Table 16T-13.1

Ordinance 1098

Land Use	Unit Measure	CBD-1/CBD-2		Other CBD Areas	
		Min.	Max.	Min.	Max.
Theaters, auditoriums	Per 8 seats ³	1	3	2	5

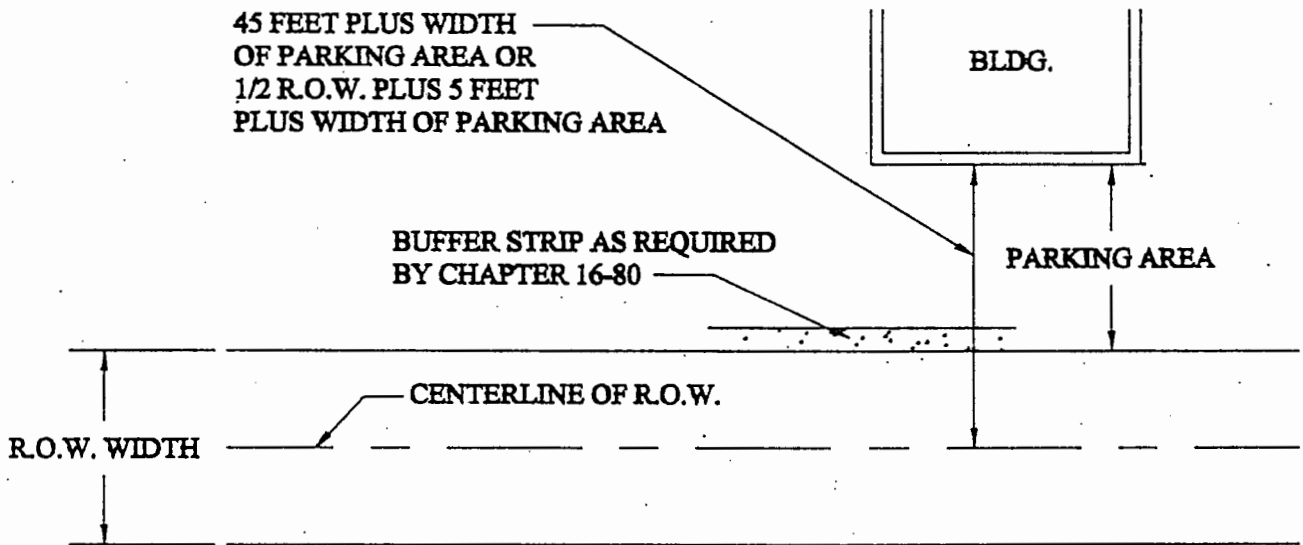
The following notes apply to all of the above uses:

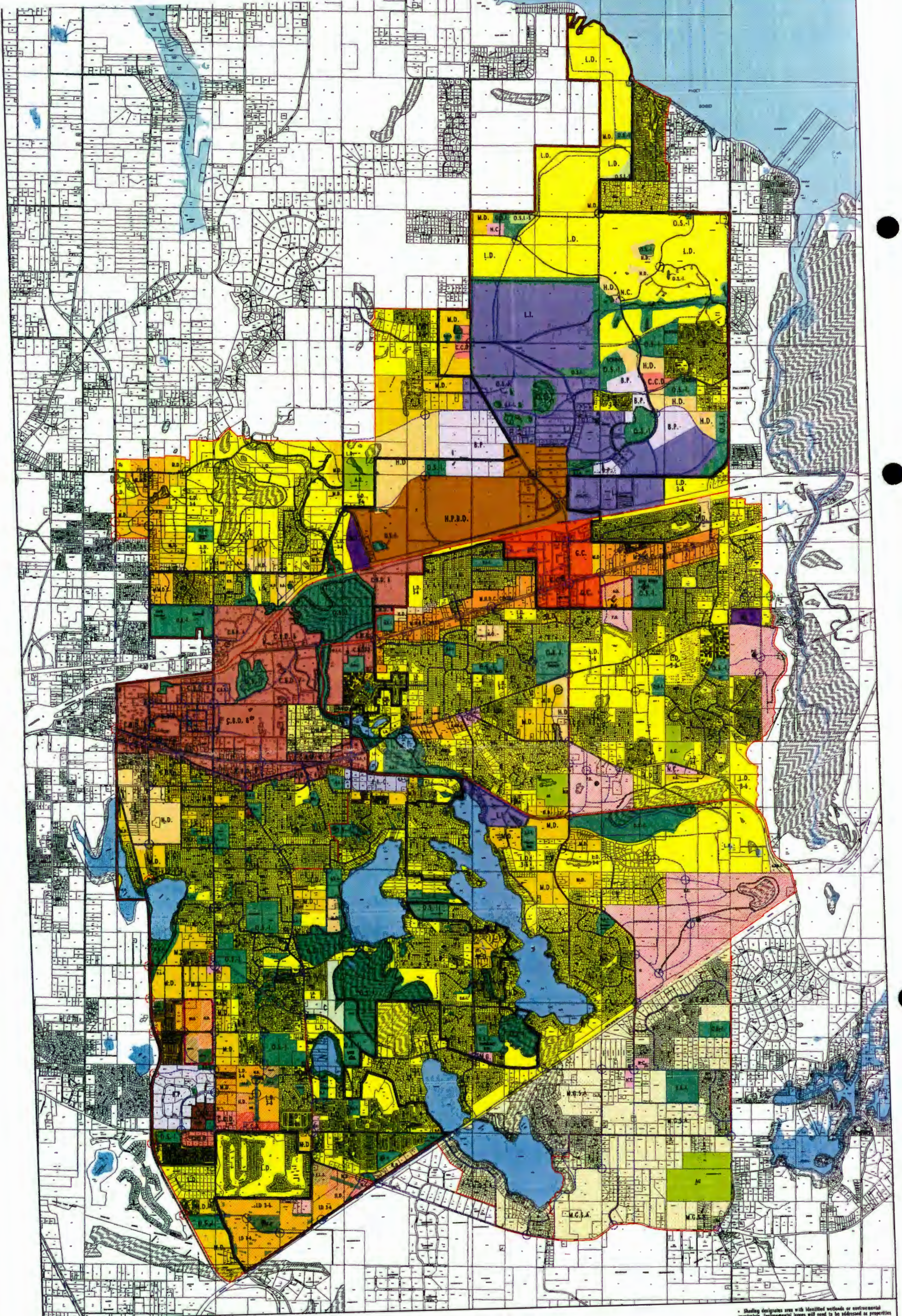
- Refer to Chapter 16.72 for requirements of ~~CBD-5~~ and CBD-6.
- The minimum requirements of this chart may be reduced by Sections 16.24.080, 16.24.060D, and/or 16.24.110C.
- Parking ratios for mixed-used development projects shall be determined by calculating the percentage of gross floor area (GFA) by use multiplied by the appropriate parking ratio for each use.
- Parking spaces provided as part of the above/below ~~grading~~ grade parking amenity identified in **Table 16T-9** shall be exempt from all maximum parking requirements

³ School and/or public facility ~~parking~~ parking spaces may be used provided the facilities are on the same or ~~contiguous~~ contiguous parcels and within 300 feet of the theater or auditorium.

Table 16T-13.2

Ordinance 1098





Approved by the Lacey City Council
ORDINANCE 9 1998
 Approval Date: February 23, 1999
 Mayor: Nancy Peterson
 Attest: Charlotte M. Taffe
 City Clerk

Comprehensive Plan Map for Lacey Urban Growth Area

- MESA McAllister Geologically Sensitive Area
- LHN Lacey Historic Neighborhood
- LD 2-4 Low Density Residential
- LD 3-4 Low Density Residential
- MD Moderate Density Residential
- HD High Density Residential
- MNDC Mixed Use Moderate Density Corridor
- MNDC Mixed Use High Density Corridor
- Hawks Prairie Business District

- CCD Community Commercial District
- OC Office Commercial
- CBD Central Business District
- GC General Commercial
- BP Business Park
- LI-C Light Industrial Commercial
- LI Light Industry
- ME Mineral Extraction

- C Cemetery
- AG Agricultural
- OS-1 Open Space Institutional
- Recreational Park in Village Center
- Designated School Site in Village Center
- Development Agreement
- Environmentally Sensitive
- City Limits

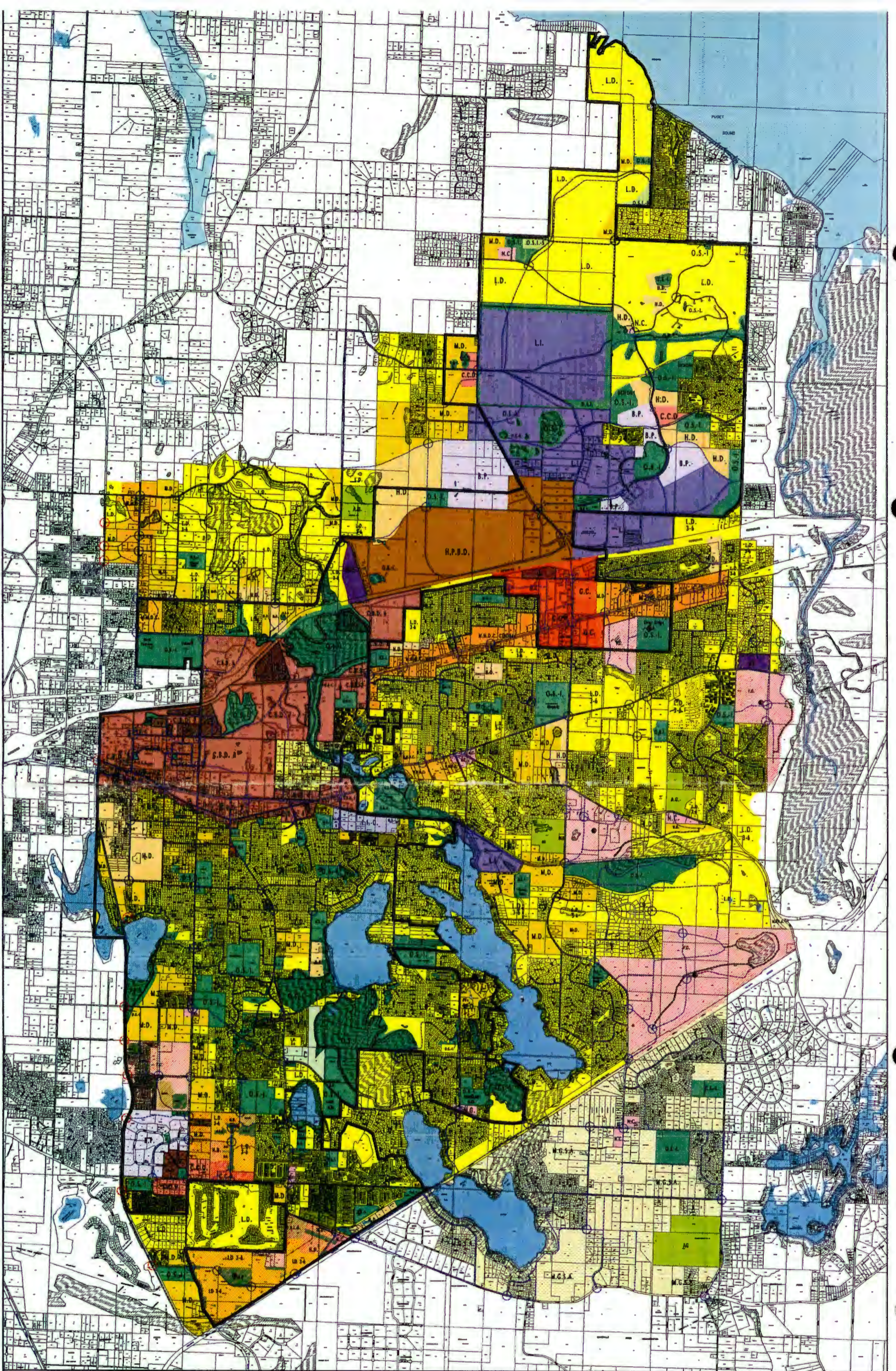
- UGM Boundary
- Village Center Overlay
- Key Multimodal Corridor
- Pedestrian Trail/Wildlife Corridor Only
- Key Multimodal Intersections
- Connections to Regional Trail System
- Viewpoint Designation

Shading designates areas with identified wetlands or environmental constraints. Environmental issues will need to be addressed in properties with this shading and development. Shaded areas, where indicated in Lacey, will be zoned OS-1 - Open Space/Institutional. Absence of this designation does not mean a site is without environmental constraints.

Village Centers in the unincorporated areas require the inclusion of park and school land. As village centers are planned, park and school sites and sizes will be determined and laid out aside for these uses.

DEVELOPMENT AGREEMENTS (DA)		
MAP NO.	DATE	DATE





Approved by the Lacey City Council
ORDINANCE 1098
 Approval Date: February 25, 1999
 Mayor: Nancy Peterson
 Attest: Charlotte M. Tafa, City Clerk

Zoning Map for Lacey Urban Growth Area

Revised 1998

Shading designates areas with identified wetlands or environmental constraints. Environmental issues will need to be addressed in conjunction with this shading as development. Shaded areas, when annexed to Lacey, will be zoned OS-1 - Open Space/Institutional. Absence of this designation does not mean a site is without environmental constraints.

• Village Centers in the unincorporated areas require the inclusion of park and school land. As village centers are planned, park and school sites and sizes will be determined and laid out for these uses.

- MGA McMillan Geologically Sensitive Area
- LHN Lacey Historic Neighborhood
- LD 1-4 Low Density Residential
- LD 3-6 Low Density Residential
- MD Moderate Density Residential
- HD High Density Residential
- MHDC Mixed Use Moderate Density Corridor
- MHDC Mixed Use High Density Corridor
- Hawks Prairie Business District

- CCD Community Commercial District
- OC Office Commercial
- CBD Central Business District
- GC General Commercial
- BP Business Park
- LI-C Light Industrial Commercial
- LI Light Industrial
- ME Mineral Extraction

- C Cemetery
- AG Agriculture
- OS-1 Open Space Institutional
- Recreation/Park in Village Center
- Designated School Site in Village Center
- Limited Rezones / Development Agreement
- Environmentally Sensitive
- City Limits

- Village Center
- Key Multimodal Corridor
- Pedestrian Trail/Wildlife Corridor Only
- Key Multimodal Intersections
- Connections to Regional Trail System

LIMITED REZONES (L) DEVELOPMENT AGREEMENT (DA)

MAP NO.	ORDINANCE	DATE	MAP NO.	ORDINANCE	DATE
10	100	7/97	110	400	7/97
11	101	7/97	111	401	7/97
12	102	7/97	112	402	7/97
13	103	7/97	113	403	7/97
14	104	7/97	114	404	7/97
15	105	7/97	115	405	7/97
16	106	7/97	116	406	7/97
17	107	7/97	117	407	7/97
18	108	7/97	118	408	7/97
19	109	7/97	119	409	7/97
20	110	7/97	120	410	7/97
21	111	7/97	121	411	7/97
22	112	7/97	122	412	7/97
23	113	7/97	123	413	7/97
24	114	7/97	124	414	7/97
25	115	7/97	125	415	7/97
26	116	7/97	126	416	7/97
27	117	7/97	127	417	7/97
28	118	7/97	128	418	7/97
29	119	7/97	129	419	7/97
30	120	7/97	130	420	7/97
31	121	7/97	131	421	7/97
32	122	7/97	132	422	7/97
33	123	7/97	133	423	7/97
34	124	7/97	134	424	7/97
35	125	7/97	135	425	7/97
36	126	7/97	136	426	7/97
37	127	7/97	137	427	7/97
38	128	7/97	138	428	7/97
39	129	7/97	139	429	7/97
40	130	7/97	140	430	7/97
41	131	7/97	141	431	7/97
42	132	7/97	142	432	7/97
43	133	7/97	143	433	7/97
44	134	7/97	144	434	7/97
45	135	7/97	145	435	7/97
46	136	7/97	146	436	7/97
47	137	7/97	147	437	7/97
48	138	7/97	148	438	7/97
49	139	7/97	149	439	7/97
50	140	7/97	150	440	7/97
51	141	7/97	151	441	7/97
52	142	7/97	152	442	7/97
53	143	7/97	153	443	7/97
54	144	7/97	154	444	7/97
55	145	7/97	155	445	7/97
56	146	7/97	156	446	7/97
57	147	7/97	157	447	7/97
58	148	7/97	158	448	7/97
59	149	7/97	159	449	7/97
60	150	7/97	160	450	7/97
61	151	7/97	161	451	7/97
62	152	7/97	162	452	7/97
63	153	7/97	163	453	7/97
64	154	7/97	164	454	7/97
65	155	7/97	165	455	7/97
66	156	7/97	166	456	7/97
67	157	7/97	167	457	7/97
68	158	7/97	168	458	7/97
69	159	7/97	169	459	7/97
70	160	7/97	170	460	7/97
71	161	7/97	171	461	7/97
72	162	7/97	172	462	7/97
73	163	7/97	173	463	7/97
74	164	7/97	174	464	7/97
75	165	7/97	175	465	7/97
76	166	7/97	176	466	7/97
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78	168	7/97	178	468	7/97
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81	171	7/97	181	471	7/97
82	172	7/97	182	472	7/97
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85	175	7/97	185	475	7/97
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95	185	7/97	195	485	7/97
96	186	7/97	196	486	7/97
97	187	7/97	197	487	7/97
98	188	7/97	198	488	7/97
99	189	7/97	199	489	7/97
100	190	7/97	200	490	7/97



Colored areas outside of Lacey City Limits

DEVELOPMENT AGREEMENT

Pursuant to the authority granted by RCW 36.70B.170 through .210, the CITY OF LACEY, a Washington Municipal Code City ("City"), and MICHAEL R. MASTRO, ("Mastro"), the owner of the real property known as the "Lacey Corporate Center" described below, enter into the following agreement ("Development Agreement") to govern the development, use and mitigation of environmental impacts associated with the rezone and development of a portion of Lacey Corporate Center through construction of the buildings and related improvements.

1. Location. The Lacey Corporate Center is located at the southwest corner of College Street and Yelm Highway in Lacey, Thurston County, Washington, and is legally described on Exhibit A, which is attached hereto and incorporated herein by reference. This Agreement shall not apply to Lots 2, 5, 9-11, north half of Lot 14, south two lots of the Lot 24 binding site plan, 32, located in the Lacey Corporate Center and which are not owned by Mastro.

2. Rezone Area Development. A portion of the Lacey Corporate Center is the subject of an Application for Rezone dated May 28, 1998. See Exhibit B attached hereto and incorporated herein by reference. The Application requests that 20.47 acres of the Lacey Corporate Center be rezoned from Business Park to Community Commercial. The area referred to in the Application for Rezone is defined for the purposes of this Agreement as the "Rezone Area" which is the subject of this Agreement.

3. Transitional Small Office Area. In addition to the commitments made in this Agreement regarding the Rezone Area, the Owner shall also agree to certain covenants, conditions and restrictions on development in the Transitional Small Office Area ("Transitional Area") as defined on page 4 of the Design Guidelines which is located between the Rezone Area and the developed portions of the Business Park. The purpose of this Transitional Small Office Area is to serve as a buffer between the Rezone Area Development and the existing Business Park. The following commitments by the Owner shall be included in Amendments to the Covenants, Conditions, and Restrictions (CC&R's) for the Lacey Corporate Center as it relates to this transitional area.

a.) Berm and Transplanted Trees. A berm of approximately 15' in elevation shall separate the anchor tenant building in the Rezone Area Development from the transitional office development. Upon the berm, transplanted firs will be placed and maintained to minimize the sight of the Rezone Area Development from Business Park users.

b.) Office Building between Anchor Tenant and Existing Business Park User. The office building shown on Page 4 of the Design Guidelines that is located between the anchor tenant in the Rezone Area Development and the existing Business Park user (Illuminet) shall not be more than two stories high with a pitched roof.

c.) Other Transitional Small Offices. At least two other single story office buildings shall be constructed in the transitional area.

d.) Landscaping. The landscape "look and feel" as represented in the Design Guidelines shall be of the style commensurate with the existing Business Park user (Illuminet) style, accentuating the positive campus-like treed elements of the Business Park.

4. Term of Agreement and Vesting. This Development Agreement and the zoning, building and development regulations, transportation concurrency regulations, impact fees, SEPA regulations and substantive SEPA policies and other laws, statutes, ordinances or policies governing land development shall govern the development of the Rezone Area and the Transitional Area, so long as any application required for the development of the Rezone Area or the Transitional Area, (including an application for Site Plan Review or the equivalent review process at the time of development), is filed within six years of the date of this Development Agreement.

5. Zoning, Development Regulations and Fees, Transportation Concurrency and SEPA. Subject to paragraph 6 of this Development Agreement, the following zoning regulations and development standards shall govern development of the Rezone Area of the Lacey Corporate Center during the term of this Development Agreement:

(a) Zoning and Development Regulations. The Lacey Corporate Center is presently located in the Business Park zone in which the Transitional Area will still be located and the Rezone Area is the subject of a proposed rezone from Business Park to Community Commercial. Except as set out in this Agreement, the zoning, building and development regulations, policies and ordinances, and comprehensive plan policies of the City governing land development in effect as of the date of this Development Agreement shall govern the development of the Rezone Area and Transitional Area.

However, as a condition of Rezone approval, Mastro further agrees that while retail uses are presently allowed under the Business Park District in Section 16.41.020B.3 of the Lacey Municipal Code, that provision shall not be applicable to the portions of the Lacey Corporate Center owned by Mastro (specifically Lots 1, 3, 4, 6-8, 12, 13, south half of 14, 15-23, north lot of the Lot 24 binding site plan, 25-31), that shall remain within the Business Park District. Provided that, this restriction shall not apply to accessory uses internal to a building which would otherwise be permitted under the Business Park District.

Further, this restriction shall not apply to lots within the Business Park District which are not owned by Mastro, specifically, Lots 2, 5, 9-11, north half of Lot 14, south two lots of the Lot 24 binding site plan, and 32.

(b) Development and Design Guidelines. Development of the Rezone Area shall be subject to the Site Plan Review process and the Design Review Board created herein to implement the Design Guidelines attached hereto as Exhibit C and incorporated herein by reference.

(c) Design Review Board. The Design Review Board (DRB) shall consist of the following three (3) members.

(1) One member shall be appointed by the majority property owner of Lacey Corporate Center as established in the Amendments to the Covenants, Conditions & Restrictions for the Center, or if there is no such person the Board of Directors of the Lacey Corporate Center Owners Association. This member shall continue to serve until resignation of the member or until a new member is appointed in the same manner.

(2) One member shall be appointed by the City of Lacey, pursuant to the City's procedures for appointments to other City committees. This member shall continue to serve until resignation of the member or until a new member is appointed in the same manner.

(3) The third member shall be appointed by agreement between the first two members. The third member shall live or work in the City of Lacey and be deemed by the other members to be impartial and without any vested interest in the project to be reviewed. The third member shall serve until the earlier of (a) resignation of the member or (b) one or both of the other two members terminates the term of the third member.

At any time during the existence of the DRB, if the two members cannot agree on appointment of a qualified third member for a continuous period of 90 days, either remaining member may petition the presiding judge of the local Superior Court who shall appoint the third member for a term of one year. In such case, the two members may not terminate the term of the third member during the one year period.

The DRB shall review all development plans for the Rezone Area and Transitional Area. The jurisdiction of the DRB shall not extend beyond the Rezone and Transitional Areas. The Board shall review plans to determine if the plans comply with this Agreement and the Design Guidelines established in this Agreement for the Rezone Area. The Board shall forward its recommendations to the City of Lacey's Site Plan Review Committee (SPRC). SPRC shall have final review authority regarding the proposed development; however SPRC shall give substantial weight to the Design Review Board's recommendations in regards to its interpretation of whether the proposal meets the intent of the Design Guidelines.

The Board shall have the right to approve, approve with conditions or reject a plan. It shall have the right to petition the City for an interpretation of any City ordinance. It shall have the right to charge a fee of the developer sufficient to cover the costs of the review of the plan. The DRB members shall not be paid for their services; however, they shall be entitled to reimbursement of reasonable expenses.

The Board may retain such professionals and experts to assist them in their review as they shall deem necessary. The costs shall be borne by the developer proposing the plan and shall be payable in the manner determined by the DRB.

(d) Development and Transportation Mitigation Fees. Subject to the following, mitigation fees for the City of Lacey, City of Olympia and Thurston County shall be paid in accordance with validly adopted ordinances in effect at the time of Rezone Area or Transitional Area development.

Traffic Studies of the Business Park impacts have already been conducted and filed with the City of Lacey during site plan review of the original Master planned Subdivision of Lacey Corporate Center. Any further analysis of the traffic impacts would be limited to the difference between traffic impacts of the Business Parks users and Community Commercial District users.

Any additional access points to College Street or Yelm Highway shall be subject to further traffic impact analysis as directed by City staff and reviewed by Site Plan Review Committee. Final approval of such access points shall be subject to specific approval by the Lacey City Council.

(e) SEPA Regulations and Policies. The following SEPA regulations and policies shall govern this Development Agreement.

(1) Nonproject Level Review. The Rezone Application shall be subject to nonproject SEPA review pursuant to RCW 43.21C.110 and WAC 197-11-704(2)(b)(ii). Notwithstanding this nonproject review of the Rezone Application, any development of the Rezone or Transitional Areas shall be subject to project level review under SEPA and the City of Lacey's site plan review process.

(2) Project Level Review. Development of the Rezone and Transitional Areas shall be subject to project level SEPA review. In the event that the City adopts a Planned Action, for an area of the City that includes the Lacey Corporate Center, the City and Mastro agree to nonetheless conduct a project level of SEPA review, unless the City of Lacey waives this requirement. The City has adopted SEPA regulations in Chapter 14.24 of the 1998 City of Lacey Development Code, and substantive SEPA policies in Chapter 14.24 as the basis for exercising substantive SEPA authority pursuant to Chapter 14.24 and RCW 43.21C.060.

The SEPA regulations and designated substantive SEPA policies in effect as of the date of this Development Agreement shall apply to the City's review of all permits and approvals associated with development of the Rezone and Transitional Areas, except that any amendments to the City's SEPA regulations adopted to implement the integration requirements of RCW 43.21C.110 shall apply to the development of the Rezone and Transitional Areas. If, at the time Rezone or Transitional Area permit applications are submitted to the City, negotiations between the City of Lacey and Thurston County have not resulted in an adopted impact fee ordinance which address transportation impacts in the area which impact Thurston County, Thurston County can exercise its comment opportunities and other recourse under SEPA.

6. Filing of Development Application. The filing of any development application for the Rezone area, including site plan review, shall not be allowed prior to approval of the application for rezone.

7. Site Plan Review and Minor Modifications. Development of the Rezone Area will be subject to Site Plan Review (SPR), building permit review and other applicable review processes. The final design of the buildings and other improvements, precise location of building footprints, location of utilities, determination of access points, and other design issues will be determined during that process and are part of this Agreement; provided that, site specific determination of additional access points to College Street or Yelm Highway shall be subject to final review and approval by the Lacey City Council.

8. Recording; Assignment. This Development Agreement shall be recorded with the Real Property Records Division of the Thurston County Auditor's Office. This Development Agreement shall bind and inure to the benefit of the parties and their successors in interest, and may be assigned to any successor in interest to the Mastro Property. Upon assignment and assumption of all obligations under this Development Agreement by the assignee, Mastro shall be released from all obligations under this Development Agreement.

9. Modification. This Development Agreement may be modified only with the agreement of the Lacey City Council and Michael R. Mastro or its successors and assigns. If a modification of this Agreement is proposed, the City of Lacey shall give notice to Mastro at least thirty days prior to consideration of any such modification by the Lacey City Council.

10. Counterparts. This Development Agreement may be executed in counterparts each of which shall be deemed an original.

AGREED TO this 25TH day of February, 1999.

CITY OF LACEY:

PROPERTY OWNER:

By Nancy Peterson
Its Mayor

Michael R. Mastro
MICHAEL R. MASTRO

APPROVED AS TO FORM:

City Attorney

By [Signature]

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

I certify that I know or have satisfactory evidence that Nancy Peterson is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument, and acknowledged it as the Mayor of the City of Lacey to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 25th day of February, 1999.

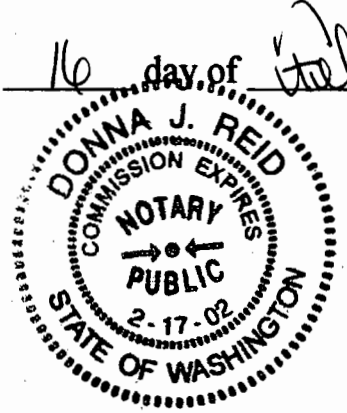


Charlotte M Taylor
Notary public in and for the Washington,
residing at
My appointment expires 12-22-2001

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that MICHAEL R. MASTRO is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument, and acknowledged him as the owner of the Lacey Corporate Center to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 16 day of February, 1999.



Donna J Reid
Notary public in and for the State of
Washington, residing at AUBURN
My appointment expires 2/17/02

Exhibit A

Lacey Corporate Center Legal Description:

**Section 32, Township 18N, Range 1W,
Lots 1, 3, 4, 6-8, 12, 13, South half of 14, 15-23, north
lot of the Lot 24 binding site plan, 25-31, Tract A and B**

Rezone Area

**Section 32, Township 18N, Range 1W,
Lots 16, 17, 18, 19, and 22, and
portions of Lots 20, 21, 23 and Tract A,
Replat of Lacey Corporate Center**

Transitional Area

**Section 32, Township 18N, Range 1W,
Lots 12-14, 20, and 23**

ADDENDUM TO DESIGN GUIDELINES

February 9, 1999

The following are amendments to the Design Guidelines submitted to the Lacey City Council at the January 28, 1999 City Council meeting on the Lacey Corporate Center Rezone and Comprehensive Plan Amendment (REZ 980002; CMP 980002).

The City Council and staff requested the following amendments as a condition of approval of the Rezone and Comprehensive Plan Amendment.

1. **FOREWARD** - page 1, third paragraph - Technical correction to the reference to the acreage of requested rezone from 17.5 acres to 20.47 acres which is consistent with the acreage specified in the original application.

2. **VEHICULAR ACCESS** - page 3, paragraph regarding Public Access for Surrounding Community and page 9, paragraph regarding Access, shall be amended to include the following additional sentence:

"Any proposed additional access points on College Street or Yelm Highway in a site specific project application shall be subject to review and approval by the City's Site Plan Review Committee and the Lacey City Council. Any references to additional access points on College Street or Yelm Highway in these Design Guidelines, including the reference in the Conceptual Site Plan on page 6 are subject to Site Plan Review and specific City Council approval."

3. **ROOFS** - page 16, second paragraph, shall be amended to read as follows: "These guidelines shall require the following:"

4. **LANDSCAPING** - page 20, paragraph regarding Buffer Areas shall be amended as follows: "Buffers between uses shall be a minimum of 30 feet in width and must adhere to the native woodland plant palette."

5. **SIGNAGE** -page 24, first sentence shall be amended as follows: " All signs, including the number of signs, in the neighborhood center will be controlled by the Lacey sign code..."

6. **LIGHTING STANDARDS** - page 12, add the following bullet: " Lighting for pedestrian areas shall be designed based on a human scale"

**Lacey Corporate Center
Application for Rezone**

Attachment

HOW DOES THE REZONE REQUEST CONFORM WITH THE COMPREHENSIVE PLAN?

This rezone request is being submitted in conjunction with an application to amend the City of Lacey and Thurston County Land Use Plan map to re designate the subject property from Business Park and open space institutional to Community Commercial.

What is the relationship between the proposed use of the land to be rezoned and the surrounding land use? (i.e., is your proposed use of land significantly different than existing land uses surrounding your property? Explain.)

The adjacent uses to Lacey Corporate Center range from retail commercial activities to residential. Done properly, the proposed rezone will allow the community commercial area to develop and be compatible with adjacent uses.

The proposed uses will also have to be compatible with existing uses within the business park. Every effort is being made to communicate the proposed changes with existing property owners and to develop a supportive relationship with them for the ultimate full development of the business park. Allowing future development of the park in the proposed manner will bring the park back to economic health and the physically appealing product that was always promoted.

Why is the property not usable as presently zoned, including the events which led you to this conclusion?

A demand for retail services within a quality development exists and the consumer demands in this area of Lacey. The adjacent shopping centers are fully developed or planned to develop and the demand has not slowed down. This is evidenced by the rapid growth in the south Lacey area surrounding the business park as well as the evident need to cater to a significant increase in population for the area.

Additionally, the undeveloped and unmarketable state of the business park has resulted in lost revenues to the City and a continuing down spiral of land values within the business park because of the lack of interest in the business park market. The proposed rezone would trigger an infusion of activity that would regenerate the health of the business park and provide the City additional tax revenues and sales tax dollars.

How would the proposed zone change be in the interest of not only the applicant but also the surrounding properties and the public as a whole?

The proposed zone change would benefit the owner greatly in that he would be able to market the business park to a market that is stronger than proposed business park users. Surrounding

properties would benefit from the ultimate development of the business park which would bring economic health back to the park and the area and would eliminate the continuing loss of revenue to the City and community. The ultimate development of the business park would also provide greater security for the area and prevent further vandalism of the park's existing structures, utilities and landscaping.

Exhibit C



LACEY, WASHINGTON

FOUNTAIN PLACE
DESIGN GUIDELINES



FOREWORD

Lacey Corporate Center was initially designed as a master planned development incorporating multi-family housing and a business park. The master plan assured commitment to design standards, guidelines and procedures at the outset that guaranteed a quality project envisioned by the proponents and the City of Lacey.

Development at the Lacey Corporate Center is controlled and restricted by the Declaration of Covenants, Conditions and Restrictions (CC&Rs) as well as local zoning and development regulations. Together, these standards have achieved a high quality, attractive setting for the lots that have developed on the site to date. The well designed roadways, ponds, pathways, trees, and views, along with the historic farmhouse create a desirable setting for all users, corporate, residential, and commercial.

These design guidelines are intended to further refine the existing regulations and CC&Rs to allow for a commercial neighborhood center of approximately 17.5 acres at the corner of the Yelm Highway and College Way. This new neighborhood center shall be called Fountain Place. It will be a pedestrian oriented center, which will complement the existing business park and apartment community by meeting the high standards established in this document. The standards will assure a high quality result that benefits not only the developer but also other business park property owners, including Illuminet, Memorial Clinic, and the Jacob Smith Farmhouse.

The natural beauty of the setting will be emphasized in the new commercial component. Fountain Place will be a gathering place for the business park as well as the neighborhood at large. It will be different from the typical neighborhood retail center. An opportunity exists for this commercial development to become a focal point and a community meeting place, which will encourage activities that cannot occur in other retail centers.

The vision for Fountain Place is to develop a place that attracts pedestrian shopping, strolling, community activities, and open air uses. The planned development for this important corner will reinforce the City's Design Review regulations for multimodal corridors and intersections. The area shall become a place for outside concerts, possibly a farmers' market, and community fairs, as well as be an attraction at Christmas or the Fourth of July with banners, lighting, and other holiday displays.

The streetscape/scene is reminiscent of a Main Street, creating a focal point for the neighborhood and City as a whole.



GOALS

The goals for the design of Fountain Place are as follows:

- Create a stronger identity for the neighborhood and community by integrating pedestrian amenities, public uses, and recreational features into the shopping component of the neighborhood center.
- Create the feeling of an urban environment and neighborhood center through building, plaza, and parking lot design.
- Create a high quality commercial project, which complements the business park and which also is distinctive from surrounding commercial development.
- Complement other land uses in the business park and surrounding area utilizing either large buffers or strong linkage, whichever is appropriate.
- Supply a greater range of business activities and services than currently allowed under Business Park zoning.
- Stimulate the demand for lots within the business park due to the new commercial and pedestrian amenity created by Fountain Place.
- Support the City's plans for mass transit by promoting the guidelines for development of a multimodal corridors and intersections.





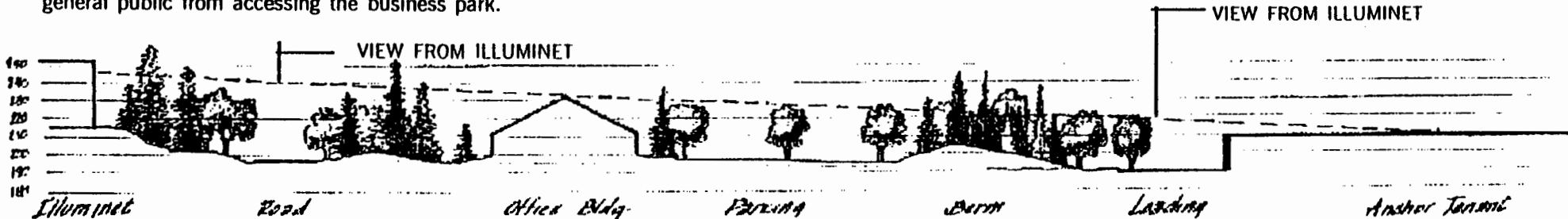
DEVELOPMENT GUIDELINES

The following design guidelines shall be adopted to ensure that the City of Lacey, the Owner, the Developer of the Neighborhood Center, the Occupants of the existing business park, and the neighboring community understand the design and vision for Fountain Place. A clear understanding is important to attaining a quality development, which will gain community support and participation.

A Design Review Board shall be created pursuant to the provisions contained in the development agreement between the Owner and the City.

SITE CONSIDERATIONS

- Compatibility with Adjacent Business Park.** Integration of the commercial center with the business park requires both sharing and buffering. Roadway circulation, storm water ponds, and open space may be shared. However some views and direct access are better if blocked. The roofs and parking lot shall be screened from view by Illuminet through the creation of berms. The berms and surrounding area are to be planted with existing fir trees, transplanted from the site.
- Pedestrian Access from Business Park.** In order to maintain privacy for the business park users, but still encourage these users to partake in the pedestrian amenities, private pedestrian access shall be provided but controlled. The use of discreet gates and signage will encourage business park users to come to Fountain Place, but discourage the general public from accessing the business park.
- Public Access for the Surrounding Community.** Vehicular access is planned to be opposite driveways across each arterial. People driving to the shopping center need not drive through the business park. Pedestrian linkage is appropriate from the sidewalks along the College St. and the Yelm Highway through the commercial development to the open space surrounding the farmhouse. Office buildings should be protected from direct public access through the use of private gates and proper signage.
- Transitional Small Office Zone.** A transitional small office zone shall be developed between the back of the neighborhood center and Corporate Center Dr. Three office structures will be built facing Corporate Center Dr. to serve as a buffer between the center and the existing businesses. They will be placed in a park-like setting, which will also serve as an area for detention ponds for both developments and berms to further separate the two uses. (See Site Plan) Trees existing on the site will be transplanted to the berm areas in natural groves spaced at approx. 12 feet. the fir trees are most appropriate for screening and more resistant to disease than pine, which will not be used. Additional native woodland plantings will be utilized to promote a northwest atmosphere for the buildings, which have a distant view to Mt. Rainier.







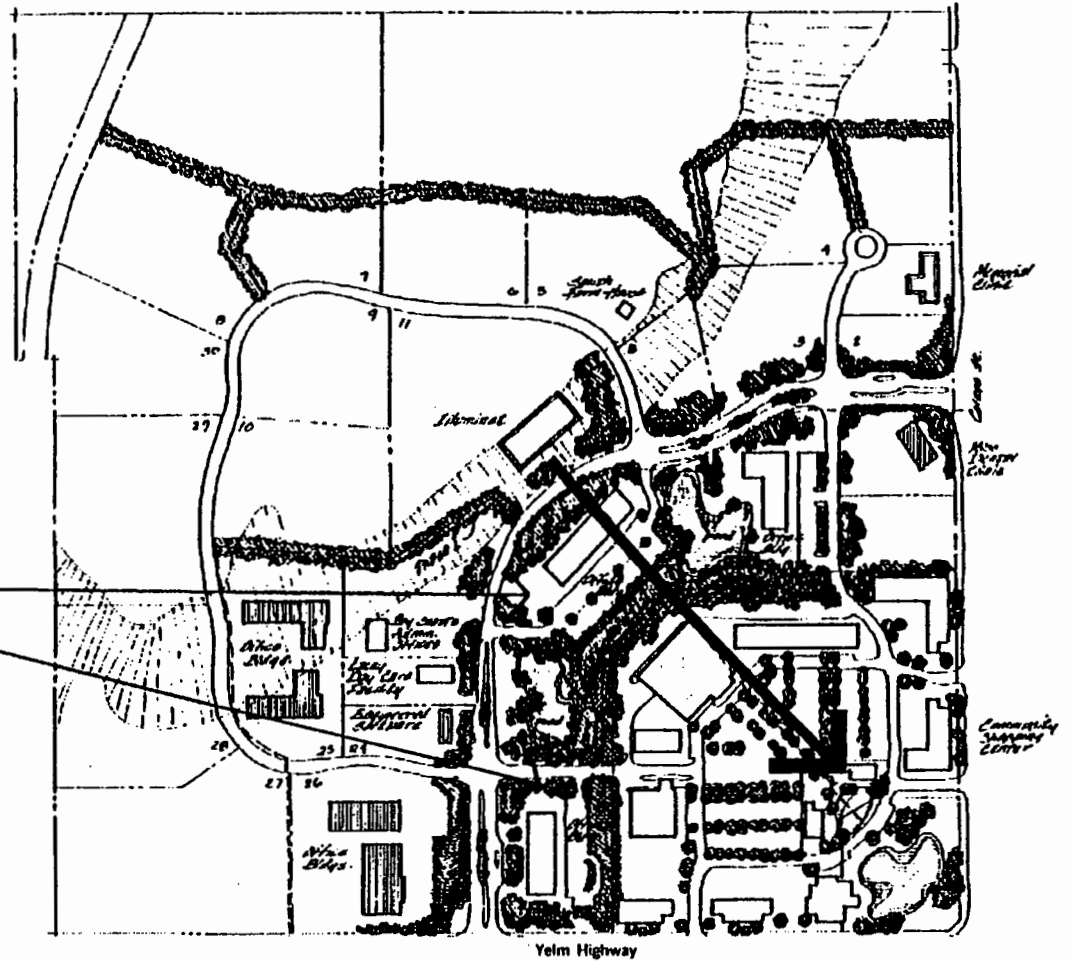


FOUNTAIN PLACE

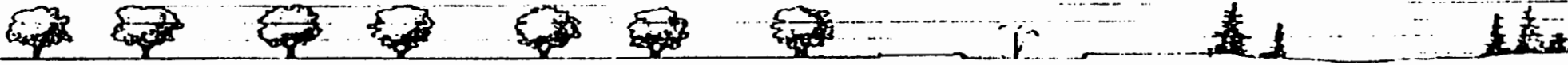
*Visual Planning Study
June 20, 1975*

Plan View - 1/2" = 1'
Section - 1" = 20'

-  Existing Structures
 -  Planned Office Projects
 -  Planned Office Phase I
 -  Pipe Line
- Large trees to be transplanted
from on-site to terraces &
other visually sensitive areas.*



Transitional small office zone



Parkway

Phase I

Phase II

**FOUNTAIN PLACE
DESIGN GUIDELINES**



SITE CONSIDERATIONS

- **Street Frontage Design.** The single most distinguishing characteristic of Fountain Place is the frontage design for existing streets. The buildings have a traditional character, providing the look and feel of a Main Street. Parking lots shall be screened from view through the use of building placement, walls, solid fences with attractive plantings, or open space. The street frontage shall be designed to support the goals for pedestrian spaces along multimodal corridors. (See site plan.)
- **Pedestrian Amenities.** Sidewalks and walkways shall connect the surrounding residential neighborhoods with the neighborhood center. The business park users shall also have private walkways encouraging access to and from Fountain Place.
- **Open Space Design.** Retaining a significant amount of open space and public area preserves the original quality and intent of the Lacey Corporate Center. Open space may be designed as one of three types: buffers where views to parking or blank walls must be blocked; usable space, taking on a more urban feeling with pavement and planters; and finally, natural park areas with ponds and stands of trees. The latter could be used for large gatherings, concerts, or fairs. (See site plan for appropriate locations for different types of open space.)
- **Natural Features.** Incorporate natural features such as viewpoints, ponds, and interpretive walks. Interpretive walks promote and encourage a high level of environmental sensitivity and awareness through the use of native plants, drought tolerant species, with signage, explaining the plant life and habitat.

SITE CONSIDERATIONS



A VISION FOR FOUNTAIN PLACE

This conceptual plan is shown as an example of a project that meets the intent of these guidelines. Other layouts, submitted for Site Plan review, must meet the same criteria to produce the intended result.

Screened Service Area

"Pocket Park"

Perimeter Landscape Buffer

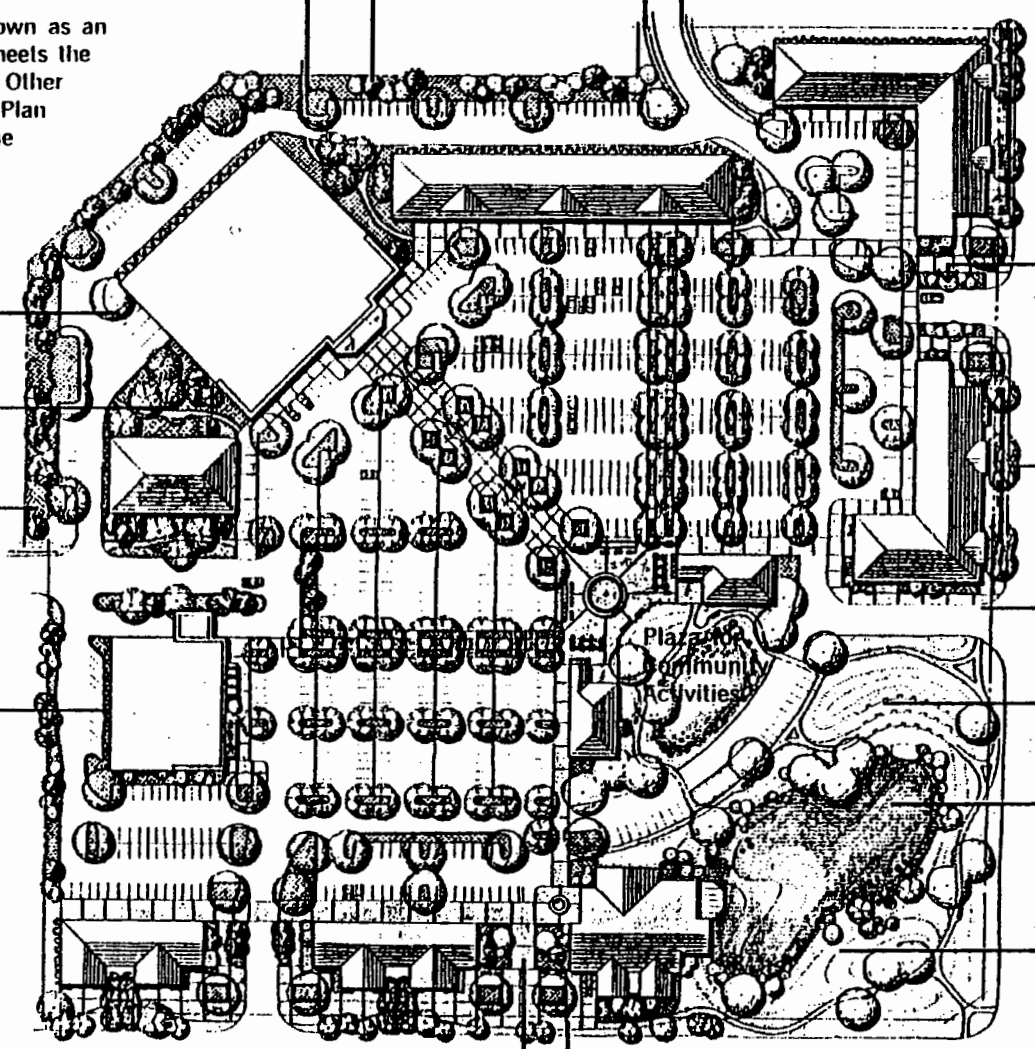
Blank Wall Treatment-Typical

This concept shows 181,000 s.f. of building area on one floor with 830 parking stalls. 4.5 stalls / 1000 s.f.

Pathway to Office Park w/ Gates and Signage

Perimeter Buffer

Open Pathways to Jacobs Smith Farmhouse



Screening to Diminish View of Parking Lot

COLLEGE STREET

Nostalgic Streetscape

Access Points Across from Existing Driveways

Possible Amphitheater

Park w/ Detention/Retention Pond

Meadow w/ Masses of Trees, Tall Grasses & Perennials

Sidewalk Sales Usable Open Space Related to Street

Nostalgic Streetscape

YELM HWY.

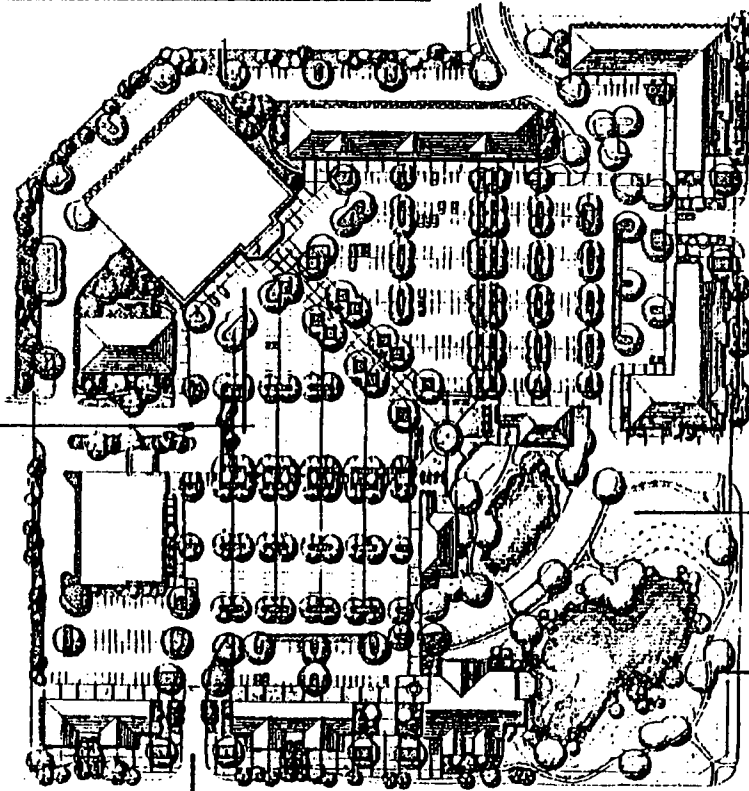
FOUNTAIN PLACE DESIGN GUIDELINES



SITE CONSIDERATIONS



Storefront Imagery



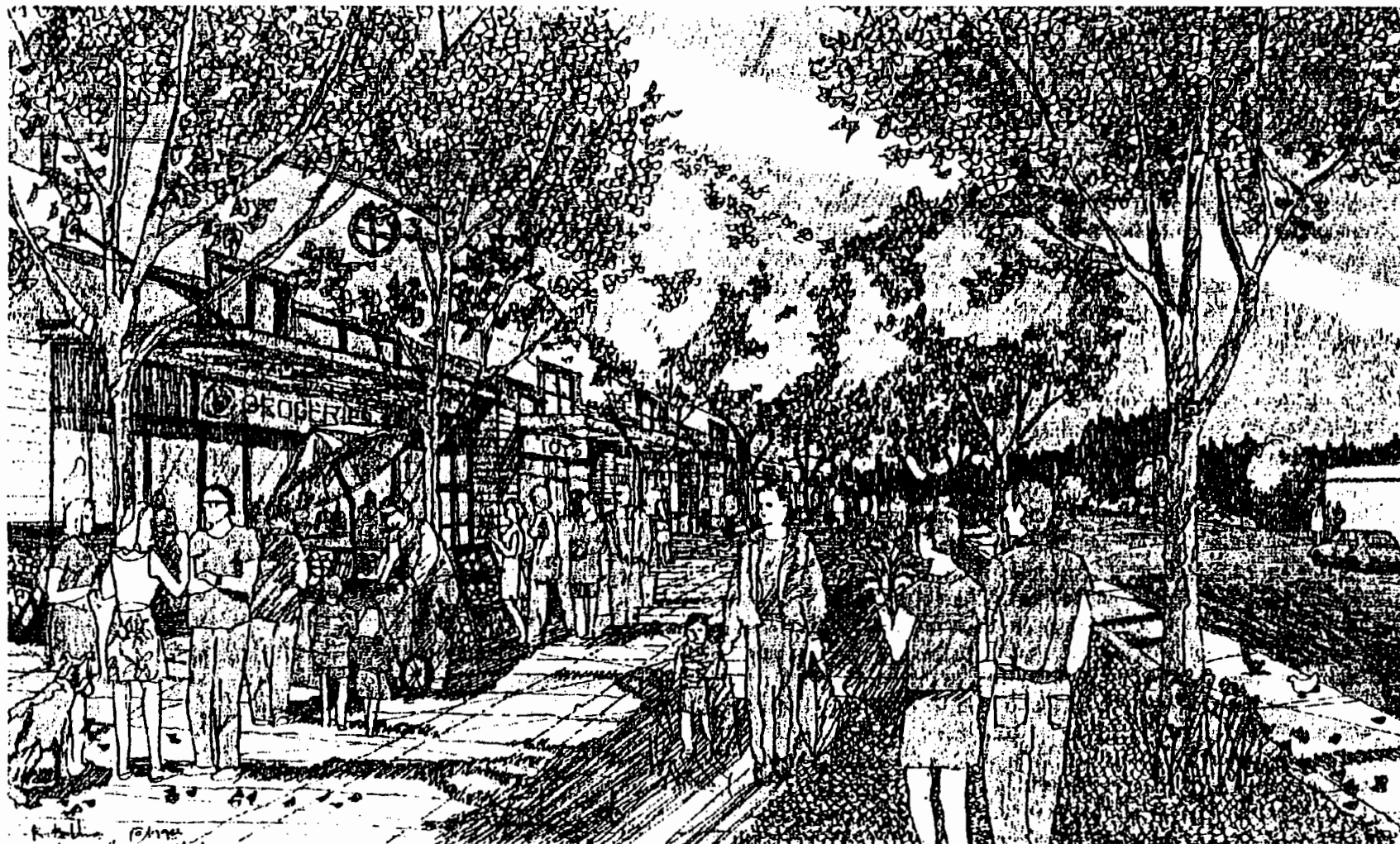
Amphitheatre



Major Vehicle Entry

Restaurant & Pond Vista





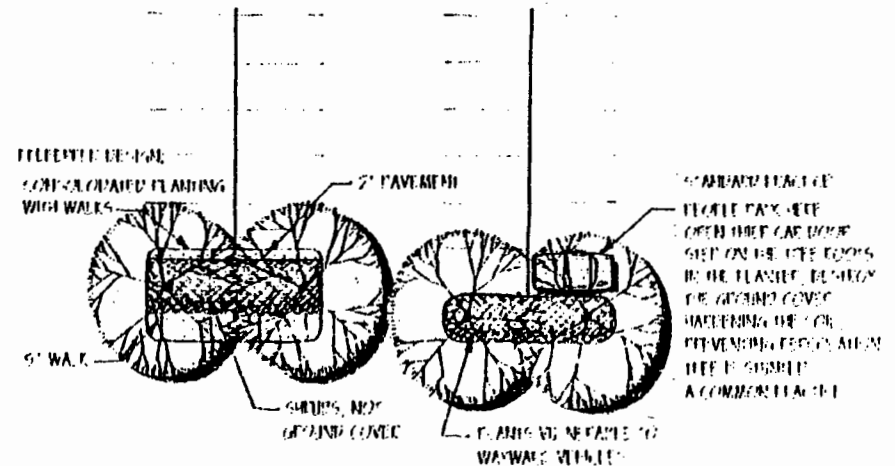
Streetscape



PARKING LOTS

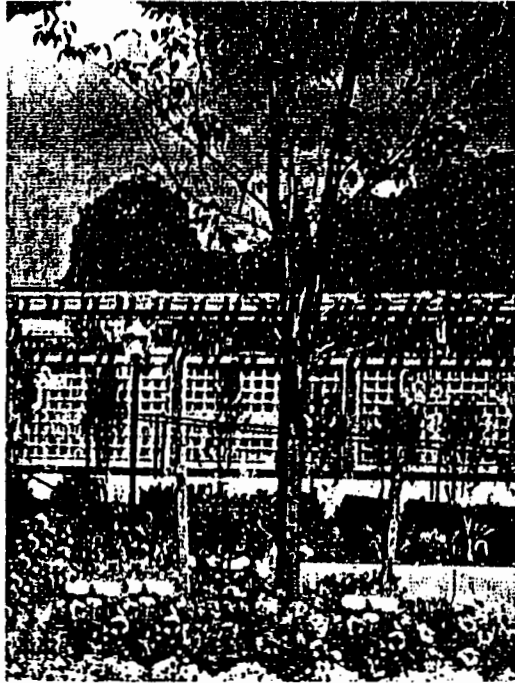
Parking lots are necessary in today's commercial centers, but the layout and landscaping can do a great deal to reduce the impact of expanses of cars. Parking lots will be designed to meet parking count requirements in Title 16.34.070 of the Lacey Municipal Code.

- **Access.** Vehicular access points are located directly across each arterial from existing driveways into neighboring commercial projects. Two new driveways are planned on College St. and one on the Yelm Hwy. Engineering studies will determine the design of the ingress and egress. Sight lines to and from these points are critical and will be maintained.
- **Circulation.** The circulation is purposely simple. It maintains right-angled parking with two-way lanes to reduce confusion. Landscaping supports the road layout and helps direct traffic. One main access road passes through open space to allow users to experience the more natural parts of the site from the car, encouraging later use of the open space
- **Parking Lot Landscaping.** Landscaping in parking lots will meet or exceed the landscaping requirements in Chapter 16.80 of the Lacey Municipal Code. Type IV plantings are to be provided at the rate of 50 s.f. per stall with at least 100 s.f. in each planting area surrounding a deciduous tree. Parking landscaping may be provided per Code with an island of planting every seven stalls, or special approval for larger-scaled plantings in patterns may be considered. In some cases, major parking lots require patterns and large scale landscape treatment to look good and work well. It may be desirable to keep the lot smaller by not breaking it up so much with weak landscape islands. An alternative layout with the larger planters would need approval from both the Design Review Board and the City. (See sketch)
- **Pedestrian Access.** Large-scale patterns of planting that allow pedestrian access through the lot from the sidewalks help break the expanse both visually and physically. Fewer, larger islands promote compact layouts and improved pedestrian access. Pedestrian connections are further enhanced through the use of textured pavement. Changes in color and texture in the pavement of parking lots sends a message to drivers to slow down. Materials in crosswalks may be interlocking pavers, brick, or stamped asphalt or concrete. Colors in crosswalks shall contrast with the color of the remainder of the paved parking area. This approach would meet the intent for pedestrian circulation in parking lots, suggested in the Design Review chapter of the Code, 14.23.084.





PARKING LOTS



Trellis as Parking Screen

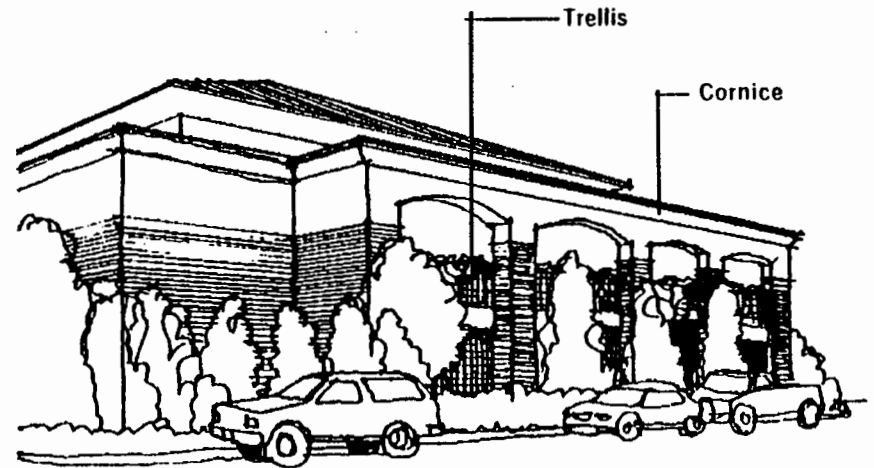
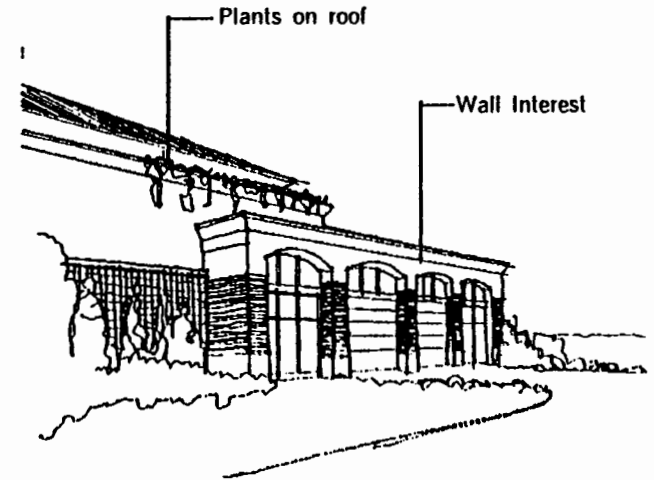
- ***Parking Lot Screening.*** Parking lots are unique in this development, because they will be mostly hidden from surrounding view. The project will be planned so that buildings or parks hide parking from the street where possible. If parking must be near the street, a wall or solid fence plus landscaped buffer shall be used to screen it. A standard fence will require an additional Type 1 buffer. An interesting wall with arbors, trellises, display cases, benches, and/or paved gathering spaces are more architectural and urban in feeling and are promoted by these guidelines. This approach meets the intent of the Lacey Municipal Code, Commercial Design Guidelines, 14.23.082.A.3.
- ***Service Areas.*** Adequately screen dumpster, loading, and parking areas. Dumpsters and loading areas will require a dense buffer, Type I screening per Commercial Design Guidelines, 14.23.082.B.2.
- ***Safety.*** Provide for and encourage pedestrian activity and safety to, from, and through parking lots.



BUILDING DESIGN, GENERAL

The buildings shall reflect the vision for the area as defined in the Comprehensive Plan, The Lacey Design Review section of the Code, 14.23.082, and the Lacey Corporate Center Plan, and shall incorporate the following:

- Utilization of progressive Pacific Northwest building and planning ideas.
- A strong, unified architectural concept that incorporates compatible composition, scale, color, details and other elements.
- Avoidance of large blank wall elements through the provision of architectural interest on these walls.
- Provision of a primary building entrance on the street side of the buildings facing the Yelm Hwy. and College St. This requirement meets the intent of paragraph 14.23.086.C.5. for zones with pedestrian emphasis and key multimodal corridors and intersections.

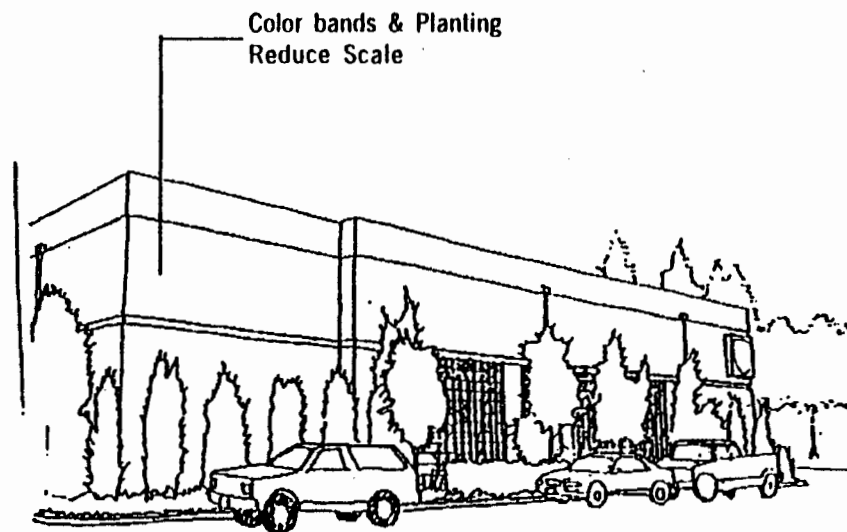




SCALE

Many new retail buildings have a scale that reflects their use rather than a scale that relates to people. Building scale must relate to people in the new center per the Design Review Guidelines, paragraph 14.23.082.A.a-g. The apparent mass and bulk of large buildings on the elevations visible from streets or pedestrian routes shall be reduced through modulation, articulation and special design features. Some controls to promote human scale are:

- Interesting color or textural patterns on a building wall.
- The use of trellises or vines to add interest to a wall.
- Reduced setbacks per Design Review Guidelines, paragraph 14.23.086.C, help provide a human-scaled street enclosure along multi-modal corridors.
- Spaces for sidewalk sales, street furniture, and planting all help create human scale. These features need to be promoted.
- Incorporation of canopies, colonnades, and lower roof elements, which can lower a high wall.

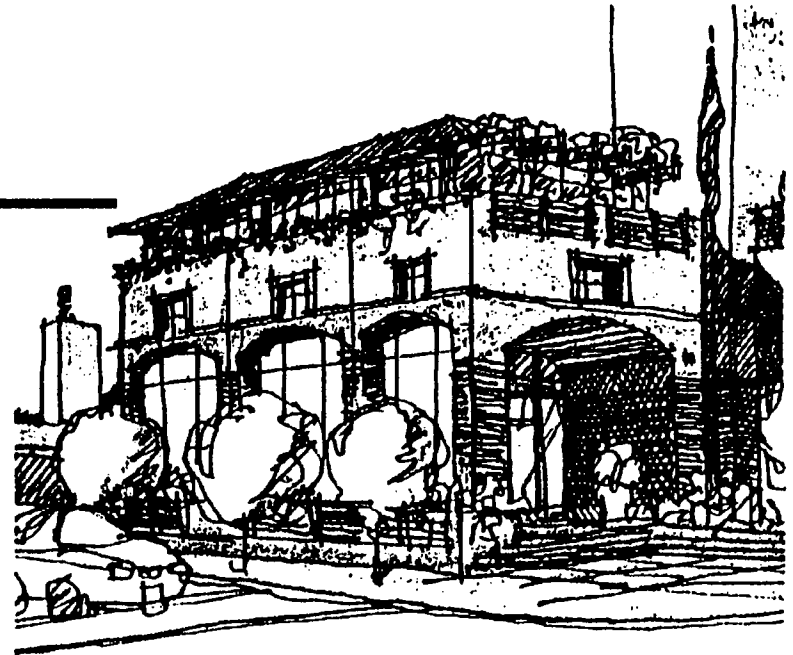




MODULATION

Horizontal or vertical modulation through variation in the architecture itself is very effective to break an expanse of wall. Strong vertical and horizontal reveals, off-sets, and three-dimensional detail can be incorporated into building design to create strong shadow lines and break up flat surfaces. Provide building modulation to meet the intent of the Design Review Guidelines, paragraph 14.23.082.A, Commercial Building Design Guidelines.

- Recessed entryways not only create modulation, but are inviting and nostalgic in character.
- Balconies, dormers, and windows are very effective.
- Colonnades and overhangs are building elements, which cast shadows and break up building wall expanses.

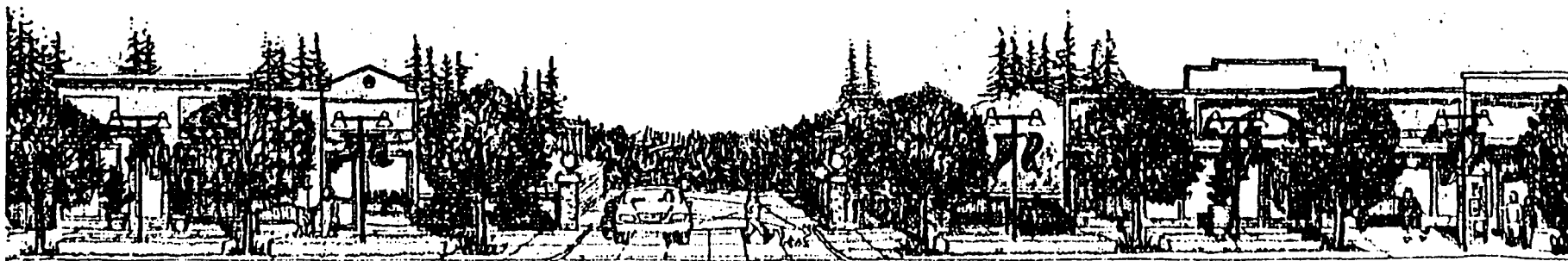




BUILDING ELEMENTS

New developments shall use common materials or materials that complement each other throughout the Project. Materials should be selected for their durability and high quality. The following materials have been selected in concept:

- Pre-Cast Concrete Base Element, natural color
- Split Face Block
- Brick
- EIFS Panels or Pre-cast Concrete Panels
- Metal fascia or parapet, painted utilizing the approved Color System
- For streetscape uses, building facades shall be constructed of brick or concrete masonry units. The idea is to carry the Main Street, nostalgic character along the frontage. Masonry can be set on a base of pre-cast panels as shown in sketches below. Brick and concrete masonry unit walls can be combined with other materials, perhaps EIFS panels on the interior of the project. Their use and location will be reviewed and approved according to the design review process outlined in the Development Agreement.
- Individual building Architects may submit the materials listed above and/or additional compatible materials for review and approval in accordance with the design review process.



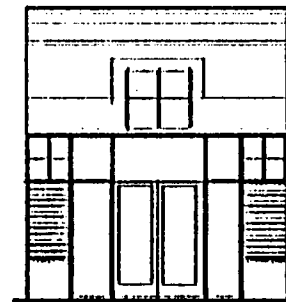
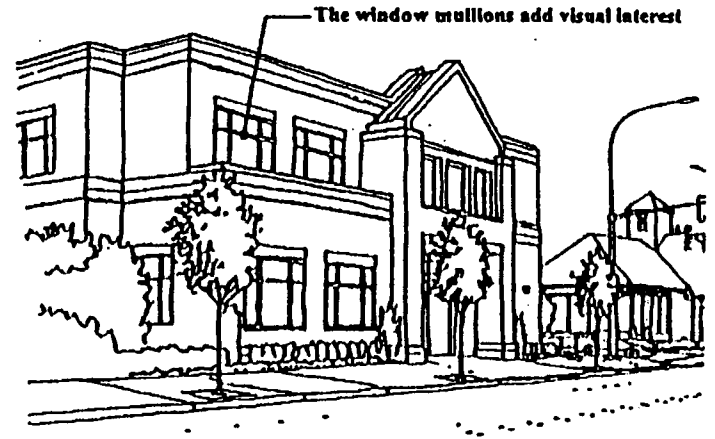


BUILDING DETAILS, MATERIALS, AND COLORS

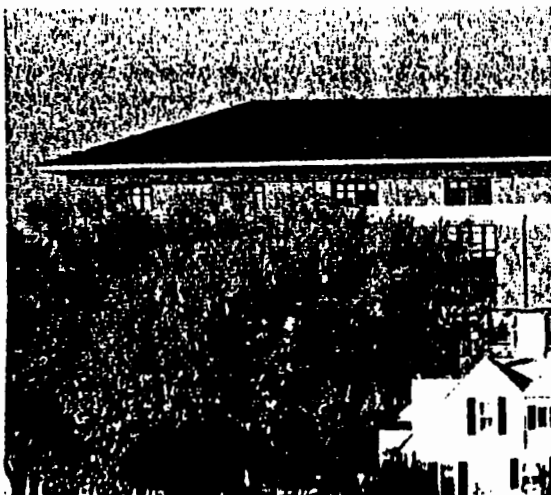
Promote the incorporation of design details and small-scale elements into buildings through the contemporary and traditional use of building details, materials and color. This detailing provides unique design qualities and a close-up attraction that makes people want to stroll and enjoy the surroundings.

Detailed treatment of windows and doors are important. These guidelines shall require the following techniques or similar techniques, which will result in the desired outcome.

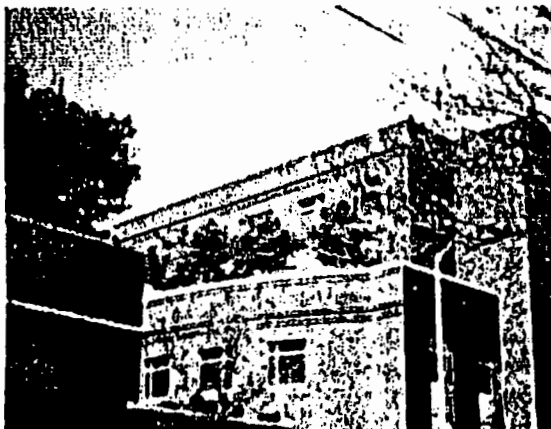
- Decorative lintels, sill, glazing, door design, or other details around all windows and doors located on facades or adjacent to public streets or parks.
- Window mullions are to be colored with color(s) approved in accordance with the design review process. A color palette is required for Site Plan review.
- Window patterns along arterial streets are to follow those suggested in the following sketches or as described in an approved signature window design.
- All building designs are to include such items as ornamental railings, grill work, landscape arbors and trellises to be approved in accordance with the design review process.



Storefront



Example of 5:12 Pitch



Flat Roof with Parapet

ROOFS

Roofs are important in this project, because they are very visible from the hillside that runs diagonally through the site. Although pitched roofs are desirable, a flat pitch may be less attractive than a flat roof. Flat roofs are able to contain the mechanical equipment, removing it from the site. By using roof screening which doubles as either a detailed parapet or cornice, attractive, sensible solutions help reflect a more urbane condition. Unless a minimum pitch of 4:12 can be met, a flat roof may be a more sensitive choice. See sample sketches.

These guidelines encourage the following:

- Mechanical equipment on roofs is to be hidden from view through the use of screens that are a visual extension of the architecture. Equipment is not to be hidden by a fenced portion of the roof.
- Flat roofs must be accentuated with cornices and parapets that enhance the architecture.
- Pitched roofs at less than 4:12 are not allowed.
- The view from the hillside must be considered in the design of roofs.
- Roof decks or gardens are encouraged.



MULTIPLE BUILDING DESIGN

Promote integrated multiple building development which is coordinated with the surrounding built and natural environment, and is organized to meet the goals and intents of the Lacey Corporate Center and the Design Review Guidelines, 14.23.082, for commercial buildings.

- *Streetscape Buildings.* To achieve the "Main Street" look along the existing arterials, the guidelines promote buildings built to the property lines, with no parking between the street and line of facades. The character is naturally one of nostalgia in this location. Buildings along streets must relate to one another in scale, details, and material choices. Brick is appropriate, as are awnings and colonnades. Shop fronts between 40 feet and 60 feet wide are characteristic, and are promoted. Display windows and/or store front doors shall be required along the façade of these buildings. Sidewalks should be a minimum of 12 feet wide with street trees and possibly very low hedges to buffer passing traffic from special uses. Individual potted plants are encouraged.
- *Buildings Facing the Parking Lot.* It is not necessary that all interior buildings be of the same style. Buildings on the inside of the project, not facing streets, could take on a more contemporary look. Large box-type stores can be visually interesting, but nostalgic details do not transfer well to these structures. They need to be what they are, more contemporary in feeling, but with a human scale at entrances and heavily used areas. See the guidelines for encouraging human scale; they must be applied to large, oversized structures.

A Box-type Store with Human Scale & Visual Interest





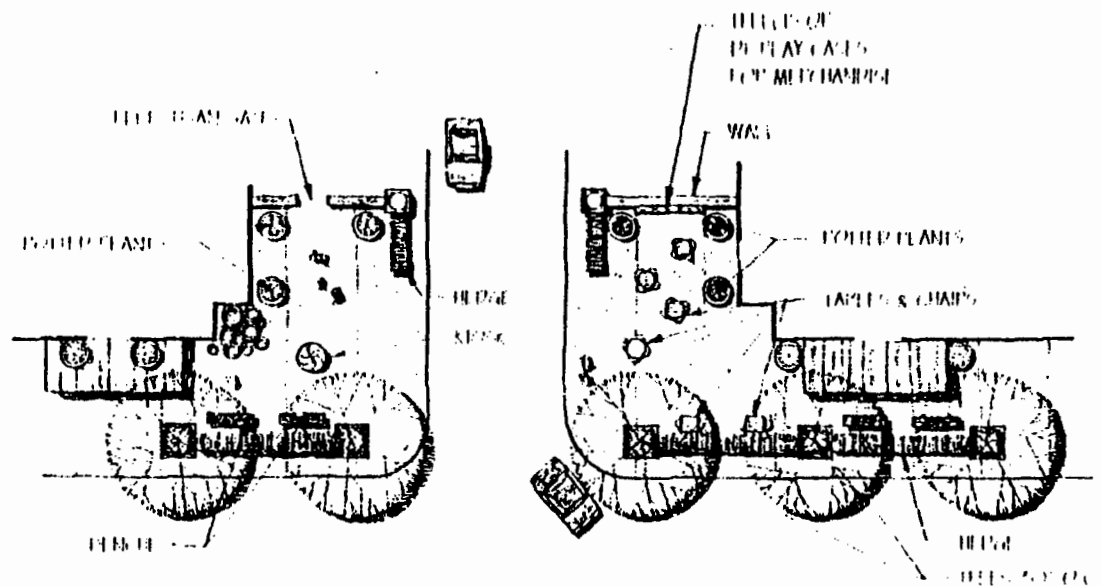
EXTERIOR PLAZAS

Attractive, exterior spaces adjacent to buildings offer its users a sanctuary from the indoors. These guidelines shall require the construction of spaces that can be used for street fairs, concerts and community events. They should be fun spaces for sidewalk cafes, outdoor sales, perhaps a farmers market, or simply, spaces that create a more pedestrian friendly environment surrounding the buildings. Exterior plazas must meet the intent of the Design Review Guidelines, paragraph 14.23.086, design requirements for zones with pedestrian emphasis and key multimodal corridors and intersections.

All exterior plazas shall incorporate the following elements subject to review, approval, and/or waiver in accordance with the design review process.

- Meet the City criteria for plazas described in the Design Review Guidelines, paragraph 14.23.086.C.2, a.i.
- Provide a strong relationship between the interior and exterior spaces.
- Develop a hardscape pattern approved through the design review process.
- Provide places to sit. These can be either seats built into the space or landscape furniture.
- Provide covered areas so that the space can be used in times of inclement weather.
- Provide exterior lighting to be incorporated into the design and to complement the exterior lighting on building facades. Lighting will encourage evening use, if the Owner, Tenants, and City want to promote it.

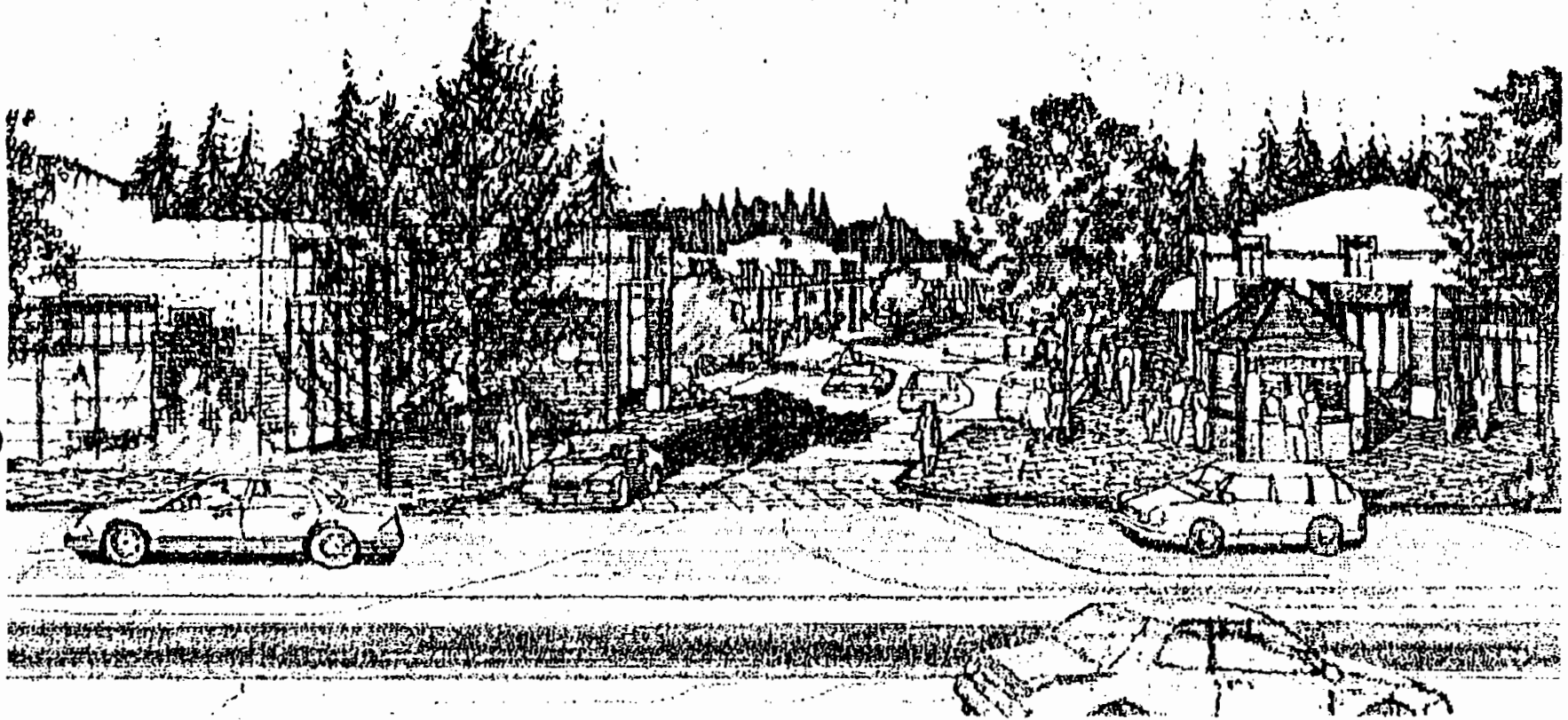
- All spaces shall be totally A.D.A. accessible.
- Provide plants and trees per the landscaping section of these design guidelines.
- Provide special features that make a place look inviting and well used. These guidelines require the use of key focal points in the main plazas, i.e. ponds, fountains and sculpture. In smaller plazas potted plants, banners, lighting, arbors, and street furniture are encouraged.



FOUNTAIN PLACE DESIGN GUIDELINES



Yelm Highway Entrance



FOUNTAIN PLACE
DESIGN GUIDELINES



LANDSCAPING COVENANTS, CODES AND RESTRICTIONS



These guidelines are supplementary to the Lacey Corporate Center Landscape requirements and the City of Lacey Zoning requirements Chapter 16.80 and Design Review Requirements 14.23.

- All open space must be graded at a slope of 3:1 or flatter, if retaining walls, terraces, or rockeries are not used..
• Water Quality Ponds: the pond or depression must be natural in appearance without hard edges. It must allow for a fluctuation in water level without looking muddy, empty, or dirty. If the pond is dry at times the best cover for the depression are grasses, sedges, and rushes that can tolerate periodic inundation. Plants that tolerate wet conditions at the sides of the pond are:

- Calluna (any shade)
• Yellow flag
• Bulrush
• Hatched reed
• Eriogonum (any shade)

A combination of trees and shrubs shall be used adjacent to pond plantings to blend them into parks and buffer plantings.

- Buffer Areas are located between the office uses and the neighborhood center: Buffers between uses must adhere to the native woodland plant palette. Conifers are the mainstays of these plantings, since most can tolerate some drought and fit well into the regional view envisioned for the site. Large-scale conifers require large planting spaces to thrive and look appropriate. Buffers are the perfect place for them. They should be planted a maximum of 20 feet o.c. down to 12 feet apart to achieve a mass effect. The following are suggested:

- Douglas Fir
• Grand Fir (dry soils)
• Noble Fir (Cedar)
• Hemlock (in future, species)
• Western Hemlock (only with drought as threshold in the year)
• Fir (any shade) (not drought tolerant)

Many of the conifers for buffers are growing on the site now. They are a suitable size for transplanting with a large tree spade. The fir trees, both Grand Fir and Douglas Fir are the best trees to use. They will have fewer diseases than the pine and will maintain a denser form. If Noble Fir is present, it may be used as well, but it is a little more difficult to transplant in large sizes. Existing trees shall be transplanted from the site for use on berms and in buffer areas.

Additional deciduous trees are needed for interest and color in buffers. They may include:

- Vine Maple
• Pacific Dogwood (locate with top in sand)
• Alb. Ash (not a street)
• Paper Birch
• Pacific Wild Apple (great habitat tree)
• Black Alder (not a street)
• Black Redstart



Shrubs and groundcovers in buffers are important to create mass and infill. Lawns or mown grass are not acceptable in buffer areas where visual separation is intended. Acceptable shrubs and groundcovers are:

- Oregongrape
- Longleaf Mahonia
- Swordfern
- Sala
- Winged Euonymus (not native)
- Nandina (not native)
- Service Berry
- Snowberry
- Mockorange (sun)
- Sweet Woodruff (not native)

Note: These shrubs need no permanent irrigation after three growing seasons, when they are planted under a canopy of trees.

- Visual barriers that may occur along either the Yelm Hwy. or College Way to hide parking must be dense if only a fence is used as a screen. The plantings shall be more formal than perimeter buffer plantings. They shall incorporate large dense shrubs that may be pruned or clipped to fit the nostalgic character. Good choices are:

- Portugese Laurel
- Photinia
- Holly Osmanthus
- Holly (species may vary)
- Columnar Yew

- Other open space includes the park area at the corner of the Yelm Hwy. and College Way. The park around the pond at the corner has the potential to be a really wonderful foreground and useful area in the neighborhood center. It needs to take on a more nostalgic, as opposed to native look, to fit in with the urban streetscape planned. Trees should be limbed up and kept in groves. Grass could have the appearance of a meadow, but should be mowed periodically to allow views through the park to invite users and help with police surveillance. An addition of clipped hedges at the gateway would have some formality, which is needed. The park needs to be upgraded to a more formal level when the streetscape is altered by the new development to give it the feeling of a nostalgic, city park.

Trees in parks might have blossoms or strong seasonal color. They look good in masses, or strongly branched ones could be singular specimens. Trees that are appropriate are park settings are:

- Katsura Tree
- Forest Pansy Redbud
- Sugar Tyme or Prairie Fire Crabapples
- Paper of Jacquemontii Birch
- Trees suggested for Parking Lots
- (Most of the above trees are not native.)



Parking Lots: on-grade parking, open to the sky, has strict requirements for landscaping in the Lacey Code. One tree per seven cars or no more than seven cars in a row without a tree is specified. Under Parking Lot Guidelines in this document, another approach has been described that is preferred: fewer, larger plantings as opposed to many smaller ones.

Plantings in parking lots must be permanently irrigated and protected with curbs. Trees must be deciduous, clean with no dripping, and spreading in form. The ground around the trees is to be planted with evergreen shrubs with an ultimate height of 18"-30" and that creates a solid mass within three years.

Types of trees that are acceptable for such conditions are:

- Red Maples (spreading varieties best)
- Autumn Blaze Red Maple
- Autumn Flame Red Maple
- Green Vase Zelkova
- Siberian Elm
- Kimberley, Rose Hill, Autumn Purple, or Autumn Applause Ash
- Flowering Pear (not the columnar form)

Types of shrubs that are acceptable for such conditions are:

- Boxwood (several low varieties)
- Japanese Holly (several low varieties)
- Cotoneaster (low, evergreen variety)
- Barberry (may be scratchy)
- Lucidum (a hardy variety) (may be scratchy)

- College & Yelm edge: in keeping with existing trees on public roads and with the City of Lacey design standards, formal rows of street trees are proposed on public streets. If any of these trees are damaged or removed, they must be replaced at the existing spacing and at the size of the remaining trees. New trees are to meet the City guidelines for type and size in this location. All trees in pavement must be irrigated.

Tree grates are not proposed around trees in pavement. A planting area with a minimum dimension of 4 feet by 6 feet shall be installed around street trees. Low groundcovers may be used, but must be irrigated. Bark mulch is an acceptable substitute, but it must be renewed annually.

Appropriate groundcovers shall be selected for durability:

- Tronchymus (many varieties to choose from)
- Vinca minor
- St. Johnswort
- Hahnus Ivy



- Trellis and building walls may require vines to hide undesirable views or to create an inviting space. Appropriate vines for masonry building walls are:

Boston Ivy (Self-clinging)

Appropriate vines for trellises include:

Halls, Honeysuckle

Clematis (variety to be chosen)

Climbing Hydrangea

Grapes (variety to be chosen)

Five-leaf Akebia



Character Sketch of a
Neo-Traditional Park



SIGNAGE

All signs in the neighborhood center will be controlled by the Lacey sign code and the design review process established by the Developer to insure continuity and harmony of design within the new center, Lacey Corporate Center, and the surrounding community. Sign design shall meet or exceed the structural and safety requirements and zoning ordinance 16.75 of the City of Lacey. All signs are to be designed in a manner compatible with the overall esthetic concept of Lacey Corporate Center and with the materials required in the Design Guidelines.

- Awning and canopy signs may be externally illuminated, not internally.
- Awnings shall maintain a minimum clearance of 8 feet above sidewalk level. If the awning is over right-of-way, an additional approval shall be required.
- Monument signs may be used to identify groups of uses at the new vehicular entrances to the project. The size, height, and location of the signage shall conform to the Lacey City Code.
- Small shop signs and directional signs can be interesting, making the streetscape more attractive for pedestrians. Blade signs, sandwich boards, and temporary signs need to be reviewed for tastefulness and conformance. Sale signs that cover windows are not permitted.



CITY OF LACEY

CITY OF LACEY

PO Box 3400
Lacey, WA 98509 3400
491-5642

APPLICATION FOR REZONE

Fee \$1060

OFFICIAL USE ONLY

Case Number _____
Date Received _____
By _____
Related Case Numbers _____

OWNER NAME Michael R. Mastro
Mailing Address 510 Rainier Avenue S.
City, State, and Zip Seattle, WA 98144
Telephone (206) 323-5393

[Signature] _____
DATE _____ SIGNATURE _____ DATE _____

I (We), the above signed, do hereby affirm and certify, under penalty of perjury, that I am one (or more) of the owners or owner under contract of the below described property and that the following statements and answers are in all respects true and correct on my information and belief as to those matters.

APPLICANT NAME Same
Mailing Address _____
City, State, and Zip _____
Telephone _____
Signature _____ Date _____

ENGINEER/ARCHITECT NAME Landmark, Inc.
Mailing Address 1130 - 140th Avenue NE, Suite 200
City, State, and Zip Bellevue, WA 98005
Telephone (206) 340-1100
Signature _____ Date _____

AUTHORIZED REPRESENTATIVE NAME Sarah W. Smyth, Attorney at Law
Mailing Address 2616 Yelm Hwy SE, Bldg. 3-C
City, State, and Zip Olympia, WA 98501
Telephone (360) 352-0866
Signature _____ Date _____

NAME OF PROJECT Lacey Corporate Center Comp. Plat; Amendment & Rezone

SUMMARY OF REQUEST (LIST TYPE OF USE) Rezone of .20 .47 acres (Lots 16-19 & 22, and portions of lots 20, 21, 23 and Tract A) from Business Park and Open Space Institutional to Community Commercial.

PROPERTY LOCATION
North South East West Side of Yelm Hwy. between College Street SE
and Corporate Center Drive
Property Address N/A
Section 32 Township 18N Range 1W Assessor's Parcel Number _____

Full legal description of subject property Lots 16, 17, 18, 19, and 22, and portions of Lots 20, 21, 23 and Tract A, Replat of Lacey Corporate Center

TOTAL SQUARE FOOTAGE OF THE REZONE AREA 891,673 sq. ft.

HOW DOES THE REZONE REQUEST CONFORM WITH THE COMPREHENSIVE PLAN?
See Attached

AN ACCURATE SITE PLAN DRAWN IN INK TO SCALE WITH DIMENSIONS MUST BE SUBMITTED ALONG WITH THE APPLICATION. SHOW THE FOLLOWING:

1. Location of proposed uses, buildings, parking areas, landscaping areas, ingress, egress, etc.
2. Location of all existing uses and structures on the property, with distances from property lines.
3. Major physical features of the property to be rezoned
4. Bar scale and north arrow.

ANSWER THE FOLLOWING QUESTIONS:

What is the relationship between the proposed use of the land to be rezoned and the surrounding land use? (i.e., is your proposed use of land significantly different than existing land uses surrounding your property? Explain.)

See Attached

Why is the property not usable as presently zoned, including the events which led you to this conclusion?

See Attached

How would the proposed zone change be in the interests of not only the applicant but also the surrounding properties and the public as a whole?

See Attached

SMYTH McINTOSH

A Professional Law Corporation

2616 Yelm Highway, Bldg. 3, Suite C, Olympia, Washington 98501
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February 18, 1999

Lacey City Council
c/o Dave Burns
Senior Principal Planner
P.O. Box 3400
Lacey, Washington 98509

Re: Lacey Corporate Center Application for Rezone and Comprehensive Plan
Amendment/CMP 980002 REZ 980002

Dear Mr. Burns and Lacey City Council members:

Enclosed please find the original Final Development Agreement Per Council signed by Mr. Mastro for your approval. The changes requested by the Lacey City Council as a condition of the rezone on January 28, 1999, have been incorporated and reviewed by the City Attorney.

We have also attached an Addendum to the Design Guidelines, which has been reviewed and approved by the City staff.

Very truly yours,



SARAH SMYTH McINTOSH

SSM/sw
Enclosures

cc: Jim Clark
Ken Ahlf
Greg Cuoio
Jerry Litt