

ORDINANCE 775

CITY OF LACEY

AN ORDINANCE RELATING TO THE REMOVAL OF TOP SOIL FROM LAND WITHIN THE CITY AND REQUIRING A PERMIT INCLUDING CERTAIN SAFEGUARDS, PERFORMANCE REQUIREMENTS, AND ENVIRONMENTAL CONSIDERATIONS, AND ADDING A NEW CHAPTER 14.30 TO THE LACEY MUNICIPAL CODE

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

There is hereby added to the Lacey Municipal Code a new chapter 14.30 to read as follows:

"14.30.010. The regulations of this chapter are adopted for the following purposes and these purposes are to be used as criteria for the issuance or denial of top soil permits under the provisions of this chapter:

"A. To promote the public health, safety, and general welfare of the citizens of Lacey without preventing the reasonable removal of top soil for beneficial purposes;

"B. To prevent problems in the installation of sewerage or septic tank facilities due to the indiscriminate or improper removal of top soil;

"C. To prevent problems relating to drainage, surface water and ground water runoff and diversion and erosion which may be caused by top soil removal;

"D. To minimize the effect of top soil removal upon water qualities contained within the water table beneath said lands;

"E. To provide for the restoration of property where top soil is removed;

"F. To protect the public and adjoining owners from dust, noise, and visual degradation existing during top soil removal operations; and

"G. To implement the goals and objectives of the Washington State Environmental Policy Act adopted by the city.

"14.30.020. No person, firm, or corporation shall engage in top soil removal from land within the City of Lacey for purposes other than the construction of structures, landscaping and other developmental additions to said land pursuant to an existing building permit when the top soil removal is under 100 cubic yards without first being issued a top soil permit pursuant to this chapter. Provided, however, that this chapter shall not apply for a period of two years from the date of the passage of this ordinance to those parcels of land where topsoil was being actively removed on April 1, 1986, or within six months prior to April 1, 1986, unless said top soil removal operations cease for a period of more than six months. Upon the expiration of said two years, or upon top soil removal operations ceasing for more than six months within said two-year time period, top soil removal operations from said land shall conform to this chapter in the same manner as top soil removal from all other lands within the city.

"14.30.030. An application for a top soil permit shall be accompanied by the following:

"A. An engineering study showing the grade of the top soil both prior to and after the proposed removal and engineering

documentation and explanation of the effect of said top soil removal upon the future installation of sewerage or septic tank facilities, the effect upon future drainage and the effect upon the water table located under said property.

"B. Drawings illustrating the areas of said property where top soil is proposed to be removed and the soil berm, fence or landscape screening to be used to screen the soil removal operation from adjoining properties or public facilities.

"C. Drawings and descriptive narrative showing the removal sequence and the means proposed to be taken to insure the continuity of natural site drainage flow without undue or uncontrolled ponding in retention areas.

"D. Proposed actions to control dust and noise during the removal operation.

"E. A proposed plan, including time sequence, for restoration of the land area after the removal of top soil.

"F. A listing of the name, address, and telephone number of the applicant and owner of the property, a legal description of the subject property and the names and addresses of all adjoining landowners.

"14.30.040. A non-refundable top soil permit application fee shall be paid at the time of submitting the application in an amount which shall be established by resolution of the City Council. Provided, however, until such time as the council sets such fee by resolution, the fee shall be in the sum of \$75.00.

"14.30.050. All applications for top soil permits shall be reviewed by the site plan review committee after notice to the

applicant and owner of the property and to all adjoining landowners. The review shall include consideration of the environmental effects of the proposed top soil removal. If the site plan review committee determines to issue a top soil permit, it may require the following:

"A. A landscaping screen, fence, or soil berm around the perimeter of the area to provide a screen.

"B. A mode of operation which will assure continuity of natural site drainage without undue or uncontrolled ponding in retention areas.

"C. Protective actions to control dust and noise during the removal operation.

"D. Restoration of the area in accordance with a plan approved as part of the permit.

"E. That all excavation proceed in a manner which will protect adjoining property owners and others from dangerous slopes, embankments, and loss of soil support, and in a manner which will support future building placement in accordance with documentation set forth as part of the restoration plan.

"F. Such other conditions as are required by State law, the ordinances, and development regulations of the city or as required to meet the environmental performance standards of Chapter 16.57 of the Lacey Municipal Code.

"G. A performance bond in an amount as may be deemed necessary to assure that the work and restoration shall be completed in accordance with the conditions of the permit. In lieu of a surety bond, the applicant may file a cash bond or instrument of credit in an amount equal to that which would be required in the

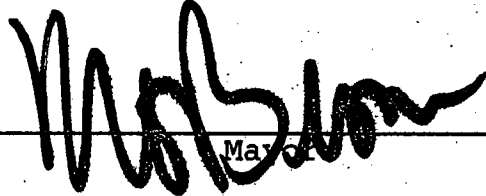
surety bond. The amount of such bond or instrument of credit shall not exceed the estimated cost of the work planned and restoration to be completed.

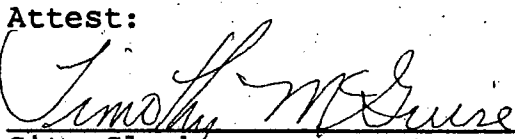
"14.30.060. Appeals. Any person or persons aggrieved by any action of the site plan review committee in issuing, denying, or conditioning a top soil permit may, within 10 days of such action, file a notice of appeal with the hearings examiner who shall process said appeal in accordance with Chapter 2.40 of this code.

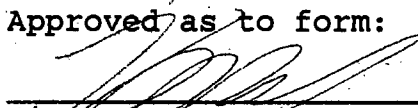
"14.30.070. Recording of Permit. All top soil permits issued by the city shall contain the conditions set by the city in accordance with this chapter, contain a legal description of the property and be designed in such a manner that it can be recorded in the records of the Thurston County Auditor. After the issuance of a permit and the expiration of the time period for appeal, the city shall record the permit in a manner which will provide constructive notice of the granting of the permit and its conditions."

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON, this 10th day of April, 1986.

CITY COUNCIL

By  Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

Published: 4-16-86