

ORDINANCE 630

CITY OF LACEY

AN ORDINANCE AMENDING THE SHORELINE MASTER PROGRAM, BEING CHAPTER 173-19-4202 OF THE WASHINGTON ADMINISTRATIVE CODE ADOPTED BY ORDINANCE NO. 436 AND AMENDED BY ORDINANCE NO. 516 AND ADDING NEW SECTIONS TO CHAPTER 14.26 OF THE LACEY MUNICIPAL CODE

WHEREAS, the council finds that jurisdictions which are parties to the Shoreline Master Program for the Thurston Region, including the City of Lacey, may desire to use procedures different from the standard procedures prescribed by the program and that the program should be amended to expressly authorize the adoption of such local procedures; and

WHEREAS, the council finds that administration of the Shoreline Management Act and Program in Lacey would be enhanced by the adoption of a local ordinance prescribing local procedures; and

WHEREAS, the council finds that Chapter 14.26 of the Lacey Municipal Code should be amended to prescribe procedures for administration of the program in the City of Lacey; now, therefore

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

Section 1. The Shoreline Master Program, being Chapter 173-19-4202 of the Washington Administrative Code as adopted by Ordinance No. 436 and amended by Ordinance No. 516, is further amended as follows:

A. The following sentence is added to Section II as the third sentence on page 8 and further is adopted as Section VII-5(1) on page 81, in place of Section VII-5(1) as earlier adopted, which subsection is hereby repealed:

"The Shoreline Master Program shall be administered pursuant to the procedures and policies prescribed by Section VII of this program unless a local government shall have adopted a local ordinance regulating such matters, in which case the provisions of the local ordinance shall prevail."

B. The following portion of subsection VII-2(2), being the first sentence on page 80, is hereby repealed:

"Permits are considered for issuance by the legislative bodies of local governments. (See 'Permit Processing Procedure' in this Section.)"

Section 2. There are hereby added to Chapter 14.26 of the Lacey Municipal Code, new sections, to read as follows:

"14.26.030. Pursuant to the authority of the Shoreline Master Program for the Thurston Region and Chapter 90.58 RCW, this section and subsequent sections of this chapter, together with the fees set forth in Section 14.26.020, shall constitute a local ordinance and shall supersede Parts 5, 6, 7, 8, 9, 10, 11, 13 and 15 of Section VII of the Shoreline Master Program for the Thurston Region entitled 'Definitions and Administration.' The provisions of the master program and this title are supplementary to the provisions

of Chapter 90.58 RCW and Title 173 of the Washington Administrative Code.

"14.26.040. 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 amended, 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 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 of Lacey Hearing Examiner to hear and render a decision regarding applications identified in subsection 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 300 feet of the boundary of the subject property, 10 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.

"14.26.050. Amendments to the Shoreline Master Program, including changes in mapped environmental designations, shall be processed pursuant to Chapter 173-19 WAC as now or hereafter amended and in accordance with 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 300 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. ~~1.0001~~ Any judicial action to review the amendment of the master program shall be commenced within 30 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 30 days from the date of the city council's decision not to amend.

~~2.0001~~ The appellant seeking such review shall pay the full cost of the transcription of the record prepared for judicial review.

"14.26.060. A. Any aggrieved person may appeal an administrative decision made pursuant to the master program 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."

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON, this 8th day of October, 1981.

CITY COUNCIL

By *W. Brown*
Mayor

Attest:

Timothy McGuire
City Clerk

Approved as to Form:

[Signature]
City Attorney

Passed: October 8, 1981

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