

ORDINANCE NO. 1417

CITY OF LACEY

AN ORDINANCE RELATING TO PLANNING, ZONING AND LAND USE REGULATIONS WITHIN THE CITY, ADOPTING A WOODLAND DISTRICT STRATEGIC PLAN, ADOPTING A STORMWATER COMPREHENSIVE PLAN, ADOPTING AN UPDATED URBAN FOREST MANAGEMENT PLAN, GRANTING ZONING CHANGES, AMENDING SECTIONS 14.32.030, 14.32.035, 14.32.045, 14.32.050, 14.32.064, AND 16.03.015, REPEALING TABLE 14T – 18, ADDING TABLES 14T – 18 AND 14T – 66, ALL OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY,

WASHINGTON, as follows:

WHEREAS, pursuant to the Growth Management Act, RCW 36.70A, the city may amend the Comprehensive Land Use Plan once per year, and

WHEREAS, the city, through the Thurston Regional Planning Council (TRPC) and the federal department of Housing and Urban Development (HUD), received a grant to complete a Strategic Plan for the Woodland District, and

WHEREAS, city staff, in conjunction with TRPC and a consultant team, developed said Plan, and

WHEREAS, a Stormwater Comprehensive Plan has been developed to serve as the Storm and Surface Water Utility's planning tool, and

WHEREAS, said Plan will guide the programs and activities of the utility, aid the city's compliance with regulatory mandates, and provide accountability and transparency to the city's utility customers, and

WHEREAS, the Lacey Planning Commission has reviewed the above Plans and recommended them to the City Council, and

WHEREAS, the City Council finds that the adoption of the above Plans will be in the public interest, and

WHEREAS, the City Council in 2006 adopted the City of Lacey Urban Forest Management Plan and implementation regulations which strengthened requirements for tree protection, replanting, and design, and

WHEREAS, said Plan has been reviewed and recommendations have been made for updating and modification, and

WHEREAS, the City Council finds that the updating and modification of said Plan will be in the public interest, and

WHEREAS, the City Council has, upon recommendation of the Planning Commission, reviewed and determined to grant two applications for zoning map changes,

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

Section 1. That certain document entitled the City of Lacey Woodland District Strategic Plan, attached hereto as Exhibit A, is hereby adopted as part of the Lacey Comprehensive Land Use Plan.

Section 2. That certain document entitled the City of Lacey Stormwater Comprehensive Plan, attached hereto as Exhibit B, is hereby adopted as part of the Lacey Comprehensive Land Use Plan.

Section 3. That certain document entitled the City of Lacey Urban Forest Management Plan, attached hereto as Exhibit C, is hereby adopted to replace the existing Lacey Urban Forest Management Plan as part of the Lacey Comprehensive Land Use Plan.

Section 4. The zoning designation shown on the Comprehensive Plan and Land Use Maps of the City for those properties shown on Exhibit D, attached hereto, is hereby changed from Business Park (BP) to Hawks Prairie Business District, Business Commercial (HPBD-BC).

Section 5. The zoning designation shown on the Comprehensive Plan and Land Use Maps of the City for those properties shown on Exhibit E, attached hereto, is hereby changed from General Commercial (GC) to Mixed Use High Density Corridor-East (MUHDC-E).

Section 6. After the required modifications are made to the Comprehensive Plan and Land Use Maps of the City pursuant to the direction of Sections 4 and 5, said maps shall be designated as "Revised 2013" and identified by the approving signatures of the Mayor and City Clerk.

Section 7. Section 14.32.030 of the Lacey Municipal Code is hereby amended to read as follows:

- A. "Brushing" means the practice of removing ground cover to create better visibility on a property for purposes such as marketing or surveying of said property.
- B. "Caliper" is the standard for trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured 6" above the ground for up to, and including, 4 inch caliper size and 12 inches above the ground for larger sizes.
- C. "City" means the city of Lacey, Washington.
- D. "Class IV forest practice activity" is a timber harvest, thinning or other activity as established in the Washington State Department of Natural Resources Forest Practices Regulations, whereby a property owner is allowed to harvest a limited amount of timber from their property within the city of Lacey, while still maintaining their rights to convert their property to a use inconsistent with growing timber.
- E. "DBH" is the diameter at breast height, measured 4.5 feet above the groundline on the high side of the tree.
- F. "Director" means director of community development or his/her designee.
- G. "Drip line" of a tree is located by the vertical projection of a line at the tips of the outermost branches.

H. “Ground cover” means grass, forbs, shrubs, and trees less than four inches in diameter measured four and one half feet above the ground level (DBH).

I. “Hazard tree” means any tree that is dead, dying, damaged, diseased, or structurally defective, recently exposed by adjacent clearing, or some other factor that will subject the tree to failure, and the tree could reasonably reach a target, as determined by the tree protection professional.

J. “Land clearing” means the direct and indirect removal of trees and/or ground cover from any public or private undeveloped, partially developed, or developed lot, public lands or public right-of-way. This shall also include any destructive or inappropriate activity applied to a tree that will result in its death or effectively destroy the trees appearance and/or functionality, such as topping.

K. “Historical tree” is a tree or group of trees designated as such by the city because of its historical value to the residents of the city.

L. “Root protection zone” is an area around the tree to be saved equal to one foot of radius for each one inch of tree diameter measured 4.5 feet above the ground line (DBH), unless otherwise designated by the city’s tree protection professional.

M. “Site disturbance” is any action that requires a City of Lacey building permit.

~~M~~N. “Specimen tree” is a tree that is unique or rare because of its exceptional size or quality, species, or value in a particular location.

~~N~~O. “Topping” is the indiscriminant placement of cuts to reduce a tree’s size. Topping is not an acceptable pruning practice in the city of Lacey.

~~O~~P. “Tree” means any living woody plant characterized by one main stem or trunk and many branches, and having a diameter of four inches or more measured at four and one half feet above the ground level (DBH).

~~P~~Q. “Tree protection professional” is a certified professional with academic and/or field experience that makes him or her a recognized expert in urban forestry and tree protection during development. A tree protection professional shall be a member of the Society of American Foresters (SAF), the Association of Consulting Foresters of America (ACF), the American

Society of Consulting Arborists (ASCA), or the International Society of Arboriculture (ISA) similar professional forestry organizations, and shall have specific experience with urban tree management in the state of Washington. Additionally the tree protection professional shall be an ISA Certified Arborist or an ASCA Registered Consulting Arborist with the necessary training and experience to use and apply the International Society of Arboriculture's Guide for Plant Appraisal and to professionally provide the necessary expertise relating to management of urban trees specified in this chapter.

QR. "Tree tract" is a portion of land designated for the preservation and protection of existing trees or the planting of new trees to maintain tree canopy at a development site. The tree tract shall be a separate designated lot(s) shown on the plat map, binding site plan, or site plan review map, and shall be recorded with appropriate description of purposes and restrictions. Restrictions applied to the tree tract will not allow any use other than the growing of trees in the tract, and will reserve the tract for the protection and preservation of trees in perpetuity. Tree tracts can be used for other open space uses when the uses are compatible with trees and will not impact tree health. The tract will be dedicated to, and owned and maintained by the home owners, or lot owners association, or comparable entity. The tract may be dedicated to the city of Lacey for maintenance if approved by the city. Creation of tree tracts to save the best trees on a site may require modifications to the street locations, lot designs and/or other features of the site plan.

Section 8. Section 14.32.035 of the Lacey Municipal Code is hereby amended to read as follows:

The city shall contract with one or more professionals that qualify as a tree protection professional under the definition of this chapter. Said professional or professionals shall be responsible for providing the information and services required of a tree protection professional described herein.

Individual applicants will be responsible for payment of the costs and fees of the designated tree protection professional for projects necessitating work to be performed by the tree protection professional in accordance with Table 14T - 66~~with the exception of work in determining an exempt project~~. The city shall be responsible for billing and collecting costs and fees charged to the applicant and transferring said payment to the tree protection professional unless the city has

opted for some other mechanism of providing for the costs and fees, such as inclusion of such costs and fees in the schedule of application fees.

Section 9. Section 14.32.045 of the Lacey Municipal Code is hereby amended to read as follows:

A. **Urban growth ~~boundary~~area.** ~~Areas-Properties~~ within the ~~city~~-urban growth ~~boundary~~ area are anticipated to be available for development with urban uses within the next twenty year period. Pursuant to RCW 76.09.070 lands within the urban growth area are not considered appropriate for long term timber production and harvesting which takes a full forty year cycle. Forest management activities shall be consistent with the city's Comprehensive Land Use Plan and implementing regulations for the urban growth area. Forest management activities shall promote the goals and policies of the Lacey Urban Forest Management Plan. Forest practice applications shall meet the requirements specified in subsections B, C, D and ~~D-E~~ of ~~the LMC Section 14.32.045~~this section.

B. **Conversions and timing.** Because conversion of properties within the urban growth ~~boundary~~-area can reasonably be ~~is~~-expected, significant land clearing of such properties shall only take place at the time of a valid land use application. Tree tracts, open spaces and buffers can then be properly coordinated with the actual development plans.

To further the purposes, goals, and policies of the Urban Forest Management Plan, timber harvesting and conversion of forested lands within the urban growth ~~boundary~~-area shall not be permitted until such time as a valid land use application for development is made; provided, however, requests may be made for maintenance and thinning of existing timber stands to promote the overall health and growth of the stand until said stand is converted and harvested pursuant to plans provided within a valid land use permit.

C. **Maintenance and thinning.** Class IV forest practice applications and applications for maintenance and thinning shall be reviewed by the city's tree protection professional who shall make recommendations on the request to the land clearing committee. Recommendations shall ensure that action shall improve the health and growth of the stand and preserve long term tree protection alternatives to meet the goals of this chapter.

D. **Selective thinning limited.** Thinning activities shall be strictly limited to less than thirty-five percent of the volume every ten years. High grading or top-down thinning shall not be permitted. The remaining stand of trees should be healthy, long-term trees from the dominant and co-dominant crown classes. The stand shall be marked prior to the selective thinning operation, indicating which trees will be removed and saved.

E. **Processing of applications.** Class IV forest practice applications shall be processed concurrently with, and using the same process as, the underlying land use application. Should there be no underlying land use application, the Class IV forest practice application shall be processed in accordance with the Full Administrative Review procedures in Chapter 1 of the City of Lacey Development Guidelines and Public Works Standards.

Section 10. Section 14.32.050 of the Lacey Municipal Code is hereby amended to read as follows:

The following shall be exempt from land clearing permit requirements of this chapter but shall satisfy all standards and requirements of LMC 14.32.065 and other sections as noted below:

- A. **Coordination with land use applications.** Projects requiring approval of the city of Lacey site plan review committee under Chapter 16.84 LMC, or projects requiring review by the hearings examiner or city council, provided that land clearing on such projects shall take place only after approval and shall be in accordance with such approval and the standards of this chapter including the information requirements and standards of LMC 14.32.060.
- B. **Hazard trees.** Removal of hazard trees in emergency situations involving immediate danger to life or property as determined by the city's tree protection professional.
- C. **Unhealthy trees and groundcovers.** Removal of obviously dead or diseased trees or ground cover which may be a fire hazard as determined by the city's tree protection professional.
- D. **Individual lot exemption.** Removal of ~~less than six trees~~no more than five trees in any thirty-six consecutive months or ground cover for the purposes of solar access, general property and utility maintenance, landscaping or gardening, provided a minimum tree threshold is maintained pursuant to LMC 14.32.066, and provided further this exemption does not apply to historical trees or trees and ground cover in an area designated as environmentally sensitive. An exemption must be issued by the city of Lacey prior to the removal of trees under this exemption provision.
- E. **Building footprint.** Removal of trees and ground cover within a maximum of ten feet (when required for construction) of the perimeter of the building line and any area proposed to be cleared for driveway, septic, sewer and water purposes, of a single-family or duplex dwelling to

be constructed as indicated on the plot plan submitted to the building official with an application for a building permit; provided, however, the director may require minor modifications in siting and placement of driveways, utilities and septic tank drain field systems and sewer and water lines where such modifications will promote the goals of the chapter and still satisfy the need and function of improvements.

F. **Clear vision.** Removal of obstructions required by the vision clearance at intersections regulations of Chapter Four of the Development Guidelines and Public Works Standards.

Section 11. Section 14.32.064 of the Lacey Municipal Code is hereby amended to read as follows:

Every commercial project over one acre in size, and every land division over two acres in size shall be required to designate a tree tract(s) to further the goals of the Urban Forest Management Plan for maintenance and no net loss of tree canopy in the city of Lacey.

A. **Tree tract basic standard.** The tree tract or tracts shall generally cover five percent or more of the site and shall represent the primary strategy for maintaining the tree canopy. All developing properties shall create a tree tract equal to five percent of the gross site area.

B. **Tree tract credit for required open space area.** Land divisions and most binding site plans require provision of open space as a requirement of the approval process. Up to one hundred percent of the requirement for a tree tract(s) may be satisfied in combination with the open space requirement provided the following conditions apply:

1. The open space area can function for necessary recreation activities, is located in the most strategic location of the site to provide centralized recreation functions or combined with adjacent open space identified for a public park;

2. The open space satisfies open space needs as identified in the City Comprehensive Plan for Outdoor Recreation;

3. The location is the best site for the tree tract(s) based upon urban forestry principals and intent of the Urban Forest Management Plan.

4. If the open space and tree tract location requirements are not compatible, the requirement for open space may be reduced to provide for the full tree tract requirement provided the following conditions apply:

a. There shall be adequate area set aside for tot lot and subdivision park activities to satisfy the expected needs of the subdivision residents, as determined by the city parks and recreation department director;

b. In no case shall the combined amount of land in the open space and tree tract(s) be less than the original open space requirement for the development.

5. Cash or like value of land area and improvements may be donated to the city in lieu of a tree tract. Any cash donated to the city shall be deposited in the city tree account. The city shall then utilize those funds for planting trees in other areas of the city. Acceptance of such a donation will be at the discretion of the Site Plan Review Committee and consistent with city policies for the provisions of establishing tree tracts.

C. Ownership. Tree tracts shall be held in common ownership by the homeowner's or lot owner's association or a comparable entity. Tree tracts may be deeded to the city of Lacey if approved by the city.

D. Priority of tree types. Trees to be protected must be healthy, windfirm, and appropriate to the site at their mature size, as identified by a qualified professional forester. In designing a development project's tree tract, the applicant shall protect the following types of trees in designated tract(s) in the following order of priority.

1. Historical trees. Trees designated as historical trees under LMC 14.32.072.
2. Specimen trees. Unusual, rare, or high quality trees.
3. Critical area buffer. Trees located adjacent to critical area buffers.
4. Significant wildlife habitat. Trees located within or buffering significant wildlife habitat.
5. Other high quality. Individual trees or groves of trees.

Section 12. Table 14T – 18 of the Lacey Municipal Code is hereby repealed.

Section 13. Table 14T – 18 is hereby added to the Lacey Municipal Code in the form attached hereto as Exhibit F.

Section 14. Table 14T – 66 is hereby added to the Lacey Municipal Code in the form attached hereto as Exhibit G.

Section 15. Section 16.03.015 of the Lacey Municipal Code is hereby amended to read as follows:

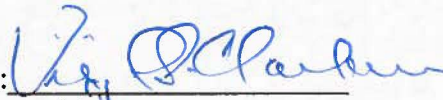
That certain series of documents identified as City of Lacey and Thurston County Land Use Plan for the Lacey Urban Growth Area, Housing Element for the City of Lacey and the Lacey Urban Growth Area, Environmental Protection and Resource Conservation Plan for the City of Lacey, City of Lacey Transportation Plan, College Street Improvements Final Report, City of Lacey Capital Facilities Plan, Utilities Element for the Lacey Comprehensive Plan, Comprehensive Plan for Outdoor Recreation, City of Lacey Water System Comprehensive Plan Update 2013, City of Lacey 2005 Wastewater Comprehensive Plan Update, Lacey Urban Forest Management Plan, City of Lacey Woodland District Strategic Plan, City of Lacey Stormwater Comprehensive

Plan, and Economic Development Element for the City of Lacey together with the Comprehensive Plan Downtown Element as supplemented by the City of Lacey Woodland District Guidelines and the Northeast Area Plan constitutes the Lacey Comprehensive Plan and all regulatory and zoning ordinances of the city shall be construed to be consistent with said plan as adopted or hereafter amended.

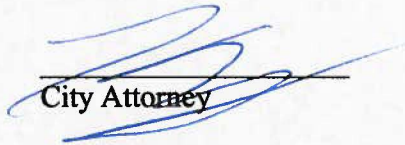
Section 16. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON, at a regularly-called meeting thereof, held this 25th day of
July, 2013.


CITY COUNCIL

By: 
Mayor

Approved as to form:


City Attorney

Attest:


City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE NO. 1417

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on July 25, 2013, Ordinance No. 1417, entitled "AN ORDINANCE RELATING TO PLANNING, ZONING AND LAND USE REGULATIONS WITHIN THE CITY, ADOPTING A WOODLAND DISTRICT STRATEGIC PLAN, ADOPTING A STORMWATER COMPREHENSIVE PLAN, ADOPTING AN UPDATED URBAN FOREST MANAGEMENT PLAN, GRANTING ZONING CHANGES, AMENDING SECTIONS 14.32.030, 14.32.035, 14.32.045, 14.32.050, 14.32.064, AND 16.03.015, REPEALING TABLE 14T – 18, ADDING TABLES 14T – 18 AND 14T – 66, ALL OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.."

The main points of the Ordinance are described as follows:

- 1. The Ordinance amends the city's Comprehensive Land Use Plan by adopting a Strategic Plan for the Woodland District, adopting a Stormwater Comprehensive Plan, adopting an updated Urban Forest Management Plan, and granting two applications for zoning map changes.**
- 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.

Published: July 29, 2013.