

ORDINANCE 742

CITY OF LACEY

AN ORDINANCE READOPTING CHAPTER 14.26 OF THE LACEY MUNICIPAL CODE RELATING TO THE ADOPTION OF THE SHORELINE MASTER PROGRAM FOR THE THURSTON REGION AND SETTING FORTH REGULATIONS FOR ADMINISTERING SAID PROGRAM

WHEREAS, the City Council duly considered, passed, and published an ordinance or ordinances enacting the chapter of the Lacey Municipal Code identified in the title to this ordinance relating to the subject matter so identified, and

WHEREAS, it has been asserted that ordinances of the City should have been posted in three public places in the City rather than published in the City's official newspaper, and if said assertion is upheld, the validity of that portion of the Lacey Municipal Code identified in the title to this ordinance may be in jeopardy and the Council takes this action in readopting the substantive provisions of said chapter solely for the purpose of protecting the City and its citizens against such a contingency; now, therefore

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

Section 1. Chapter 14.26 of the Lacey Municipal Code is hereby readopted to read as follows:

Chapter 14.26SHORELINE MASTER PROGRAMSections:

- 14.26.010 Adopted.
- 14.26.020 Fees amended.
- 14.26.030 General provisions.
- 14.26.040 Applications for permits.
- 14.26.050 Amendments.
- 14.26.060 Appeals.

14.26.010 Adopted. There is adopted and by this reference made a part of this chapter as though fully set forth herein, at length, those certain plans, rules and regulations known as the "Shoreline Master Program for the Thurston Region, July, 1983," as the master program for the regulation and development of the shorelines within the jurisdiction of the city, subject to the supplemental local ordinance contained within this code. (Ord. 693 §1, 1984: Ord. 436, 1976).

14.26.020 Fees amended. The fees to be paid to the city upon submittal of a shoreline application shall be established by resolution of the city council. No fee shall be charged for a Shoreline Conditional Use Permit, a Shoreline Timber Cutting Permit or a Shoreline Variance if the application or applications is submitted in conjunction with a Shoreline Substantial Development Permit. (Ord. 693 §2, 1984: Ord. 666 §35, 1982: Ord. 516 §2, 1979).

14.26.030 General provisions. Pursuant to the authority of the Shoreline Master Program for the Thurston Region and RCW Chapter 90.58, this section and subsequent sections of this chapter, together with the fees established by resolution of the city council, shall constitute a local ordinance. The provisions of the master program and this title are supplementary to the provisions of RCW Chapter 90.58 and Title 173 of the Washington Administrative Code. (Ord. 693 §3, 1984: Ord. 630 §2(part), 1981).

14.26.040 Applications for permits. 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 hearing examiner to hear and render a decision regarding applications identified in subsection A of this section.

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. (Ord. 630 §2(part), 1981).

14.26.050 Amendments. Amendments to the Shoreline Master Program, including changes in mapped environmental designations, shall be processed pursuant to WAC Chapter 173-19 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 accessor. 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. 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. The appellant seeking such review shall pay the full cost of the transcription of the record prepared for judicial review. (Ord. 630 §2(part), 1981).

14.26.060 Appeals. 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. (Ord. 630 §2(part), 1981).

Section 2. It is the intent of the City Council in passing this ordinance to readopt the provisions set forth herein only if said readoption is ruled necessary. It is further the intent of the City Council to reaffirm all of the provisions of Chapter 14.26 of the Lacey Municipal Code as originally adopted and further amended by ordinances of this Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON this 28th day of March, 1985.

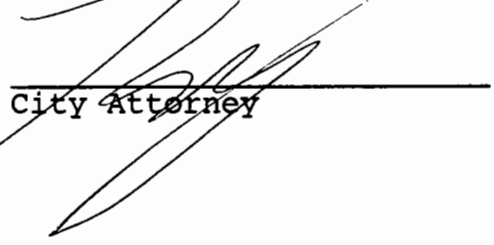
CITY COUNCIL

By 
Mayor

Attest:


City Clerk

Approved as to form:


City Attorney

Posted: March 29, 1985