ORDINANCE NO. 1192

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, PROVIDING FOR THE ADOPTION OF AN AMENDED CHAPTER 1 OF THE CITY OF LACEY'S DEVELOPMENT GUIDELINES AND PUBLIC WORK STANDARDS, AMENDMENT OF SEVERAL SECTIONS OF THE LACEY MUNICIPAL CODE TO BE IN COMPLIANCE WITH THE NEWLY AMENDED CHAPTER 1 OF THE CITY OF LACEY'S DEVELOPMENT GUIDELINES AND PUBLIC WORKS STANDARDS, ADDING NEW SECTIONS 15.12.035, 16.66.070, 16.66.080, 16.66.090, 16.66.100, 16.66.110, 16.84.015, 16.84.025, AND 16.90.005 TO THE LACEY MUNICIPAL CODE, AND ADOPTING A SUMMARY FOR PUBLICATION.

WHEREAS, City Staff and Citizens have had difficulty in past in determining which sections of the Lacey Municipal Code to follow to process land use permits; and

WHEREAS, the proposed amendment to the Development Guidelines and Public Works Standards would consolidate the permit processes into one central document, thereby allowing for easier access to information for both City Staff and Citizens, and

WHEREAS, the proposed amendments to the Lacey Municipal Code will direct those persons needing to file a land use permit to the amended section of the Development Guidelines and Public Works Standards,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lacey, Washington as follows:

Section 1: An amended Chapter 1 of the City of Lacey's Development Guidelines and Public Work Standards is hereby adopted by reference.

Section 2: Section 2.30.070 of the Lacey Municipal Code is hereby amended to read as follows:

2.30.070 Organization. The operation of the hearings examiner's office shall be under the administrative supervision of the examiner and said office shall be separate and not a part of the planning community development department or any other department providing staff planning services.

Section 3: Section 2.30.090 of the Lacey Municipal Code is hereby amended to read as follows:

2.30.090 Powers of the examiner. The examiner shall receive and examine all available information, conduct public hearings and prepare a record thereof and enter decisions as provided for herein:

A. The decision of the hearings examiner on the following matters shall be final unless such decision is appealed to the city council pursuant to Section 2.30.160 <u>of</u>-<u>the LMC</u>-:

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- Appeals of decisions made pursuant to limited administrative review as defined in section 1.030 of the City of Lacey Development Guidelines and Public Works Standards; Short plat modification or variance requests;
- 2. Appeals of decisions made pursuant to full administrative review as defined in section 1.030 of the City of Lacey Development Guidelines and Public Works Standards; Short plat appeals;
- -4. Preliminary plat approval extension requests; Shoreline variance permit appeals;
- 5. Administrative zoning appeals;
- -----6---Preliminary plat approval extension requests;

- B. The decision of the hearings examiner on the following matters shall constitute a recommendation to the city council:
 - 1. Rezone applications; provided, that rezone applications initiated by the city or county to implement a newly adopted or amended comprehensive plan shall be heard by the planning commission;
 - <u>1.</u>2. Preliminary plat applications;
 - 2.3. Preliminary plat modification requests;
 - <u>3.</u>4. Shoreline substantial development, shoreline variance and shoreline conditional use permits and permit recisions;
 - 4.5. Planned residential development applications;
 - 5. 6. Conditional use permit applications.
- C. The decision of the hearings examiner on the following matters shall be final:
- Appeals relating to the city's uniform construction codes as provided for in Section 14.18.030 of this code.

Section 4: Section 2.30.100 of the Lacey Municipal Code is hereby amended to read as follows:

2.30.100 Applications for permits or approvals. Applications for permits or approvals within the jurisdiction of the hearings examiner shall be presented to the <u>planning community development</u> department. The department shall accept such applications only if applicable filing requirements <u>set</u> forth in Section 1B.050 of the City of Lacey Development Guidelines and Public Works Standards are met. The department shall be responsible for assigning a date for and assuring due notice of public hearing for each application, which date and notice shall be in accordance with <u>Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards</u> the statute or ordinance governing the application.

Section 5: Section 2.30.110 of the Lacey Municipal Code is hereby amended to read as follows:

2.30.110 Consolidated review Master applications. When more than one application for a proposed development is required, the applicant may elect to have the applications be consolidated under one review process in accordance with Section 1B.030 of the City of Lacey Development Guidelines and Public Works Standards. Any person proposing a land use project which would require more than one of the permits or approvals listed in Section 2.30.090 may submit a master application to the planning department on forms furnished by the department containing all necessary information. The master

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application shall thereafter be processed by the examiner subject to the longest time limitation applicable to any one of the required permits or approvals included in said master application. The planning department may prescribe a reduced fee schedule for master application reflecting cost savings realized through unified processing.

Section 6: Section 2.30.120 of the Lacey Municipal Code is hereby amended to read as follows:

2.30.120 Report of planning community development ddepartment. The community development department planning department shall provide a written staff report to the Hearing Examiner and all other interested parties ten days prior to the public hearing in accordance with Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards. coordinate and assemble the reviews of other city or county departments and governmental agencies having an interest in the subject application and shall prepare a report summarizing the factors involved and the department's findings and recommendations. At least seven calendar days prior to the scheduled hearing the report shall be filed with the examiner and copies thereof shall be mailed to the applicant and made available for public inspection. Copies thereof shall be provided to interested parties upon payment of reproduction costs.

Section 7: Section 2.30.130 of the Lacey Municipal Code is hereby amended to read as follows:

2.30.130 Public hearing. Prior to rendering a decision on any application, the examiner shall hold one public hearing thereon. Notice of the time and place of the public hearing shall be given as provided in <u>Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards.</u> this code for the particular permit or approval which forms the subject matter of the public hearing. At the commencement of the hearing, the examiner shall give oral notice regarding the register provided for in Section 2.30.150.

Section 8: Section 2.30.140 of the Lacey Municipal Code is hereby amended to read as follows:

2.30.140 Examiner's decision. Within ten working fourteen days of the conclusion of a hearing, unless a longer period is agreed to in writing by the applicant, the examiner shall render a written decision which shall include at least the following:

- A. Findings based upon the record and conclusions therefrom which support the decision. Such findings and conclusions shall also set forth the manner by which the decision would carry out and conform to the city's comprehensive plan, other official policies and objectives, and land use regulatory enactments;
- B. A decision on the application which may be to grant, deny or grant with such conditions, limitations, modifications and restrictions as the examiner finds necessary to make the application compatible with its environment, the comprehensive plan, other official policies and objectives, and land use regulatory enactments;
- C. A statement that either:
 - 1. The decision constitutes a recommendation to the city council or planning commission together with the date, time and place for consideration by said body and the deadline for submitting written comments thereon as provided in Section 2.30.170, or
 - 2. The decision will become final in fourteen calendar days unless appealed to the city council together with a description of the appeal procedure prescribed in <u>Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards Section 2.30.160</u>.

Section 9: Section 2.30.160 of the Lacey Municipal Code is hereby amended to read as follows:

2.30.160 Appeal from examiner's decision. The decision of the examiner as to those applications listed in Section 2.30.090(A) shall be final and conclusive unless within <u>fourteen ten working</u> days following rendering of such decision an appeal therefrom is filed with the office of the examiner by the applicant, the city council, a department of the city or county, or other interested person or agency in

accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards. Such appeal shall be in writing, shall contain a brief statement of the reason why error is assigned to the examiner's decision and shall be accompanied by a fee as established by resolution of the city council; provided, that such appeal fee shall not be charged to the city council, a department of the city or county or to other than the first appellant.

The timely filing of an appeal shall stay the effective date of the examiner's decision until such time as the appeal is adjudicated by the city council or is withdrawn.

Within five working days following the timely filing of an appeal, notice thereof and of the date, time and place for city council consideration shall be mailed to the applicant and to all other parties of record. Such notice shall additionally indicate the deadline for submittal of written comments as prescribed in Section 2.30.170.

Section 10: Section 2.30.170 of the Lacey Municipal Code is hereby amended to read as follows:

2.30.170 City council consideration. An examiner decision which constitutes a recommendation or which has been timely appealed pursuant to Section 2.30.160 <u>and Chapter 1D of the City of Lacey</u> <u>Development Guidelines and Public Works Standards</u> shall come <u>before the on for</u> city council <u>for</u> consideration in open public meeting no sooner than ten nor-longer than twenty working thirty days from the date a decision constituting a recommendation was rendered or an appeal <u>is filed</u>. <u>from a decision</u> which is final unless appealed. The city council shall consider the matter based upon the written record before the examiner, the examiner's decision and the written appeal. <u>if any</u>.

Section 11: Section 2.30.180 of the Lacey Municipal Code is hereby amended to read as follows:

2.30.180 City council action. The city council may accept, modify or reject the examiner's decision, or any findings or conclusions therein. A decision by the city council to modify or reject shall be supported by findings and conclusions.

The action of the city council in approving or rejecting a decision of the examiner shall be final and conclusive unless a Land Use Petition is timely filed with the Thurston County Superior Court<u>in</u> accordance with Chapter 1D of the City of Lacey Development<u>Guidelines and Public Works Standards</u> and applicable state laws<u>for the purpose of review of the action taken</u>; provided, that appeals from a decision to grant, deny or rescind a shoreline permit shall be governed by the provisions of RCW Chapter 90.58 of the Revised Code of Washington.

Section 12: Chapter 2.40 of the Lacey Municipal Code is hereby repealed.

Section 13: Section 14.21.030 of the Lacey Municipal Code is hereby amended to read as follows:

14.21.030 Review of development proposals.

- A. Traffic Impacts. Subject to the provisions of subsection B of this section, approval of a proposed development will be conditioned upon the mitigation of the traffic impacts of such development, pursuant to Section 14.21.040.
- B. Concurrency Requirement. A proposed development will not be approved under this chapter if traffic generated by such development, when added to the background traffic volumes, causes the level of service on a transportation facility to decline below the level of service standard set forth in Section 14.21.010(I), unless transportation improvements or strategies to cure such decline are made concurrent with the development. The city may require the submittal of supplementary information and studies by a developer for any development which may reasonably cause a transportation facility to decline below such level of service standard. Such transportation improvements or strategies may be provided by the following method or combination of methods:
 - 1. Public transportation projects which are initially funded and in support of which the proponent has paid or agreed to pay a mitigation fee pursuant to Section 14.21.040B(2) of this chapter;

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- 2. Transportation improvements which are under contract as part of the completion of other approved developments and in support of which the proponent has paid or agreed to pay a mitigation fee pursuant to Section 14.21.040B(2) of this chapter;
- 3. Transportation improvements constructed by the proponent or to the costs of which the proponent has paid a dollar amount or dedicated land of a fair market value equal to or in excess of the mitigation fee which would otherwise have been paid by such proponent pursuant to Section 14.21.040B(2). The proponent shall be given credit against the development's total obligation for transportation mitigation fees to the extent that such construction, contribution or dedication to a particular transportation improvement project exceeds the transportation mitigation fee which would otherwise have been due for that transportation project. If the value of such construction, contribution, or dedication exceeds the total of the transportation impact fee obligation for the proponent's development, the proponent shall be entitled to reimbursement project and paid by subsequent developers within the plan area. Such reimbursement shall be made to the proponent in the same proportion as the proponent's construction, payment or dedication bears to the total of the new development portion of the costs of such project;
- 4. Planned transportation improvements or strategies for which there is in place a financial commitment to assure completion within six years after completion of the development and in support of which the proponent has paid or agreed to pay a mitigation fee pursuant to Section 14.21.040B(2) of this chapter.
- C. Decision and Appeal Process.
 - 1. The Site Plan Review Committee shall determine if concurrency required under this chapter is met.
 - 2. If concurrency is met but mitigation is required, the committee shall require mitigation in accordance with the requirements of Section 14.21.040. Notice of the committee's decision and the mitigation required shall be provided in written form to the proponent.
 - 3. Any decision of the City of Lacey in the administration of this chapter may be appealed in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works <u>Standards.</u> The decision of the Site Plan Review Committee shall be appealable to the city's hearings examiner pursuant to LMC Section 16.84.030. Said appeal shall be combined with the appeal of any other matter relating to the development from the Site Plan Review Committee to the hearings examiner.
- D. Review of Developments Outside City Limits.

The city shall review developments which are within the plan area but located outside of the city limits in the same manner as it reviews developments located within the city limits. The city shall further cooperate with Thurston County and other cities within the county to expeditiously review the transportation impacts of developments located within such jurisdiction. Such cooperation shall include the exercise of all powers under existing contractual agreements, the promotion of future contractual agreements, and the adoption by the county of common development standards. All cooperative efforts shall be directed towards evaluating and mitigating the actual impacts of development projects upon the transportation improvement projects located within the respective jurisdictions. If the projected transportation impacts on Lacey transportation improvement projects of those developments located outside the city but within the plan area are not required to be mitigated by the jurisdiction in which such development is located or voluntarily mitigated by the developer in a manner equal to the requirements of this ordinance, the city shall not extend utility services to such development unless required to do so by prior agreement or force of law.

Section 14: Section 14.23.090 of the Lacey Municipal Code is hereby amended to read as follows:

14.23.090 Appeals.

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Any decision of the city of Lacey in the administration of this chapter may be appealed in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards.

- A. Any person or persons aggrieved by a decision from the director of community development may file an appeal to the site plan review committee (SPRC) within fifteen days after the decision is made. The decision of the SPRC is final unless appealed to the hearings examiner.
- B. Any person or persons aggrieved by any decision of the SPRC may file an appeal with the hearings examiner in accordance with Section 2.40.010 of the Lacey Municipal Code within twenty days of the decision being made. The decision of the hearings examiner shall be final unless appealed to the city council pursuant to Section 2.30.160.
- C. The filing of an appeal shall suspend the issuance of either a construction or land use permit related to the appeal until final action is taken on the appeal.

Section 15: Section 14.24.030 of the Lacey Municipal Code is hereby amended to read as follows:

14.24.030 Additional definitions. In addition to those definitions contained within WAC <u>Chapter</u>-197-11-700 through 799 of the Washington Administrative Code, when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

- A. "Department" means any division, subdivision or organizational unit of the city established by ordinance, rule or order.
- B. "SEPA rules" means WAC-Chapter 197-11 of the Washington Administrative Code adopted by the department of ecology.
- C. "Ordinance" means the ordinance, resolution, or other procedure used by the city to adopt regulatory requirements.
- D. "Early notice" means the city's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated <u>DNS</u>_<u>Determination of</u> <u>Nonsignificance (DNS)</u> procedures).
- E. "Environmental assessment" means a detailed technical report on one or more elements of the environment as listed in the environmental checklist where that report is prepared by person(s) with expertise in that particular field. Environmental assessments may include, but are not limited to, geotechnical reports, hydrological reports, and traffic studies.
- F. "<u>Responsible Official</u>" means the director of community development or designee. <u>Environmental</u> impact review or EIR committee" means a committee composed of the following:
- 2. The department of public works director or his/her designee;
- 3. The staff planner hired by or assigned to the city who shall be the chairperson on the EIR committee.

Section 16: Section 14.24.035 of the Lacey Municipal Code is hereby amended to read as follows:

14.24.035 Compliance with RCW 36.70.B. It is the intent of Lacey to comply with permit consolidation, timing and notification requirements of <u>Chapter 1 of the City of Lacey Development Guidelines and Public Works Standards</u>, RCW 36.70.B and other sections of 36.70.B that have application to local environmental policy.

Section 17: Section : Section 14.24.040 of the Lacey Municipal Code is hereby repealed.

Section 18: Section 14.24.130 of the Lacey Municipal Code is hereby amended to read as follows:

14.24.130 Public notice.

- A. Whenever the city issues a <u>DNS</u>_<u>Determination of Nonsignificance</u> under <u>WACChapter</u> 197-11-340(2) of the Washington Administrative Code or a <u>DSDetermination of Significance</u> under <u>WAC</u> <u>Chapter</u> 197-11-360(3) of the Washington Administrative Code, the city shall give public notice as follows:
 - If public notice is required for a nonexempt license, and the public notice will be issued prior to the expiration of the comment deadline for a DS-<u>Determination of Significance</u> or <u>DNS</u> <u>Determination of Nonsignificance</u>, the notice shall state whether a <u>DSDetermination of</u> <u>Significance</u> or <u>DNSDetermination of Nonsignificance</u> has been issued and when comments are due.
 - If no public notice is required for the permit or approval, or if the notice otherwise required for a nonexempt license will not be issued prior to the expiration of the comment deadline for a DS <u>Determination of Significance</u> or DNSDetermination of Nonsignificance, the city shall give notice of the DNS-Determination of Nonsignificance or DSDetermination of Significance by:
 - a. Posting the property, for site-specific proposals;
 - b. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered and are listed on agency mailing lists;
 - c. Notifying the news media;
 - d. Publish a legal notice in the city paper of record.
 - Whenever the city issues a DS-Determination of Significance under WACChapter 197-11-360

 (3) of the Washington Administrative Code, the city shall state the scoping procedure for the proposal in the DSDetermination of Significance asand required in WACChapter -197-11-408 of the Washington Administrative Code.
- B. Whenever the city issues a draft <u>EISEnvironmental Impact Statement</u> under <u>WACChapter 197-11-</u> 455(5) of the Washington Administrative Code or a supplemental <u>EISEnvironmental Checklist</u> under <u>Statement</u> under <u>WACChapter 197-11-620</u>, <u>Washington Administrative Code</u> notice of the availability of those documents shall be given by indicating the availability of the <u>DEISDraft Environmental Impact</u> <u>Chatter must</u> <u>Statement</u> in any public notice required for a nonexempt license.
- C. Whenever possible, the city shall integrate the public notice required under this section with existing notice procedures for city's nonexempt permit(s) or approval(s) required for the proposal as outlined in Chapter 1 of the City of Lacey Development Guidelines and Public Works Standards.
- D. The city may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

Section 19: Section 14.24.140 of the Lacey Municipal Code is hereby amended to read as follows:

14.24.140 Designation of official to perform consulted agency responsibilities for the cityRole of the responsible official.

- A. The <u>EIR committee responsible official</u> shall be responsible for preparation of written comments for the city in response to a consultation request prior to a threshold determination, participation in scoping, or reviewing a draft EIS.
- B. <u>This committee The responsible official</u> shall be responsible for the city's compliance with WAC <u>Chapter 197-11-550 of the Washington Administrative Code</u> whenever the city is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city.

C. The EIR committee shall meet at least once a week at a designated time in City Hall. The determinations of the EIR committee shall be made by not less than a majority thereof. No determination shall be made without notification to the applicant made not less than forty eight hours prior to the meeting time. An adequate application and the completed checklist must be filed with the appropriate department no later than five o'clock p.m. on the date that is at least five calendar days in advance of the weekly meeting of the EIR committee in order for the EIR committee to act.

Section 20: Section 14.24.150 of the Lacey Municipal Code is hereby amended to read as follows:

14.24.150 Designation of responsible official.

- A.--For-those proposals for which the city is the lead agency, the responsible official shall be the EIR committee.
- B.-For all proposals for which the city is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required—EISEnvironmental Impact Statement, and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules that were adopted by reference in WACChapter_-173-806-020_of the Washington Administrative Code.
- Section 21: Section 14.24.170 of the Lacey Municipal Code is hereby amended to read as follows:

14.24.170 Appeals.

- A. The city establishes the following administrative appeal procedures under RCWChapter_43.21C.075 of the Revised Code of Washingotn, WACChapter_197-11-680 of the Washington Administrative Code and RCW_Chapter_36.70B of the Revised Code of Washington:
 - Any agency or person who may be aggrieved by an action may appeal the city's procedural compliance with WAC_Chapter 197-11 of the Washington Administrative Code for conditioning or denial of an action. All such appeals shall be consolidated with and held at the same time as the hearing required for the underlying governmental action.
 - 2. For any appeal under this subsection, the city shall provide a record of the appeal proceeding which consists of:
 - a. Findings and conclusions;
 - b. Testimony under oath;
 - c. A taped or written transcript.
 - 3. The procedural determination by the city's responsible official shall carry substantial weight in any appeal proceeding.
 - 2.4. Appeals shall follow the procedures found within Section 1D.050 of the City of Lacey Development Guidelines and Public Works Standards.

heard by the hearings examiner or planning commission with the underlying permit are subject to a further closed record appeal to the Lacey city council.

2. B. The city shall give official notice under <u>ChapterWAC</u> 197-11-680(5) of the Washington <u>Administrative Code</u> whenever it issues a permit or approval for which a statute or ordinance established a time limit for commencing judicial appeal.

Section 22: Section 14.26.040 of the Lacey Municipal Code is hereby amended to read as follows:

14.26.040 Applications for permits. Applications for shoreline substantial development permits, conditional use permits and variance permits are subject to and shall be processed pursuant to Chapter 173-14 of the Washington Administrative Code as now or hereafter amended₁₇ Section 1C.050 of the

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<u>City of Lacey Development Guidelines and Public Works Standards</u> Chapter 2.30 of this code and pursuant to the requirements of this section, which are set forth as follows:

A.—____Applications for shoreline substantial development, conditional use and variance permits shall be submitted to the planning department<u>community development department</u> on forms supplied by the department. The application shall contain the information required by Washington Administrative Code 173-14-110 and such other information as may be required by the department. The applicant shall pay to the department the application fee prescribed by Section 14.26.020. In addition to the application fee, the applicant may have to pay fees for environmental analysis pursuant to RCW 43.21C (SEPA), and for other necessary actions or approvals.

- B. Pursuant to WAC 173-14-080 and Chapter 2.30 of this code, a public hearing shall be held by the city hearing examiner to hear and render a decision regarding applications identified in subsection 14.26.040(A).
- C. Pursuant to WAC 173-14-070, notice of the application and hearing shall be published in the manner prescribed herein and mailed to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the subject property, ten days before the hearing. In addition, the planning department in its discretion may give notice in any other manner deemed appropriate.
- D. The decision of the hearing examiner may be appealed or shall be referred to the city council pursuant to Chapter 2.30 of this code, and the decision of the council may be appealed to the shorelines hearing board pursuant to WAC 173-14-170.
- E. Pursuant to WAC 173-14-060 and 173-14-064, the planning director or his designee shall review and decide requests for time extensions and permit revisions. The decision of the director may be appealed pursuant to Section 14.26.060 of this code.

Section 23: Section 14.26.050 of the Lacey Municipal Code is hereby amended to read as follows:

14.26.050 Amendments. Amendments to the Shoreline Master Program, including changes in mapped environmental designations, shall be processed pursuant to WAC-Chapter 173-19 of the Washington Administrative Code as now or hereafter amended and in accordance with the Legislative Review Process described in Section 1C.060 of the City of Lacey Development Guidelines and Public Works Standards. the procedures set forth as follows:

- A. Applications for proposed amendments shall be submitted to the planning department on forms supplied by the department. The applicant shall pay to the department an application fee equal to the estimated costs to be incurred in processing said application. In addition to the application fee, the applicant may have to pay fees for environmental analysis pursuant to RCW 43.21C (SEPA), and for other necessary actions or approvals.
- B. The city council shall hold the public hearing prescribed by WAC 173-19-062(1). At any time, the council may refer a proposed amendment to the planning commission for a recommendation. If the planning commission elects to hold a public hearing, a notice of the hearing shall be given in the same manner as the hearing held by the council.
- C. If the proposed amendment is a map change of environmental designation, regardless of the size or number of parcels affected or regardless of whether the applicant is a private person or governmental agency, notice of the proposed amendment shall be mailed to all the owners of the property which is proposed for redesignation, as shown by the records of the county assessor. In addition, notice shall be mailed to all the owners of property which lies within three hundred feet of the boundary of the property proposed for designation. Notices given pursuant to this subsection shall be mailed at least ten calendar days before the date of the hearing. The applicant shall furnish to the planning department the names and addresses of property owners who are to receive notice.

D. Judicial Review.

- Any judicial action to review the amendment of the master program shall be commenced within thirty days from the date the Department of Ecology order adopting the amendment is filed with the State Code Reviser. Any judicial action to review a decision not to amend the master program shall be commenced within thirty days from the date of the city council's decision not to amend.
- 2. The appellant seeking such review shall pay the full cost of the transcription of the record prepared for judicial review.
- Section 24: Section 14.26.060 of the Lacey Municipal Code is hereby amended to read as follows:

14.26.060 Appeals.

- A. Any decision of the city of Lacey in the administration of chapter 14.26 of the Lacey Municipal Code may be appealed aggrieved person may appeal an administrative decision made pursuant to the master program in accordance with the appeal procedures outlined in Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards. by filing a written appeal with the planning department within ten days from the date of decision. The appeal shall be filed on forms prescribed by the department and the appellant shall pay to the department an appeal fee equal to the fee required by Section 2.40.060 of this code for appeals from administrative zoning decisions.
- B. Appeals of administrative decisions shall be decided by the hearing examiner, after public hearing, and shall be subject to the provisions of Chapter 2.30 of this code. Notice of the hearing shall be mailed to the appellant and may be mailed to any other person whom the planning department believes may be affected by or interested in the appeal. Notice shall be mailed not later than ten days before the hearing.

Section 25: Section 14.28.090 of the Lacey Municipal Code is hereby amended to read as follows:

14.28.090 Determination of regulatory wetland boundary.

- A. The exact location of the wetland boundary shall be determined by the applicant through the performance of a field investigation applying the wetland definition provided in Section 14.28.030 of this chapter. Qualified professional and technical scientists shall perform wetland delineations using the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands". The applicant is required under Section 14.28.190 of this chapter to show the location of the wetland boundary on a scaled drawing as a part of the permit application.
- B. The city of Lacey, when requested by the applicant, may waive the delineation of boundary requirement for the applicant and, in lieu of delineation by the applicant, perform the delineation. The city of Lacey shall consult with qualified professional scientists and technical experts or other experts as needed to perform the delineation. The applicant may be charged for the costs incurred. in accordance with the provisions of Section 14.28.200 of this chapter.
- C. Where the city of Lacey performs a wetland delineation at the request of the applicant, such delineation shall be considered a final determination.
- D. Where the applicant has provided a delineation of the wetland boundary, the city of Lacey shall verify the accuracy of, and may render adjustments to, the boundary delineation. In the event the adjusted boundary delineation is contested by the applicant, the city of Lacey shall, at the applicant's expense, obtain expert services to render a final delineation.

Section 26: Section 14.28.110 of the Lacey Municipal Code is hereby amended to read as follows:

14.28.110 Regulated activities. <u>A wetland development permit Site plan review approval shall be</u> obtained from the <u>city of Lacey Lacey city council upon recommendation from the city hearings</u>

examiner pursuant to the <u>quasi-judicial review</u> procedures <u>contained in Section 1C.050 of the City of</u> <u>Lacey Development Guidelines and Public Works Standards of Sections 16.84.030 and 2.30.090(B)</u> <u>LMC</u>-prior to undertaking the following activities in a regulated wetland or its buffer.

- A. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;
- B. The dumping, discharging, or filling with any material;
- C. The draining, flooding, or disturbing of the water level or water table;
- D. The driving of pilings;
- E. The placing of obstructions;
- F. The construction, reconstruction, demolition, or expansion of any structure;
- G. The destruction or alteration of wetlands vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland;
- H. Activities that result in a significant change of water temperature, a significant change of physical or chemical characteristics of wetlands water sources, including quantity, or the introduction of pollutants.

Section 27: Section 14.28.120 of the Lacey Municipal Code is hereby amended to read as follows:

14.28.120 Allowed activities. <u>A wetland development permit shall be obtained from the city of Lacey</u> The following uses shall be allowed within a wetland or wetland buffer subject to site plan review approval from the site plan review committee pursuant to the full administrative review procedures contained in Section 1C.040 of the City of Lacey Development Guidelines and Public Works Standards Section 16.84.020 LMC to the extent that they are not prohibited by any other chapter or law and provided they are conducted using best management practices prior to undertaking the following activities, except where such activities result in the conversion of a regulated wetland or wetland buffer to a use to which it was not previously subjected.

- A. Construction of a single family residence within the normal required wetland buffer on any legally established lot of record; provided it is not possible to locate said single family residence on said lot without reduction of the normally required buffer area and provided the site plan review committee shall require as large a buffer from the wetland as can reasonably be accommodated on said lot. In no case shall a dwelling be permitted to be developed in the wetland area except through the provisions and procedures of Section 14.28.350 of this chapter;
- B. Efforts of public and private organizations, clubs or memberships for the conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife;
- C. Outdoor recreational activities developed for the public or private organizations, clubs or memberships, including hunting, fishing, bird watching, hiking, boating, swimming, and canoeing, provided they do not adversely impact the wetland or wetland buffer;
- D. The maintenance of drainage ditches. Maintenance shall not include construction of such drainage ditches except pursuant to subsections K and L of this section;
- E. Development of nature trails;
- F. Boat mooring buoys;

- G. Normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas. Maintenance and repair does not include any modification that changes the character, scope, or size of the original structure, facility, or improved area and does not include the construction of a maintenance road; and
- H. Minor modification of existing serviceable structures within a buffer zone where modification does not adversely impact wetland functions;
- I. Relocation of electric facilities, lines, equipment, or appurtenances, not including substations, with an associated voltage of fifty-five thousand volts or less when required by a local governmental agency;
- J. Relocation of natural gas, cable communications, and telephone facilities, lines, pipes, mains, equipment or appurtenances when required by a local governmental agency.
- K. Improvement of existing stormwater treatment facilities provided such activities are designed to improve or enhance wetlands by reduction of existing stormwater drainage impacts.
- L. Construction of new publicly owned stormwater treatment facilities designed to improve or enhance wetlands by reduction of existing drainage impacts due to older substandard drainage infrastructure or design. Provided further such facilities shall be included in an adopted regional drainage basin plan or other adopted surface water improvement plan.

Section 28: Section 14.28.130 of the Lacey Municipal Code is hereby amended to read as follows:

14.28.130 Special uses. Any activity other than those specified in Sections 14.28.120 and 14.28.140 may not be conducted in wetlands or wetland buffers except upon wetland development approval from the City of Lacey site plan review approval by the city council upon recommendation from the city hearings examiner pursuant to the quasi-judicial review procedures contained in Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards of Sections 16.84.030 and 2.30.090(B) LMC.

Section 29: Section 14.28.150 of the Lacey Municipal Code is hereby repealed.

Section 30: Section 14.28.160 of the Lacey Municipal Code is hereby amended to read as follows:

14.28.160 Wetland applications-____Wetland development permits, extensions.

- A. Application for a wetland permit to conduct any regulated activity not specifically authorized by Section 14.28.120 within a wetland or wetland buffer shall be made to the city of Lacey on forms furnished by that office. Approvals of a wetland development permit shall normally be valid for a period of eighteen months from the date of issue and shall expire at the end of that time pursuant to requirements of Chapter 16.84 LMC unless an underlying action such as subdivision approval has a longer approval period, in which case the longer approval period shall apply.
- B. An extension of an original approval may be granted upon written request <u>submitted</u> to the city of Lacey at least thirty days prior to the permit expiration date, by the original permit holder or the successor in title. Prior to the granting of an extension, the city of Lacey shall require updated studies and/or additional hearings if, in its judgment, the original intent of the permit is altered or enlarged by the renewal, if the circumstances relevant to the review and issuance of the original permit have changed substantially, or if the applicant failed to abide by the terms of the original permit.

Section 31: Section 14.28.170 of the Lacey Municipal Code is hereby amended to read as follows:

14.28.170 Wetland applications--Site plan review approval--Request for determination of applicability. Any person seeking to determine whether a proposed activity or an area is subject to this chapter may request in writing a determination from the city of Lacey. Such a request for determination shall contain

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plans, data, and other information as may be specified by the city. Determination of applicability shall be valid for a period of one year from the date of issuance.

Section 32: Section 14.28.180 of the Lacey Municipal Code is hereby repealed.

Section 33: Section 14.28.190 of the Lacey Municipal Code is hereby amended to read as follows:

14.28.190 Wetland applications--Site plan review approval--__Application linformation requirements.

- A. An application for wetland development shall be determined complete only when it contains all of the information described in Section 1B.050(2) of the City of Lacey Development Guidelines and Public Works Standards and the following information and materials: Unless the city of Lacey waives one or more of the following information requirements, applications for a wetland site plan review approval under this chapter shall include:
 - 1. A description and maps overlaid on an aerial photograph at a scale no smaller than 1"=400' showing the entire parcel of land owned by the applicant and the exact boundary pursuant to Section 14.28.090 of the wetland on the parcel;
 - 2. A description of the vegetative cover of the wetland and adjacent area including dominant species;
 - 3. A site plan for the proposed activity overlaid on an aerial photograph at a scale no smaller than 1"=400' showing the location, width, depth and length of all existing and proposed structures, roads, sewage treatment, and installations within the wetland and its buffer;
 - 4. The exact sites and specifications for all regulated activities including the amounts and methods;
 - 5. Elevations of the site and adjacent lands within the wetland and its buffer at contour intervals of no greater than five feet;
 - 6. Top view and typical cross section views of the wetland and its buffer to scale;
 - 7. The purposes of the project and an explanation why the proposed activity cannot be located at other sites including an explanation of how the proposed activity is dependent upon wetlands or water-related resources as described in Section 14.28.350 of this chapter; and
 - 8. Specific means to mitigate any potential adverse environmental impacts of the applicant's proposal.
- B. The city of Lacey may require additional information, including, but not limited to, an assessment of wetland functional characteristics, including a discussion of the methodology used; documentation of the ecological, aesthetic, economic, or other values of a wetland; a study of flood, erosion, or other hazards at the site and the effect of any protective measures that might be taken to reduce such hazards; and any other information deemed necessary to verify compliance with the provisions of this chapter or to evaluate the proposed use in terms of the purposes of this chapter. The city of Lacey shall maintain and make available to the public, all information applicable to any wetland and its buffer.

Section 34: Section 14.28.200 of the Lacey Municipal Code is hereby repealed.

Section 35: Section 14.28.210 of the Lacey Municipal Code is hereby repealed.

Section 36: Section 14.28.220 of the Lacey Municipal Code is hereby amended to read as follows:

14.28.220 Wetland applications--Site plan review approval--Notice on title.

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- A. The owner of any property with field verified presence of wetland or wetland buffer pursuant to Section 14.28.090 on which a development proposal is submitted shall file for record with the <u>Thurston County Auditors Office appropriate Records Division a notice approved by the city of Lacey-in athe</u> form substantially as set forth in subsection 14.28.220(B). Such notice shall provide notice in the public record of the presence of a wetland or wetland buffer, the application of this chapter to the property, and that limitations on actions in or affecting such wetlands and their buffers may exist. The applicant shall submit proof that the notice has been filed for record before an activity is commenced on the subject property. the city of Lacey shall approve any development proposal for such site. The notice shall run with the land and failure to provide such notice to any purchaser prior to transferring any interest in the property shall be in violation of this chapter.
- B. Form of Notice:

WETLAND AND/OR WETLAND BUFFER NOTICE Legal Description:

Present owner:

NOTICE: This property contains wetlands or their buffers as defined by the city of Lacey Ordinance. The property was the subject of a development proposal for (type of permit) application #______ filed on (date). Restrictions on use or alteration of the wetlands or their buffers may exist due to natural conditions of the property and resulting regulations. Review of such application has provided information on the location of wetlands or wetland buffers and restrictions on their use through setback areas. A copy of the plan showing such setback areas is attached hereto.

Signature of owner

STATE OF WASHINGTON)

COUNTY OF _____

On this day personally appeared before me to me known to be the individual(s) described in and who executed the within and foregoing instrument and acknowledged that they signed the same as their free and voluntary act and deed for the uses and purposes therein stated.

Given under my hand and official seal this _____ day of _____, 19___. NOTARY PUBLIC in and for the state of Washington, residing at _____.

<u>Section 37:</u> Section 14.28.230 of the Lacey Municipal Code is hereby amended to read as follows:

14.28.230 <u>Consolidated application process Permit processing</u> Consolidation. When more than one application for a proposed development is required, the applicant may elect to have all applications submitted for review at one time in conformance with Section 1B.030 of the City of Lacey Development Guidelines and Public Works Standards. The city of Lacey shall, to the extent practicable and feasible, consolidate the processing of wetlands related aspects of other city regulatory programs which affect activities in wetlands, such as shoreline permits, subdivision, clearing and grading, floodplain, and environmentally sensitive area requirements, with the wetland permit process established herein so as to provide a timely and coordinated permit process. When another permit or approval process is applicable such as shoreline, subdivision, or conditional use which require a hearing before the hearings examiner wetland site plan review shall be combined and considered through the same process and at the same time as the other said action is considered. Provided, however, all informational requirements of Sections 14.28.170 through 14.28.220 are satisfied as well as all other informational requirements and standards of this chapter.

Section 38: Section 14.28.240 of the Lacey Municipal Code is hereby repealed.

Section 39: Section 14.28.250 of the Lacey Municipal Code is hereby repealed.

Section 40: Section 14.28.260 of the Lacey Municipal Code is hereby repealed.

Section 41: Section 14.28.270 of the Lacey Municipal Code is hereby amended to read as follows:

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14.28.270 Standards for wetland decisions--Generally.

A. An approval shall only be granted if the approval, as conditioned, the decision is consistent with the provisions of this chapter including the following: Additionally, approvals shall only be granted if:

- A proposed action avoids adverse impacts to regulated wetlands or their buffers or takes affirmative and appropriate measures to minimize and compensate for unavoidable impacts;
- 2. The proposed activity results in no net loss;
- 3. Denial of a permit would cause an extraordinary hardship on the applicant.
- B. Approvals shall not be effective and no activity thereunder shall be allowed during the time provided to file an appeal.

Section 42: Section 14.26.370 of the Lacey Municipal Code is hereby amended to read as follows:

14.28.370 Limited density transfer and open space credit.

A. For development proposals on lands containing wetland buffers, the city of Lacey shall determine allowable dwelling units for residential development proposals based on the formulas below. The following formula for density calculations is designed to provide incentives for the preservation of wetlands and wetland buffers, flexibility in design, and consistent treatment of different types of development proposals. The formula shall apply to all properties within existing residential zones on which wetlands and wetland buffers are located.

The maximum number of dwelling units (DU) for a lot or parcel which contains wetlands and wetland buffers shall be equal to:

The buffer density credit + upland non-buffer area density computed as follows: the buffer density credit; (acres in wetland buffer) (DU/acre) (Density credit) added to the upland non-buffer area density; (acres out of wetland buffer) (DU/acre)

The density credit figure is derived from the following table:

Percentage of <u>site in buffers</u> <u>Density Credit</u> 1-10% 100% 11-20% 90% 21-30% 80% 31-40% 70% 41-50% 60% 51-60% 50% 61-70% 40% 71-80% 30% 81-90% 20% 91-99% 10%

The density credit can only be transferred within the development proposal site. To the extent that application of the formula may result in lot sizes and other zoning standards less than the minimum allowed by the underlying district, they may be authorized up to a fifty percent reduction of said standards provided that the resultant lot is of sufficient size to reasonably accommodate the intended use with room for adequate setbacks, private yard areas and other provisions deemed important to neighborhood quality and that any reduced standards result in a more innovative and superior design and provided further that uses allowed within the zoning district shall not be varied

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from. Additionally, lots must be of sufficient size to meet applicable health requirements. In cases where reduced lot sizes or departure from other standards is requested, the minimum standards shall be up to the sole discretion of the site plan review committee according to the processes in Section 1C.040 of the City of Lacey Development Guidelines and Public Works Standards or city hearings examiner and city council through the review process of Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards 15.12.060.

The city of Lacey shall not allow credit for density for the portions of the site occupied by wetlands.

B. Up to fifty percent of a development's open space requirement may be satisfied by wetland and wetland area buffers in consideration of the significant passive recreation opportunities provided by said lands. The remaining fifty percent open space requirement must be set aside outside of the wetland and wetland buffer area to provide for and accommodate proposed or potential future active (high intensity) recreational use.

Section 43: Section 14.28.420 of the Lacey Municipal Code is hereby amended to read as follows:

14.28.420 Application approval--Notice of <u>final decision</u> action. The city of Lacey shall provide notice of its actions pursuant to the requirements of <u>Section 1C.070 of the City of Lacey Development Guidelines</u> and Public Works Standards. Chapter 16.84 LMC, the site plan review process, or other applicable review processes.

Section 44: Section 14.28.520 of the Lacey Municipal Code is hereby amended to read as follows:

14.28.520 Appeals. Any decision of the city of Lacey in the administration of this chapter may be appealed in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards. to the city hearings examiner pursuant to the requirements for zoning appeals of LMC Chapter 2.40. The hearings examiner shall give substantial weight to any discretionary decision of the city of Lacey rendered pursuant to this chapter.

Section 45: Section 14.28.530 of the Lacey Municipal Code is hereby amended to read as follows:

14.28.530 Modification of wetland approvals. An applicant may request modification of a previously issued wetland approval by applying and going through the appropriate review process as described in <u>Chapter 1 of the City of Lacey Development Guidelines and Public Works Standards. Sections</u> 14.28.440 through 14.28.510 and Section 14.28.520 of this chapter.

Section 46: Section 14.28.580 of the Lacey Municipal Code is hereby repealed.

Section 47: Section 14.30.020 of the Lacey Municipal Code is hereby amended to read as follows:

14.30.020 Permit required. No person, firm, or corporation shall engage in topsoil removal from land within the city for purposes other than the construction of structures, landscaping and other developmental additions to said land pursuant to an existing building permit when the topsoil removal is under 100 cubic yards without first being issued <u>site plan review approvala topsoil permit in accordance with -pursuant to this chapterChapter 14.30 of the Lacey Municipal Code and the full administrative review provisions of Section 1C.040 of the City of Lacey Development Guidelines and Public Works <u>Standards</u>. Provided, however, that this chapter to those parcels of land where topsoil was being actively removed on April 1, 1986, or within six months prior to April 1, 1986, unless said topsoil removal operations cease for a period of more than six months. Upon expiration of said two years, or upon topsoil removal operations from said land shall conform to this chapter in the same manner as topsoil removal from all other lands within the city.</u>

Section 48: Section 14.30.030 of the Lacey Municipal Code is hereby amended to read as follows:

14.30.030 Permit application. An application for <u>site plan review a topsoil permit</u> shall be accompanied by the information described in Section 1B.050(2) of the City of Lacey Development Guidelines and Public Works Standards and the following:

- A. An engineering study showing the grade of the topsoil both prior to and after the proposed removal, and engineering documentation and explanation of the effect of said topsoil removal upon the future installation of sewerage or septic tank facilities, the effect upon future drainage and the effect upon the water table located under said property;
- B. Drawings illustrating the areas of said property where topsoil is proposed to be removed and the soil berm, fence or landscape screening to be used to screen the soil removal operation from adjoining properties or public facilities;
- C. Drawings and descriptive narrative showing the removal sequence and the means proposed to be taken to ensure the continuity of natural site drainage flow without undue or uncontrolled ponding in retention areas;
- D. Proposed actions to control dust and noise during the removal operation;
- E. A proposed plan, including the time sequence, for restoration of the land area after the removal of topsoil;
- F. A listing of the name, address, and telephone number of the applicant and owner of the property, a legal description of the subject property and the names and addresses of all adjoining landowners.

Section 49: Section 14.30.040 of the Lacey Municipal Code is hereby repealed.

<u>Section 50:</u> Section 14.30.050 of the Lacey Municipal Code is hereby amended to read as follows:

14.30.050 Application review--Conditions of granting permit. All applications for topsoil permits shall be reviewed by the site plan review committee after notice to the applicant and owner of the property and to all adjoining landowners. The review shall include consideration of the environmental effects of the proposed topsoil removal. If the site plan review committee determines to issue a topsoil permit, it may require the following:

- A. A landscaping screen fence, or soil berm around the perimeter of the area to provide a screen;
- B. A mode of operation which will assure continuity of natural site drainage without undue or uncontrolled ponding in retention areas;
- C. Protective actions to control dust and noise during the removal operation;
- D. Restoration of the area in accordance with a plan approved as part of the permit;
- E. That all excavation proceed in a manner which will protect adjoining property owners and others from dangerous slopes, embankments, and loss of soil support, and in a manner which will support future building placement in accordance with documentation set forth as part of the restoration plan;
- F. Such other conditions as are required by state law, the ordinances and development regulations of the city, or as required to meet the environmental performance standards of Chapter 16.57 of the Lacey Municipal Code;
- G. A performance bond in an amount as may be deemed necessary to assure that the work and restoration shall be completed in accordance with the conditions of the permit. In lieu of a surety bond, the applicant may file a cash bond or instrument of credit in an amount equal to that which would be required in the surety bond. The amount of such bond or instrument of credit shall not exceed the estimated cost of the work planned and restoration to be completed.

Section 51: Section 14.30.060 of the Lacey Municipal Code is hereby amended to read as follows:

14.30.060 Appeals. Any decision of the city of Lacey in the administration of this chapter may be appealed in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards. Any person or persons aggrieved by any action of the site plan review committee in issuing, denying or conditioning a topsoil permit may, within 10 days of such action, file a notice of appeal with the hearings examiner, who shall process said appeal in accordance with Chapter 2.40 of this code.

Section 52: Section 14.30.070 of the Lacey Municipal Code is hereby repealed.

Section 53: Section 14.32.060 of the Lacey Municipal Code is hereby amended to read as follows:

14.32.060 Application for permits.

- A. An application for a land clearing permit or information required by this chapter shall be submitted at the same time as a valid land use application or building permit on a form provided by the city and shall be accompanied by such of the following documents and information as are determined to be necessary by the director:
 - 1. Seven prints of the plot plan which shall include the following information:
 - a. Name, address, and telephone number of the applicant and owner of property,
 - b. Legal description of property,
 - c. Date, north arrow, and adequate scale as determined by the director, on the map or plot plan,
 - d. Topography map showing contours at not greater than ten foot intervals of proposed clearing projects within areas of steep slopes, creeks and shorelines,
 - e. Location of proposed improvements, including, but not limited to, structures, roads, driveways, utilities, and storm drainage facilities. Said improvement locations shall also be staked on site to enable the city's tree protection professional and other city staff to review improvement locations and their relationship to the site and existing vegetation,
 - f. Approximate and general location, type, size and condition of trees and ground cover and a general identification of trees and ground cover which are to be removed;
 - 2. A proposed time schedule for land clearing, land restoration, implementation of erosion control and any excavation or construction of improvements;
 - 3. A statement indicating the method to be followed in erosion control and restoration of land during and immediately following land clearing;
 - 4. Proposed general landscape plan or written or graphic description of proposed action;
 - 5. Location of proposed buffers, open space, and other areas of the site where stands of trees are to be saved;
 - 6. On timbered property greater in size than one acre or commercial property with more than fifteen trees, or other sites the city deems it necessary because of special circumstances or complexity, the city's tree protection professional shall review the site and provide a report analyzing the site for tree protection and preservation consistent with the requirements of this chapter. The report shall include but shall not be limited to:
 - a. Information required under subsection 14.32.060(A)(1) through (5);
 - b. An analysis of technical information requested by the site plan review committee related to trees and forest practices;
 - c. Analysis of what portion of the site is best for designation of the treed open space and buffers, if required, considering the intent of this chapter, soil type, topography, tree species, health of trees and reasonable project design limitations;

- Recommendations for saving of individual tree specimens based upon the intent of this chapter, soil type, topography, tree species, health of trees, and reasonable project design limitations;
- e. A plan for protection of trees to be saved during construction including placement of construction fences, monitoring of construction activity and other measures necessary to ensure adequate tree protection;
- 7. Other information as deemed appropriate to this chapter and necessary by the director or site plan review committee;
- 8. If the option for revegetation of the site or a portion of the site is proposed under Section 14.32.069 of this chapter, information requirements described under Section 14.32.069 shall be required at the time of application.
- B. The director shall refer the application to the site plan review committee who shall review the application and make a decision in accordance with the full administrative review process outlined in Section 1C.040 of the City Development Guidelines and Public Works Standards, within ten working days from the date of submission of a completed application, unless an extension is authorized by the applicant. The site plan review committee shall return the application to the director for issuance or denial of a permit.
- C. Any permit granted hereunder shall expire one year from the date of issuance. Upon a showing of good cause, a permit may be extended by the director for one six month period. The permit may be suspended or revoked by the director because of incorrect information supplied or any violation of the provisions of this chapter. Minor amendments of a permit may be granted by the director. Major amendments may be accomplished only by making a new application and proceeding through the requirements of this chapter and Chapter 1 of the City of Lacey Development Guidelines and Public Works Standards. Major alterations are changes that alter the intent of the original decision. What constitutes a minor or major amendment shall be left up to the discretion of the director who may consult the site plan review committee for guidance.
- D. No work shall commence until a permit notice has been posted on the subject site in a conspicuous location. The notice shall remain posted until the project has been completed.

Section 54: Section 14.32.062 of the Lacey Municipal Code is hereby repealed.

Section 55: Section 14.32.080 of the Lacey Municipal Code is hereby amended to read as follows:

14.32.080 Appeals. Any decision of the city of Lacey in the administration of this chapter may be appealed in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards. Any person or persons aggrieved by any action of the site plan review committee may within ten days of such action file a notice of appeal with the city hearings examiner pursuant to the process and procedure outlined in Chapter 2.30 setting forth the reasons for such an appeal. The decision of the examiner shall be final unless appealed to city council pursuant to Section 2.30.160.

Section 56: Section 14.33.050 of the Lacey Municipal Code is hereby amended to read as follows:

14.33.050 Applicability.

- A. When any provision of any other chapter of the city of Lacey conflicts with this chapter, that which provides more protection to habitat conservation areas shall apply unless specifically provided otherwise in this chapter.
- B. The city of Lacey is authorized to adopt written administrative procedures for the purposes of carrying out the provisions of this chapter.
- C. The city of Lacey shall not grant any approval or permission to conduct a nonexempt activity in a habitat conservation area until the requirements of this chapter have been fulfilled including but not

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limited to action on the following: building permit, commercial or residential; site plan review; special or conditional use permit; franchise right-of-way construction permit; grading and land clearing permit; master plan development; planned unit development; right-of-way permit; shoreline substantial development permit; shoreline variance; shoreline conditional use permit; shoreline environmental redesignation; variance; zone reclassification; subdivision; short subdivision; binding site plan, utility and other use permit; zone reclassification; or any subsequently adopted permit or required approval not expressly exempted by this chapter.

Section 57: Section 14.33.090 of the Lacey Municipal Code is hereby repealed.

Section 58: Section 14.33.100 of the Lacey Municipal Code is hereby amended to read as follows:

14.33.100 Habitat conservation area applications--Site plan review compliance. Site plan review approval shall be obtained from the city of Lacey prior to any use or activity, except exempt activities described in Section 14.33.080. occurring in a habitat conservation area or buffer. No nonexempted use shall occur or be permitted to occur within a habitat conservation area without approval from the site plan review committee pursuant to procedures of Chapter 16.84.

Section 59: Section 14.33.110 of the Lacey Municipal Code is hereby amended to read as follows:

14.33.110 Habitat conservation areas--- Site plan review approval-----Application linformation requirements.

A. <u>An application for site plan review within a habitat conservation area or it's buffer shall be</u> <u>determined complete only when it contains all of the information described in Section 1B.050 of the City</u> <u>of Lacey Development Guidelines and Public Works Standards and the following information and</u> <u>materials:</u> <u>Application to conduct any activity not specifically exempted by Section 14.33.080 within a</u> <u>habitat conservation area shall be made to the department of community development on forms</u> <u>furnished by that office.</u>

- B. Unless the city of Lacey waives one or more of the following information requirements, applications for activities undertaken in a habitat conservation area must provide the following information:
- 4<u>A</u>.A description and maps overlaid on an aerial photograph at a scale no smaller than 1" = 400' showing the entire parcel of land owned by the applicant and the exact boundary of the habitat conservation area pursuant to guidelines established in this chapter;
- 2B. A description of the vegetative cover of the site and adjacent area including dominant species;
- $3\underline{C}$. A site plan for the proposed activity overlaid on an aerial photograph at a scale no smaller than 1" = 400' showing the location, width, depth and length of all existing and proposed structures, roads, sewage treatment, and installations within the site;
- 4D. The exact sites and specifications for all proposed activities including the amounts and methods;
- 5<u>E</u>. Elevations of the site and adjacent lands within the habitat conservation area at contour intervals of no greater than five feet;
- $6\underline{F}$. Top view and typical cross section views of the habitat conservation area to scale;

7G. Specific means to mitigate any potential adverse environmental impacts of the applicant's proposal;

8<u>H</u>.A priority habit and priority species management plan prepared by a qualified habitat biologist. The plan shall detail how the designated habitat conservation area and any priority species found within said area shall be protected. The plan shall follow all recommendations provided by the Department of Wildlife in its priority habitat and priority species program according to its publication "Management Recommendations of Washington Priority Habitats and Species" or based on site specific recommendations made by the Department of Wildlife based on review of the project site.

Section 60: Section 14.33.120 of the Lacey Municipal Code is hereby amended to read as follows:

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14.33.120 Habitat conservation area--Site plan review approval and extensions.

- A. Activities proposed within a habitat conservation area or it's buffer shall be reviewed and approved in accordance with the full administrative review process enumerated in Section 1C.040 of the City of Lacey Development Guidelines and Public Works Standards and Chapter 16.84 of the Lacey Municipal Code. Approvals shall normally be valid for a period of eighteen months from the date of issue and shall expire at the end of that time pursuant to requirements of Chapter 16.84 LMC unless an underlying action such as subdivision approval has a longer approval period, in which case the longer approval period shall apply.
- B. An extension of an original approval may be granted upon written request <u>submitted</u> to the city of Lacey by the original approval holder or the successor in title<u>at thirty days prior to the expiration date</u>. Prior to the granting of an extension, the city of Lacey shall require updated studies if, in its judgment, the original intent of the approval is altered or enlarged by the renewal, if the circumstances relevant to the review and issuance of the original approval have changed substantially.
- Section 61: Section 14.33.130 of the Lacey Municipal Code is hereby repealed.

Section 62: Section 14.33.140 of the Lacey Municipal Code is hereby repealed.

Section 63: Section 14.33.150 of the Lacey Municipal Code is hereby amended to read as follows:

14.33.150 Interagency coordination for habitat conservation area applications. Upon receipt of a complete application for approval authorizing activities within a habitat conservation area, the city of Lacey shall submit the application to the Washington State Department of <u>Fish and</u> Wildlife and other state and local agencies having jurisdiction over or an interest in such applications for review and comment. When such applications are submitted, said agencies should submit comments or should request an extension of the review period within fifteen days. Extensions may be granted by the city of Lacey where complex issues necessitate a longer review period. When submitted, no approval shall be issued under this subsection prior to receipt of such comments or the expiration of the time period for any extension.

Section 64: Section 14.33.160 of the Lacey Municipal Code is hereby amended to read as follows:

14.33.160 Criteria for Standards for habitat conservation area approvals--Generally.

- A. An approval shall only be granted if the approval, as conditioned, is consistent with the provisions of this chapter. Additionally, approvals shall only be granted if:
 - 1. A proposed action avoids adverse impacts to habitat conservation areas, protecting identified priority habitats and priority species pursuant to recommendations from the Washington State Department of Wildlife and the required priority habitat and priority species management plan.
 - 2. Denial of an approval would cause an extraordinary hardship on the applicant.
- B. Approvals shall not be effective and no activity thereunder shall be allowed during the time provided to file an appeal.

C. Except as otherwise specified, habitat conservation areas and buffer zones as required in a priority habitat or priority species management plan shall be retained in their natural condition.

Section 65: Section 14.33.170 of the Lacey Municipal Code is hereby amended to read as follows:

14.33.170 Habitat conservation area--Uses allowed in a designated buffer zone. Non-exempt activities shall not be allowed in a buffer zone recommended in a habitat management plan except for the following:

- A. Activities having minimal adverse impacts on the designated priority habitat or priority species present as determined in the management plan. These may include low intensity, passive recreational activities such as previous trails, nonpermanent wildlife watching blinds, short term scientific or educational activities, and sports fishing or hunting;
- B. Denial of a use in a buffer zone would cause extraordinary hardship on the applicant.

Section 66: Section 14.33.200 of the Lacey Municipal Code is hereby amended to read as follows:

14.33.200 Acting on the application-- Special conditions.

- A. Sensitive Area Tracts. As a condition of any approval issued pursuant to this chapter, the applicant shall be required to create a separate sensitive area tract or tracts containing the areas determined to be habitat conservation areas for priority habitats or priority species in field investigations performed pursuant to Sections 14.33.070 and 14.33.100. Sensitive area tracts are legally created tracts containing priority habitats or species and their required buffers that shall remain protected in perpetuity. Sensitive area tracts are an integral part of the lot or land division in which they are created, are not intended for sale, lease or transfer, and shall be included in the area of the parent lot when a land division is not part of the application. When a land division is part of the application, the tract shall designate the habitat conservation area as a separate tract.
- B. Protection of Sensitive Area Tracts. The city of Lacey shall require, as a condition of any approval issued pursuant to this chapter, that the sensitive area tract or tracts created pursuant to this section be protected by one of the following methods determined by the city of Lacey:

1. The applicant shall convey an irrevocable offer to dedicate to the city of Lacey or other public or nonprofit entity specified by the city of Lacey the habitat conservation area and its buffer to ensure management of the habitat conservation area resource in the best interest of the public; or

2. The applicant shall establish and record a permanent and irrevocable deed restriction on the property title and where a division of property is involved on the subdivision, short subdivision or binding site plan map, and in home or lot owners association agreements, covenants and articles of incorporation. All such tracts within a subdivision, short subdivision or binding site plan shall be designated as common open space separate and distinct from private lot areas. Such deed restriction(s) shall prohibit in perpetuity the development, alteration, or disturbance of vegetation within the sensitive area tract except for purposes of habitat enhancement as part of an enhancement project which has received prior written approval from the city of Lacey, and any other agency with jurisdiction over such activity.

C. Specific Language for Deed Restrictions. Deed restrictions required in 14.33.200(B)(2) shall be set forth in substantially the following form:

1. "Before beginning and during the course of any grading, building construction, or other development activity adjacent to a common open space subject to this deed restriction, the common boundary between the area subject to the deed restriction and the area of development activity must be fenced or otherwise marked to the satisfaction of the City of Lacey."

2. Responsibility for maintaining open space tracts shall be held by a lot or homeowners association, or other appropriate entity as approved by the city of Lacey.

3. The following note shall appear on the face of all plats, short plats, PUDs, binding site plans, or other approved site plans containing separate sensitive area tracts to be managed by a lot or homeowners association, and shall be recorded on the title of record for all lots within the development:

NOTE: The association shall be responsible for maintenance and protection of the tracts. No alteration shall occur and all vegetation should remain undisturbed unless the express written authorization of the city of Lacey has been received.

D. Signing and Fencing. The common boundary between a separate sensitive area tract and the adjacent land must be permanently identified. This identification shall include permanent wood or metal signs on treated or metal posts. Signs shall be worded as follows:

"Protection of this natural area is in your care. Alteration or disturbance is prohibited by law. Please call the city of Lacey for more information."

Sign locations and size specifications shall be approved by the city of Lacey. The city of Lacey may require permanent fencing of the sensitive area tract or tracts when there is a substantial likelihood of the presence of domestic animals within the development proposal that may disrupt the priority habitat area or priority species existing therein.

E. Additional Conditions.

 The location of the outer extent of the priority habitat area or priority species site pursuant to an approval shall be marked in the field by a qualified habitat biologist, and such field marking shall be approved by the city of Lacey prior to the commencement of approved activities. Such field markings shall be maintained throughout the duration of the approval.
 The city of Lacey may attach such additional conditions to the granting of approvals as deemed necessary to assure the preservation and protection of affected priority habitat or

species and to assure compliance with the purposes and requirements of this chapter.

Section 67: Section 14.33.220 of the Lacey Municipal Code is hereby amended to read as follows:

14.33.220 Application approval--Other laws and regulations. No approval granted pursuant to this chapter shall remove an applicant's obligation to comply in all respects with the applicable provisions of any other federal, state, or local law or regulation, including but not limited to the acquisition of any other required permit or approval.

Section 68: Section 14.33.230 of the Lacey Municipal Code is hereby amended to read as follows:

14.33.230 Application approval--Suspension, revocation. In addition to other penalties provided for elsewhere, the city of Lacey may suspend or revoke an approval if it finds that the applicant or permittee has not complied with any or all of the conditions or limitations set forth in the approval, has exceeded the scope of work set forth in the approval, or has failed to undertake the project in the manner set forth in the approved application.

Section 69: Section 14.33.240 of the Lacey Municipal Code is hereby amended to read as follows:

14.33.240 Application approval--Notice of <u>final decision</u> action. The city of Lacey shall provide notice of its <u>final decision</u> actions pursuant to the requirements of <u>Section 1C.070 of the City of Lacey</u> <u>Development Guidelines and Public Works Standards Chapter 16.84 LMC, the site plan review process</u>, or other applicable review processes.

Section 70: Section 14.33.250 of the Lacey Municipal Code is hereby amended to read as follows:

14.33.250 Appeals. Any decision of the city of Lacey in the administration of 14.33 of the Lacey Municipal Code may be appealed in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards. Any decision of the city of Lacey in the administration of this chapter may be appealed to the city hearings examiner pursuant to the requirements of LMC Chapter 2.40. The hearings examiner shall give substantial weight to any discretionary decision of the city of Lacey rendered pursuant to this chapter.

Section 71: Section 14.33.280 of the Lacey Municipal Code is hereby repealed.

Section 72: Section 14.36.030 of the Lacey Municipal Code is hereby amended to read as follows:

14.36.030 Critical aquifer recharge areas--Definitions.

- A. "Applicant" means a person who files an application for approval under this chapter and who is either the owner of the land on which that proposed activity would be located, a contract vendee, a lessee of the land, the person who would actually control and direct the proposed activity, or the authorized agent of such a person.
- B. "Application" as defined in Section 1.030 (A) of the City of Lacey Development Guidelines and Public Works Standards
- B_C. "Critical aquifer recharge areas" means those areas of Thurston County which have a significant aquifer under them and which allow water to enter the soil and geological materials in ways and in guantities that replenish natural ground water systems and aquifers.
- C<u>D</u>. "Equivalent residential unit (ERU)" means the average quantity of wastewater generated from a single family residence, or for other than single family residences, the water quantity of 900 cubic feet per month at average waste strength, biochemical oxygen demand and suspended solids.
- DE. "Health expert" means a person employed or contracted by the city of Lacey and licensed by the state as a registered sanitarian and with the necessary expertise and experience to provide information required by this chapter relating to health issues and concerns.
- E<u>F</u>. "Health officer" means the Thurston County health officer as defined in Chapter 70.05 of the <u>Revised Code of Washington</u>RCW or his or her authorized representative.
- F. "Underlying permit" means the permit or approval process triggering city review of activities undertaken in the aquifer sensitive area.
- G. "Wellhead protection areas designated" means the surface and subsurface area surrounding a well or well field, supplying a public water system with over 1000 connections, through which contaminants are reasonably likely to move toward and reach such water well or well field. A designated wellhead protection area is an area approved by the Washington State Department of Health.

Section 73: Section 14.36.050 of the Lacey Municipal Code is hereby amended to read as follows:

14.36.050 Applicability.

- A. When any provision of any other chapter of the city of Lacey conflicts with this chapter, the most restrictive will prevail.
- B. The city of Lacey is authorized to adopt written administrative procedures for the purposes of carrying out the provisions of this chapter.
- C. The city of Lacey shall not grant any approval or permission to conduct a nonexempt activity in an area classified as a wellhead protection area or Category I or II aquifer sensitive area until the requirements of this chapter have been fulfilled including but not limited to action on the following: limited administrative review, full administrative review, quasi-judicial review, legislative review pursuant to Chapter 1C of the City of Lacey Development Guidelines and Public Works Standards building permit, commercial or multifamily residential; site plan review, special or conditional use permit, master plan development, planned unit development, shoreline substantial development permit, shoreline conditional use permit, shoreline environmental redesignation, zone reclassification, subdivision, short subdivision, binding site plan zone reclassification, or any subsequently adopted permit or required approval not expressly exempted by this chapter.

Section 74: Section 14.36.090 of the Lacey Municipal Code is hereby amended to read as follows:

14.36.090 Review standards--General review requirements.

- A. No nonexempt action shall be undertaken by any person which results in any alteration of an aquifer or wellhead sensitive area except in compliance with the requirements, goals, purposes and objectives of this chapter.
- B. In association with normal permit requirements every nonexempt activity will require a written authorization or notation on the <u>underlying permitapplication</u> of compliance with this chapter prior to | undertaking the activity.
- C. The city may approve, approve with conditions or deny any development proposal in order to comply with the requirements and carry out the goals, purposes and objectives of this chapter.

Section 75: Section 14.36.100 of the Lacey Municipal Code is hereby amended to read as follows:

14.36.100 Permit processing-- Consolidation. Consolidated application process. When more than one application for a proposed development is required, the applicant may elect to have all applications submitted for review at one time in conformance with Section 1B.030 of the City of Lacey Development Guidelines and Public Works Standards. The city of Lacey shall consolidate sensitive areas review with underlying city permit requirements to provide a timely and coordinated permit process. Whichever process is utilized to process the underlying permit, this same process shall be used to review, analyze and apply standards and conditions to satisfy the requirements for this chapter. This may result in an administrator, the site plan review committee or the city hearings examiner and council acting on requirements of this chapter depending upon the underlying permit.

Section 76: Section 14.36.110 of the Lacey Municipal Code is hereby amended to read as follows:

14.36.110 Interagency coordination for aquifer sensitive and wellhead area applications. Upon receipt of a complete application for approval authorizing activities within an aquifer sensitive or wellhead area, the city of Lacey shall submit the application to the health officer. When such applications are submitted, said health officer should submit comments or should request an extension of the review period within fifteen fourteen days. Extensions may be granted by the city of Lacey where complex issues necessitate a longer review period. When submitted, no approval shall be issued under this subsection prior to receipt of such comments or the expiration of the time period for any extension.

Section 77: Section 14.36.220 of the Lacey Municipal Code is hereby amended to read as follows:

14.36.220 Application approval--Other laws and regulations. No approval granted pursuant to this chapter shall remove an applicant's obligation to comply in all respects with the applicable provisions of any other federal, state, or local law or regulation, including but not limited to the acquisition of any other required permit or approval.

Section 78: Section 14.36.230 of the Lacey Municipal Code is hereby amended to read as follows:

14.36.230 Application approval-- Suspension, revocation. In addition to other penalties provided for elsewhere, the city of Lacey may suspend or revoke an approval if it finds that the applicant or permittee has not complied with any or all of the conditions or limitations set forth in the approval, has exceeded the scope of work set forth in the approval, or has failed to undertake the project in the manner set forth in the approved application.

Section 79: Section 14.36.240 of the Lacey Municipal Code is hereby amended to read as follows:

14.36.240 Appeals. Any decision of the city of Lacey in the administration of this chapter may be appealed in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards, to the city hearings examiner pursuant to the requirements of LMC Chapter 2.40. The hearings examiner shall give substantial weight to any discretionary decision of the city of Lacey rendered pursuant to this chapter.

Section 80: Section 14.36.270 of the Lacey Municipal Code is hereby repealed.

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Section 81: Section 14.37.080 of the Lacey Municipal Code is hereby amended to read as follows:

14.37.080 Exempt activities. The following activities shall be exempt from the review requirements of this chapter <u>and Chapter 1C</u> of the City of Lacey Development Guidelines and Public Works Standards provided such activities are undertaken using best management practices in a manner that does not adversely impact the geologically sensitive area:

- A. Nonpublic outdoor recreation activities such as bird watching or hiking, when undertaken by a property owner on his or her property for his or her personal noncommercial purposes;
- B. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, or alteration of the geologically sensitive area by changing existing topography, water conditions or other natural parameters important to the geological sensitivity;
- C. Boundary markers;
- D. Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities. In every case, impacts shall be minimized and disturbed areas shall be restored immediately after investigative work has been completed;
- E. Educational activities and scientific research; and
- F. Normal and routine maintenance or repair of existing utility structures or right-of-way;
- G. Installation, replacement, alteration or construction and operation of all electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of fifty-five thousand volts or less in improved city road right-of-way;
- H. Installation, replacement, alteration or construction and operation of all natural gas, cable communications and telephone facilities, lines, pipes, mains, equipment or appurtenances in improved city road right-of-way.

Section 82: Section 14.37.090 of the Lacey Municipal Code is hereby amended to read as follows:

14.37.090 Geologically sensitive areas-- Pre-application submission consultation. Any person intending to undertake nonexempt activities in a geologically sensitive area is required to meet with the city of Lacey at a pre-application submission conference during the earliest possible stages of project planning in order to discuss impact avoidance and minimization in accordance with the process outlined in Section 1B.020 of the City of Lacey Development Guidelines and Public Works Standards.

Section 83: Section 14.37.100 of the Lacey Municipal Code is hereby amended to read as follows:

14.37.100 Geologically sensitive area applications--Site plan review compliance. No nonexempted use shall occur or be permitted to occur within a geologically sensitive area without <u>Full Administrative</u> <u>Review or Quasi-Judicial Review of the application pursuant to Chapter 1C City of Lacey Development</u> <u>Guidelines and Public Works Standards, approval from the site plan review committee or the city hearings examiner pursuant to procedures of Chapter 16.84 or Section 14.33.140 whichever is applicable.</u>

Section 84: Section 14.37.110 of the Lacey Municipal Code is hereby amended to read as follows:

14.37.110 Geologically sensitive areas--Site plan review approval--Information requirements.

A. Application to conduct any activity not specifically exempted by Section 14.37.080 within a geologically sensitive area shall be made to the department of community development on forms furnished by that office.

B. Unless the city of Lacey waives one or more of the following information requirements, applications for activities undertaken in a geologically sensitive area must provide the following information:

1. A description and maps overlaid on an aerial photograph at a scale no smaller than 1" = 400' showing the entire parcel of land owned by the applicant and the exact boundary and description of the geologically sensitive features of the site;

2. A description of the vegetative cover of the site and adjacent area including dominant species;

3. A site development plan for the proposed activity overlaid on an aerial photograph at a scale no smaller than 1" = 400' showing the location, width, depth and length of all existing and proposed structures, roads, sewage treatment, and installations at the site;

4. The exact sites and specifications for all proposed activities including the amounts and methods;

5. Elevations of the site and adjacent lands within the geologically sensitive area at contour intervals of no greater than five feet;

6. Top view and typical cross section views of the geologically sensitive features at the site to scale, and specific means to mitigate any potential adverse environmental impacts of the applicant's proposal relative to the geologically sensitive features of the site;

7. A soils engineering report including data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinions and recommendations covering adequacy of sites to be developed by the proposed grading, including the stability of slopes. Recommendations included in the report and approved by the building official shall be incorporated in the grading plans or specifications.

8. An engineering geology report including an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed by the proposed grading. Recommendations included in the report and approved by the building official shall be incorporated in the grading plans or specifications.

9. A full drainage study identifying special precautions necessary to avoid erosion hazard at the site.

Section 85: Section 14.37.120 of the Lacey Municipal Code is hereby amended to read as follows:

14.37.120 Geologically sensitive areas-- Site plan review--Approval and extensions.

- A. Approvals shall normally be valid for a period of eighteen months from the date of issue and shall expire at the end of that time pursuant to requirements of Chapter 16.84 of the Lacey Municipal Code LMC unless an underlying action such as subdivision approval has a longer approval period, in which case the longer approval period shall apply.
- B. An extension of an original approval may be granted upon written request to the city of Lacey by the original approval holder or the successor in title<u>at least thirty days prior to the expiration</u>. Prior to the granting of an extension, the city of Lacey shall require updated studies if, in its judgment, the original intent of the approval is altered or enlarged by the renewal, or if the circumstances relevant to the review and issuance of the original approval have changed substantially.

Section 86: Section 14.37.130 of the Lacey Municipal Code is hereby amended to read as follows:

14.37.130 Geologically sensitive areas--Site plan review approval--Filing fees. At the time of an application, the applicant shall pay a filing fee as determined by the city of Lacey. Sufficient fees shall be charged to the applicant to cover the costs of evaluation of the application. These fees may be used by the city of Lacey to retain expert consultants to provide services pertaining to technical issues relative

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to a site's geological sensitivity and evaluation of mitigation measures. As deemed necessary by the city of Lacey, the city of Lacey may assess additional reasonable fees as needed to monitor and evaluate approval compliance and mitigation measures, such as but not limited to erosion control.

Section 87: Section 14.37.140 of the Lacey Municipal Code is hereby amended to read as follows:

14.37.140 Permit processing-- Consolidation. <u>Consolidated application process</u>. When more than one application for a proposed development is required, the applicant may elect to have all applications submitted for review at one time in conformance with Section 1B.030 of the City of Lacey Development Guidelines and Public Works Standards.</u> The city of Lacey shall, to the extent practicable and feasible, consolidate the processing of geologically sensitive areas review with other city regulatory programs which affect activities in geologically sensitive areas, such as Uniform Building Code requirements for excavation and grading, shoreline permits, subdivision, clearing and grading, floodplain, and other environmentally sensitive area requirements, with the geologically sensitive area review process established herein so as to provide a timely and coordinated permit process. When another permit or approval process is applicable such as shoreline, subdivision, or conditional use which requires a hearing before the hearings examiner, geologically sensitive area site plan review shall be combined and considered though the same process and at the same time as the other said action is considered; provided, however, all informational requirements as well as all other standards of this chapter are satisfied.

Section 88: Section 14.37.150 of the Lacey Municipal Code is hereby amended to read as follows:

14.37.150 Interagency coordination for geologically sensitive area applications. Upon receipt of a complete application for approval authorizing activities within a geologically sensitive area, the city of Lacey shall submit the application to the U.S. Department of Agriculture Soil Conservation Service and other state and local agencies having jurisdiction over or an interest in such applications for review and comment. When such applications are submitted, said agencies should submit comments or should request an extension of the review period within <u>fifteen fourteen</u> days. Extensions may be granted by the city of Lacey where complex issues necessitate a longer review period. When submitted, no approval shall be issued under this subsection prior to receipt of such comments or the expiration of the time period for any extension.

Section 89: Section 14.37.190 of the Lacey Municipal Code is hereby amended to read as follows:

14.37.190 Acting on the application-- Special conditions.

- A. The location of the outer extent of the geologically sensitive area with buffers pursuant to an approval shall be marked in the field by a qualified geotechnical engineer, and such field marking shall be approved by the city of Lacey prior to the commencement of approved activities. Such field markings shall be maintained throughout the duration of the approval.
- B. The city of Lacey may attach such additional conditions as deemed necessary to assure protection of property or safety of its citizens, mitigation of environmental impacts related to the geological sensitivity present at the site, and compliance with other purposes and requirements of this chapter.

Section 90: Section 14.37.210 of the Lacey Municipal Code is hereby amended to read as follows:

14.37.210 Application approval--Other laws and regulations. No approval granted pursuant to this chapter shall remove an applicant's obligation to comply in all respects with the applicable provisions of any other federal, state, or local law or regulation, including but not limited to the acquisition of any other required permit or approval.

Section 91: Section 14.37.220 of the Lacey Municipal Code is hereby amended to read as follows:

14.37.220 Application approval--Suspension, revocation. In addition to other penalties provided for elsewhere, the city of Lacey may suspend or revoke an approval if it finds that the applicant or permittee

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has not complied with any or all of the conditions or limitations set forth in the approval, has exceeded the scope of work set forth in the approval, or has failed to undertake the project in the manner set forth in the approved application.

Section 92: Section 14.37.230 of the Lacey Municipal Code is hereby amended to read as follows:

14.37.230 Application approval--Notice of action <u>final decision</u>. The city of Lacey shall provide notice of its actions pursuant to the requirements of <u>Chapter Section 1C.070 of the City of Lacey</u> <u>Development Guidelines and Public Works Standards</u>. <u>16.84 LMC</u>, the site plan review processe, or other applicable review processes.

Section 93: Section 14.37.240 of the Lacey Municipal Code is hereby amended to read as follows:

14.37.240 Appeals. Any decision of the city of Lacey in the administration of this chapter may be appealed in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards. to the city hearings examiner pursuant to the requirements of LMC Chapter 2.40. The hearings examiner shall give substantial weight to any discretionary decision of the city of Lacey rendered pursuant to this chapter.

Section 94: Section 14.37.270 of the Lacey Municipal Code is hereby repealed.

Section 95: Section 15.04.040 of the Lacey Municipal Code is hereby amended to read as follows:

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

- A. Cemeteries and other burial plots while used for that purpose;
- B. Divisions made by testamentary provisions or the laws of descent;
- C. Assessor's plats made in compliance with RCW 58.18.010, RCW 58.17.240, and RCW 58.17.250;
- D. A division for the purpose of lease when the land is to be developed as a mobile home park and a binding site plan has been approved pursuant to Chapter 16.84;
- E. Contiguous lots: The transfer of ownership of contiguous platted or unplatted lots if:
 - 1. The lots were created after June 9, 1937, or
 - The lots transferred and remaining lots are developed, provided that transfers pursuant to this subsection shall not be effective until the proponent is issued a certificate of compliance from the planning department<u>community development department</u>. A certificate shall be issued when the owner or applicant shows that the lot conforms to the criteria of this subsection;
- F. Condominiums: A division which is made by subjecting a portion of the land to RCW Chapter 64.32 (condominiums) and for which a binding site plan has been approved pursuant to Chapter 16.84 of this code;
- G. Industrial and commercial site plans: A division for which a final binding site plan is approved when such final binding site plan:
 - 1. Limits the use of the land to industrial or commercial use;
 - 2. Meets the requirements of Section 15.10.060 of the Lacey Municipal Code;
 - 3. Is approved pursuant to Chapter 16.84 of this code; and
 - 4. Contains such information as is required by Section 16.84.110 and is filed for record in the county auditor's office;
- H. Boundary line adjustments: A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site or division, nor create any lot, tract, parcel, site or

division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site, provided:

- 1. The proponent has filed an application which includes:
 - a. An adjusted legal description of the lots affected by the adjustment prepared and certified by a registered land surveyor or title company.
 - b. b. A scale drawing of the lots affected by the adjustment, including the location of all structures, wells and septic fields, prepared by a registered land surveyor;
 - c. A title report no more than thirty days old; and

ed. Notarized declaration that the transferor consents to the proposed adjustment; and

2. The proponent is issued a boundary line adjustment certificate from the planning departmentcommunity development department verifying that the proposed division conforms to the requirements of this subsection. The certificate, legal description, scale drawing and notarized declaration will be recorded with the auditor by the planning departmentcommunity development department.

Section 96: Section 15.04.070 of the Lacey Municipal Code is hereby amended to read as follows:

15.04.070 Administration. The Lacey planning department<u>community development department</u>, hereinafter referred to as the "planner" is vested with the duty of administering subdivision and platting regulations within the recorded limits of the city, and may prepare and require the use of such forms as are essential to the administration of this title.

Section 97: Section 15.12.010 of the Lacey Municipal Code is hereby amended to read as follows:

15.12.010 Presubmission conference. Prior to the submission of the preliminary plat, the <u>applicant</u> <u>shall attend a presubmission meeting in accordance with Section 1B.020 of the City of Lacey</u> <u>Development Guidelines and Public Works Standards</u> <u>subdivider or a representative of the subdivider</u> shall meet with the planning and the engineering staffs to discuss preliminary studies or sketches. At this time staff shall make available all pertinent information as may be on file relating to the general area. It is the purpose of this conference to eliminate as many potential problems as possible in order for the preliminary plat to be processed without delay. The conference should take place prior to detailed work by an engineer or surveyor. Discussion topics at this time would include such things as the development plan, street plan, shoreline master plan, zoning, availability of sewer and water, development concepts, other city requirements and permits, and the environmental impact of the plat. If the applicant owns adjacent land, the possibilities of future development shall be discussed.

Section 98: Section 15.12.020 of the Lacey Municipal Code is hereby repealed.

Section 99: Section 15.12.030 of the Lacey Municipal Code is hereby amended to read as follows:

15.12.030 <u>Review process and time limit for action</u>. Preliminary plats of any proposed subdivision shall be reviewed according to the quasi-judicial process and timelines outlined in Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards. approved, disapproved or returned to the applicant for modification or correction within ninety days from date of filing thereof unless the applicant consents to an extension of such time period; provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety day period shall not include the time spent preparing and circulating the environmental impact statement.

<u>Section 100:</u> A new section, 15.12.035, is hereby added to the Lacey Municipal Code to read as follows:

15.12.035 Plats within flood plain. No plat shall be approved covering any land situated in a flood control zone as provided in Chapter 86.16 of the Revised Code of Washington without the proper written approval of the Department of Ecology, state of Washington.

Section 101: Section 15.12.040 of the Lacey Municipal Code is hereby repealed.

Section 102: Section 15.12.050 of the Lacey Municipal Code is hereby repealed.

Section 103: Section 15.12.060 of the Lacey Municipal Code is hereby amended to read as follows:

15.12.060 Specific submission requirements.

- A. A. Preliminary plat application and supporting materials.
- **B. Environmental Checklist**
- C. Preliminary Plats
 - 1. The preliminary plat shall show specifically and clearly all of the following features and information on one or more maps, drawings or application forms. Specific items may be waived if it is the opinion of both the planner and city engineer that they are not necessary.
 - 2. Accuracy for all data and information submitted on or with a preliminary plat shall be the responsibility of the applicant. Any proposed plat found to be inaccurate or misleading so as to hamper the decision of the hearings examiner and/or council shall be returned to the applicant with a letter stating that the plat must be corrected and returned to the staff. A fee of twenty-five dollars will be charged if this procedure becomes necessary.
- <u>D</u>B. Scale and Size. The preliminary plat shall be at a scale of not more than fifty feet to the inch, nor less than two hundred feet to the inch.
- E.C. General Information Required.
 - 1. Proposed Name of the Subdivision. This name shall not duplicate nor resemble the name of another subdivision in Thurston County and shall be approved by the hearings examiner;
 - The names and addresses of all landowners within the proposed subdivision, the developer if other than the owners, the land surveyor and/or the professional registered engineer responsible for laying out the plat;
 - 3. The names and addresses of landowners as required by Section 15.12.080;
 - 43. The legal description of all lands included in the proposed subdivision;
 - 54. The plat scale, datum, north arrow and date;
 - 65. The boundary lines of the tract to be divided.
- <u>F</u>D. Existing Conditions.
 - 1. A vicinity sketch indicating the boundary lines and names of adjacent subdivisions, streets and boundary lines of adjacent parcels, and the relationship of the proposed subdivision to major highways, schools, parks, shopping centers and similar facilities;
 - Replats. If the plat constitutes a replat, the lots, blocks, streets, etc., of the original plat shall be shown with dotted lines in their proper positions in relation to the new arrangement of the plat; the new plat being so clearly shown in solid lines so as to avoid ambiguity, all as required by <u>Chapter RCW</u>_58.12 of the Revised Code of Washington;
 - 3. The location and direction of all watercourses, lakes and streams and the location of all areas subject to flooding. Watercourses and drainage ways shall be located within an easement which

reserves to the city the right to enter such properties for the purpose of flood control or maintenance;

- 4. Natural features such as rock outcroppings, marshes, wooded areas;
- 5. Existing uses on the property, including location of all existing structures to remain on the property after platting;
- 6. Existing zoning on the land to be platted and also on the surrounding land for a distance of three hundred feet;
- The location and size of all pertinent existing sewers, water mains, culverts, and other public or private underground installations within the subdivision and immediately adjacent thereto and elevations of sewers at points of probable connections;
- 8. The location, widths and names of both unopened and open streets, easements and other ways within or adjacent to the proposed development. The location of other important features such as the general outline of permanent buildings, water sources, power lines, telephone lines, railroads, city boundaries, section lines and section corners;
- All parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved in the deeds for common use of the property owners in the subdivision with the purpose, conditions, or limitations of such dedications or reservations clearly indicated;
- 10. Trees and natural features which are to be preserved in the subdivision.

E.G.Proposed Plan of Partitioning.

- 1. The location, width, name and approximate grade and radii of curves of streets. The relationship of streets to any projected streets as shown on any comprehensive plan or street plan that has been adopted or as may be suggested by the Planning Commission in order to assure adequate traffic circulation.
- 2. Sites, if any, allocated for purposes other than single-family dwellings.
- Approximate centerline profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction.
- 4. A proposal for domestic water supply stating the source and preliminary distribution system layout.
- 5. Proposals for sewage disposal, storm water drainage and flood control.
- 6. If lot areas are to be substantially graded, a plan showing the nature of cuts and fills and information on the character of the soil.
- 7. Proposals for other improvements such as electric utilities and boat docks, pathways, recreation facilities, etc.
- 8. The layout of proposed street rights-of-way, alleys, easements, lots and blocks, and the approximate dimensions of each.
- 9. All parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved in the deeds for common use of the property owners in the subdivision with the purpose, conditions, or limitation of such dedications or reservations clearly indicated.
- 10. Trees and natural features which are to be preserved in the subdivision.
- F<u>H</u>. Partial Development. If the proposed plat pertains to only part of the tract owned or controlled by the subdivider, a sketch showing the tentative layout for streets and contemplated land use in the unsubdivided portion shall be submitted.

- G1. Additional Information. The subdivider shall supply any additional information as may be required by the staff.
- H_J. Wetland Information. A preliminary plat application that involves wetlands or wetland buffer areas pursuant to Chapter 14.28 shall include all information required by Chapter 14.28 for proper consideration of wetlands and wetland issues during preliminary plat review.

Section 104: Section 15.12.070 of the Lacey Municipal Code is hereby amended to read as follows:

15.12.070 Distribution. The planner shall distribute copies of the preliminary plat and pertinent information to <u>agencies and departments affected by the proposal or with review authority in addition to</u> the following:

- A. Public works department, two copies;
- B. Thurston County health department, one copy;
- C. Thurston County Fire District No. 3, one copy;
- D. Lacey parks and recreation department, one copy;
- E. North Thurston School District No. 3, one copy;
- F. Pacific Northwest Bell Telephone Company, one copy;
- G. Puget Sound Power and Light Company, one copy;
- H. Washington Natural Gas Company, one copy;
- I. Thurston County assessor, one copy;
- J. Thurston County director of public works, when such plats are located within three hundred feet of a county road right-of-way, one copy;
- K. State Department of Transportation, when such plats are located within three hundred feet of a state highway right-of-way, one copy;
- L. Intercity transit, one copy;
- M. Other public officials and agencies as the staff may deem appropriate.

Section 105: Section 15.12.080 of the Lacey Municipal Code is hereby amended to read as follows:

15.12.080 Hearing--Notice procedure. Upon receipt of a preliminary plat and all required data, the planner shall set a date for public hearing before the hearings examiner. Notice of the date, time and place of the public hearing before the hearings examiner shall <u>follow the guidelines for Quasi Judicial</u> Review in Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards, in addition to the following notifications: be given as follows:

- A. Notice of the hearing shall be sent to the planning department through the United States mail not less than ten days prior to the date of hearing to the adjacent landowners within three hundred feet of the exterior boundary of the proposed plat. If the applicant owns adjoining land, the distance of notification shall be measured from the outside of the applicant's ownership. Names and addresses for such property owners shall be as shown on the latest records of the assessor, and shall be supplied to the planner by the applicant. Failure of the person to receive the notice shall not invalidate the hearing;
- B. Notice of such hearing shall be given by publication in a newspaper of general circulation within the city of Lacey at least once, not less than ten days prior to the date of hearing;
- <u>A.</u> C. Notice to any town, city or county whose boundaries are adjacent to or within one mile of the proposed subdivision;

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- <u>B.</u>D. Notice to the state Department of Transportation on every proposed subdivision located within three hundred feet of the right-of-way of a state highway;
- <u>C. E.</u> Notice to the state Department of Ecology, Division of Water Resources, if the land is situated in a floodplain or flood control zone as provided in <u>Chapter RCW</u> Chapter 86.16 of the Revised Code of Washington;
- D. F. Notice to any city or town whose utilities are contemplated to be used by the proposed subdivision;
- G. Posting of the notice on or near the property in at least three conspicuous places. The notice must be viewable from a public right-of-way;
- <u>E. H.</u> Notice to other federal, state or local agencies as may be relevant to determine if the public use and interest may be served by the proposed subdivision.

All hearing notices shall include a legal description of the location of the proposed subdivision and either a vicinity location sketch or a locational description in non-legal language.

Section 106: Section 15.12.090 of the Lacey Municipal Code is hereby amended to read as follows:

15.12.090 Hearing--Public record. All hearings shall be public. Records of the hearings examiner hearings on preliminary plats shall be kept by the <u>planning departmentcommunity development</u> <u>department</u> and shall be made available to the public upon request.

Section 107: Section 15.12.110 of the Lacey Municipal Code is hereby amended to read as follows:

15.12.110 Hearings examiner report to city council. The hearing examiner shall prepare a recommendation to the city council according to the process outlined in Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards, Not later than three working days following the rendering of a written decision by the hearings examiner, tThe hearings examiner shall submit such written decision and findings of fact and recommendations to the city council. The hearings examiner may recommend that the proposed plat be approved, conditionally approved or disapproved. In the event that a decision cannot be reached by the hearings examiner, the preliminary plat shall be forwarded to the city council with no recommendation.

Section 108: Section 15.12.120 of the Lacey Municipal Code is hereby amended to read as follows:

15.12.120 City council--Procedure. Upon receipt of the recommendations on any preliminary plat, the city council shall, at a public meeting held no sooner than ten nor no longer than twenty working thirty days from the date of the hearings examiner's <u>-recommendation decision</u>, adopt, or reject or modify with findings the hearings examiner's recommendations.

Reviewing the written record and hearings examiner's report, the city council shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine if appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds, and shall consider all other relevant facts and determine whether the public interest will be served by the subdivision and dedication. If it finds that the proposed plat makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds and that the public use and interest will be served by the platting of such subdivision, then it shall be approved. If it finds that the public use and interest will not be served, then the city council may disapprove the proposed plat. Dedication of land to any public body may be required as a condition of subdivision approval and shall be clearly shown on the final plat.

Section 109: Section 15.12.150 of the Lacey Municipal Code is hereby amended to read as follows:

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15.12.150 Notification of action Notice of final decision. Upon approval, disapproval or modification of the preliminary plat by the council, the planner shall so notify the applicant by mail within ten days of said action. The action of the council shall be noted on two copies of the preliminary plat, including reference to any attached documents describing conditions imposed by the council. The planner shall return one copy to the subdivider and retain one copy for the permanent file.

Section 110: Section 15.12.160 of the Lacey Municipal Code is hereby amended to read as follows:

15.12.160 Duration of approval.

- <u>A.</u> Approval of the preliminary plat shall be effective for five years from the date of approval by the city council, during which time a final plat or plats may be submitted. During this time the terms and conditions upon which the preliminary approval was given will not be changed.
- B. An applicant who files a written request with the <u>planning departmentcommunity development</u> <u>department</u> at least thirty days before the expiration of this five-year period, shall be granted a oneyear time extension by the hearings examiner upon showing that the applicant has attempted in good faith to submit the final plat within the five-year period.
- <u>C.</u> Provided further, an applicant who files a written request with the <u>planning departmentcommunity</u> <u>development department</u> prior to the expiration of the one one-year time extension may be granted additional extension(s) for not more than one year at a time by the hearings examiner. If this additional extension of time is approved, the preliminary plat shall be subject to all new and amended regulations, requirements, policies or standards which are adopted or in effect at the time the additional extension is granted.
- <u>D.</u> Knowledge of expiration date and initiation of a request for extension of approval time is the responsibility of the applicant. The city shall not be held accountable for notification, although it may notify an applicant of date of expiration. All requests for an extension of time must be submitted prior to expiration of the preliminary plat or any prior extensions, whichever is applicable.

Section 111: Section 15.16.010 of the Lacey Municipal Code is hereby amended to read as follows:

15.16.010 Submission. Within three five years after approval or extension of the preliminary plat, the subdivider shall prepare a final plat in conformance with the preliminary plat (or portion thereof) as approved, and submit it to the <u>department of community development</u>. office of the planner. Seven dark line prints shall be submitted to the planner.

Section 112: Section 15.16.020 of the Lacey Municipal Code is hereby amended to read as follows:

15.16.020 Specific requirements. The following shall be shown or accompany the final plat at the time it is submitted to the planner_department of community development:

- A. A certificate of title by a recognized title insurance company, dated not to exceed thirty days prior to submitting a plat for final approval, showing the names of all persons whose consent is necessary to dedicate roads, streets and other easements shown upon the map;
- B. Names, addresses, and phone numbers of the owner, subdivider, engineer, and/or surveyor;
- C. A copy of any deed restrictions applicable to the subdivision;
- D. A copy of any dedication requiring separate documents;
- E. A certificate by the city engineer that the subdivider has complied with one of the following:
 - 1. All improvements have been installed in accordance with the requirements of these regulations and with the action of the council giving conditional approval with approval of the preliminary plat,

- 2. An agreement has been executed as provided for in Section 15.20.020 to assure completion of required improvements;
- F. The date, scale, north arrow, legend, controlling topography and existing features such as highways and railroads;
- G. Legal description of the tract boundaries;
- H. Reference points and lines of existing surveys identified, related to the plat as follows:
 - 1. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision,
 - 2. Adjoining corners of adjoining subdivisions,
 - 3. City or county boundary lines when crossing or adjacent to the subdivision,
 - 4. Section and donation land claim lines within and adjacent to the plat,
 - 5. Whenever the county or a city has established the centerline of a street adjacent to or within the proposed subdivision, the location of this line and monuments found or reset,
 - 6. All other monuments found or established in making the survey of this subdivision or required to be installed by provisions of this title;
- I. Mathematical boundary closures of the subdivision showing the error of closure, if any;
- J. The mathematical lot closures and street centerline closures, and square footage of each parcel;
- K. The exact location and width of streets and easements intersecting the boundary of the tract;
- L. Tract, block, and lot boundary lines and street rights-of-way and centerlines, with dimensions, bearings or deflection angles, radii, arcs, points of curvature, and tangent bearings. Tract boundaries, lot boundaries and street bearings shall be shown to the nearest second with basis of bearings. All distances shall be shown to the nearest one-hundredth foot;
- M. The width of the portion of streets being dedicated, the width of any existing right-of-way, and the width on each side of the centerline. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated;
- N. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearings, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication;
- O. Lot numbers beginning with number "1" and numbered consecutively without omission or duplication throughout the plat. The numbers shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure. Lot numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision;
- P. Land parcels to be dedicated for any purpose, public or private shall be distinguished from lots intended for sale;
- Q. The following certificates may be combined where appropriate:
 - 1. A certificate signed and acknowledged by all parties with any record title interest in the land subdivided, consenting to the preparation and recording of the plat,
 - 2. A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final map intended for any public use except those parcels which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants,

- 3. A certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and final map,
- 4. Other certifications now or hereafter required by law;
- R. Lots containing one acre or more shall show net acreage to nearest hundredth, whenever possible;
- S. Each and every plat, or replat, of any property filed for record shall:
 - Contain a statement of approval from the city engineer or by a licensed engineer acting on behalf of the city as to the survey data, the layout of streets, alleys, and other rights-of-way, design of bridges, sewage and water systems, and other structures. No engineer who is connected in any way with the subdividing and platting of the land for which subdivision approval is sought shall examine and approve such plats on behalf of the city.
 - 2. Be accompanied by a complete survey of the section or sections in which the plat or replat is located, or as much thereof as may be necessary to properly orient the plat within such section or sections. The plat and section survey shall be submitted with complete field and computation notes showing the original or reestablished corners with descriptions of the same and the actual traverse showing error of closure and method of balancing. A sketch showing all distances, angles, and calculations required to determine corners and distances of the plat shall accompany this data. The allowable error of closure shall not exceed one foot in five thousand feet.
 - 3. Be acknowledged by the person filing the plat before the auditor, or any other officer who is authorized by law to take acknowledgment of deeds, and a certificate of the acknowledgment shall be enclosed or annexed to such plat and recorded therewith.
 - Contain a certification from the Thurston County treasurer that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged;
- T. Final application shall include information necessary for the administrator to determine whether <u>all</u> <u>conditions of approval have been met.</u> <u>Chapter 14.28 have been satisfied. Additionally, all</u> conditions applied to the plat dealing with the protection of wetlands, including buffer areas, fences, and other improvements shall be shown in the face of the final plat and discussed and described in protective covenants, homeowners or lot owners association agreements and articles of incorporation. -

Section 113: Section 15.16.060 of the Lacey Municipal Code is hereby amended to read as follows:

15.16.060 Approval.

- A. Upon receipt of the final plat and accompanying data, the staff of the planning,<u>-and</u>-engineering and health departments shall review the final map and documents to determine that the plan conforms with the approved preliminary plat, and that there is compliance with provisions of the law and of this title. The staff may make checks in the field to verify that the map is sufficiently correct on the ground, and may enter the property for this purpose.
- B. If the city engineer, <u>and</u>-planner and health department determine that the final plat conforms fully with all applicable regulations and standards, they shall then affix their signatures thereto.
- C. After being approved as required above, the final plat shall be presented to the city council. After finding that the final plat has been completed in accordance with the provisions of this title, and that all required improvements have been completed or that arrangements or contracts have been entered into to guarantee that such required improvements will be completed, and that the interests of the city are fully protected, the mayor shall sign the final plat accepting such dedications and easements as may be included thereon, and the final plat shall be returned to the applicant for filing for record with the county auditor as provided in Section 15.16.070.

D. Final plats shall be approved, disapproved or returned to the applicant within thirty days from the date of filing with the planner thereof, unless the applicant consents to an extension of such time period.

Section 114: Section 15.16.080 of the Lacey Municipal Code is hereby amended to read as follows:

15.16.080 Filing for record. The original of the final plat shall be filed for record with the auditor. One reproducible copy on mylar shall be furnished to the city engineer. One paper copy shall be filed with the assessor, <u>planning departmentcommunity development department</u>, health department, building department, city engineer and the fire chief. All required paper copies shall bear the auditor's recording data.

The auditor shall refuse to accept any plat for filing and recording until approval of the plat has been given by the council. Should a plat or dedication be filed or recorded without such approval, the prosecuting attorney shall apply for writ of mandate in the name of and on behalf of the city council directing the auditor and assessor to remove from their files or records the unapproved plat or dedication of record.

<u>Section 115:</u> The title of Chapter 15.32 of the Lacey Municipal Code is hereby amended to read as follows:

SHORT PLAT SUBDIVISION

Section 116: Section 15.32.020 of the Lacey Municipal Code is hereby amended to read as follows:

15.32.020 Exemptions. The provisions of this chapter shall not apply to:

- A. Divisions of land due to condemnation or sale under threat thereof, by any agency or division of government vested with the power of condemnation;
- B. Any division of land for use solely for the installation of electric power, telephone, water supply, sewer service or other utility facilities of a similar or related nature; provided, however, that any remaining lot or lots are consistent with applicable zoning and land use plans.

Section 117: Section 15.32.030 of the Lacey Municipal Code is hereby amended to read as follows:

15.32.030 Informal review Presubmission Conferences. Before making an application for short subdivision approval, the applicant shall attend a presubmission conference in accordance with Section 1B.020 of the City of Lacey Development Guidelines and Public Works Standards. may arrange to have the proposal reviewed informally by submitting one copy of the proposal to the planner for a presubmission conference. The proposal should include the information required for submission of a preliminary short plat as described in Section 15.32.090.

Section 118: Section 15.32.040 of the Lacey Municipal Code is hereby repealed.

Section 119: Section 15.32.050 of the Lacey Municipal Code is hereby repealed.

Section 120: Section 15.32.070 of the Lacey Municipal Code is hereby amended to read as follows:

15.32.070 Application. Submission Requirements.

A. <u>Short subdivision application and supporting materials.</u> Twelve copies of the proposed short plat shall be submitted to the planning department upon forms furnished by said body who shall affix thereto a file number and the date of receipt.

- B. Environmental checklist, unless exempt under Chapter 197-11-800 of the Washington Administrative Code or Chapter 14.24.060 of the Lacey Municipal Code. The application shall contain the following information:
- 1. The name, address and telephone number of the subdivider;
- A certification showing the entire contiguous land in which there is an interest by reason of ownership, contract for purchase, earnest money or agreement, or option by any person, firm or corporation in any manner connected with the development, and the names, addresses and telephone numbers of all such persons, firms or corporations;
- 4. The square footage computation of each lot or parcel sufficiently accurate to show that each such lot or parcel contains at least sufficient footage to meet minimum zoning and health requirements. The square footage of land contained in access panhandles shall not be included in the lot size computation;
- 5. The source of water supply, if any, and, if a public system is used, the name of the supplier;
- 6. The method of sewage disposal and, if sanitary sewer is used, then the name of the district having management over the system;

<u>Section 121:</u> Section 15.32.080 of the Lacey Municipal Code is hereby amended to read as follows:

15.32.080

<u>C.</u> Supporting documents. The following documentation shall accompany each application for approval of a short plat:

- <u>4.</u> A. A vicinity sketch clearly identifying the location of the property being short subdivided, the sketch having a scale of not less than three inches to the mile;
- -2. B. Copies of restrictions, if any, presently encumbering the land;
- <u>3.</u>C. Copies of restrictions, if any, proposed to be imposed upon the use of the land. Such restrictions, if required by the city, must be recorded either prior to or simultaneously with the moment the short plat becomes effective;
- <u>.</u> D. In any short subdivision where lots are served or to be served by a private road, the subdivider shall furnish copies of such further covenants or documents that will result in:
 - <u>-a.</u> 4. Each lot owner having access thereto having responsibility for maintenance of any private road contained within the short subdivision, and
 - <u>-b.</u> 2. Such covenants or documents shall obligate any seller to give actual notice to any prospective purchaser of the method of maintenance of the private road, which notice shall be caused to be included in any deeds or contracts relating to such sale, and such covenants or documents shall be recorded either prior to or simultaneously with the short subdivision.
- <u>-5.</u> E. Be accompanied by a plat certificate <u>no more than thirty days old</u> from a title company showing interest of the persons signing the declaration of short subdivision and showing restrictions encumbering the land.

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<u>6.</u> F. Each application for short plat including wetlands or wetland buffers as defined in Chapter 14.28 of the Lacey Municipal Code shall include all informational requirements of said chapter.

Section 122: Section 15.32.090 of the Lacey Municipal Code is hereby amended to read as follows:

15.32.090 Preliminary and final maps. A preliminary map of the proposed short plat shall be submitted for preliminary short plat approval. The preliminary map need not be based upon a survey and may be of either of the following dimensions: eight and one-half inches by fourteen inches or eighteen inches by twenty-four inches. A final short plat map shall be prepared in accordance with the standards contained by or under the supervision of a registered land surveyor. The final and preliminary map shall contain the following information:

- A. A description of the boundaries of the tract, including the objects that fix the corners, the length and direction of the lines, and the area of the tract. Also included shall be a description of the lots, tracts or parcels together with the legal description of the private roads and easement therein, all prepared or approved and sealed by a registered land surveyor. In addition, where it differs from the description of the short subdivision, a legal description of the contiguous land owned by the subdivider;
- B. The date, scale and north arrow;
- C. The boundary lines to scale of the tract to be subdivided and each lot contained therein;
- D. The number assigned to each lot;
- E. The location and widths of any easements and rights-of-way for public services or utilities within the area contained within the short subdivision;
- F. The boundaries of all lands reserved in the deeds for the common use of the property owners of the short subdivision;
- G. The location of permanent features outside the land to be subdivided which will have an impact upon the short subdivision, such as all existing or platted streets and roads adjacent to the short subdivision, watercourse, railroad rights-of-way, all utility rights-of-way, township lines and section lines;
- H. The location of existing houses and outbuildings, with notation as to type of structure, sufficiently accurate to ensure compliance with setback requirements;
- I. Preliminary short plat maps shall show the location of <u>all environmentally sensitive areas, including,</u> <u>but not limited to, wetlands, shorelines, and streams.</u> All pertinent information shall be shown on <u>the preliminary and final short plat maps</u>, <u>wetlands and wetland buffer areas and other pertinent</u> information required by Chapter 14.28 deemed necessary by the administrator for review of the preliminary short plat application. Final short plat maps shall have wetland areas and buffer areas and any physical improvements for the protection of wetland or buffer areas shown on the face of the short plat. Additionally, discussion of wetland and buffer areas and applicable restrictions shall be shown on the face of the short plat and shall also be incorporated into protective covenants.

Section 123: Section 15.32.100 of the Lacey Municipal Code is hereby repealed.

Section 124: Section 15.32.110 of the Lacey Municipal Code is hereby amended to read as follows:

15.32.110 Identification marker posting. The subdivider shall, for identification purposes only, cause markers of a type approved by the <u>planning departmentcommunity development department</u> to be placed upon each of the approximate road frontage corners of the subject land and maintain them thereon during the period extending from the time of application to the time of final action for the purpose of permitting field checks of the proposed short subdivision.

Section 125: Section 15.32.130 of the Lacey Municipal Code is hereby amended to read as follows:

15.32.130 Time for preliminary action. <u>Preliminary short subdivisions shall be reviewed according to</u> the full administrative review process and timelines outlined in Section 1C.040 of the City of Lacey Development Guidelines and Public Works Standards. When the planner has received a complete

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application, the planner shall approve, disapprove or return the application to the applicant for modification or correction within thirty days.

Section 126: Section 15.32.150 of the Lacey Municipal Code is hereby amended to read as follows:

15.32.150 Department action.

- A. The <u>planning departmentcommunity development department</u> shall consider and review the proposed short subdivision with regard to:
 - 1. Its conformance to the general purposes of the Comprehensive Plan and planning standards and specifications as adopted by the laws of the state of Washington and the city of Lacey;
 - 2. Whether appropriate provisions are made for: drainage ways, streets, alleys, other public ways, water supplies and sanitary wastes;
 - The physical characteristics of the short subdivision site and may disapprove because of flood, inundation or swamp conditions. Construction of protective improvements as a condition of approval may be required;
 - 4. All other relevant facts to determine whether the public use and interest will be served by the short subdivision.
- B. The planning department community development department may:
 - 1. Approve the preliminary short plat with or without conditions; or
 - 2. Return the short plat to the applicant for correction or for applicant's construction of improvements in a manner consistent with the department findings; or
 - 3. Disapprove the short subdivision and the short plat thereof; or
 - 4. Submit the proposed short plat to the hearings examiner for consideration.

Section 127: Section 15.32.160 of the Lacey Municipal Code is hereby amended to read as follows:

15.32.160 Conditional approvals. When the <u>planning departmentcommunity development</u> <u>department</u>'s approval of the preliminary short plat requires the meeting of conditions, the approval of such short plat shall not be final until said conditions are met. The applicant shall have one year following conditional preliminary short plat approval to fulfill said conditions. Provided, however, that-if a written request for extension is filed with the <u>planning departmentcommunity development department</u> prior to the expiration of such time period and the applicant has attempted in good faith to fulfill such conditions, the <u>planning departmentcommunity development</u> may grant an additional one year period for the fulfillment of such conditions.

Section 128: Section 15.32.170 of the Lacey Municipal Code is hereby amended to read as follows:

15.32.170 Final approval and recording. When the short plat meets all the requirements thereof and will serve the public use and interest and the subdivider has provided all of the required documentation and certification, then written approval shall be inscribed upon the face of the short plat. The action approving a short plat shall become effective if, within five working days, the applicant shall have filed for record with the auditor a declaration of short subdivision. The original declaration of short plat shall be recorded with the short plat map. upon recording shall be processed in accordance with procedures established regarding plats.

Section 129: Section 15.32.180 of the Lacey Municipal Code is hereby amended to read as follows:

15.32.180 Certificates. The following declarations and certificates must be obtained prior to final approval of the short subdivision:

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- A. A declaration of short subdivision; and
- B. Certification of approval by the <u>planning department</u><u>community development department</u> given when it finds the short plat serves a public use and interest and complies with all adopted recommendations for approval.

Section 130: Section 15.32.190 of the Lacey Municipal Code is hereby amended to read as follows:

15.32.190 Certification. The written approval of the planning department<u>community development</u> <u>department</u> or the hearings examiner, if the examiner renders the decision, shall be inscribed on the face of the final short plat. The plat shall also contain the inscription of the surveyor that the map correctly represents a survey made by or under his supervision. If the short plat contains a private road, there shall also be inscribed on the face of the short plat the following language:

NOTICE: The City of Lacey has no responsibility to build, improve, maintain or otherwise service the private roads within or providing access to the property described in this short plat.

Section 131: Section 15.32.230 of the Lacey Municipal Code is hereby amended to read as follows:

15.32.230 Appeals to the hearings examiner. Any person aggrieved by the decision of the planning department<u>community development department</u> may be appealed in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards. request a review of that decision by the hearings examiner. Such request must be made in writing within ten working days from the date the planning department's written decision is made.

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Section 1: Section 2.30.70 of the Lacey Municipal Gode is hereby amended to read as follows: All Section 205 - to Amend 16.12.020 of the Lacey Municipal Code. 16.12.020 Permitted uses.

- A. Specific types permitted in the low-density residential district:
 - Single-family detached structures on individual lots up to four dwelling units per acre. For unplatted parcels of less than one acre, properties may be divided into the maximum number of lots the minimum lot size will permit pursuant to Section 16.12.035 of the Lacey Municipal Code;
 - 2. Planned residential developments as provided in Chapter 16.60 of the Lacey Municipal Code;
 - 3. Townhouse developments as provided in Chapter 16.61 of the Lacey Municipal Code;
 - 4. Housing for people with functional disabilities.
- B. Other or related uses permitted:
 - Accessory buildings or structures clearly incidental to the residential use of the lot such as storage of personal property or for the pursuit of avocational interests. All such buildings or structures over sixteen feet in height shall comply with the design requirements of Section 14.23.071 of the Lacey Municipal Code;
 - 2. Agricultural uses not involving retail sales on the premises;
 - 3. Home occupations as provided in Chapter 16.69 of the Lacey Municipal Code;
 - 4. Accessory-dwelling as defined in Section 16.06.055 of the Lacey Municipal Code;
 - 5. <u>Conditional Special</u> uses as provided in Chapter 16.66 of <u>the Lacey Municipal Code</u> this title, subject to site plan review;
 - The keeping of common household animals or pets is permitted provided that their keeping does not constitute a nuisance or hazard to the peace, health and welfare of the community in general and neighbors in particular;
 - 7. Family day care homes as provided in Chapter 16.65 of the Lacey Municipal Code.

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Section 132: Section 16.12.040 of the Lacey Municipal Code is hereby amended to read as follows:

16.12.040 Environmental performance standards.

- A. Permitted uses shall create no noise, emissions, odors or other nuisances which are demonstrably disruptive or disturbing to other residences in the area, or which are of a quality or quantity not normally associated with residential use.
- B. The construction of accessory buildings shall be encouraged in such a manner as to make them complementary to the basic architectural character of the main building on the lot, or appropriate to the accessory use.
- C. Agricultural uses shall be limited as follows:

On lots or parcels of one acre or more, poultry and/or livestock may be kept provided that the number of head of livestock shall not exceed one for each half acre of lot area, and not more than twenty birds or fowl per acre; and that barns or other structures for the housing or sheltering thereof be set back not less than thirty-five feet from all property lines.

- D. <u>SpecialConditional</u> uses shall comply with the development standards described for such uses in Chapter 16.66 of <u>the Lacey Municipal Code this title</u>.
- E. All uses shall comply with the applicable environmental performance standards of Chapter 16.57 of the Lacey Municipal Code this title.

Section 133: Section 16.13.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.13.020 Permitted uses.

- A. Specific types permitted in the low density residential district:
 - 1. Single-family structures on individual lots with a density of not less than three nor more than six units per acre. For unplatted parcels of less than one acre, properties may be divided into the maximum number of lots the minimum lot size will permit pursuant to Section 16.13.035 of the Lacey Municipal Code;
 - 2. Planned residential developments as provided in Chapter 16.60 of the Lacey Municipal Code;
 - 3. Townhouse developments as provided in Chapter 16.61 of the Lacey Municipal Code;
 - A limited percentage (up to five percent of total lots) of two and three family units provided design requirements of Section 14.23 of the Lacey Municipal Code are satisfied. Duplex and | triplex units should not be placed adjacent to one another, but scattered throughout the development;
 - 5. Housing for people with functional disabilities.
- B. Other or related uses permitted:
 - Accessory buildings or structures clearly incidental to the residential use of the lot, such as buildings or structures for storage of personal property (including boats, recreational vehicles, etc.), or for the pursuit of avocational interests; or structures designed for and related to recreational needs of the residents of a residential complex. All such buildings or structures over sixteen feet in height shall comply with the design requirements of Section 14.23.071 of the Lacey Municipal Code;
 - 2. Agricultural uses not involving retail sales on the premises;
 - 3. Home occupations as provided in Chapter 16.69 of the Lacey Municipal Code this title;
 - 4. Accessory dwelling as defined in Section 16.06.055;

- 5. SpecialConditional uses as provided in Chapter 16.66 of the Lacey Municipal Code this title, subject to site plan review;
- The keeping of common household animals or pets, provided that their keeping does not constitute a nuisance or hazard to the peace, health and welfare of the community in general and neighbors in particular;
- 7. Family day care homes as provided in Chapter 16.65 of the Lacey Municipal Code.

Section 134: Section 16.13.040 of the Lacey Municipal Code is hereby amended to read as follows:

16.13.040 Environmental performance standards.

- A. Permitted uses shall create no noise, emissions, odors or other nuisances which are demonstrably disruptive or disturbing to other residences in the area, or which are of a quality or quantity not normally associated with residential use.
- B. Accessory buildings shall be complementary to the basic architectural character of the main building on the lot, or appropriate to the accessory use.
- C. Agricultural uses shall be limited as follows:
 - On lots or parcels of one acre or more, poultry and/or livestock may be kept provided that the number of head of livestock shall not exceed one for each half acre of lot area, and not more than twenty birds or fowl per acre; and that barns or other structures for the housing or sheltering thereof be set back not less than thirty-five feet from all property lines.
- D. <u>SpecialConditional</u> uses shall comply with the development standards described for such uses in Chapter 16.66 of the Lacey Municipal Code.
- E. All uses shall comply with the applicable environmental performance standards of Chapter 16.57 of the Lacey Municipal Code.
- Section 135: Section 16.14.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.14.020 Permitted uses.

- A. Single family detached structures on individual lots meeting design requirements of Chapter 14.23.074 of the Lacey Municipal Code.
- B. Other related uses permitted:
 - Accessory buildings or structures clearly incidental to the residential use of the lot such as storage of personal property or for the pursuit of avocation interests. All such buildings or structures over sixteen feet in height shall comply with the design requirements of Section 14.23.071 of the Lacey Municipal Code;
 - 2. Agricultural uses not involving retail sales on the premises;
 - 3. Home occupation as provided in Chapter 16.69 of the Lacey Municipal Code;
 - Accessory dwelling as defined in Section 16.06.055 of the Lacey Municipal Code and meeting design criteria of Chapter Section 14.23.071 of the Lacey Municipal Code;
 - 5. SpecialConditional uses as provided in Chapter 16.66 of <u>the Lacey Municipal Code this title</u>, <u>subject to site plan review and subject to design review;</u>
 - The keeping of common household animals or pets is permitted provided that their keeping does not constitute a nuisance or hazard to the peace, health and welfare of the community in general and neighbors in particular;
 - 7. Family day care homes as provided in Chapter 16.65 of the Lacey Municipal Code.

Section 136: Section 16.14.040 of the Lacey Municipal Code is hereby amended to read as follows:

16.14.040 Environmental performance standards.

- A. Permitted uses shall create no noise, emissions, odors or other nuisances which are demonstrably disruptive or disturbing to other residences in the area, or which are of quality or quantity not normally associated with residential use.
- B. The construction of accessory buildings shall be required in such a manner as to make them complementary to the basic architectural character of the main building on the lot, appropriate to the accessory use, and consistent with historical character of the zone.
- C. Agricultural uses shall be limited on lots or parcels of one acre or more, poultry and/or livestock may be kept provided that the number of head of livestock shall not exceed one for each half acre of lot area, and not more than twenty birds or foul per acre; and that barns or other structures for the housing or sheltering thereof be set back not less than thirty five feet from all property lines.
- D. <u>SpecialConditional</u> uses shall comply with the development standards described for such uses in Chapter 16.66 of the Lacey Municipal Code this title.
- E. All uses shall comply with the applicable environmental performance standards of Chapter 16.57 of the Lacey Municipal Code_this title.

Section 137: Section 16.15.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.15.020 Types of uses permitted.

- A. Specific types permitted in the moderate-density residential district:
 - Any residential use with a density of at least six but not greater than twelve units per acre and any additional bonus density that might be applicable; provided all multifamily uses and single family uses with lot sizes less than 4,000 square feet shall meet design review requirements; provided further that all parcels over ten acres in size shall provide a mix of housing types with no less than fifty percent of the units designated for single family use; detached, attached, townhouses or condominiums. The required mix should be integrated throughout the entire site as much as possible;
 - 2. Housing for people with functional disabilities.
- B. Other or related uses permitted:
 - Accessory buildings or structures clearly incidental to the residential use of the lot, such as storage of personal property (including boats, recreational vehicles, etc.), or for the pursuit of avocational interests; or structures designed for and related to recreational needs of the residents of a residential complex. All such buildings or structures over sixteen feet in height shall comply with the design requirements of Section 14.23.071 of the Lacey Municipal Code;
 - 2. Home occupations as provided in Chapter 16.69 of the Lacey Municipal Code this title;
 - 3. Accessory dwelling as defined in Section 16.06.055 of the Lacey Municipal Code;
 - 4. <u>SpecialConditional</u> uses as provided in Chapter 16.66 of <u>the Lacey Municipal Code this title</u>, subject to site plan review;
 - 5. The keeping of common household animals or pets is permitted provided that their keeping does not constitute a nuisance or hazard to the peace, health and welfare of the community in general and neighbors in particular;
 - 6. Family day care homes as provided in Chapter 16.65 of the Lacey Municipal Code.

Section 138: Section 16.15.040 of the Lacey Municipal Code is hereby amended to read as follows:

16.15.040 Environmental performance standards.

- A. Permitted uses shall create no noise, emissions, odors or other nuisances which are demonstrably disruptive or disturbing to other residences in the area, or which are of a quality or quantity not normally associated with residential use.
- B. Accessory buildings shall be complementary to the basic architectural character of the main building on the lot, or appropriate to the accessory use.
- C. Agricultural uses shall be limited as follows:

Poultry and livestock may not be kept in the moderate density zone.

- D. <u>SpecialConditional</u> uses shall comply with the development standards described for such uses in Chapter 16.66 of the Lacey Municipal Code_this title.
- E. All uses shall comply with the applicable environmental performance standards of Chapter 16.57 of the Lacey Municipal Code this title.

Section 139: Section 16.18.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.18.020 Permitted uses.

A. Specific types permitted in the high-density residential district:

Any residential use with a density of at least six units per acre but not greater than twenty units per acre and any additional bonus density that might be applicable. Provided all residential uses shall meet design review requirements. Provided further that all parcels over ten acres in size shall provide a mix of housing types with no less than 25 percent of the units designated for single family use; detached, attached, townhouses or condominiums. The required mix should be integrated throughout the entire site as much as possible

- B. Other or related uses permitted:
 - Accessory buildings or structures clearly incidental to the residential use of the lot, such as storage of personal property (including boats, recreational vehicles, etc.), or for the pursuit of avocational interests; or structures designed for and related to recreational needs of the residents of a residential complex. All such buildings or structures over sixteen feet in height shall comply with the design requirements of Section 14.23.071 of the Lacey Municipal Code;
 - 2. Home occupations as provided in Chapter 16.69 of the Lacey Municipal Code this title;
 - 3. Accessory dwelling as defined in Section 16.06.055 of the Lacey Municipal Code;
 - 4. <u>SpecialConditional</u> uses as provided in Chapter 16.66 of the Lacey Municipal Code this title, subject to site plan review;
 - 5. The keeping of common household animals or pets is permitted provided that their keeping does not constitute a nuisance or hazard to the peace, health and welfare of the community in general and neighbors in particular;
 - 6. Family day care homes as provided in Chapter 16.65 of the Lacey Municipal Code.

Section 140: Section 16.18.030 of the Lacey Municipal Code is hereby amended to read as follows:

16.18.030 Environmental performance standards.

A. Permitted uses shall create no noise, emissions, odors or other nuisances which are demonstrably disruptive or disturbing to other residences in the area, or which are of a quality or quantity not normally associated with residential use.

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- B. Accessory buildings shall be complementary to the basic architectural character of the main building on the lot, or appropriate to the accessory use.
- C. Poultry and livestock may not be kept in the high density zone.
- D. <u>SpecialConditional</u> uses shall comply with the development standards described for such uses in Chapter 16.66 of <u>the Lacey Municipal Code this title</u>.
- E. All uses shall comply with the applicable environmental performance standards of Chapter 16.57 of this title.

Section 141: Section 16.23.025 of the Lacey Municipal Code is hereby amended 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 <u>specialconditional</u> 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 <u>Section</u> 16.23.025 (B) of the Lacey Municipal Code can be satisfied.

Section 142: Section 16.30.020 of the Lacey Municipal Code is hereby amended to read as follows:

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16.30.020 Permitted uses.

- A. Specific types of uses permitted include:
 - 1. Corporate headquarters or regional administrative offices of commercial, financial, charitable, fraternal or governmental institutions;
 - 2. Smaller offices offering direct business or professional services to consumers or clients, including, but not limited to: real estate and security brokers, insurance, accountants, attorneys, engineers, medical, dental and optical;
 - 3. Child day care centers as provided in Chapter 16.65 of the Lacey Municipal Code.
- B. Similar or related uses permitted, and criteria for determination of similarity or relatedness shall be as follows:
 - 1. Uses similar to, or related to, those listed in <u>subsection_Section_16.30.020(A) of the Lacey</u> <u>Municipal Code</u> are permitted upon a finding of the enforcing officer and/or the site plan review committee that a particular unlisted use does not conflict with the intent of this chapter or the policies of the land development plan.
 - 2. The criteria for such finding of similarity shall include but not be limited to the following:
 - a. The proposed use is appropriate in this area,
 - b. The development standards for permitted uses can be met by the proposed use,
 - c. The public need is served by the proposed use.
- C. <u>SpecialConditional</u> uses may be permitted as provided for in Chapter 16.66 of <u>the Lacey Municipal</u> <u>Code this title</u>.

Section 143: Section 16.34.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.34.020 Permitted uses.

A. The following uses are permitted provided they meet all design review criteria for commercial and mixed use zones of Chapter 14.23 of the Lacey Municipal Code:

Answering service

Antique store

Bakery

Banks and other financial services

Bar and cocktail lounge (c)

Barber shop

Beauty salon

Book store

Business and professional offices

Business support services

Cafes

Cafeterias

Camera store

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Clothing store

Coffee shop

Colleges and trade schools

Confection stores

Cultural facilities

Day care

Deli

Drugstore

Dry cleaner

Fabric and dry goods store

Florist

Food and liquor store

Gallery

Gas station

Gift store

Graphics arts and printing services

Grocery and produce

Hardware store and garden supply

Health club, gym

Home furnishings

Instruction studio

Jewelry

Laundromat

Meat and fish shops

Medical and dental services

Music and dance studios

Novelty

Nursery and garden supply

Office supplies

Personal services

Pet store

Photo shop

Post office

Pre-existing residences

Professional offices

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Radio, TV, music store

Residential; mixed use concepts compatible with commercial goals of the zone as determined by the site plan review committee

Restaurant including drive-through lanes

Schools-commercial

Shoe and shoe repair stores

Small appliance and electronic equipment repair

Soda fountain

Specialty food

Sporting goods

Supermarket

Stationery store

Tailor

Telecommuting services

Testing laboratories and facilities (c)

Theater, over 50 seats (c)

Toy store

Travel and other agencies

Variety store

Veterinarian

Video rental

- (c)= Conditional uses, subject to conditional use review and approval.
- B. Similar or related uses permitted and criteria for determination of similarity or relatedness are as follows:
 - Uses similar to, or related to, those listed in <u>subsection</u>_<u>Section</u>_16.34.020(A) <u>of the Lacey</u> <u>Municipal Code</u> are permitted upon a finding of the site plan review committee that a particular unlisted use does not conflict with the intent of this chapter or the policies of the land development plan;
 - 2. The criteria for such finding of similarity shall include but not be limited to the following:
 - a. The proposed use is appropriate in this area;
 - b. The development standards for permitted uses can be met by the proposed use;
 - c. The public need is served by the proposed use.
- C. <u>SpecialConditional</u> uses may be permitted as provided for in Chapter 16.66 of <u>the Lacey Municipal</u> <u>Code this title</u>.

Section 144: Section 16.37.050 of the Lacey Municipal Code is hereby amended to read as follows:

16.37.050 SpecialConditional uses. SpecialConditional uses consistent with the intent of the Hawks Prairie Business District and its permitted uses may be permitted as provided for in Chapter 16.66 of the Lacey Municipal Code.

Section 145: Section 16.39.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.39.020 Permitted uses.

A. Specific types of uses permitted in the light industrial/commercial district include:

- 1. Light industrial activities involving the manufacture, repair, servicing or sale of goods or products which can be performed with minimal adverse impact on, and pose no special hazard to, the environment and the community;
- 2. Such goods or products may include, but are not limited to:
 - a. Mechanical, automotive, marine and contractors' or builders' equipment and supplies,
 - b. Electrical and electronic equipment or products,
 - c. Warehousing and storage of equipment, commodities and products.
- B. Similar, related or compatible uses permitted, and criteria for determination of similarity, relatedness or compatibility, include:
 - Uses similar to, or related to, or compatible with those listed or described in subsection. Section 16.39.020(A) of the Lacey Municipal Code are permitted upon a finding by the enforcing officer and/or the site plan review committee that a proposed use does not conflict with the intent of this chapter or the policies of the Lacey development plan.
 - 2. The criteria for such finding of similarity, etc., shall include but not be limited to the following:
 - a. The proposed use is appropriate in this area,
 - b. The development standards for permitted uses can be met by the proposed use,
 - c. The public need is served by the proposed use.
 - 3. Commercial uses or activities which complement the permitted uses such as:
 - a. Service stations,
 - b. Hardware stores.
 - 4. Commercial uses which, although not essential to the successful functioning of these areas, do not create significant interference or conflict with the permitted activities. They may include:
 - a. Restaurants, including drive-in,
 - b. Motels,
 - c. Business, professional and personal services (e.g., banks, accounting services, barber shops),
 - d. Taxidermy,
 - e. Veterinary clinics (limited to small animals).
 - 5. Living or residential quarters as an accessory use such as guards' quarters in large establishments where such quarters are customarily provided for security and/or insurability of the premises.
 - 6. Firemen's sleeping quarters in fire houses.

- C. <u>SpecialConditional</u> uses may be permitted as provided for in Chapter 16.66 of <u>the Lacey Municipal</u> <u>Code this title</u>.
- D. On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully allowed in this zone, provided that such facilities meet the state siting criteria adopted pursuant to the requirements of <u>Chapter RCW</u>-70.105.210 of the <u>Revised Code of Washington</u>.

Section 146: Section 16.40.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.40.020 Permitted uses.

- A. Specific types permitted in the light industrial district include:
 - 1. Light industrial activities involving the manufacture, assembly, repair, servicing of goods or products which can be performed with minimal adverse impact on, and pose no special hazard to, the environment and the community.

Such goods or products may include, but are not limited to:

- a. Mechanical, automotive, marine and contractors' or builders' equipment and supplies,
- b. Electrical and electronic equipment or products;
- 2. Light industrial activities involving the assembly of manufactured products and processing of materials.

Such products may include, but are not limited to:

- a. Sheet metal, cans, cable,
- b. Cloth, paper,
- c. Commercial bakery goods,
- d. Cosmetics,
- e. Dairy products,
- f. Scientific, medical and precision instruments and equipment;
- Other uses:
 - a. Warehousing and storage of equipment, commodities and products,
 - b. Laundry and dry cleaning plants,
 - c. Mineral extraction subject to Chapter 16.45 of the Lacey Municipal Code,
 - Living or residential quarters as an accessory use such as guards' quarters in large establishments where such quarters are customarily provided for security and/or insurability of the premises,
 - e. Firemen's sleeping quarters in fire houses;
- 4. Accessory uses clearly subordinate to, and an integral part of, the primary use of the property (e.g., plant cafeteria, recreation area);
- B. Similar or related uses permitted, and criteria for determination of similarity or relatedness as follows:
 - 1. Uses similar to, or related to, or compatible with those listed or described in subsection <u>Section</u> 16.40.020.<u>A (A) of the Lacey Municipal Code</u> are permitted upon a finding by the enforcing

officer and/or the site plan review committee that a proposed use does not conflict with the intent of this chapter or the policies of the Lacey development plan;

- 2. The criteria for such finding of similarity, etc., shall include but not be limited to the following:
 - a. The proposed use is appropriate in this area,
 - b. The development standards for permitted uses can be met by the proposed use,
 - c. The public need is served by the proposed use.
- C. <u>SpecialConditional</u> uses may be permitted as provided for in Chapter 16.66 of <u>the Lacey Municipal</u> <u>Code</u> this title.

As a conditional use the city may consider administrative offices or other facilities of governmental institutions. However, before the city approves such use, it must be demonstrated the use is complementary to adjacent light industrial uses, enhances the marketability of the light industrial zone and will not adversely impact the city's economic development strategies for the zone.

D. On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully allowed in this zone, provided that such facilities meet the state siting criteria adopted pursuant to the requirements of <u>Chapter_RCW</u>-70.105.210 of the <u>Revised Code of Washington</u>.

Section 147: Section 16.41.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.41.020 Permitted uses.

- A. Primary Uses. Primary uses permitted in the business park district provide a broad range of activities including research institutions and light assembly and light manufacturing facilities. Specific primary types of uses allowable include:
 - Assembly, manufacture, packaging, compounding or treatment of articles or merchandise from the following previously prepared materials: cloth, glass, lacquer, leather, paper, plastics, precious or semi-precious metals or stones, wood (excluding sawmills, lumber mills and planing mills), paint, clay, sand, rubber;
 - 2. Printing, publishing and book binding;
 - 3. Manufacturing, processing and packaging of food, pharmaceuticals, toiletries, cosmetics, optical goods, scientific instruments and equipment, and precision instruments and equipment;
 - 4. Scientific research, testing and experimental development laboratories;
 - 5. Corporate headquarters, regional headquarters and administrative offices of commercial, industrial, financial, or charitable institutions limited to five thousand square feet or more in floor area. Such uses shall be limited collectively to occupying no more than fifty percent of the developable floor area of each business park zone.
- B. Secondary Uses. Secondary uses are uses that complement the primary uses, but do not conflict with the primary use. Secondary uses cannot be used to justify the need for additional secondary uses. Specific secondary types of uses allowable include:
 - 1. Warehousing and distribution facilities and the storage of goods or products clearly subordinate to, and an integral part of, the primary permitted use;
 - 2. Engineering, development, administrative or executive offices which are part of a primary use;
 - 3. Retail. Retail development may be permitted where it can be demonstrated that the business park will be clearly and primarily benefited by the convenience of such retail facilities. The total square footage devoted to retail development shall not exceed ten percent of the developable floor area of the business park district. The total square footage of a retail use may not exceed

five thousand square feet or, if incorporated within a building, the square footage may not exceed twenty-five percent of the building gross floor area, and an individual retail use may not exceed five thousand square feet. A building containing a retail use may not be located closer than one hundred feet to an arterial street or four hundred feet if the retail use stands alone. Signs for retail uses shall be visible only within the business park area and attached to the building wall. Retail uses include:

- a. Convenience stores, such as food and drug stores, banks and office supplies,
- b. Personal services such as barber and beauty shops, dry cleaning, laundry,
- c. Business services, such as printing and copying, photo processing, postal/mail, word processing, travel agencies,
- d. Delicatessen,
- e. Restaurants, except drive-ins,
- f. Recreation facilities, (exceptions: mechanical or electronic games, theaters (live and movie) and games of skill such as bowling),
- g. Day care centers,
- h. Museums and art galleries;
- 4. Professional Services. The following professional service uses are allowed:
 - a. Offices and clinics for businesses such as medical, dental, chiropractic, optical, etc.;
 - b. Professional offices offering direct business or professional services to consumer/clients, including but not limited to: real estate and security agents and brokers, accountants, attorneys, engineers, planners, architects, etc.

The total square footage devoted to professional service activities shall not exceed fifteen percent of the developable floor area of the business park district.

5. Multi-family Residential. Fifteen percent of the total acreage of a business park district may be developed with multi-family residential units for the purposes of providing a transition buffer.

Multi-family residential developments will be reviewed and designed using the following sections of this chapter and Chapter 16.18 high density residential district:

- a. 16.41.050(G) Transitional Buffer,
- b. 16.41.050(H) Height Limitation,
- c. 16.41.070 Landscaping,
- d. 16.18.020 Permitted Uses,
- e. 16.18.030 Environmental Performance Standards,
- f. 16.18.040 (A through G) Lot Area, and
- g. 16.18.050 Off-Street Parking.
- C. Similar, related or compatible uses permitted, and criteria for determination of similarity, relatedness or compatibility, include:
 - Uses similar to, or related to, or compatible with those listed or described in subsections Sections 16.41.020. A & .B of the Lacey Municipal Code (A,B) are permitted upon a finding by the site plan review committee that a proposed use does not conflict with the intent of this chapter or the policies of the Lacey development plan;
 - 2. The criteria for such finding of similarity, etc., shall include but not be limited to the following:

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- a. The proposed use is appropriate in this area,
- b. The development standards for permitted uses can be met by the proposed use,
- c. The public need is served by the proposed use.
- D. <u>SpecialConditional</u> uses may be permitted as provided for in Chapter 16.66 of <u>the Lacey Municipal</u> <u>Codethis title</u>.

As a conditional use the city may consider administrative offices of governmental institutions. However, before the city approves such use, it must be demonstrated the use is complementary to adjacent business park uses, enhances the marketability of the business park zone and will not adversely impact the city's economic development strategies for the zone.

Section 148: Section 16.42.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.42.020 Permitted uses.

A. Specific types of uses permitted are those types of industrial activities which can be accomplished within the performance standards established by this title. Any industrial activity for which performance standards are not included in this title shall comply with the standards established by recognized public or quasipublic agencies for the protection of industrial or environmental health. (The standards shall be those in effect at the time that a building permit is issued.)

Examples of permitted uses are as follows:

- 1. All industrial activities involving the manufacture, assembly, processing, repair, servicing or sale of goods or products which can be performed with minimal adverse impact on, and pose no special hazard to, the environment and the community;
- 2. The production, sale or bulk storage of materials or products;
- 3. Warehousing and open storage;
- 4. Food processing;
- 5. Fabrication of furniture, appliances.
- B. Similar or related uses permitted, and criteria for determination of similarity or relatedness, are as follows:
 - Uses similar to, or related to, or compatible with those listed or described in <u>subsection Section</u> 16.42.020<u>.A (A)</u> are permitted upon a finding by the enforcing officer and/or the site plan review committee that a proposed use does not conflict with the intent of this chapter or the policies of the Lacey development plan;
 - 2. The criteria for such finding of similarity, etc., shall include but not be limited to the following:
 - a. The proposed use is appropriate in this area,
 - b. The development standards for permitted uses can be met by the proposed use,
 - c. The public need is served by the proposed use;
 - 3. Eating and drinking places within an industrial building or as an accessory use, and catering primarily to the people working in the area;
 - Living or residential quarters as an accessory use such as guards' quarters in large establishments where such quarters are customarily provided for security and/or insurability of the premises;
 - 5. Firemen's sleeping quarters in fire houses.

C. <u>SpecialConditional</u> uses may be permitted as provided for in Chapter 16.66 of <u>the Lacey Municipal</u> <u>Codethis title</u>.

Section 149: Section 16.43.040 of the Lacey Municipal Code is hereby amended to read as follows:

16.43.040 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 industrial development.

The specific setback, lot size, height limits, lot coverage and other dimensional requirements are waived, and the regulations for PIDs shall be those indicated in Section 16.43.050 of the Lacey Municipal Code.

- B. Platting Requirements. A PID shall be exempt from the specific design requirements of the subdivision ordinance, except that when any parcel of land in a PID 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. <u>Public Hearing Required Review Process</u>. Preliminary applications for PID shall be reviewed pursuant to the quasi judicial procedures contained in Section 1C.050 of the City of Lacey <u>Development Guidelines and Public Works Standards</u>. require a public hearing with notice thereof to be given as provided in Chapter 16.96.

Section 150: Section 16.43.070 of the Lacey Municipal Code is hereby amended to read as follows:

16.43.070 Preliminary review and approval--Application--Eligibility and procedure.

- A. Who May Apply. Any owner or group of owners of property acting jointly, or a developer authorized to act as agent for an owner or group of owners, may submit an application for PID development.
- B. Review Procedure.
 - 1. Proposed projects on sites less than twenty acres shall be reviewed <u>according to the full</u> administrative review procedures contained in Section 1C.040 of the City of Lacey Development <u>Guidelines and Public Works Standards</u> by the site plan review committee under Chapter 16.84 and in accordance with the development and performance standards of this chapter.
 - Proposed projects on sites of twenty acres or more shall <u>obtain a be reviewed by the hearings</u> <u>examiner as provided for</u> conditional <u>or special use permit according to the procedures</u> <u>contained in Section 1C.050 of the City of Lacey Development Guidelines and Public Works</u> <u>Standards.</u> applications in Chapter 16.87 and the development and performance standards of <u>this chapter</u>.

Section 151: Section 16.43.090 of the Lacey Municipal Code is hereby amended to read as follows:

16.43.090 Final review and approval--Application--Filing time limitation. 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 site plan review committee or the city council. An extension not exceeding six months may be granted according to the full administrative review procedures contained in Section 1C.040 of the City of Lacey Development Guidelines and Public Works Standards by the site plan review committee for projects under ten net acres or, the hearings examiner for projects over ten net acres, according to Section 2.30.090. A of the Lacey Municipal Code. 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.

Section 152: Section 16.43.110 of the Lacey Municipal Code is hereby amended to read as follows:

16.43.110 Final review and approval--Application--Required documentation. The applicant shall submit at least seven copies of the final development plan of the proposed development to the planning departmentcommunity development department for its review. The final development plan shall comply with the conditions imposed on the preliminary development plan. In addition, if the development is being subdivided, the data required of regular plats as required by the subdivision ordinance must be submitted. The plan shall include the following:

- A. Final elevation and perspective drawings of project structures;
- B. Final landscaping plan;
- Final plans of and including profiles of the drainage, water, sewer, lighting, streets, and sidewalks or pathways;
- D. Such other documentation, information and data not lending itself to graphic presentation such as restrictive covenants, dedications of easements, rights-of-way, and other conditions specifically required by the hearings examiner for the particular PID.

No final development plan shall be deemed acceptable for filing unless all of the above information is submitted in accurate and complete form sufficient for the purposes of <u>planning departmentcommunity</u> <u>development department</u> review. After receiving the final development plan, the <u>planning</u> <u>departmentcommunity development department</u> shall route the same to all appropriate city departments and each department shall again submit to the <u>planning departmentcommunity development</u> <u>department</u> <u>department</u> <u>department</u> <u>shall</u> again submit to the <u>planning department</u> <u>department</u> <u>department</u> <u>department</u> <u>shall</u> <u>again</u> <u>submit</u> <u>to the planning department</u> <u>department</u> <u>department</u> <u>department</u> <u>shall</u> <u>submit</u> <u>to the planning department</u> <u>shall</u> <u>submit</u> <u>shall</u> <u>submit</u> <u>stall</u> <u>submit</u> <u>sub</u>

If the city departments determine that the final map conforms fully with all applicable regulations and standards, the final map shall be presented to the city council for final approval.

Section 153: Section 16.44.040 of the Lacey Municipal Code is hereby amended to read as follows:

16.44.040 Conceptual approval.

- A. Purpose. The purpose of conceptual approval is to establish general land use policies to guide detailed planning for and development of the planned community. The conceptual plan shall identify the generalized land uses and services proposed for the site. Prior to site development, a master plan shall be approved consistent with the policies and conditions of conceptual approval.
- B. Review. Conceptual approval shall consist of an amendment to the development plan and an amendment to the official zoning map by the city council upon recommendation by the planning commission. Pursuant to the legislative review procedures contained in Section 1C.060 of the City of Lacey Development Guidelines and Public Works Standards. Notice of hearings on conceptual approval will be provided to all property owners within one thousand feet of the subject site. The zoning map amendment shall be in conformance with the development plan and shall be limited by the conditions in subsections 16.44.040(D,E).

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- C. Form and Contents of Application for Conceptual Approval of the Planned Community. An application for conceptual approval shall include:
 - 1. Textual Information.
 - a. Name, address, zip code and telephone number of applicant,
 - b. The names, addresses, zip codes and telephone numbers of all landowners within the subject property,
 - c. The names and addresses of all property owners within one thousand feet of the site,
 - d. The legal description and tax parcel number(s) of the subject property,
 - e. The existing zoning and plan designation on the subject property,

- f. The acreage contained within the proposed planned community; the number of dwelling units permitted and proposed; and the number of dwelling units per acre of land permitted and proposed,
- g. The total acreage of nonresidential uses permitted and proposed, by type of use,
- h. Applicable school district(s), fire district(s) or departments, and other special purposes districts,
- i. The means by which the proposed planned community meets the objectives of Section 16.44.010 of the Lacey Municipal Code,
- j. Proposed amendatory language for the applicable subarea plan,
- k. Anticipated phasing of development,
- 1. General description of options for source(s) of water supply, method(s) of sewage disposal, methods of stormwater control, and means to handle hazardous materials and hazardous waste if applicable,
- m. When no environmental impact statement is provided, identify potential major anticipated adverse environmental impacts and general mitigating measures, including off-site improvements, which may be incorporated in a subsequent master plan,
- n. An explanation of all features not readily identifiable in map form;
- 2. Conceptual Plan and Supporting Maps.
 - a. A vicinity map showing the location of the site and its relationship to surrounding areas, including existing streets and major physiographic features such as railroads, lakes, streams, shorelines, schools, parks or other prominent features,
 - b. Parcel boundaries,
 - c. Freeways, highways and streets servicing and abutting the area and parcel,
 - d. The existing zoning and development plan designation for all areas of the planned community,
 - e. Generalized proposed land uses including:
 - (1) Potential uses,
 - (2) Range of densities and housing types,
 - (3) Phasing of development,
 - (4) Any proposed zoning or development plan changes,
 - f. Vehicular circulation plans, with points of ingress and egress, and correlation to existing and proposed area transportation facilities,
 - g. Existing site conditions including water courses, wetland area, flood plains, unique natural features, forest cover, and elevation contours of appropriate intervals to indicate the topography of the entire tract for a reasonable distance beyond the boundaries of the proposed development to include adjacent or nearby lands where project impacts are relevant.
- D. Effect of Conceptual Approval. Upon conceptual approval, the planned community boundaries, proposed use districts and case file number shall be identified upon the official zoning map. These districts shall only be effective upon approval of a master plan meeting the requirements of conceptual approval and of this chapter.

- E. Development Prior to Master Plan Approval. Unless specifically authorized at the time of conceptual approval, no development permit may be issued prior to master plan approval except for:
 - 1. Recreational facilities, including golf courses;
 - 2. Transportation facilities;
 - 3. Public utilities; and
 - 4. Public facilities, including schools.

Preexisting uses shall be regulated as specified in Chapter 16.93 of the Lacey Municipal Code (Nonconforming Uses).

Section 154: Section 16.44.050 of the Lacey Municipal Code is hereby amended to read as follows:

16.44.050 Master plan approval.

- A. Purpose. The master plan shall consist of map(s) and text which indicate major development features and services for the entire site, including a schedule indicating phasing of development and the means of financing services for the site.
- B. Review. A complete master plan for the entire planned community shall be submitted within three years of conceptual approval unless an extension has been granted pursuant to Section 16.44.060 of the Lacey Municipal Code. The master plan shall be reviewed by the planning commission and a recommendation submitted to the city council for final action. pursuant to the legislative review procedures contained in Section 1C.060 of the City of Lacey Development Guidelines and Public Works Standards.

The planning commission shall not approve a master plan unless the commission has conducted a public hearing pursuant to RCW-Chapter 35A.63.073 of the Revised Code of Washington and it is determined that said plan is consistent with the conceptual approval and complies with the development policies of the development plan, the purposes of Section 16.44.010 of the Lacey Municipal Code, and the provisions of this cChapter 16.44 of the Lacey Municipal Code. The planning commission may establish terms and conditions of approval, and require the provision, and further public review, of additional information and analyses in order to insure such compliance. In addition, the planning commission may make changes in the proposed master plan or the proposed zoning on the basis of information presented in the course of master plan review, as long as the changes are consistent with the conceptual approval and other applicable city plans and policies. Changes not consistent with city plans and policies may be made only if conceptual approval or other plans or policies are first amended accordingly.

- C. City Council Consideration. The planning commission recommendation shall come to the city council for consideration in open public meeting no sooner than ten nor longer than twenty thirty working days from the date a decision constituting a recommendation was rendered. The city council shall consider the matter based upon the written record before the planning commission and the commission's decision.
- D. City Council Action. The city council may accept, modify or reject the commission's decision, or any findings or conclusions therein. A decision by the city council to modify or reject shall be supported by findings and conclusions.

The action of the city council in approving or rejecting a decision of the commission shall be final and conclusive unless a Land Use Petition is timely filed with the Thurston County Superior Court for the purpose of review of the action taken.

E. Form and Contents of Application for Master Plan Approval. The applicant shall submit the master plan and supplementary data including an environmental impact statement if required to the planning departmentcommunity development department. The planning departmentcommunity development department shall review the project for completeness pursuant to Section 1B.050 of

the City of Lacey Development Guidelines and Public Works Standards inform the applicant within thirty days of the date of receipt of the application of any deficiencies found in the master plan application. Accuracy for all data and information submitted on or with a master plan shall be the responsibility of the applicant.

An application for master plan approval shall include:

- 1. Textual Information.
 - a. Name, address, zip code and telephone number of applicant;
 - b. The names, addresses, zip codes and telephone numbers of all landowners within the subject property;
 - c. The names and addresses of all property owners within one thousand feet of the site;
 - d. The legal description of the subject property;
 - e. The zoning on the subject property;
 - f. The acreage contained within the proposed planned community; the total number of dwelling units being proposed; and the average number of dwelling units per acre of land;
 - g. The number and acreage of each type of dwelling units proposed;
 - h. The acreage of open space (including a separate figure for active recreation space) to be contained in the planned community and the percentage it represents of the total area;
 - The total acreage of each type of nonresidential use, including the approximate floor area and type of commercial and industrial uses;
 - j. The source of water supply, including the specific type of facilities involved, their capacities and the estimated timing of completion of these facilities;
 - k. The method of sewage disposal, to include the name of sewer operator, if any, including the specific type of facilities involved, their capacities and the estimated timing of completion of these facilities;
 - I. A plan for hazardous waste control if appropriate, including the specific type of facilities involved, their capacities and the estimated timing of completion of these facilities;
 - M. Applicable school district(s), fire district(s) or department(s), and other special purpose districts;
 - n. The means by which the proposed planned community meets the objectives of Section 16.44.010 of the Lacey Municipal Code;
 - A development schedule indicating the approximate date when construction of the planned community or stages of the planned community can be expected to begin and be completed, including the approximate size in acres of each phase, and the proposed phasing of construction of public improvements and recreational and common open space areas;
 - p. The proposed means of financing and allocation of responsibility for providing the utilities and services required as a result of the development, including off-site facilities and improvements. These utilities and services shall include, but not be limited to, water, sewer, streets and highways, schools, fire protection, parks, stormwater control, and disposal of wastes, including toxic wastes (if any);
 - q. When no environmental impact statement is provided, identify major anticipated adverse environmental impacts and specify mitigating measures, including off-site improvements;
 - r. Enough information on land areas adjacent to the proposed planned community to indicate the relationships between the proposed development and that which is existing and

proposed in adjacent areas, including land uses, existing structures, ownership, tracts, streets and unique natural features of the landscape;

- s. The means of meeting any other requirements imposed as a condition of conceptual approval of the planned community.
- 2. Master Plan Map and Supporting Maps. A master plan map and any maps necessary to show the major details of the proposed planned community must contain the following minimum information at an appropriate scale as determined by the <u>planning_departmentcommunity</u> <u>development_department</u>:
 - a. The boundary lines of the subject property, scale and north arrow;
 - b. Existing site conditions including water courses, wetland area, flood plains, unique natural features, forest cover, and elevation contours of appropriate intervals to indicate the topography of the entire tract for a reasonable distance beyond the boundaries of the proposed development to include adjacent or nearby lands where project impacts are relevant;
 - c. Location and nature of each land use, including type and density of dwelling units, and type of commercial, industrial and other uses;
 - d. Approximate location of existing and proposed arterial and collector streets and major pedestrian and bicycle routes;
 - The approximate location and size of all areas to be conveyed, dedicated or reserved as common open spaces, public parks, recreational areas, school sites, fire stations, and similar public and semipublic uses;
 - f. Master drainage plan, including stormwater control;
 - g. Development phasing;
 - h. Open space network;
 - i. Existing and proposed sanitary sewers and water lines;
 - j. Enough information on land areas adjacent to the proposed planned community to indicate the relationships between the proposed development and that which is existing and proposed in adjacent areas, including land uses, existing structures, ownership tracts, streets and unique natural features of the landscape;
 - k. Any additional information as required by the review authority necessary to evaluate the character and impact of the proposed planned community (e.g., soils, geology, hydrology or ground water).

Section 155: Section 16.44.060 of the Lacey Municipal Code is hereby amended to read as follows:

16.44.060 Timing of master plan submittal.

- A. If a master plan is not submitted within three years from the date of conceptual plan approval, and an extension of time has not been granted, the planned community conceptual approval shall expire and the zoning classification shall automatically revert to the classification in effect prior to conceptual approval. Upon reversion, uses and development approved subsequent to or with conceptual approval and prior to expiration, and not authorized by the new classification, shall become nonconforming uses.
- B. Knowledge of expiration date and initiation of a request for extension of approval time is the responsibility of the applicant. The city will not provide notification of expirations. All requests for an extension of time must be submitted to the planning department community development department at least thirty days prior to expiration of planned community conceptual approval. The planning

departmentcommunity development department shall schedule the request for extension for public hearing before the planning commission upon such notice and in accordance with the planned community conceptual approval procedures of this chapter. An extension may be granted for up to three years at a time if the commission finds that an extension would be in the public interest and that delay in submitting the master plan was for good cause. If an extension of time is approved, the master plan shall be subject to all new and amended regulations, requirements, policies or standards which are adopted after the date of conceptual approval.

Section 156: Section 16.48.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.48.020 Permitted uses.

- A. Specific types of permitted uses are those which provide a public service or fill a public need as described in the statement of intent. Uses shall also be appropriate to the specific site and the intent behind each site's designation as OSI. OSI sites designated as the result of a sensitive area designation should only be used for natural resource conservation purposes with associated trails for passive recreation opportunities or such active recreation opportunities as the City concludes is appropriate to the protection, conservation and use of such area. OSI sites designated as such for reasons other than sensitive area classification may be used for such other purposes as allowed in this chapter Chapter 16.48 of the Lacey Municipal Code. Such uses include but are not limited to the following:
 - 1. Parks, greenbelts and open space for active or passive recreation or enjoyment. (Note: Whenever a park or open space is created as an integral part of a subdivision, such park or open space shall be designated an open space/institutional district on the official zoning map);
 - 2. Government buildings or offices such as city hall, fire stations, schools and colleges, hospitals, community meeting or recreation halls;
 - 3. Libraries, museums, or similar cultural facilities;
 - 4. Churches;
 - 5. Residential uses as an incidental use to the permitted use such as caretaker's quarters, or as an accessory use to institutional facilities such as housing for students, staff or faculty of colleges, hospitals and the like.
- B. Similar or related uses permitted, and criteria for determination of similarity or relatedness, are as follows:
 - Uses similar to, or related to, those listed in <u>subsection_Section_16.48.020(A) of the Lacey</u> <u>Municipal Code</u> are permitted upon a finding of the enforcing officer and/or the site plan review committee that a particular unlisted use does not conflict with the intent of this chapter or the policies of the land development plan.
 - 2. The criteria for such finding of similarity shall include but not be limited to the following:
 - a. The proposed use is appropriate in this area,
 - b. The development standards for permitted uses can be met by the proposed use,
 - c. The public need is served by the proposed use.
- C. <u>SpecialConditional</u> uses may be permitted as provided for in Chapter 16.66 of <u>the Lacey Municipal</u> <u>Codethis title</u>.
- D. Child day care centers shall be allowed as an accessory use to those uses permitted by <u>Chapter</u> <u>16.48 of the Lacey Municipal Codethis section</u>.

Section 157: Section 16.48.040 of the Lacey Municipal Code is hereby amended to read as follows:

16.48.040 Development standards. Development standards shall take into account both the environmental impact of the proposed use and the design standards of this chapter. Permitted uses as well as similar or related and <u>specialconditional</u> uses shall comply with the standards of this land use district.

Section 158: Section 16.60.040 of the Lacey Municipal Code is hereby amended to read as follows:

16.60.040 Types of uses permitted.

- A. Specific Types Permitted. In a planned residential development, the following uses are permitted, provided that they meet the standards and criteria established in this title:
 - 1. Those uses permitted as a matter of right in the underlying zone;
 - 2. Residential developments of all types as defined in this chapter;
 - 3. As a secondary use, the following neighborhood commercial uses may be permitted in a PRD subject to the limitations set forth in Section 16.60.130 of the Lacey Municipal Code and shall be located within the interior:
 - a. Grocery store,
 - b. Drug store,
 - c. Barber/beauty shop,
 - d. Laundromat,
 - e. Other, unlisted, similar or related uses, provided the enforcing officer and/or the site plan review committee makes the determination that:
 - (1) The particular unlisted use does not conflict with the intent of this chapter or the policies of the Lacey Development Plan,
 - (2) The use is appropriate in the development, and
 - (3) The development is served by the proposed use;
- B. Other or Related Uses Permitted. Other or related uses permitted include:
 - Accessory uses specifically geared to the needs of the residents of the PRD such as motor vehicle or boat storage structures, or structures related to open space use, subject to the building and development coverage limitations of the underlying zone;
 - 2. SpecialConditional uses as provided in Chapter 16.66 of the Lacey Municipal Codethis title;
 - 3. Home occupations as provided in Chapter 16.69 of the Lacey Municipal Codethis title.

Section 159: Section 16.60.050 of the Lacey Municipal Code 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 achieveing quality and functional neighborhoods as promoted in Lacey's land use plan. Regulations for PRDs shall be those indicated in Section 16.60.140 of the Lacey Municipal Code.

- 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. <u>Review Process Public Hearing Required</u>. Applications for PRDs shall <u>be reviewed pursuant to the quasi judicial procedures contained in Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards.</u> require a public hearing with notice thereof to be given as provided in Chapter 16.96.

Section 160: Section 16.60.130 of the Lacey Municipal Code is hereby amended to read as follows:

16.60.130 Secondary use limitations.

- A. Commercial uses are subject <u>full administrative review procedures contained in Section 1C.040 of</u> <u>the City of Lacey Development Guidelines and Public Works Standards</u> to site plan review procedures and shall be provided for in the original, finally approved version of the PRD application for the development within which the commercial use is to be integrated. "Original," as is used in this subsection, refers to the PRD application as it existed at the time of its final approval by the city council.
- B. The gross floor area of the commercial use shall not exceed the product of thirty square feet multiplied by the number of dwelling units within the development.

The purpose of restricting commercial development is to prevent the PRD process from being used as a vehicle for rezoning to commercial use which may not be at all related to the commercial needs of the area. Once a relatively large number of dwelling units have been completed or occupied, the need for such commercial development may be justified.

C. Construction of at least fifty percent of the residences in the PRD must be completed before any building permits will be issued for the construction of commercial uses.

Section 161: Section 16.60.150 of the Lacey Municipal Code is hereby amended to read as follows:

16.60.150 Preliminary review and approval--Application--Eligibility and procedure.

- A. Who May Apply. Any owner or group of owners of property acting jointly, or a developer authorized to act as agent for an owner or group of owners, may submit an application for PRD development.
- B. Review Procedure. All PRD applications shall be reviewed and approved or disapproved <u>pursuant to</u> <u>the quasi judicial procedures contained in Section 1C.050 of the Development Guidelines and Public</u> <u>Works Standards.</u> as provided for conditional or special use applications in Chapter 16.87 of this <u>title.</u>

Section 162: Section 16.60.160 of the Lacey Municipal Code is hereby amended to read as follows:

16.60.160 Preliminary review and approval--Application--Required documentation. An application for PRD development shall include the following:

- A. Vicinity sketch showing the location of the site and its relationship to surrounding areas, including existing streets, driveways, major physiographic features such as railroads, lakes, streams, shorelines, schools, parks, and other prominent features;
- B. A map or maps of the site at a scale not smaller than one hundred feet to the inch, showing all the information required for a preliminary plat plus the following:
 - 1. Site boundaries,
 - 2. Streets bounding or abutting the site,

3. Proposed building including dimensions, setbacks, identification of types and the number of dwelling units in each residential type,

4. Location and dimensions of open spaces,

5. Existing and proposed contours including natural features,

6. Parking facilities, their design, size and capacity,

7. Circulation plan--vehicular and pedestrian, and points of ingress and egress from the site, and their relationship to ingress and egress of neighborhood properties,

8. Existing buildings and indication of future use or disposition,

9. Landscaping plan,

10. Typical front and side elevations and exterior architectural treatments of the proposed units, and

11. Conceptual utility plan, including water, sewer, storm drainage and lighting;

C. In addition to the graphic materials, the developer shall submit a written statement providing the following information:

1. Program for development including estimated staging or timing of development, including build-out data to be submitted to the city and to the North Thurston School District for each year during the construction period,

2. Proposed ownership pattern upon completion of development,

3. Basic content of restrictive covenants,

4. Provisions to assure permanence and maintenance of common open space through homeowners association formation, condominium development or other means acceptable to the city,

5. Statement or tabulation of dwelling unit densities proposed,

6. Statement describing the relationship of the proposed PRD to the Lacey development plan.

Section 163: Section 16.60.170 of the Lacey Municipal Code 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.

Section 164: Section 16.60.180 of the Lacey Municipal Code is hereby amended to read as follows:

16.60.180 Final review and approval--Application--Partial PRD area. An application for final review and approval may be filed for part of a PRD area for which preliminary approval has been granted by the city council. A final plan for a part of a PRD shall provide the same proportion of open space and the same overall dwelling unit density as the overall preliminary plan.

If that portion of the PRD for which final approval is requested does not provide such open space, the developer shall file in escrow a quit-claim deed in favor of the city for such additional land area adjacent

and accessible to the site, and of sufficient size to provide the open space required to meet the standards of this title. In the event that the developer abandons the remaining portions of the PRD, the escrow agent shall deliver the quit-claim deed to the city or to such other public or private entity as the city may direct.

Note: Final approval of a PRD development plan shall not be construed to be final plat approval. Plat approval is a separate action and shall be in compliance with state and local subdivision and platting regulations.

Section 165: Section 16.60.190 of the Lacey Municipal Code is hereby amended to read as follows:

16.60.190 Final review and approval-Application--Required documentation. The applicant shall submit at least seven copies of the final development plan of the proposed development to the planning department for its review. The final development plan shall comply with the conditions imposed on the preliminary development plan. In addition, if the development is being subdivided, the data required of regular plats as required by the subdivision ordinance must be submitted. The plan shall include the following:

A. Final elevation and perspective drawings of project structures;

B. Final landscaping plan;

C. Final plans of and including profiles of the drainage, water, sewer, lighting, streets, and sidewalks or pathways;

D. Such other documentation, information and data not lending itself to graphic presentation such as restrictive covenants, incorporation papers and bylaws of Homeowners' Associations, dedications of easements, rights-of-way, and other conditions specifically required by the hearings examiner for the particular PRD.

No final development plan shall be deemed acceptable for filing unless all of the above information is submitted in accurate and complete form sufficient for the purposes of planning department review. After receiving the final development plan, the planning department shall route the same to all appropriate city departments, and each department shall again submit to the planning department comments and recommendations.

If the city departments determine that the final map conforms fully with all applicable regulations and standards, the final map shall be presented to the city council for final approval.

Section 166: Section 16.63.030 of the Lacey Municipal Code is hereby amended to read as follows:

16.63.030 Permitted where. Mobile and manufactured homes are permitted as follows:

- A. As a primary use in a mobile or manufactured home subdivision of not less than five nor more than forty acres in all residential districts.
- B. As a primary use in a mobile or manufactured home park of not less than three acres nor more than twenty acres. Mobile or manufactured home parks may be permitted in all residential districts after receiving a special conditional use permit.
- C. As an accessory use for security or maintenance personnel in the following districts, subject to site plan review:
 - 1. General commercial district;
 - 2. Light industrial/commercial district;
 - 3. Industrial district;
 - 4. Mineral extraction district;
 - 5. Open space/institutional district.

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- D. As temporary or emergency use in:
 - Any district as part of a construction project for office use of construction personnel or temporary living quarters for security personnel for a period extending not more than ninety days beyond completion of construction. A thirty day extension may be granted by the city manager upon written request of the developer and upon the manager's finding that such request for extension is reasonable and in the public interest;
 - 2. Any district as an emergency facility when operated by or for a public agency;
 - 3. In the open space/institutional district where a community need is demonstrated by a public agency such as temporary classrooms or for security personnel on school grounds.

Section 167: Section 16.65.030 of the Lacey Municipal Code is hereby amended to read as follows:

16.65.030 Child day care centers. A child day care center, licensed by the state of Washington as provided for herein, shall be permitted under the conditions set forth in this section after registration with the city as provided in this chapter, subject to the following conditions:

- A. A child day care center, proposed to be established in any residentially zoned district, light industrial district, light industrial/commercial district, industrial district, mineral extraction district or in the Woodland District or the Lacey Historic Neighborhood shall only be allowed after the issuance of a conditional use permit pursuant to Chapter 16.66<u>relating to special uses and Chapter 16.87</u>-relating to conditional use and special use permits. A child day care center proposed for any other district of the city shall be allowed in the manner specified for such district and subject to the terms of Section 16.65.030.
- B. All child day care centers, whether required to have a conditional use permit or not, shall comply with all building, fire safety, traffic safety, health code, business licensing, setback, screening, landscaping, parking, signage, lot size, building size and lot coverage requirements of this code including any requirements specific to the district in which said center is located.
- C. No child day care center shall be located in a private family residence unless the portion of the residence to which the children have access is separate from the usual living quarters of the family or is used exclusively for the children during the hours the center is in operation.

<u>Section 168:</u> The title of Chapter 16.66 of the Lacey Municipal Code is hereby amended to read as follows:

SPECIAL CONDITIONAL USES AND PERMITS

Section 169: Section 16.66.010 of the Lacey Municipal Code is hereby amended to read as follows:

16.66.010 Intent. It is the intent of this chapter to:

- A. Provide for the location of certain types of uses, services and facilities which, because of their unique characteristics, cannot (or should not) be limited to or automatically included in specific land use classification districts;
- B. Permit essential services and facilities which are needed or may be needed by or in the community, but the exact nature, scale, or location of which cannot be foreseen or predicted;
- C. Establish development standards for such uses and facilities in order that properties adjacent to such uses, especially properties which are of clearly different character from the use or uses identified in this chapter, are reasonably protected from adverse effects or impact of these specialconditional uses;
- D. Authorize the city to impose reasonable conditions, restrictions and development requirements on specialconditional uses as may be deemed appropriate for a specialconditional use in any given | land use district;

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- E. Provide for a review process which will enable city officials, the general public and proponents of specialconditional uses to evaluate the need, location, scale and development characteristics of said uses and their impact on adjacent properties and the community as a whole, to the end that such uses may be approved, modified, or disapproved fairly and objectively;
- F. It relieves the ordinance codified in this title and its enforcement officials from the burden of trying to identify every district in which a specific and unique use should be included as a conditional use;
- G. Just as other chapters of this title try to achieve flexibility by describing rather than listing permitted uses in each district, this chapter should contribute to the desired flexibility by recognizing the limits of predictability;
- H. It further enhances flexibility since the development standards for a particular use may vary depending upon the specific location for which it is proposed.

Section 170: Section 16.66.030 of the Lacey Municipal Code is hereby amended to read as follows:

16.66.030 Control of uses. Special Conditional uses shall be subject to the review process as provided for in Chapter 16.87 of this title the Quasi Judicial process outlined in Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards or as otherwise noted in this chapter.

Section 171: Section 16.66.040 of the Lacey Municipal Code is hereby amended to read as follows:

16.66.040 Environmental performance standards.

- A. <u>Special Conditional</u> uses shall comply with the environmental performance standards as described in Chapter 16.57 of <u>the Lacey Municipal Code</u>this title, and may be required to comply with stricter standards upon a finding by the city that stricter standards are necessary and reasonable to protect adjacent properties or the health or general welfare of the community.
- B. Specific requirements are established in this chapter for certain <u>special_conditional</u> uses. In the event that the specific requirements are found to be in conflict with the requirements of the use district in which the <u>special_conditional</u> use is to be located, the requirements of <u>this chapterChapter</u> <u>16.66 of the Lacey Municipal Code</u> shall govern.

Section 172: Section 16.66.050 of the Lacey Municipal Code is hereby amended to read as follows:

16.66.050 Design standards.

- A. The design standards for permitted uses in a given district shall be the initial base of reference in determining the design standards for <u>special conditional</u> uses in the same district.
- B. The enforcing officer and/or the site plan review committee is authorized to alter or vary the design of the district for a special conditional use when such alteration or variation is found to be reasonable to protect adjacent properties or the health or general welfare of the community.
- C. Design standards which may be altered or varied for <u>special conditional</u> uses include but are not necessarily limited to the following:
 - 1. Size and shape of lots (i.e., minimum area, width, depth, setbacks and building heights);
 - 2. Maximum building coverage;
 - 3. Maximum development coverage;
 - 4. Off-street parking and loading;
 - 5. Landscaping, buffering and screening.

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D. All development requirements established for a <u>special_conditional</u> use in a given district shall be documented in appropriate written and/or graphic form so as to provide a permanent public record to assure compliance prior to, during and after construction of the <u>special_conditional</u> use.

Section 173: Section 16.66.060 of the Lacey Municipal Code is hereby repealed.

<u>Section 174:</u> A new section, 16.66.070, is hereby added to the Lacey Municipal Code to read as follows:

16.66.070 When granted. A conditional use permit may be granted by the city council, after public hearing and review, for those uses requiring such permits as provided for in this title.

<u>Section 175:</u> A new section, 16.66.080, is hereby added to the Lacey Municipal Code to read as follows:

16.66.080 Application form. A written application for a conditional use permit shall be submitted to the community development department on forms as prescribed by the community development department, and shall include such information as requested thereon. No application shall be accepted unless it complies with such requirements.

<u>Section 176:</u> A new section, 16.66.090, is hereby added to the Lacey Municipal Code to read as follows:

16.66.090 Public hearing. One public hearing on any proposed conditional use permit shall be held by the hearings examiner according to the quasi-judicial process and timelines according to the standards in Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards.

<u>Section 177:</u> A new section, 16.66.100, is hereby added to the Lacey Municipal Code to read as follows:

16.66.100 Action by hearings examiner. In reviewing a conditional use permit, the hearings examiner shall impose all requirements for such use, as prescribed in this title and other conditions and safeguards as are necessary to secure adequate protection for the locality in which the use is to be permitted. The hearings examiner shall recommend a time limit, within which, action for which the conditional use is required shall be begun, completed, or both.

<u>Section 178:</u> A new section, 16.66.110, is hereby added to the Lacey Municipal Code to read as follows:

16.66.110 Noncompliance--Penalty. If the enforcing officer determines that there has been continuing noncompliance with the conditions of a conditional use permit previously granted by the city council, such officer shall schedule a public hearing before the city's land use hearings examiner for purpose of hearing and making recommendation to the city council regarding the revocation, suspension or modification of such conditional use permit. Refusal by the enforcing officer to so schedule a hearing shall be deemed to be an administrative decision, subject to appeal by an aggrieved party pursuant to the provisions of this code. The procedures to be followed in providing for the public hearing, notice thereof, recommendation by the hearings examiner to the city council and action by the city council shall be the same as that action directed to be taken upon application for such a conditional use permit pursuant to the terms of this chapter.

The city council, after receipt of recommendation from the hearings examiner as provided in this chapter, may revoke, suspend or modify a conditional use permit previously granted for those uses listed herein when it determines there has been continuing noncompliance with the conditions of such permit or other regulations governing such use. The options for decision before the city council and the final nature of such decision shall be the same as action on an original application.

Section 179: Section 16.67.020 of the Lacey Municipal Code is hereby amended to read as follows:

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16.67.020 Adult entertainment facilities classified and permitted.

- A. Adult entertainment facilities falling under the definition of adult bookstore, adult novelty store, adult video store or similar adult uses shall be permitted in specific zones and under specific standards identified in Sections 16.67.030 and 16.67.040 of the Lacey Municipal Code through full administrative review pursuant to Chapter 1C of the City of Lacey Development Guidelines and Public Works Standards, a site plan review process as required by Chapter 16.84.
- B. Adult arcades and adult live entertainment centers shall be permitted in certain zones and under conditions identified under Sections 16.67.030 and 16.67.040 of the Lacey Municipal Code through the quasi judicial review process pursuant to Chapter 1C of the City of Lacey Development Guidelines and Public Works Standards. a conditional use permit process as identified under Chapter 16.87 and 16.66.

Section 180: Section 16.67.070 of the Lacey Municipal Code is hereby amended to read as follows:

16.67.070 Waiver of distance requirements. The following procedures and criteria shall be adhered to with regard to a request for waiver of distance requirements:

- A. Distance waiver required. Any party proposing to locate an adult facility within less than the required distances from uses or zones as specified in this ordinance may do so only after obtaining a waiver therefor from a hearings examiner through the quasi judicial process pursuant to Section 1C of the City of Lacey Development Guidelines and Public Works Standards. a conditional use permit process.
- B. Waiver notice requirements. In addition to the notice requirements for conditional use permits, first class mailing notice shall be made to all parties within the distance set forth in Section 16.67.030 A or 16.67.030 B, depending upon the use in question. The applicant shall provide the names and addresses of all property owners and businesses within said distances from the proposed use.
- C. Criteria for decision. The final decision on the request for waiver of distance shall be made by the hearings examiner based on consideration of the following:
 - 1. The extent to which the physical features would result in an effective separation in terms of visibility and access;
 - 2. Compatibility with adjacent and surrounding land uses;
 - 3. The availability or lack of alternative locations for the proposed use;
 - 4. Ability to avoid the adult facility by alternative vehicular and pedestrian routes.

Section 181: Section 16.68.027 of the Lacey Municipal Code is hereby amended to read as follows:

16.68.027 Submittal requirements.

- A. Applications proposed under Chapter <u>16.87</u> <u>16.66 of the Lacey Municipal Code</u>. In addition to the information requested in the conditional use application the following items shall be required for a WCF application:
 - 1. A diagram or map showing the viewshed of the proposed facility.
 - 2. Photosimulations of the proposed facility from affected residential properties and public rights-ofway at varying distances.
 - 3. A map showing the service area of the proposed WCF and an explanation of the need for that facility.

- 4. A map showing the locations and service areas of other WCF sites operated by the applicant and those that are proposed by the applicant which are close enough to impact service within the city.
- A site/landscaping plan showing the specific placement of the WCF on the site; showing the location of existing structures, trees, and other significant site features; and indicating type and locations of plant materials used to screen WCF components and the proposed color(s) for the WCF.
- 6. A signed statement indicating:
 - a. The applicant agrees to allow for the potential co-location of additional WCF requirement by other providers on the applicant's structure or within the same site location; and
 - b. That the applicant agrees to remove the facility within eighteen months after that site's use is discontinued.
- 7. A lease agreement with the landholder or letter of authorization from the owner allowing the provider to act as an agent for the landowner in a land use application.
- 8. Prior to issuance of the building permit, the applicant shall provide a lease agreement that:
 - a. Allows the landholder to enter into leases with other providers; and,
 - b. Specifies that if the provider fails to remove the facility upon eighteen months of its discontinued use, the responsibility for removal falls upon the landholder.
- 9. Evaluation of reasonable stealth technology that could be proposed to lessen the visual land use impacts from the facility.
- 10. Justification must be provided that the structure is necessary and essential, that other methods are not possible, such as use of existing structures (other towers, buildings, etc.) or use of other technological methods such as microcell technology where systems are built as part of cable systems and no towers are needed.
- B. Applications submitted under Chapter 16.84 of the Lacey Municipal Code. In addition to information listed on the site plan review application, the following information may be required:
 - 1. Those items listed under <u>Subsection Section</u> 16.68.027.A of the <u>Lacey Municipal Code</u> that the administrator deems necessary to properly evaluate the application.

Section 182: Section 16.68.080 of the Lacey Municipal Code is hereby amended to read as follows:

16.68.080 Radio frequency standards.

- A. The applicant shall comply with federal standards for radio frequency emissions. Within six months after the issuance of its operational permit, the applicant shall submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site and compares the results with established federal standards. Said report shall be subject to review and approval of the city for consistency with federal standards. If on review, the city finds that the WCF does not meet federal standards, the city may revoke or modify this specialconditional use permit.
- B. The applicant shall ensure that the WCF will not cause localized interference with the reception of area television or radio broadcasts. If on review the city finds that the WCF interferes with such reception, and if such interference is not cured within sixty days, the city may revoke or modify this permit.

Section 183: Section 16.70.030 of the Lacey Municipal Code is hereby amended to read as follows:

16.70.030 Licensing and site plan review application and approval required.

- <u>A.</u> All business activities shall meet requirements of Chapter 5.12 of the Lacey Municipal Code for City business licensing.
- B. Site plan review approval required shall be obtained from the city of Lacey pursuant to the full administrative review procedures contained in Section 1C.040 of the City of Lacey Development Guidelines and Public Works Standards:
 - 1. No "street merchant", "street fair or market", "temporary/seasonal retail stand" or "outdoor shopping center activities and events" shall be permitted to operate within the City of Lacey without first obtaining site plan approval pursuant to the requirements of Chapter 16.84 of the Lacey Municipal Code.
 - 2. All street merchants must operate from an approved retail stand or temporary/seasonal retail stand or approved street fair or market or as outdoor shopping center activities and events and must be approved by the site plan review committee. One combined approval may be given for street merchant activities within street fairs or markets or as part of an outdoor shopping center activity or event.
- C. Site plan review application. Street merchant applications shall include detailed scale drawings of the location of the stand, the device to be used, materials specifications and drawings showing all four sides of the vending device and any logos, printing or signs which will be incorporated. Color schemes must be indicated on the drawings. For existing vending devices, color photographs may be substituted for drawings. The application shall contain a plan for scheduled hours of operation for the season that includes time of day, days of week, months of the year, and scheduled closings. Written approval of the landowner shall also be submitted at the time of application.
- D. Permitted street merchant activities. The site plan review committee may only approve street merchant activities meeting the definition of retail stands and temporary/seasonal retail stands. Provided the committee may approve street fairs or markets or outdoor shopping center activities and events for fixed temporary periods based upon findings consistent with the intent of this chapter.
- E. Site plan review committee consideration and decision.
 - 1. The site plan review committee shall review each application for consistency with the standards and intent of this chapter.
 - 2. The site plan review committee shall review each merchant's proposal with major emphasis upon how the proposal will enhance the attractiveness of the pedestrian environment in which it is located.
 - 3. All street merchant activities shall be designed, oriented and operated to serve pedestrians with the exception of temporary/seasonal retail stands located in parking lots.
 - 4. Based upon consideration of the application and its consistency with the intent and standards of this chapter, the committee may approve or deny an application. In approving an application, the committee may require any conditions on operation, location or design it deems necessary to ensure compliance with this chapter.
 - The committee may also administratively approve any variances from the standards section of this chapter it deems necessary to fully satisfy the intent of <u>this chapter Chapter 16.70 of the</u> <u>Lacey Municipal Code</u> to provide an exceptional pedestrian experience at strategic locations within the City.
 - 6. When authorizing variances to retail stand criteria, the applicant should demonstrate to the committee's satisfaction the approved design will be compatible with surrounding architecture, will add to the pedestrian desirability of the area, and will be a benefit to the neighborhood and zone in which it is located.

Section 184: Section 16.70.110 of the Lacey Municipal Code is hereby amended to read as follows:

16.70.110 Appeals.

Any person aggrieved by a decision of the site plan review committee may appeal the site plan review committee's decision pursuant to the requirements of the Lacey Municipal Code Chapter 16.84. Any decision of the city of Lacey, in the administrative of this chapter, may be appealed in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards.

Section 185: Section 16.72.030 of the Lacey Municipal Code is hereby amended to read as follows:

16.72.030 District Parking requirements.

- A. The requirements for any use not listed herein shall be those of the listed use most similar to the unlisted use. When similarity is not apparent, the enforcing officer and/or the site plan review committee shall determine the minimum and maximum for the unlisted use.
- B. For special<u>conditional</u> uses, as identified and described in Chapter 16.66 of <u>the Lacey Municipal</u> <u>Codethis-title</u>, the parking requirement shall be as provided in that chapter or as determined by the site plan review committee.
- C. Residential District. Off-street parking requirements for residential districts are located in **Table 16T-13**.
- D. Commercial, Business Park and Industrial Uses.
 - 1. General Parking Standards

Parking standard table:

- a. In the several commercial, industrial, business park, and mixed use districts, off-street parking requirements shall be as shown in *Table 16T-13*, provided that all of the property is controlled by a single person or corporation, or written agreements for shared parking, acceptable to the city, are filed with the enforcing officer.
- b. Phased reduction of maximum parking standards:

The maximum parking requirments shall be reduced over time as provided for in the following schedule:

2002+ Reduce all maximum values identified in *Table 16T-13* by "1". Provided no maximum values will be reduced below "1".

Prior to the scheduled decrease of maximum off-street parking requirments taking effect, the planning commission shall conduct a review and assessment of the adequacy of the parking requirements by land use type and by individual land use district. The Planning Commission may hold a public hearing on the matter and shall make a recommendation to the city council. The scheduled maximum parking requirments shall become effective automatically unless acted upon by ordinance of the city council. Development applications granted preliminary approval prior to action by the city council shall be vested and allowed maximum values under the then existing off-street parking requirement.

c. Reducing minimum standards and increasing maximum standards:

The site plan review committee may reduce the minimum amount of parking pursuant to requirmentsrequirements of Section 16.72.030.D.3 the Lacey Municipal Code and/or the mixed use parking reduction standards in *Table 16T-13* of Chapter 16.72.

Additionally, the maximum parking standards may be increased if the site plan review committee finds compelling reasons to do so. Such determination shall be at the sole discretion of the committee based upon such factors as unique site or use requirements,

historical data of a particular use or other relevant factors indicating additional parking is necessary to properly serve a use or uses at a site.

Shared parking agreements are encouraged if the physical relationship between the premises makes such sharing possible.

If more parking spaces than the maximum permitted by *Table 16 T-13* exist on the subject property, an owner/developer may lease those excess spaces until conformance with *Table 16 T-13* is reached.

If fewer parking spaces than the minimum required by **Table 16 T-13** exist on the subject property, no parking space existing on the effective date of Ordinance 1130 may be eliminated unless it is replaced by another parking space serving the use or techniques are applied to allow such reduction pursuant to Chapter 16.72 of the Lacey Municipal Code.

The minimum automobile and bicycle parking requirements specified in **Table 16 T-13** may be adjusted by the enforcing officer and/or site plan review committee under the following conditions: when in their opinion an adjustment will be in accord with the purposes of Chapter 16.72 of the Lacey Municipal Code, and will not create an adverse impact on existing or potential uses adjoining the subject property, or in the general vicinity of the subject property. Covenants, guarantees or agreements shall be required as necessary to ensure continued compliance with Chapter 16.72 of the Lacey Municipal Code.

- a. Two or more uses may share a parking area or garage if:
 - (1) The total number of parking spaces provided is at least equal to the sum of the minimum number of spaces required for each use less the mixed use parking reduction standard, if permitted, and no greater than the sum of the maximum number of spaces permitted for each use; or
 - (2) The uses are operating during different hours and the number of parking spaces is at least equal to the minimum number of spaces required for all uses operating at the same time less the mixed use parking reduction standards, if permitted, and no greater than the maximum number of spaces permitted for all uses operating at the same time.
- b. Where adjoining parking facilities of two or more ownerships are developed and designed as one parking facility, a reduction of required parking spaces may be permitted based upon the increased potential opportunity for shared parking and other parking reudctionreduction techniques. Parking reduction allowed will be commensurate with parking techniques utilitzedutilized.
- c. The continuation of joint or shared facilities shall be assured by a sufficient legal document such as a covenant or reciprocal easement agreement or by participation in a local improvement district or parking association. Joint or shared parking associated with multi-tenant retail and commercial uses will be considered to be a shared parking facility. Lease agreements will satisfy the requirement for a sufficient legal document. However, any new tenant whose parking requirementrequirement reduces the total parking available in the shared parking facility below seventy-five percent of the requirements for all uses sharing the facility, will be required to provide additional parking.
- d. For large projects where a traffic study is required under Chapter 14.21 (Traffic Mitigation and Concurrency) of the Lacey Municipal Code and the proposal has one hundred or more employees, a comprehensive TDM strategy may be proposed for a reduction in required minimum parking. Upon demonstration to the enforcing officer and/or site plan review committee that effective alternatives to automobile access are in effect, they may reduce, by not more than fifty percent, in increments the amount of parking prescribed for any use, or combination of uses on the same or adjoining sites. Additionally, a bonus credit towards transportation impact fees may be awarded for reducing parking area pursuant to Section 16.72.030 of the Lacey Municipal Code. The reduction in parking permitted and the incentive bonus shall be commensurate with the permanence, effectiveness and

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demonstrated reduction in off-street parking demand effectuated by such alternative programs.

Alternative programs that may be considered by the enforcing officer and/or site plan review committee under this provision include, but are not limited to the following:

- (1) Private vanpool operation;
- (2) Transit/vanpool fare subsity;
- (3) Imposition of a charge for parking;
- (4) Provision of subscription bus services;
- (5) Flexible work hour schedule;
- (6) Capital improvements for transit services;
- (7) Preferential parking for carpools/vanpools;
- (8) Participation in the ride-matching program;
- Reduction of parking fees for carpools and vanpools;
- (10)Establishment of a transportation coordinator position to implement carpool, vanpool and transit programs;
- (11)Bicycle parking facilities including associated shower and changing facilities;
- (12)Compressed work week;
- (13)Telecommuting.
- e. Anyone proposing a parking reduction under this Section 16.72.030.D.3 of the Lacey <u>Municipal Code</u> must provide information regarding the administration of the program to the site plan review committee. The information must include:
 - (1) Address each individual TDM strategy as part of the transportation impact analysis;
 - (2) Provide the city with an estimate of peak hour employees as part of their site plan review application and traffic impact analysis;
 - (3) Provide estimated parking occupancy rates for the development as part of the transportation impact analysis showing average weekday use;
 - (4) Demonstrate how TDM strategies will be used to minimize the need for parking.

Transportation Demand Management Incentives.

The site plan review committee shall determine whether the applicant can receive a traffic impact mitigation fee reduction for implementation of TDM strategies that reduce parking needs. Such incentives will be as listed in the following schedule as well as any traffic mitigation credit allowed under Section 14.21.030 of the Lacey Municipal Code. The incentive bonus is as follows:

- a. Any developer who builds at the minimum amount of parking allowed shall receive a five percent trip reduction in the calculation of traffic impacts.
- b. Any developer who builds at or below the minimum and includes significant strategies from Section 16.72.030.D.3.d of the Lacey Municipal Code. is eligible for an additional five percent trip reduction bonus.
- c. Additional bonuses will be allowed under the provisions of Section 14.21.030_if the Lacey Municipal Code.

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Section 186: Section 16.81.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.81.020 Building permits required. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the enforcing officer. No building permit shall be issued by the enforcing officer unless the use:

- A. Conforms to the requirements of this title; or
- B. Has been approved by the enforcing officer, site plan review committee or the hearings examiner as a "similar or related" use as described in the several zoning districts; or
- C. Has been approved by the city council as a conditional or special use as defined in Chapter 16.66 of the Lacey Municipal Code;
- D. Has been granted a variance by the hearings examiner

Section 187: Section 16.84.010 of the Lacey Municipal Code 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 director, results in an intensification of land use and will require new development conditions to comply with existing 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 fifty percent or more of the assessed valuation of existing structures. The remodel value shall be calculated according to methodology described in <u>LMC_Section</u> 14.04.015 of the Lacey Municipal Code. The value of existing structures shall be the most recent value assigned by the County Assessor. The twenty-five fifty percent threshold shall be cumulative over the most recent five years, including calculations of all previously exempt remodels, but shall not include life/safety improvements or normal maintenance not requiring a building permit. 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 of the Lacey Municipal Code.
- 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 of the Lacey Municipal Code.
- 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.

<u>Section 188:</u> A new section, 16.84.015, is hereby added to the Lacey Municipal Code to read as follows:

16.84.015 Presubmission Conference Prior to the submission of a site plan review application, the applicant shall attend a presubmission conference in accordance with Section 1B.020 of the City of Lacey Development Guidelines and Public Works Standards.

Section 189: Section 16.84.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.84.020 Review by the site plan review committee (SPRC).

- A. The SPRC shall review a site plan in accordance with the Full Administrative Review process and timelines outlined in Section 1C.040 of the City of Lacey Development Guidelines and Public Works Standards. The site plan shall be approved or approved with conditions to conform to the standards, provisions and policies of the city as expressed in its various adopted plans and ordinances... Whenever the SPRC disapproves a site plan, it shall set forth in writing its findings, which shall specify the particular standards, provisions and policies to which the site plan fails to conform and the reasons why it fails to conform.
- B. The site plan review committee (SPRC) shall have the prerogative of refusing to rule on a site plan review if in the opinion of the SPRC the site plan is sufficiently complex that it should be reviewed by the hearings examiner according to the quasi-judicial process in Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards. The SPRC shall decide to transfer review authority to the hearing examiner within fourteen days of the Determination of Completeness, according to Section 1B.070 of the City of Lacey Development Guidelines and Public Works Standards. Under the provision of Section 16.84.030. All decisions to refuse ruling and refer to the hearings examiner shall be made by the SPRC within five working days after an application in completed form is filed.
- B. The SPRC shall within fifteen working days approve, disapprove, or approve with conditions any site plan submitted to it and accepted for review. Provided, actions requiring an environmental threshold determination and subject to public notification requirements of RCW 36.70B may have an extended time line pursuant to said RCW. The action taken by the SPRC will be submitted to the building official for subsequent action on the building permit application. Failure to act within the specified period shall constitute approval of the site plan and the applicant shall be entitled to apply for a building permit. Any time required to develop and review an Environmental Checklist or Impact Statement as required under the provisions of SEPA shall not be counted under the time constraints of Section 16.84.020.

The SPRC shall review a site plan and approve, or approve with conditions, site plans which conform to the standards, provisions and policies of the city as expressed in its various adopted plans and ordinances including the Lacey Shoreline Master Program. Whenever the SPRC disapproves a site plan, it shall set forth in writing its findings which shall specify the particular standards, provisions and policies to which the site plan fails to conform and the reasons why it fails to conform.

C. The decision of the SPRC shall be final unless appealed to the hearings examiner by the applicant, a person who believes that they have been negatively impacted by the SPRC decision, the planning commission, a city department, or other public agency by filing a written notice of appeal with the planning department within fifteen days after the date of the decision being appealed.

<u>Section 190:</u> A new section, 16.84.025, is hereby added to the Lacey Municipal Code to read as follows:

16.84.025 Appeals. Any decision of the city of Lacey in the administration of Chapter 16.84 of the Lacey Municipal Code may be appealed in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards.

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Section 191: Section 16.84.030 of the Lacey Municipal Code is hereby repealed.

Section 192: Section 16.84.040 of the Lacey Municipal Code is hereby repealed.

Section 193: Section 16.84.050 of the Lacey Municipal Code is hereby repealed.

Section 194: Section 16.84.080 of the Lacey Municipal Code is hereby amended to read as follows:

16.84.080 Amendment of site plan. A site plan granted approval by the SPRC, hearings examiner or by the city council may be amended. If, in the opinion of the director of community development, the modifications are considered minor, no additional review process shall be required. If the modifications are considered significant by the director of community development, then the site plan shall be modified by the same procedures provided under <u>Section 16.84.020.A. of</u> this title for original site plan approval.

Section 195: Section 16.84.090 of the Lacey Municipal Code is hereby repealed.

Section 196: Section 16.84.100 of the Lacey Municipal Code is hereby amended to read as follows:

16.84.100 Duration of approval.

- A. Approval of the site plan shall be effective for eighteen months from the date of approval by the site plan review committee. During this time, the terms and conditions upon which approval was given will not change. If application for a building permit is not made within the eighteen month period, the approval shall automatically terminate. In addition, if the approved site plan calls for a division of land pursuant to a final binding site plan, such final binding site plan must be submitted for <u>final</u> | approval within such eighteen month period.
- B. However, upon the application of the owner or representative, the site plan review committee shall extend the approval period for one six-month time period unless since the initial approval substantive change has been made in the regulations, ordinances, requirements, policies or standards which impact the site.
- C. Knowledge of expiration date and initiation of a request for extension of approval time is the responsibility of the applicant. The city shall not be held responsible for notification of expirations, although it may notify the applicant of date of expiration. All requests for additional time must be submitted to the <u>planning departmentcommunity development department</u> prior to expiration of site plan approval.

Section 197: Chapter 16.87 of the Lacey Municipal Code is hereby repealed.

Ntay or Section 198: Section 2:30.70 of the Lacey Municipal Code is hereby amonded to read as follows:

<u>Section 199:</u> A new section, 16.90.005, is hereby added to the Lacey Municipal Code to read as follows:

16.90.005 Granted upon certain findings. A land use hearings examiner shall not grant a variance unless the examiner makes the following findings:

A. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone that the property, on behalf of which the application was filed, is located; and

B. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and

C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and

D. That the special conditions and circumstances do not result from the actions of the applicant.

Section 200: Section 16.90.010 of the Lacey Municipal Code is hereby amended to read as follows:

16.90.010 When granted. If because of special circumstances applicable to subject property due to size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of rights and privileges enjoyed by other properties in the vicinity and under identical zone classification, ______ If all the criteria in Section 16.90.005 of the Lacey Municipal Code can be met, the hearings examiner may grant a variance in-accordance with _according to the quasi-judicial process and timelines outlined in Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards. the provisions for variances in Chapter 2.40 of the Lacey Municipal Code.

Section 201: Section 1: Section 16.90.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.90.020 Front and rear yard setback variance. The enforcing officer may grant a modification of up to ten percent from the front and rear setback requirements in residential zones provided the findings can be made as listed in Section 2.40.050 <u>16.90.005</u> of the Lacey Municipal Code. This does not preclude other variances from being considered as provided in Section 16.90.010.

Section 202: Section 16.96.010 of the Lacey Municipal Code is hereby amended to read as follows:

16.96.010 Amendments in land use cases. Whenever public necessity, convenience or general welfare requires, the provisions of this title or the zoning map may be amended in conjunction with individual land use applications in accordance with the following procedures:

- A. Amendments--Initiation. Amendments of the test of this title or the zoning map may be initiated in such cases by:
 - 1. A verified application of one or more owners of property which is proposed to be reclassified, filed with the planning departmentcommunity development department; or
 - 2. The adoption of a motion by the city council requesting the hearings examiner or planning commission to set the matter for hearing and recommendation.
 - 3. A recommendation by the planning commission to the city council.
 - 4. Initiation of an amendment through the joint planning process between the city of Lacey and Thurston County.
- B. Amendments or Rezones——Process. Application Forms. All amendments or rezones shall be processed in accordance with Section 1C.060 of the City of Lacey Development Guidelines and Public Works Standards. The planning department shall prescribe the forms to be used for amendments or rezones. The planning department may prepare and provide blanks for such purposes and prescribe the type of information to be provided. No application shall be accepted unless it complies with such requirements.
- C. Amendments and Rezones--Public Hearings. One public hearing on any such proposed amendment or rezone shall be held by the hearings examiner or planning commission as required by Chapter 2.30 of this code.
- D. Amendments and Rezones--Notice of Public Hearing. Notice of public hearing shall be published in a newspaper of general circulation in the city and by written notice, addressed through the United States mail, to all property owners as recorded in the Thurston County assessor's office, within 300 feet of the subject property, at least ten days before hearing. In addition, at least 10 days prior to the

hearing, notice of said hearing shall be posted in the following places: on the property, at a public street intersection near the property and at city hall.

EC. Amendments--Reference to City Council. The hearings examiner or planning commission's recommendation shall be presented for city council consideration in accordance with Section 1C.060 City of Lacey Development Guidelines and Public Works Standards. with Chapter 2.30 of this code.

Section 203: 16.96.020.30.70 of the Lacey Municipal Code is hereby amended to read as follows:

16.96.020 Amendments of general application. Whenever public necessity, convenience or general welfare requires, the provisions of this title or the zoning map may be amended in those instances not involving individual land use applications after recommendation by the planning commission to the city council_x. At least one public hearing on any such proposed amendment shall be held by the planning commission. according to the process in Section 1C.060 of the City of Lacey Development Guidelines and Public Works Standards.

Section 204: The summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this <u>7th</u> day of <u>November</u>, 2002.

CITY COUNCIL avor to form: Attest: Approved a has lerk torney Published: November 11, 2002 Monday

SUMMARY FOR PUBLICATION

ORDINANCE <u>1192</u>

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on Ordinance No. 1192 November 7, 2002, , entitled "AN OF LACEY, ORDINANCE OF THE CITY WASHINGTON. PROVIDING FOR THE ADOPTION OF AN AMENDED CHAPTER 1 OF THE CITY OF LACEY'S DEVELOPMENT GUIDELINES AND WORK STANDARDS, AMENDMENT PUBLIC OF SEVERAL SECTIONS OF THE LACEY MUNICIPAL CODE TO BE IN COMPLIANCE WITH THE NEWLY AMENDED CHAPTER 1 OF THE CITY OF LACEY'S DEVELOPMENT GUIDELINES AND PUBLIC WORKS STANDARDS, ADDING NEW SECTIONS 15.12.035. 16.66.070, 16.66.080, 16.66.090, 16.66.100, 16.66.110, 16.84.015. 16.84.025, AND 16.90.005 TO THE LACEY MUNICIPAL CODE, AND ADOPTING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

- 1. Chapter 1 of the City of Lacey's Development Guidelines and Public Works Standards is amended to consolidate the City's land use permit processes into one central document, thereby allowing for easier access to information for both City Staff and Citizens;
- 2. Several Sections of the Lacey Municipal Code have been amended to correspond to the newly amended Chapter 1 of the City of Lacey's Development Guidelines and Public Works Standards; and
- Sections 15.12.035, 16.66.070, 16.66.080, 16.66.090, 16.66.100, 16.66.110, 16.84.015, 16.84.025, AND 16.90.005 have been added to the Lacey Municipal Code to create a link between the Chapters of the Lacey Municipal Code to which the new sections have been added and the newly amended Chapter 1 of the City of Lacey's Development Guidelines and Public Works Standards.

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: <u>November 11</u>, 2002. Monday

CHAPTER 1

1.000 Development Permit Procedures and Administration

1.010 Purpose and Applicability

(A) The purpose of this chapter of the City of Lacey Development Guidelines and Public Work Standards is to enact the processes and timelines for local land development permitting. The objectives of this chapter are to encourage the preparation of appropriate information and/or materials early in the permitting process, to process permit applications in a timely manner, to provide the general public with an adequate opportunity for review and comment, and to provide the development community with a standardized process and predictability.

(B) This Chapter shall apply to permit applications for land development under the following Titles of the Lacey Municipal Code:

Title 14 -- Buildings and Construction Title 15 -- Subdivisions Title 16 -- Zoning

(C) Other laws, ordinances, regulations and plans have a direct impact on the development of land. These include, but are not limited to, the City of Lacey Development Guidelines and Public Works Standards, City of Lacey Environmental Protection and Resource Conservation Plan, City of Lacey Transportation Plan, Shoreline Master Program for Thurston Region, City of Lacey and Thurston County Land Use Plan for the Lacey Urban Growth Area, and the laws, ordinances, regulations and plans of federal, state and local agencies.

1.020 Right to Enter

In the performance of their functions and duties, duly authorized members of a committee, commission, or review staff of the City of Lacey may enter upon any land and make examinations and surveys. Provided such entries, examinations and surveys do not damage or interfere with the use of the land by those persons lawfully entitled to the possession thereof.

1.030 Definitions

Unless the context clearly requires otherwise, the definitions in this section apply throughout this Title:

(A) "Application" means a request for any land use permit required from the City of Lacey for proposed development or action, including without limitation: building permits, conditional use permits, shoreline substantial development permits, binding site plans, planned

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developments, subdivisions, short subdivisions, variances, site plan reviews, permits or approvals required by critical area ordinances, and site-specific rezones.

- (B) "Closed record appeal" means an appeal on the record with no new evidence or information allowed to be submitted and only appeal argument allowed.
- (C) "Department" means City of Lacey Community Development Department.
- (D)"Full administrative review" is used when the proposed development is subject to objective and subjective standards requiring the exercise of limited discretion about non-technical issues and about which there may be limited public interest. The proposed development may or may not be subject to SEPA review. Included under this type of review are binding site plans, short subdivisions, site plan review applications, certain wetland development permits, as prescribed in LMC 14.28.120, land clearing permits and other similar applications.
- (E) "Limited administrative review" is used when the proposed development is subject to clear, objective and non-discretionary standards requiring the exercise of professional judgment about technical issues and the proposed development is exempt from the State Environmental Policy Act (SEPA). Included under this type of review are interpretation of codes and ordinances, single family building permits, design review, exempt tree removal requests, accessory dwelling units and other similar applications.
- (F) "Legislative review" is used when the proposed development involves the creation, implementation or amendment of city policy or law. In contrast to the other procedure types, legislative review usually applies to a relatively large geographic area containing several property owners. Included under this type of review are comprehensive plan, sub-area plan, zoning and/or development code review, amendments and updates, site-specific zoning district reclassifications and other similar applications.
- (G) "Open record hearing," means a hearing that creates the record through testimony and submission of evidence and information. An open record hearing may be held on an appeal if no open record hearing has previously been held on the application.
- (H) "Party of record" means an applicant, individual, agency or department who commented in writing on the project during the public comment

period for the Notice of Application, Environmental Review or provided testimony at the Public Hearing.

- "Permit Assistance Staff" means the staff designated by the City to handle all permit assistance questions and duties. The City has designated the Permit Technician, the Planners within the Community Development Department and the Public Works Development Review Staff as the permit assistance staff.
- (J) "Public meeting" means an informal meeting, workshop, or other public gathering to obtain comments from the public or other agencies on an application. A public meeting does not constitute an open record hearing.
- (K) "Quasi-judicial review" is used when the development or use proposed under the application requires a public hearing before a hearing examiner. Included within this type of review shall be subdivisions, conditional use permits, planned residential developments, variances, certain wetland development permits, as prescribed in LMC 14.28.110, shoreline substantial development permits administrative appeals, master plans and other similar applications.

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1A APPLICATION FORMS

1A.010 Application Forms

(A) An application shall be made using the appropriate form adopted by the department.

(B) Each adopted application form shall, at a minimum, include the following information:

- (1) The application form be filled out legibly, in blue or black ink, either hand printed or typewritten.
- (2) The name, mailing address and telephone number of each applicant.
- (3) The name, mailing address and telephone number of the applicant's representative, if any.
- (4) The name, mailing address and telephone number of each owner of the subject property, if different than the applicant(s).
- (5) The name, mailing address, telephone number and contractor registration number of the applicant's prime contractor and City of Lacey business registration number, if applicable.
- (6) The parcel number, legal description and assessor's parcel map for each parcel which is the subject of the proposed development.
- (7) The signature of each applicant or the applicant's authorized representative and each property owner if different than the applicant(s).
- (8) Any other information, documents or materials as determined by the department, which may be required in the body of the form or by an attachment to the form.
- (9) Mailing addresses for parcels within a minimum of 300-feet for projects requiring a public hearing. Village Center projects require addresses for parcels within a minimum of 1,000-feet of the subject property. The mailing list shall be prepared by a Title Company and in the form of labels and a paper copy. The addresses shall be the actual mailing address for the parcel.

(C) Each application form shall require designation of a single person or entity to receive determinations and notices required under this Chapter, the Lacey Municipal Code or by RCW Chapter 36.70B. Where a determination or notice to the "applicant" is required by this Chapter, Lacey Municipal Code or RCW Chapter 36.70B, "applicant" shall mean the person or entity so designated.

(D) Each application shall contain the following statements:

An application shall become vested on the date a determination of completeness is made pursuant to Section 1B.050 of the City of Lacey Development Guidelines and Public Works Standards. Thereafter, the application shall be reviewed under the codes, regulations and other laws in effect on the date of vesting. In the event an applicant substantially changes the proposed development after a determination of completeness, as determined by the department the application shall not be considered vested until a new determination of completeness on the changes is made pursuant to Section 1B.050 of the City of Lacey Development Guidelines and Public Works Standards.

In the performance of their functions and duties, authorized members of a committee, commission or review staff of the City of Lacey may enter upon any land and make examinations as part of the review of a land use application.

1B Application Process

1B.010 Application Process

The application process shall consist of the following components:

- Pre-submission Meetings
- Application Submittal Review
- Determination of Completeness
- Notice of Application
- Comment Period
- Application Review
- Public Hearing (if applicable)
- Public Meeting (if applicable)
- Notice of Final Decision

1B.020 Pre-submission Meetings

- (A) All prospective applicants shall participate in a Pre-submission Meeting. The department may waive the requirement of a Presubmission Meeting where proposed development is subject to Limited Administrative Review.
- (B) The purpose of the Pre-submission Meeting is to provide the applicant with the best available information regarding the development proposal and application processing requirements, and to assure the availability of complete and accurate information necessary for review prior to the applicant's expenditure of application fees and the scheduling of the application review process.
- (C) The Pre-submission Meeting provides an opportunity for the applicant, staff and other agencies to informally discuss and review the proposed development, the application and permit requirements, fees, the review process and schedule, and applicable development standards, plans, policies, and laws.
- (D) The Pre-submission Meeting shall take place at the department's office, unless the department and the applicant agree upon another location. The length of the Pre-submission Meeting shall be determined by the complexity of the development proposed by the applicant.
- (E) An applicant may request additional Pre-submission Meetings if the proposed development changes based on information received at the previous meeting. The additional meetings shall be subject to the same procedures as the initial Pre-submission Meeting.

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(F) Application forms shall be made available to the applicant following a Pre-submission Meeting.

1B.030 Consolidated Application Process

When more than one application for a proposed development is required, the applicant may elect to have all applications submitted for review at one time.

- (A) Applications for proposed development and planned actions subject to the provisions of the State Environmental Policy Act (SEPA) shall be reviewed concurrently and in accordance with state and local laws, regulations and ordinances.
- (B) When more than one application is submitted under a consolidated review and the applications are subject to different types of review procedures, all of the applications for the proposed development shall be subject to the most stringent level of review procedure which applies to any of the applications.
- (C) If an applicant elects a consolidated application process, the Determination of Completeness, the Notice of Application, and the Notice of Final Decision must include all applications being reviewed.

1B.040 Application Submittal Review

- (A) A review of the submitted application shall be conducted to determine if the application is complete. The application submittal review shall determine if adequate information is provided in or with the application in order to begin processing the application and all required information and materials have been supplied in sufficient detail to begin the application review process. All information and materials required by the application form and from the Presubmission Meeting must be submitted. All studies supporting the application or addressing projected impacts of the proposed development must be submitted.
- (B) The purpose of the Application Submittal Review is to ensure adequate information is contained in the application materials to demonstrate consistency with applicable comprehensive plans, development regulations and other applicable city codes. Department staff will coordinate the involvement of agencies responsible for the review of setbacks, landscaping, parking, drainage, access, roads, traffic, signage, utilities and any other applicable requirements.

1B.050 Determination of Completeness

- (A) Within twenty-eight (28) days after receiving an application, the department shall complete the Application Submittal Review and provide the applicant a written determination that the application is complete or incomplete.
- (B) An application shall be determined complete only when it contains all of the following information and materials:
 - (1) A fully completed and signed application.
 - (2) Applicable review fees as prescribed by the City of Lacey fee schedule.
 - (3) All information and materials described on the applicable application form.
 - (4) A fully completed and signed environmental checklist for projects subject to review under the State Environmental Policy Act.
 - (5) A scaleable plot plan prepared by a licensed engineer, surveyor or certified planner, disclosing all existing and proposed structures and features applicable to the desired development; for example, parking, landscaping, preliminary drainage plans with supporting calculations, signage, setbacks, etc.
 - (6) Any additional information and materials identified at the Presubmission Meeting or required by applicable development standards, plans, policies or any other federal, state or local laws.
 - (7) Any supplemental information or special studies identified by the department.
- (C) For applications determined to be incomplete, the department shall identify, in writing, the specific requirements, information or materials necessary to constitute a complete application. Within fourteen (14) days after its receipt of the requested requirements, information or materials, the department shall issue a Determination of Completeness or identify the additional requirements, information, or materials still necessary for completeness.
- (D)A Determination of Completeness shall identify, to the extent known, other local, state or federal agencies that may have jurisdiction over some aspect of the application.

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(E) A Determination of Completeness shall not preclude the department from requesting additional information or studies, if additional information is required or a change in the proposed development occurs.

1B.060 Application Vesting

An application shall become vested on the date a determination of completeness is made under this Title. Thereafter, the application shall be reviewed under the codes, regulations and other laws in effect on the date of vesting. In the event an applicant substantially changes the proposed development after a determination of completeness, as determined by the department, the application shall not be considered vested until a new determination of completeness on the changes is made under this Title.

1B.070 Notice of Application

(A) Within fourteen days after issuing a determination of completeness, the department shall issue a notice of application. However, a notice of application shall not be required for project permits that are categorically exempt under chapter 43.21 RCW, unless an open record public hearing is required or an open record appeal hearing is allowed on the project permit decision. The notice shall include, but not be limited to the following:

- (1) The date of application, the date of the Determination of Completeness, and the date of the Notice of Application.
- (2) A description of the proposed project action, a list of permits required for the application, and if applicable a list of any studies requested.
- (3) The identification of other required permits not included in the application, to the extent known by the department.
- (4) The identification of existing environmental documents which evaluate the proposed development and the location where the application and any studies can be reviewed.
- (5) A statement of the public comment period, which shall be fourteen days following the date of the Notice of Application, and a statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and receive a statement of any appeal rights.

- (6) When applicable, the date, time, location and type of hearing, if scheduled at the date of the Notice of Application.
- (7) A statement of the preliminary determination, if one has been made at the time of Notice of Application, of those development regulations that will be used for project mitigation and of consistency with the type of land use of the proposed site, the density and intensity of proposed development, infrastructure necessary to serve the development, and the character of the development.
- (8) Any other information determined by the department to be appropriate.

(B) Informing the Public

- (1) No notice shall be required for limited administrative review.
- (2) Notice shall be provided for land use applications subject to the full administrative review procedures outlined in Section 1C.030 in the following manner, except for short subdivision applications, which shall be subject to the notification requirements of subsection (3) below:
 - (a) Publishing the Notice of Application. The notice of application shall be published in the official newspaper of the City of Lacey and include at a minimum the following information: the project location, description, type of permit required, comment period dates and location where the complete application may be reviewed.

(3) Notice shall be provided for land use applications subject to the quasi-judicial or legislative review procedures outlined in Sections 1C.050 and 1C.060 and short subdivisions in the following manner:

(a) Posting the Notice of Application. The Notice of Application shall be posted on the subject property for the duration of the public comment period and at a minimum include the following information: the project location, description, type of permit required, comment period dates and location where the complete application may be reviewed. The Notice of Application shall be posted in a manner that is highly visible to the general public from the public right-of-way adjacent to the site.

- (b) Publishing a Notice of Application. The notice of application shall be published in the official newspaper of the City of Lacey, and include at a minimum the following information: the project location, description, type of permit required, comment period dates and location where the complete application may be reviewed.
- (C) The Notice of Application is not a substitute for any required notice of a public hearing.

1C Application Review

1C.010 Application Review Criteria

Review of an application and proposed development shall be governed by and be consistent with the fundamental land use planning policies and decisions which have been made in adopted comprehensive plans and development regulations. The review process shall consider the type of land use permitted at the proposed site, the density and intensity of the proposed development, the infrastructure available and needed to serve the development, the character of the development and its consistency with development regulations. In the absence of applicable development regulations, the applicable development criteria in the comprehensive plan or sub-area plan adopted under RCW 36.70A shall be determinative.

1C.020 Application Review Classification

- (A) Following the issuance of a Determination of Completeness and a Notice of Application, an application shall be reviewed at one of four levels: Limited Administrative Review, Full Administrative Review, Quasi-Judicial Review, or Legislative Review.
- (B) If this Chapter or the Lacey Municipal Code provides that a proposed development is subject to a specific type of review, or a different review procedure is required by law, then the application for such development shall be processed and reviewed accordingly. If this Title does not provide for a specific type of review and/or if a different review procedure is not required by law, then the department shall determine the type of review to be used for the type and intensity of the proposed development.
- (C)Any public meeting or required open hearing may be combined by the department with any public meeting or open record hearing that may be held on the proposed development by another local, state, federal or other agency. Hearings shall be combined if requested by the applicant. However, joint hearings must be held within the City of Lacey and within the time limits of this title and RCW Chapter 36.70B.

1C.030 Limited Administrative Review of Applications

The department may approve, approve with conditions, or deny applications subject to administrative review after the date the application is accepted as complete, without public notice.

1C.040 Full Administrative Review of Applications

The review procedure under Full Administrative Review shall be as follows:

- (A) If the proposed development is subject to the State Environmental Policy Act (SEPA), the threshold determination shall be made after the closing of the public comment period associated with the Notice of Application.
- (B) The community development department shall distribute copies of the complete application to agencies and departments affected by the proposal or with review authority.

The community development department shall set a date for return of findings and recommendations from each commenting agency or department.

(C) Upon the completion of the application comment period and the issuance of an environmental determination, if applicable, the department may approve, approve with conditions, or deny the application. The department shall mail the notice of decision to the applicant and all parties of record. The decision shall include:

- (1) A statement of the applicable criteria and standards in the development codes and other applicable law.
- (2) A statement of the findings of the review authority, stating the application's compliance or non-compliance with applicable criteria, and assurance of compliance with applicable standards.
- (3) The decision to approve or deny the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with all applicable law.
- (4) A statement that the decision is final unless appealed as provided in Section 1D "Appeals" to the City of Lacey Hearing Examiner within fourteen (14) calendar days after the date the notice of decision is mailed. The appeal closing date shall be listed. The statement shall describe how a party may appeal the decision, including applicable fees and the elements of a notice of appeal.
- (5) A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for review. The notice shall list the place, days and times when the case file is available for review and the name and telephone number of the department's representative to contact to arrange for a review.

1C.050 Quasi-Judicial Review of Applications

The review procedure under Quasi-Judicial Review shall be as follows:

- (A) If the proposed development is subject to the State Environmental Policy Act (SEPA), the threshold determination shall be made after the closing of the public comment period associated with the Notice of Application.
- (B) The community development department shall distribute copies of the complete application to agencies and departments affected by the proposal or with review authority.

The community development department shall set a date for return of findings and recommendations from each commenting agency or department.

- (C) Upon the completion of the application comment period, , the issuance of an environmental determination and of the environmental appeal period, the department shall schedule a hearing with the City of Lacey Hearing Examiner, when applicable.
- (D) At least ten (10) days before the date of a public hearing the department shall issue public notice of the date, time, location and purpose of the hearing by posting the subject site and the nearest intersection, posting at city hall, publishing notice in the official city newspaper and mailing notice to property owners of record located within a minimum of 300 feet of the subject property¹. If the applicant owns adjoining land, the distance of notification shall be measured from outside of the applicant's ownership. Failure to receive a public hearing notice shall not invalidate the hearing.
- (E) At least ten (10) days before the date of the public hearing, the department shall issue a written staff report, integrating the SEPA review and threshold determination and recommendation regarding the application(s), shall make available to the public a copy of the staff report for review and inspection, and shall mail a copy of the staff report and recommendation to the applicant or the applicant's designated representative. The department shall make available a copy of the staff report, subject to payment of a reasonable charge, to other parties who request it.
- (F) Public hearings shall be conducted in accordance with the rules of procedure adopted by the hearing examiner. A public hearing shall be recorded on either audio or audio-visual tape. If for any reason the

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¹ Village Center projects require mailings to property owners within 1000-feet of the subject project.

hearing cannot be completed on the date set in the public notice, it may be continued during the public hearing to a specified date, time and location without further public notice required.

- (G)Within ten (10) working days after the date the public record closes, the hearing examiner shall issue a written recommendation to the city council regarding the application(s).
- (H)The hearing examiner may recommend approval, approval with conditions or denial of the application to the Lacey City Council and shall provide written notice of its recommendation to the council, department, applicant, the applicant's designated representative, the property owner(s), and any other parties of record. The decision shall include:
 - (1) A statement of the applicable criteria, standards and law;
 - (2) A statement of the findings the hearing examiner made showing the proposal does or does not comply with applicable approval criteria and assurance of compliance with applicable standards;
 - (3) A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for review. The notice shall list the place, days and times when the case file is available for review and the name and telephone number of the department representative to contact to arrange for a review.
- Following the public hearing and in accordance with RCW 36.70A.035, the recommendation of the Hearing Examiner shall be forwarded to the City Council. Upon receiving the recommendation of the Hearing Examiner, the City Council shall set a public meeting to consider the proposal. This meeting shall take place no later than 30 days from the date of the Hearing Examiner decision. The Council may accept, modify or reject the recommendation.
- (J) The City Council may accept, modify or deny the project.
- (K) The final decision of the City Council shall be in writing and include:
 - (1) A statement of applicable criteria and law;
 - (2) A statement of the findings indicating the application's or proposed development's compliance or non-compliance with each applicable approval criteria;

- (3) A statement that the decision is final unless appealed, pursuant to Section 1D "Appeals", to Superior Court within twenty-one days of the issuance of the decision. The appeal closing date shall be listed.
- (4) A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection. The notice shall state the place, days and times when the case file is available for inspection and the name and telephone number of the department's representative to contact to arrange inspection.

1C.060 Legislative Review of Applications

Legislative Review requires at least one public hearing before the City of Lacey Planning Commission and one public meeting before the Lacey City Council. Legislative Review shall be conducted as follows:

- (A) If the proposed development is subject to the State Environmental Policy Act (SEPA), the threshold determination shall be made after the closing of the public comment period.
- (B) Upon the completion of the comment period required by SEPA and the issuance of an environmental determination if applicable, the department shall schedule an open record hearing with the City of Lacey Planning Commission.
- (C) At least ten (10) days before the date of the Planning Commission open record hearing the department shall issue public notice of the date, time, location and purpose of the hearing by posting at city hall and publishing notice in the official city newspaper. The notice shall include notice of the SEPA threshold determination issued by the department. If the project is site specific, in addition to the abovementioned notifications, the subject site shall be posted and notice shall be mailed to property owners of record located within a minimum of 300-feet of the subject site.
- (D) At least ten (10) days prior to the open record hearing, the department shall issue a written staff report regarding the application(s), shall make available to the public a copy of the staff report for review and shall mail a copy of the staff report and recommendation to the applicant or the applicant's designated representative, and Planning Commission members. The department shall make available a copy of the staff report, subject to payment of a reasonable charge, to other parties who request it.

- (E) Following the public hearing, in accordance with RCW 36.70A.035, the recommendation of the Planning Commission shall be forwarded to the City Council. Upon receiving the recommendation from the Planning Commission, the City Council shall set a public meeting to consider the proposal, at which the Council may accept, modify or reject the recommendation.
- (F) The City Council may accept, modify, deny or remand the proposal back to the Planning Commission for further review. The approval of comprehensive plan amendments and zoning changes by the City Council shall be adopted by ordinance.
- (G)The final decision of the City Council shall be in writing and include:
 - (1) A statement of the applicable criteria and law;
 - (2) A statement of the findings indicating the application's or proposed development's compliance or non-compliance with each applicable approval criterion;
 - (3) If denied, a statement that the decision is final unless appealed, pursuant to Section 1D "Appeals", to Superior Court within twenty-one (21) days of the issuance of the decision, as determined pursuant to RCW 36.70A.280. The appeal closing date shall be listed.
 - (4) A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection. The notice shall state the place, days and times when the case file is available for inspection and the name and telephone number of the department representative to contact to arrange inspection.

1C.070 Notice of Final Decision*

(A) A Notice of Final Decision on an application shall be issued within one hundred twenty (120) days after the date a Determination of Completeness is made. In determining the number of days that have elapsed, the following periods shall be excluded:

(1) Any period during which the applicant has been requested by the department to correct plans, perform required studies, or provide additional information or materials. The period shall be calculated starting from the date the department issues the request to the applicant, to the earlier of either the date the

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^{*} Notice of Final Decision does not apply to Legislative Review of applications.

department determines whether the additional information satisfies its request or fourteen (14) days after the date the information has been received by the department.

If the City determines the information submitted by the applicant under) this subsection is insufficient, it shall again notify the applicant of deficiencies and the procedures under this subsection shall apply to the request for information;

- (2) Any period during which an environmental impact statement (EIS) is being prepared following a determination of significance pursuant to RCW 43.21C.
- (3) Any period for administrative appeals, which shall not exceed ninety (90) days for open record appeals and sixty (60) days for closed record appeals.
- (4) Any extension of time mutually agreed upon by the applicant and the department.

(B) The time limit by which the City must issue a Notice of Final Decision does not apply if an application:

- (1) Requires an amendment to a comprehensive plan or development regulation.
- (2) Is substantially revised by the applicant after a Determination of Completeness has been issued, in which case the time period shall start from the date on which the revised project application is determined to be complete.
- (C) If the City is unable to issue its final decision within the time limits provided for in this section, it shall provide written notice of this fact to the applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the Notice of Final Decision.
- (D) In accordance with state law, the City is not liable for damages which may result from the failure to issue a timely Notice of Final Decision.

1D Appeals

1D.010 Appeals

- (A) An administrative appeal of a decision of the department after Limited and Full Administrative Review shall be filed with the department by the applicant or any party of record pursuant to Section 1D.030. The Hearing Examiner at a public hearing shall hear the administrative appeal as an open record appeal.
- (B) An appeal of a quasi-judicial decision by the Hearing Examiner shall be timely filed with the department, by the applicant or any party of record pursuant to Section 1D.030. The appeal shall be heard as a closed record appeal by the City Council.
- (C)An appeal of a final decision of the City Council shall be timely filed as a judicial appeal pursuant to Section 1D.040.
- (D) The City shall have no obligation to the applicant or to any party to defend an appeal of a decision of the department, Hearing Examiner or the City Council.
- (E) An aggrieved person, agency or department with standing may appeal a decision made by the City of Lacey. A person, agency or department with standing is one who is a party of record, as defined in Section 1.030.

1D.020 All proceedings on appealed action stayed unless an imminent

peril. The filing of an appeal shall stay all proceedings and furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the land use hearings examiner after the notice of the appeal is filed, that by reason of facts stated in the certificate, a stay would, in the opinion of such official, cause imminent peril to life and property. In such case the proceedings shall not be stayed unless the land use hearings examiner specifically orders such a stay.

1D.030 Administrative Appeals

- (A) An appeal to the hearing examiner or City Council shall be filed with the department within fourteen (14) days of the issuance of the decision appealed, together with the applicable appeal fee.
- (B) The notice of appeal shall contain a concise statement identifying:(1) The decision being appealed.
 - (2) The name and address of the appellant and his/her interest(s) in the application or proposed development.

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- (3) The specific reasons why the appellant believes the decision to be erroneous, including identification of each finding of fact, each conclusion, and each condition or action ordered which the appellant alleges is erroneous. The appellant shall have the burden of proving the decision is erroneous.
- (4) The specific relief sought by the appellant.

1D.040 Judicial Appeals

- (A) Appeals of an action of the City, with respect to an application for which all administrative appeals specifically authorized have been timely exhausted, shall be filed in the Thurston County Superior Court and served on all necessary parties within twenty-one (21) days after the date of issuance of the Notice of Final Decision, as determined pursuant to RCW 36.70C.040.
- (B) Notice of the appeal and any other pleadings required to be filed with the Superior Court shall be served on the City Manager, the City Attorney, and the Director of Community Development within the twenty-one (21) day time period.
- (C) The appellant may arrange for transcription of any hearings held on the application and copies from the file. All costs of transcribing the record, copying the file, and preparing the record on appeal shall be paid by the appellant. The appellant shall, prior to the department's preparation of the record, pay an advance deposit to the department in an amount determined by the department's fee schedule for copying materials. The fee schedule shall represent the department's reasonable costs of duplicating the record. Any excess advance deposit shall be promptly refunded to the appellant.

1D.050 SEPA Appeals

- (A) Any appeal brought under the State Environmental Policy Act (SEPA) shall be linked to a specific governmental action. SEPA provides a basis for challenging whether governmental action is in compliance with the substantive and procedural provisions of RCW Chapter 43.21C, WAC Chapter 197-11 and Title 14 of the Lacey Municipal Code. It is not intended to create an independent cause of action unrelated to a specific governmental action.
- (B) Appeals of environmental determinations made (or lacking) under SEPA shall be commenced within fourteen calendar days from the date the environmental determination is made. The environmental appeal hearing shall be consolidated into the public hearing for the

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underlying permit application for applications subject to quasi-judicial review. Appeals of an environmental determination associated with an application subject to full administrative review shall be scheduled for a public hearing before the City of Lacey Hearings Examiner.

(C)A person aggrieved by a City action or failure to act has the right to a judicial appeal pursuant to RCW Chapter 43.21C, RCW Chapter 36.70C and WAC Chapter 197-11.

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² Village Center projects require mailings to property owners within 1000-feet of the subject project.

³ Posting the site shall be required if the project is 'applicant requested' or if the project is site specific.