

ORDINANCE 535

CITY OF LACEY

AN ORDINANCE PROVIDING FOR COMMUNITY FACILITIES DISTRICTS IN FUTURE AND EXISTING SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS, ESTABLISHING PROCEDURES FOR THE CREATION OF SUCH DISTRICTS, PROVIDING FOR THE MAINTENANCE, OPERATION AND IMPROVEMENT OF COMMUNITY FACILITIES WITHIN SUCH DISTRICTS AND PROVIDING FOR SERVICE CHARGES AND FEES FOR SUCH MAINTENANCE, OPERATION AND IMPROVEMENTS, CREATING A NEW FUND AND ADDING NEW CHAPTERS TO THE LACEY MUNICIPAL CODE

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

Section 1. There is hereby added to the Lacey Municipal Code a new chapter, 15.36, to read as follows:

"15.36.010. Definitions. The words 'community facility' or 'community facilities' shall mean storm water control facilities or open space, park and recreation facilities, or any combination thereof.

"The words 'storm water control facilities' as used in this chapter shall mean any facility, improvement, development, property or interest therein, made, constructed or acquired for the purpose of controlling or protecting life or property from any storm, waste, flood or surplus waters wherever located.

"The words 'open space, park and recreation facilities' as used in this chapter shall mean any public facility, improvement, development, property or right or interest therein for public park, recreational, greenbelt, arboretum, athletic, historic, scenic viewpoint, aesthetic, ornamental or natural resource preservation purposes and shall include the surface land over interim common sewerage facilities.

"The words 'planned unit development' shall include planned residential developments in accordance with Chapter 16.56 and similar developments of a non-residential nature.

"15.36.020. Purpose. The city council finds that storm water control facilities within subdivisions of the city must be adequately maintained and in some circumstances improved in order to protect property and persons within the subdivisions and also to protect property and persons outside of the subdivision from the affect of storm, flood or surplus storm and surface waters. The city currently requires the construction of adequate storm water control facilities in accordance with the standards of the city but existing means of enforcing maintenance and adequate operation of said facilities by private property owners or homeowners' associations within subdivisions are inadequate. Open space, park and recreation facilities have and are currently being required to be set aside and constructed as part of subdivision approval by the city and such requirements are necessary in order to provide for the recreational development and leisure time activities of members of the community and to provide for the preservation of natural resources and aesthetic attributes of subdivisions. It is necessary for the benefit of residents within those subdivisions as well as all residents of the city that such open space, park and recreation facilities be maintained and operated in a manner which will promote the public health and safety and current means of maintaining said facilities by private

homeowners and homeowners' associations are not sufficient to accomplish this purpose.

"15.36.030. Community Facilities Committee. There is hereby established within the city a Community Facilities Committee consisting of the Director of Parks and Recreation, the Director of Public Works and the Lacey staff planner. The powers and functions of said committee shall be as follows:

"A. The committee shall review the preliminary plat of each proposed subdivision and advise the planning commission and city council as to whether the community facilities proposed in said subdivision are acceptable for inclusion within a Community Facilities District; what changes, if any, will be necessary to make the proposed facilities acceptable for inclusion; and any additional facilities which should be constructed or reserved within the subdivision for inclusion in a Community Facilities District.

"B. The committee shall review all applications from homeowners' associations or a majority of the lot owners in subdivisions which existed prior to the passage of this ordinance for the inclusion of community facilities within said subdivisions in a Community Facilities District and recommend to the city council whether or not such facilities should be accepted by the city for inclusion in a Community Facilities District.

"C. The committee shall, subject to the legislative policy of the city council and the administrative policy of the

city manager, make all necessary decisions regarding existing Community Facilities Districts including but not limited to the frequency and amount of maintenance required for said facilities, the improvement or expansion of said facilities, and the recommended rates and charges to be paid by the property owners within said districts for the costs of such maintenance, operation and improvement.

"15.36.040. All final plats filed after the effective date of this ordinance where the city council has required community facilities therein to be part of a Community Facilities District shall contain on the face of the plat in a manner which will bind all property owners and future property owners of land within the plat a statement substantially as follows:

All land area within the boundaries of this plat is within a Community Facilities District of the City of Lacey and all saleable lots are subject to all service fees and charges which may be levied by the City of Lacey for the maintenance, operation and improvement of community facilities and for liens for any unpaid service fees or charges.

"15.36.050. Existing Subdivisions and Planned Unit Developments. The city council may establish by ordinance a Community Facilities District within a subdivision or planned unit development which existed prior to the effective date of this ordinance after receiving recommendations from the Community Facilities Committee and holding a public hearing upon application of a homeowners' association or other regularly constituted body representing the property owners within the affected area or upon the receipt of an application signed by the owners of more than 50 percent of the lots within a subdivision.

"15.36.060. Advisory Committees. The property owners within a subdivision or planned unit development which contains a Community Facilities District may elect or appoint an advisory committee. The duty of such advisory committee shall be to advise the Community Facilities Committee as to the wishes and needs of residents of the subdivision or planned unit development regarding maintenance, operation and improvement of community facilities within their subject area.

"15.36.070. Service fees and charges. The city council shall fix service fee rates and charges for the furnishing of maintenance and operation services and for the making of improvements for all community facilities within each Community Facilities District after receiving recommendation of such fees and charges from the Community Facilities Committee. In fixing rates and charges, the council may consider services furnished or to be furnished, benefits received or to be received, the improvements made or to be made, and in the case of storm water control facilities, the water run-off characteristics of the land within the district and the cost to control said water after it leaves the district and any other matters which present a reasonable basis for setting rates or present a reasonable difference as a grounds for distinction in setting the rates for one district in relationship to other districts.

"15.36.080. Lien for delinquent service fees and charges.

The city shall have a lien for delinquent service charges, including interest thereon, against any property against which they were levied pursuant to this chapter, which liens shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Such liens shall be effective and shall be enforced and foreclosed in the same manner as city charges for water and sewerage service."

Section 2. There is hereby added to the Lacey Municipal Code a new chapter, 3.46, to read as follows:

"3.46.010. There is hereby created within the funds of the City of Lacey a fund known and designated as the Community Facilities Fund.

"3.46.020. Deposits. All fees and service charges collected for the furnishing of maintenance and operation services or for the making of improvements for all community facilities within Community Facilities Districts shall be deposited in the Community Facilities Fund of the city.

"3.46.030. All expenditures from the Community Facilities Fund shall be for the purpose of paying all or any part of the cost and expense of maintaining and operating community facilities, all or any part of the cost and expense of planning, designing, establishing, acquiring, developing, constructing and improving any of such facilities, or to pay or secure the payment

of all or any portion of any issue of general obligation or revenue bonds issued for such purpose.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON, this 28th day of June, 1979.

CITY COUNCIL

By Karen R. Traver
Mayor

Attest:

Timothy McGuire
City Clerk

Approved as to Form:

[Signature]
City Attorney

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