

ORDINANCE NO. 1342

CITY OF LACEY

AN ORDINANCE ADOPTING THE CITY OF LACEY 2010 STORMWATER DESIGN MANUAL, AMENDING SECTION 14.24.160 OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, the Western Washington NPDES Phase II Municipal Stormwater Permit requires that the City adopt and implement specific requirements to control the quality and quantity of stormwater runoff at nearly all new development, re-development and construction sites, and

WHEREAS, there has been a new Drainage Manual developed and reviewed by the City which manual is at least as protective of water quality as the criteria set forth in the 2005 Stormwater Management Manual for Western Washington developed by the Washington State Department of Ecology, and

WHEREAS, the new Drainage Manual needs to be encompassed within the City's substantive environmental review policies,

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

Section 1. That certain document entitled City of Lacey 2010 Stormwater Design Manual is hereby adopted as the official regulations regarding the design of stormwater systems and the governing of drainage within the City.

Section 2. Section 14.24.160 of the Lacey Municipal Code is hereby amended to read as follows:

**14.24.160 Substantive authority.**

- A. The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the city.
- B. The city may attach conditions to a permit or approval for a proposal so long as:
  - 1. Such conditions are necessary to mitigate specific probably significant adverse environmental impacts identified in environmental documents prepared pursuant to this chapter;
  - 2. Such conditions are in writing;
  - 3. The mitigation measures included in such conditions are reasonable and capable of being accomplished;
  - 4. The city has considered whether other local, state or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts;
  - 5. Such conditions are based on one or more policies in subsection 14.24.160(D) and cited in the license or other decision document.
- C. The city may deny a permit or approval for a proposal on the basis of SEPA so long as:
  - 1. A finding is made that approving the proposal would result in probably significant adverse environmental impacts that are identified in a final EIS or final supplemental EIS prepared pursuant to this chapter;
  - 2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact;
  - 3. The denial is based on one or more policies identified in subsection 14.24.160(D) and identified in writing in the decision document.
- D. The city designates and adopts by reference the following policies as the basis for the city's exercise of authority pursuant to this section:
  - 1. The city shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:
    - a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
    - b. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
    - c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
    - d. Preserve important historic, cultural, and natural aspects of our national heritage;
    - e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
    - f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities;

- g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
2. The city recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.
  3. The city adopts by reference the policies in the following codes, ordinances and plans:
    - a. Lacey zoning ordinance;
    - b. Lacey Comprehensive Plan;
    - c. Lacey platting and subdivision ordinance;
    - d. Lacey six-year street plan;
    - e. Shoreline master program for the Thurston region;
    - f. Thurston Regional Transportation Plan;
    - g. The City of Lacey Buildings and Construction Code as set forth in the Lacey Municipal Code, Chapters 14.02 through 14.20;
    - h. Lacey bikeway plan;
    - i. The City's Traffic Mitigation and Concurrency Regulations as set forth in the Lacey Municipal Code, Chapter 14.21;
    - j. The city of Lacey's environmental regulations as set forth in the Lacey Municipal Code, Chapter 14.26 (Shoreline Master Program), Chapter 14.28 (Wetlands Protection), Chapter 14.30 (Removal of Top Soil), Chapter 14.31 (Drainage Discharge), Chapter 14.32 (Tree and Vegetation Protection and Preservation), Chapter 14.33 (Habitat Conservation Areas Protection), Chapter 14.34 (Flood Hazard Prevention), Chapter 14.36 (Critical Aquifer Recharge Areas Protection), and Chapter 14.37 (Geologically Sensitive Areas Protection);
    - k. City of Lacey Development Guidelines and Public Works Standards as adopted by the Lacey Municipal Code Chapter 12.28;
    - l. The Capital Improvement Plan of the North Thurston Public Schools and means for mitigating impacts upon such plan;
    - m. The transportation plans of Thurston County, the City of Olympia and the City of Tumwater, and allowed means of mitigating impacts of development upon such plans;
    - n. The City's requirements for the undergrounding of communication facilities as set forth in the Lacey Municipal Code, Chapter 12.22.
    - o. The City of Lacey 2010 Stormwater Design Manual.
  4. The city establishes the following additional policies: The city may apply any mitigation conditions necessary to properly mitigate identified adverse environmental impacts associated with license or permit applications. In implementation of this policy for each individual license application the city shall review all of the elements of the

environment listed in WAC 197-11-444 and shall attempt to apply conditions as appropriate to mitigate identified adverse environmental impacts under all elements of the environment. Mitigation conditions may include but shall not be limited to: timing and scheduling of construction and operation, modification of site design, project design or location, modification of the physical environment, installation of physical and vegetative improvements, mitigation of pollution sources, installation of pollution abatement equipment or safety equipment or improvements, providing of or upgrading of on- and off-site infrastructure improvements, preservation or protection of specified habitat and species of flora and fauna, provision for buffers and open spaces, layout and design of open space including centralization and consolidation, provision of safe and attractive pedestrian improvements, provision of bus stop improvements to Intercity Transit and North Thurston School District Standards, site restoration and improvements after surface mining or mineral extraction or other activity, provision for lot owners or homeowners maintenance associations, and requiring of conditions identified in a wetlands mitigation plan or report for protection of wetlands or wetland buffers.

E. The legislative appeals authorized by RCW 43.21C.060 are eliminated from this chapter.

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

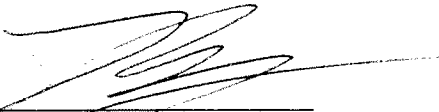
PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,

WASHINGTON, at a regularly-called meeting thereof, held this 28<sup>th</sup> day of January, 2010.

CITY COUNCIL

By: Tom Nelson  
Mayor

Approved as to form:

  
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City Attorney

Attest:

Carol Little  
City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE 1342

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on January 28, 2010, Ordinance No.1342, entitled "AN ORDINANCE ADOPTING THE CITY OF LACEY 2010 STORMWATER DESIGN MANUAL, AMENDING SECTION 14.24.160 OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. The Ordinance adopts the City of Lacey 2010 Stormwater Design Manual which manual was created for purposes of improving stormwater systems being developed within the City and in compliance with the Western Washington NPDES Phase II Municipal Stormwater Permit governing the City.
2. The Design Manual is also made a part of the City's Substantive Environmental Policy.
3. 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.

Published: February 1, 2010.