

ORDINANCE NO. 1236

CITY OF LACEY

AN ORDINANCE ADDING ADDITIONAL NOTICE AND PROCEDURAL REQUIREMENTS FOR CONDITIONAL USES INVOLVING ESSENTIAL PUBLIC FACILITIES AFFECTING AREAS OUTSIDE THE CITY, AMENDING SECTION 16.66.010 OF THE LACEY MUNICIPAL CODE, ADDING A NEW SECTION, 16.66.060 TO SAID CODE AND APPROVING A SUMMARY FOR PUBLICATION.

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

Section 1. 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. Provide a classification system for essential public facilities as defined in RCW 36.70.A.200 to determine those essential public facilities requiring regional review;
- D. Provide a review opportunity to surrounding jurisdictions that may be impacted by the siting of essential public facilities as defined in RCW 36.70A.200;
- ~~E.~~ 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 conditional uses;
- ~~F.~~ Authorize the city to impose reasonable conditions, restrictions and development requirements on conditional uses as may be deemed appropriate for a conditional use in any given land use district;
- ~~G.~~ Provide for a review process which will enable city officials, the general public and proponents of conditional 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;

FH. 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;

GI. 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;

HJ. 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 2. There is hereby added to the Lacey Municipal Code, a new section, 16.66.060, to read as follows:

**16.66.060 Essential public facilities.**

**A. Essential public facilities identified.** Essential public facilities, for purposes of this chapter are public or privately owned or operated facilities while, although serving a public purpose, are typically difficult to site. They include but are not limited to, airports, state educational facilities, state or regional transportation facilities, prisons, jails and other correctional facilities, secure community transition facilities, solid waste handling facilities, inpatient facilities such as group homes and mental health facilities, sewage treatment facilities, and communication towers and antennas.

**B. Special regional review process and minimum standards for essential public facilities.**

Essential public facilities shall be processed as a conditional use pursuant to the requirements of this chapter. Essential public facilities shall be subject, at a minimum, to the policies provided in adopted County wide planning policies and the City Comprehensive Land Use Plan, and all applicable standards and requirements of the zoning code and other applicable codes and regulations.

**C. Essential public facilities classified.**

Essential public facilities are classified, for purposes of this section as follows:

1. Type One: Multi-county facilities. Major facilities serving or potentially affecting more than one county. These facilities include, but are not limited to, regional transportation facilities, such as regional airports; state correction facilities; and state educational facilities.

2. Type Two: Local or inter-local facilities serving or potentially affecting residents or property in more than one jurisdiction. They could include, but are not limited to,

county jails, county landfills, community colleges, sewage treatment facilities, communication towers, and inpatient facilities, such as substance abuse facilities, mental health facilities, and group homes.

3. Type Three: Facilities serving or potentially affecting only the City of Lacey and its residents.

**D. Essential public facilities determination of classification.**

The City of Lacey shall determine the type of classification of a proposed essential public facility. In order to enable the City to determine the project's classification, the applicant shall identify the approximate area within which the proposed project could potentially have adverse impacts, such as increased traffic, public safety risks, noise, glare, emissions, or other environmental impacts.

**E. Essential public facilities early notification.**

Early notification and involvement of affected citizens and jurisdictions for Type One and Type Two facilities is required as follows:

1. At least 90 days before submitting an application for a Type One or Type Two essential public facility, the prospective applicant shall notify the affected public and jurisdictions of the general type and nature of the proposal, identify sites under consideration for accommodating the proposed facility, and identify opportunities to comment on the proposal. Applications for specific projects shall not be considered complete in the absence of proof of a published notice regarding the proposed project in a newspaper of general circulation in the affected area. This notice shall include the information described above and shall be published at least 90 days prior to the submission of the application.

2. Affected citizens, jurisdictions and the Thurston Regional Planning Council may provide this project sponsor and the City of Lacey with their comments or recommendations regarding alternative project locations during this 90-day period. The purpose of this provision is to enable potentially affected jurisdictions and the public to collectively review and comment on alternative sites for major facilities before the project sponsor has made its siting decision.

**F. Essential public facilities consideration of impact on sensitive areas.**

Essential public facilities shall not have any probable significant adverse impact on critical areas or resource lands, except for lineal facilities, such as highways, where no feasible alternative exists.

**G. Essential public facilities analysis.**

Applicants for Type One and Type Two essential public facilities shall provide an analysis of the alternative sites considered for the proposed facility. This analysis shall include the following:

1. An evaluation of the site's capability to meet basic siting criteria for the proposed facility, such as size, physical characteristics, access, and availability of necessary utilities and support services;
2. An explanation of the need for the proposed facility in the proposed location;
3. The site's relationship to the service area and the distribution of other similar public facilities within the service area or jurisdiction, whichever is larger; and
4. A general description of the relative environmental, traffic, and social impacts associated with locating the proposed facility at the alternative sites which meet the applicant's basic siting criteria. The applicant shall also identify proposed mitigation measures to alleviate or minimize significant potential impacts.
5. A brief description of the process used to identify and evaluate the alternative sites.

Section 3. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,

WASHINGTON, at a regularly-called meeting thereof, held this 13th day of  
January, 2005.

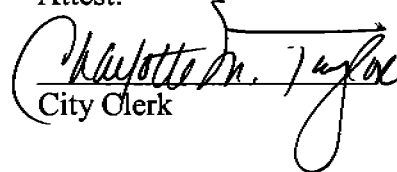
CITY COUNCIL

By   
Mayor

Approved as to form:

  
City Attorney

Attest:

  
City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE 1236

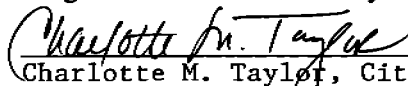
CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on January 13, 2005, Ordinance No. 1236, entitled "AN ORDINANCE ADDING ADDITIONAL NOTICE AND PROCEDURAL REQUIREMENTS FOR CONDITIONAL USES INVOLVING ESSENTIAL PUBLIC FACILITIES AFFECTING AREAS OUTSIDE THE CITY, AMENDING SECTION 16.66.010 OF THE LACEY MUNICIPAL CODE, ADDING A NEW SECTION, 16.66.060 TO SAID CODE AND APPROVING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. The Ordinance adds early notification and other procedural requirements related to the proposed siting of essential public facilities, particularly those which are likely to have an effect on areas within other jurisdictions.
2. The additional requirements are made as part of the requirements for processing Conditional Use Permit applications.
2. The Ordinance approves this Summary for publication.

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.

  
Charlotte M. Taylor, City Clerk

Published: January 17, 2005, 2005.  
(Monday)