



**LAND USE COMMITTEE
OCTOBER 5, 2015
NOON
COUNCIL CHAMBERS**

1. **PLANNING COMMISSION TEXT AMENDMENTS UPDATE**
RICK WALK, COMMUNITY DEVELOPMENT DIRECTOR
(STAFF REPORT ATTACHED)



LAND USE COMMITTEE
October 5, 2015

SUBJECT: 2015 Proposed Development Code Amendments

RECOMMENDATION: Update the Land Use Committee on the proposed 2015 development code amendments as recommended by the Planning Commission.

STAFF CONTACT: Scott Spence, City Manager *SS*
Rick Walk, Community Development Director *RW*
Ryan Andrews, Planning Manager *RA*
Christy Osborn, Associate Planner *CO*

ORIGINATED BY: Community Development Department

ATTACHMENTS: 1. [2015 Development Code Amendments](#)
2. [Planning Commission Record](#)

FISCAL NOTE: None.

PRIOR REVIEW: None.

BACKGROUND:

The 2014/2015 Planning Commission Work Program identified zoning code updates as an on-going work item. As the many Plan elements are updated and adopted, implementation ordinances also require review and amendment to ensure consistency with the Comprehensive Plan. There are four major topic items that are being considered with this update including:

- Updates to Lacey Municipal Code 14.24 related to recent revisions permitted under the State Environmental Policy Act for flexible thresholds under WAC 197-11-800.
- Revisions to LMC 16.37 for the Hawks Prairie Business District related to ground floor residential uses, auto sales, and park and rides.
- Private-applicant initiated amendment submitted by J & J Lacey LLC to LMC 16.40 to eliminate the 500,000 square foot building cap.
- Municipal code housekeeping amendments.

SEPA FLEXIBLE THRESHOLD MODIFICATION:

Prior to the adoption of development regulations and comprehensive plans in conformance with the requirements of the GMA, the SEPA process was widely used in the land use permitting process to mitigate environmental impacts for a range of issues. Twenty-five years after the adoption of the Act, local development regulations and plans have been amended to address many of these environmental impacts. For many projects, SEPA review has become more of a procedural process than a means to mitigate environmental impacts.

The 2012 legislature enacted a number of amendments to Chapter 43.21C RCW, the State Environmental Policy Act (SEPA) and directed Department of Ecology (DOE) to amend the SEPA rules to reduce redundancy in the environmental permitting process. State statute and SEPA rules contain categorical exemptions for certain actions that are not deemed major actions that significantly affect the quality of the environment. These exempt actions do not require environmental review.

Many of the rule changes are adopted into the municipal code by reference. Other changes require amending the Environmental Policy chapter of the Lacey Municipal Code (LMC), Chapter 14.24. Changes included in the revised SEPA rules included Planned Actions, infill development, non-project actions, SEPA checklist, and flexible exemption thresholds. Additional amendments to the Environmental Policy chapter will be proposed after the adoption of amendments to the Comprehensive Plan in 2016.

LMC Chapter 14.24, Environmental Policy

The city's provisions for SEPA are contained in Chapter 14.24 LMC, Environmental Policy. Sections of the chapter are revised as amendments to SEPA rules occur. Flexible thresholds for categorical exemptions were last amended in 1996 to exempt the following:

- Up to twelve dwelling units in the Moderate-Density Residential District;
- Up to twenty dwelling units in the High-Density Residential District; and
- Office, school, commercial, recreational, service or storage buildings up to 4,000 square feet in size with up to forty parking spaces.

Discussion

The Planning Commission discussed draft amendments to the SEPA chapter and recommended some minor changes. These changes included removing the exemption for an agricultural structure up to 40,000 square feet due to the lack of agricultural lands in the urban growth boundary and demand for accessory structures of this size. The existing exemption level of 10,000 square feet is proposed to remain in its place. Other recommended changes included amending language to clarify the intent of the provisions.

Planning staff prepared proposed amendments to Chapter 14.24 based on the review by the Planning Commission. Planning staff reviewed our local environmental provisions and made technical corrections and aligned the environmental requirements with the

development regulations and Comprehensive Plan. Proposed changes to the environmental policy chapter include the following:

- **Reference citations:** Sections of the Chapter 197-11 WAC that are adopted by reference by the city are proposed to be amended to reflect the correct citation contained in the rule;
- **Categorical exemptions without flexible thresholds – Section 14.24.055:** A section was added to reflect changes in the Washington Administrative Code provisions that identify categorical exemptions with and without flexible threshold levels;
- **Flexible Threshold Levels for categorical exemptions – Section 14.24.060:** Revising the flexible threshold levels for categorical exemptions for multi-family residential structures up to 60 dwelling units; the construction of an office, school, commercial, recreational service or storage building up to 30,000 square feet and associated parking for up to 90 parking spaces; and landfill and excavation up to 1,000 cubic yards throughout the total lifetime of the fill or excavation.

The provisions to allow for the exemption for up to 30 single family residential units was not included in the flexible thresholds due to focusing city efforts to encourage multi-family and infill development in the limited available land remaining in the city's urban growth area. Encouraging multi-family development is also in line with the goal and policy direction contained in the Comprehensive Plan.

The provision for barns and accessory agricultural structures up to 40,000 square feet has been removed as an exemption from the flexible threshold levels. Minor construction thresholds would allow for the size of these structures to be up to 10,000 square feet when proposed in conjunction with agricultural use of the subject property.

- **Environmentally sensitive areas:** The requirement to not consider designated environmentally sensitive areas as categorically exempt was removed from Section 14.24.180. Based on comments received from the Planning Commission that the proposed language was unclear, the language was modified to clarify that these areas are not excluded outright from exemption thresholds. Protections of these areas are currently addressed in the city's municipal code, critical area regulations, the Shoreline Master Program, and numerous state and federal laws.

LMC Chapter 16.53, Historic Preservation & Cultural Resources

Amendments to Chapter 15.53, Historic Preservation & Cultural Resources, are also included to address the protection of cultural and historic resources as required by state law in order to raise flexible categorical exemption levels. Raising these exemption levels requires notice and comment opportunities for the public, affected tribes, and agencies. The process also requires documentation of how adopted development regulations and state and federal laws provide adequate protections for cultural and historic resources; the use of available data and other project review tools regarding known or likely cultural and historic resources; project cultural resource review where warranted and standard inadvertent discovery language for all projects.

The required process for raising the flexible exemption levels has been completed by city staff including notice and comment opportunities, and environmental documentation that addresses protection and mitigation for elements of the environment. The city participates in the Certified Local Government Program and data sharing agreements with the Department of Archaeology and Historic Preservation for the use of project review data. Standard inadvertent discovery language is proposed to be included on permit approvals in addition to adoption of a Standard Inadvertent Archaeological and Historic Resources Discovery Plan for the City of Lacey.

Comments have been received from the Department of Archaeology and Historic Preservation and the Lacey Historic Commission. These comments have been considered during review by the Planning Commission and suggested changes have been noted in the draft code language.

HAWKS PRAIRIE BUSINESS DISTRICT AMENDMENTS:

After review of the Hawks Prairie Business District (HPBD) zoning, 1992 Northeast Subarea Element, and working on the Gateway Town Center master proposal, the Community Development Department has identified three topics related to the HPBD zoning district for consideration. First, allowing ground floor residential. Second, considering park and rides as a permitted use, and finally whether specific design and performance standards should be established for auto sales within the District.

The residential and park and ride topics came to light directly out of the work on the Gateway Town Center Supplemental Environmental Impact Statement (SEIS). The Gateway Master Plan Final SEIS was issued by the City of Lacey in 2010. Basis of the environmental analysis was a mixed-use development within the Hawks Prairie Business District. The Town Center is anticipated to total 1.2 million square feet of development on 120 acres containing five principle types of land uses: retail commercial, office, entertainment, residential, and hospitality. The arrangement of these uses in an integrated and connected manner promoted pedestrians, transit, and housing close to commercial services and employment. The SEIS recommended allowing ground floor residential to facilitate better mixed-use design.

Another key factor in the SEIS was creating a Town Center where residents and employees would not have to rely on the automobile for mobility. Having options to walk, bike, or use transit is considered a strategy to reduce overall vehicular trips, especially commute trips to job markets located to the north on Interstate 5. As the Town Center develops, transit services will need to be developed to serve future residents and employees. The SEIS identifies park and ride facilities as one of those facilities necessary to support future demand.

Auto sales have historically been discouraged in the HPBD because these types of uses were not considered to be able to meet the design standards of the District. Now, with over 25 years of design evolution and potential market opportunity, is it time to develop specific

design standards that auto sale uses would need to meet to be considered permitted in the HPBD.

Background—1992 Plan

The Hawks Prairie Business District was created as a result of the Northeast Planning Area Element adopted by the City in 1992 and subsequently incorporated in the City of Lacey Comprehensive Plan. The focus of the '92 Northeast Area element was to develop a model general plan for an area of the City that was expected to experience a high rate of growth and development within the near future. The study area contained approximately 970 acres mostly located north of Interstate 5 between Carpenter Road to the west and Hogum Bay Road to the East. The planning area also included both sides of Marvin Road between Interstate 5 and Martin Way. A great majority of the area studied in 1992 was undeveloped and zoned Light Industrial.

The '92 element identified areas suitable for general commercial, business park, light industrial, and residential uses. In addition, it was a desire at the time to create a “mixed-use dense node” of employment opportunities, residential units, recreational opportunities, and consumer services that would work toward reducing vehicle traffic and foster opportunities for transit services. As a result, the Hawks Prairie Business District designation was created.

The 1992 Northeast Area Plan identified the Hawks Prairie District as the most significant change from previous land use recommendations. The property designated as Hawks Prairie Business District totaled just less than 560 acres and was located north of Interstate 5, south of Britton Parkway, between Carpenter Road and Hogum Bay road to the east. It was the intent of the Hawks Prairie District to support residential, regional/commercial, business, retail mix, banks, office and corporate facilities. The designation is to provide for a dense mixed-use node to develop with jobs, commercial facilities, residences, and recreational activities close together. Uses identified by the '92 element that would complement and promote mixed-use development, creating an urban district include:

- Residential – high density: 20 units/acre maximum and minimum, limited to 10% of the zone.
- Medical facilities
- Hotels, motels, conference facilities
- Cultural, entertainment, recreation facilities
- Parks, playfields
- Public services
- Retail/commercial
- Financial
- Mass Transit
- Offices
- Corporate headquarters
- Open space/linkages

To implement the 1992 Northeast Area Plan, the City of Lacey created and adopted the new zoning chapter, LMC 16.37 Hawks Prairie Business District, in 1994. The zoning chapter incorporated the above uses as permitted uses under the zoning classification and also set site and design performance standards to apply to any new development within the established zoning district. In 1997, the City adopted a new ordinance for the Hawks Prairie Business District after further work on refining a design vision was completed. The following is a summary of how the ordinances addressed residential, park and ride, and auto sales.

1994 Ordinance

Ground Floor Residential: The 1992 Northeast Planning Area Element emphasized the HPBD as a mixed-use district densely developed with jobs, commercial services, recreational activities, and residences in close proximity. The original HPBD ordinance (LMC 16.37) adopted in 1994 allowed residential use at a density of 20 units per acre minimum. The '94 ordinance also allowed mixed-use occupancies with few limitations. For example, non-residential uses must have vehicular access via a commercial street; businesses occupied ground floors; and, business and residential portions were to be separated by sound proofing construction.

Park and Ride: Opportunities for transit services and facilities was a strong focus of the 1992 Northeast Planning Area Element. Transit services can take many forms from bus services, van pools, and rail. These services are supported by facilities such as bus stops, transit centers, park and ride lots, and stations. Consistent with the '92 element, the 1994 ordinance allowed mass transit to include high speed rail facilities, bus facilities, car pool facilities, and shuttle facilities, (i.e., helicopter).

Auto Sales: Auto sales were not specifically addressed in the 1994 ordinance as a permitted or prohibited use. Because auto dealerships at the time did not have a development design that would be compatible with the aesthetic standards of the district, dealerships had been considered prohibited in the HPBD. In addition, the '92 Northeast Element stressed that development within the area should be designed and constructed to a high quality aesthetic and "urban" standard.

1997 Ordinance

HPBD is considered instrumental in the City's long term economic strategy to develop and expand revenues. As a result, the City continued to focus on refining the standards for the HPBD to protect the community's economic strategy and land use vision. The City hired Freeman, Bottomly & Tung to develop several concepts of how the HPBD could be developed and also to create prescriptive design and performance standards that would reinforce urban style mixed-use development envisioned in '92. The result was the repeal of the LMC 16.37 adopted in '94 and adoption of the current LMC 16.37 ordinance. The main difference is the creation of the HPBD-Commercial (HPBD-C) and HPBD-business commercial (HPBD-BC) sub-districts. The HPBD-C was created to allow commercial/retail uses and prohibit the medical, office, and residential type uses. This sub-district is focused on the properties fronting Marvin Road NE. The remainder of the HPBD was designated HPBD-BC which would allow in addition to commercial/retail, the medical, office, and

residential uses. The strategy of creating the HPBD-C was to preserve area with prime street frontage for retail development, which alleviated the concern that this area would be develop with office or residential uses and effectively prevent substantial retail development.

Ground Floor Residential: To address the concern that future residential market forces could dominate the office and commercial market, additional performance standards were placed on residential uses by the 1997 ordinance. The ordinance re-enforced the 1992 plan by limited residential to 10% of the District and maintained the 20 units per acre density requirement. The new ordinance also required that residential uses had to be within mixed use buildings with the ground floor office or commercial. This was intended to achieve two goals: to create multi-floor urban style buildings and to prevent a single family or garden style multi-family development from absorbing acreage and competing with office and commercial opportunities.

Park and Ride: The 1997 ordinance continued to allow mass transit facilities, specifically bus transfer stations, as a permitted use. However, the '97 ordinance specifically prohibited park and rides. The intent was to address the following concern: the HPBD was undeveloped with prime and direct arterial frontage to Marvin Road and close proximity to Exit 111. With the growing residential market and commuter traffic heading north for employment, the need for standalone parking facilities to serve commuters was increasing. The City wanted to protect the aesthetic standards of the district and prevent a standalone parking facility to be developed without mixed-use development framing the facility. In addition, it was considered that there were more appropriate locations for park and ride facilities north of I-5 in the adjacent Light Industrial and Light Industrial/Commercial properties.

Auto Sales: Like the 1994 ordinance, auto sales were not specifically addressed in the 1997 ordinance as a permitted or prohibited uses. Because auto dealerships up until recent years, did not have a development design that would be compatible with the aesthetic standards of the district, dealerships had been considered prohibited in the HPBD. In addition, the '92 Northeast Element stresses that development within the area should be designed and constructed to a high quality aesthetic and "urban" standard.

Planning Commission Recommendation

To reflect the changing needs of the area related to the three topics, the Planning Commission has recommended establishing the following standards for the Hawks Prairie Business District specifically related to allowing ground floor residential, considering park and rides as a permitted use, and establishing specific design and performance standards for auto sales within the District.

Ground Floor Residential: To provide more opportunity, flexibility, and proximity of uses to create a vibrant mixed-use district, the Planning Commission is recommending removing the current language in LMC 16.37 restricting residential uses to upper floors of mixed use buildings. In doing so, performance standards have been proposed to address:

- If not in a mixed use building then allowed as part of a master plan.

- Types of ground floor residential uses that would be allowed (i.e. town homes, urban walk-up apartments, live/work units etc.)
- Level of connectivity to other uses in the district.
- Maximum distance from other land uses.
- Building and material design.
- Maximum density.

Park and Ride Lots: As the HPBD develops; transit will be a key feature to serve future residents, employees, and shoppers within the district. Performance standards have been included that allow park and ride lots in the business/commercial area of the HPBD provided that they are integrated into a commercial/mixed use site plan and parking facilities are shared with other uses.

Auto Sales: The proposed amendment will allow auto sales as a permitted use in the Hawks Prairie Business District- Commercial zoning district. Auto sales have been defined as new or used cars, campers, trailers, motorcycles and boats. Standards are recommended to address the design standards associated with new and used car dealerships to include:

- Requiring a showroom building pushed up to the street with minimum glazing standards for showrooms and displays.
- Requiring that the showroom comprise a minimum of 40% of the width of the parcel fronting the street.
- Outdoor vehicle displays at the side or rear of the showroom building.
- Service facilities located to the rear of the showroom building, or internal to or at the rear of a site if located in a separate building.
- Requiring compliance with architectural standards of the HPBD.

J & J LACEY LIGHT INDUSTRIAL BUILDING CAP REQUEST:

The City has received a private applicant request related to Lacey Municipal Code 16.40 in the Light Industrial zoning chapter to eliminate the maximum square footage requirement of 500,000 square feet. Prior to discussing the request, some history is needed on the building square footage requirement in the Light Industrial zone as this was the third time in the last ten years that the Planning Commission has addressed the issue.

History of Light Industrial Building Cap

In 2002, based on the availability of large parcels of land in Lacey, proximity to I-5, proximity to the Port of Tacoma, and major companies using distribution models requiring large warehouse/distribution facilities for merchandise, several large corporations were looking to locate distribution facilities in the Hawks Prairie area. The Target and Home Depot distribution facilities were also constructed around this time with Target at two million square feet and Home Depot at 750,000 square feet.

The City Council, at the time, had concerns that the bulk of Lacey's larger parcels with Light Industrial zoning would be absorbed by these large distribution warehouse facilities that would have a relatively low job per square foot ratio and have major impacts to

transportation infrastructure. As a result, the Lacey City Council imposed a moratorium on the development of buildings in the Hawks Prairie Light Industrial zone (LI) in September 2005, and referred concerns over the siting of large distribution centers to the Planning Commission. In early 2006, the Planning Commission forwarded recommendations for amendment of the LI zone to address issues that had led to the moratorium. Based upon the Planning Commission's recommendations, the Council amended the LI zone and the design section of the Lacey Municipal code to prohibit buildings over 200,000 square feet in size and required a number of design considerations for LI projects. Additionally, through the State Environmental Policy Act, the City established mitigation requirements related to heavy truck traffic to offset transportation impacts.

Once the 200,000 square foot building cap was put in place, light industrial warehouse development was limited in northeast Lacey to a few projects in the Meridian Campus industrial area until 2010 when a private applicant amendment was approved by the City Council to increase the building square footage cap to 500,000 square feet provided that certain design standards were met including: compatibility and notice requirements for adjacent residential properties, requiring a multiple building complex with no more than 75% of buildings greater than 200,000 square feet, and requiring design review. The 2010 process included a city review of industrial absorption capacity, typical building size for the market, employment ratio data, re-use of large buildings, trip distribution and truck routes, and an analysis of parcels that can accommodate large buildings.

The 2010 building cap increase was also an opportunity to accommodate a local business from Tumwater that needed to expand in order to grow the business. This business was Harbor Wholesale who completed their building construction in the Hawks Prairie 111 Corporate Park. The amendments allowed the construction of a 200,000 square foot warehouse with the ability to expand to 300,000 square feet, which would accommodate their growing business. In 2012, Trader Joe's constructed a distribution warehouse also in the Hawks Prairie 111 Corporate Park at 500,000 square feet. Had the building cap remained at 200,000, Lacey would not have been able to accommodate this use nor the jobs associated with it. Since the Trader Joe's distribution center was constructed, Lacey has not had any warehouse buildings constructed greater than 200,000 square feet.

J & J Lacey Request

The City has received a request by the owners of the Hawks Prairie 111 Corporate Park to eliminate the current 500,000 square foot building cap (see attached application materials). The application is to eliminate the 500,000 square foot cap but keep the remaining design standards in place (i.e., compatibility requirements adjacent to residential, requiring multiple building complexes with no more than 75% of buildings greater than 200,000 square feet, and design review). Removing the square footage cap will allow J & J Lacey to potentially locate on 700,000 +/- square foot building on their property and are currently in negotiations with a medical supply distributor to do so.

According to J&J Lacey, the city has not been able to compete for several distribution and manufacturing prospects that require sites that can accommodate buildings larger than 500,000 square feet and has provided a representative list of building users who have

located elsewhere. Additionally, the applicant has provided a list of large users that have been interested in locating larger buildings for distribution warehouses.

As previously mentioned within the staff report, building size has centered around two primary issues: job density and transportation impacts. These issues are important to consider when analyzing the request to eliminate the building square footage cap. J & J Lacey has submitted information related to job density throughout the northeast Lacey area. The data specifically shows that the average job density in the Meridian Campus area for buildings built between 2007 and 2010 at 6.54 jobs per acre. The Trader Joe's and Harbor Wholesale warehouses in the Hawks Prairie 111 Corporate Park average around 15.7 employees per acre. This shows that having larger buildings isn't always an indicator of low job density and shows that large buildings can generate as many or more jobs than small buildings.

Additionally, the data provided by J & J Lacey shows that larger buildings and distribution warehouses generate less daily truck trips and less PM peak hour trips than regular warehouses. This data, coupled with the city's requirements for truck trip mitigation under the State Environmental Policy Act, ensure that the transportation system is in line to support these types of uses. Additionally, there are several planned improvements to the transportation infrastructure that will improve truck movement in the area. The first major improvement will be to the Exit 111 on/off ramp at Interstate 5 that was recently funded by the passage of the transportation bill passed by the Washington State Legislature and signed by the Governor. This project will convert Exit 111 to a single-point urban interchange, which will effectively eliminate several intersections and consolidate them into one—relieving congestion in the area. Another improvement will be installation of a truck ramp at the southbound exit off of Interstate 5. This off-ramp will be for truck usage and will divert truck trips directly off of the off-ramp, behind the existing Mayan restaurant, and will tie into Hogum Bay Road, which will be improved to a full truck section and roundabout at Hogum Bay and Willamette Drive NE. Finally, Marvin Road is slated to be improved with a joint project between the City and the Hill-Betti Business Park between the roundabout at Britton Parkway north to 29th Avenue NE. These improvements will eliminate the choke point at the Britton Parkway roundabout where lanes convert from two to one and will improve traffic flow in the area. Many of these are grant-funded projects that used the developer-paid SEPA mitigation truck fees as match.

Comprehensive Plan Analysis

In reviewing the Comprehensive Plan related to the building square footage issue, there are several goals and policies that speak to the issue. In general, the Comprehensive Plan strives for high quality industrial development in the City's northeast area to support tax base, provide employment opportunities and to diversify the local economy. Additional language is also included to require buffering and compatibility requirements between industrial areas and other land uses.

Related to the building square footage size issue, policy 1.d. (page 6-17) speaks to the issue: "Industrial areas should be reasonably scaled to the probable demand and need." In reviewing this statement, it is important to consider that the probable demand and need

changes over time for industrial buildings. Today, the demand and need demonstrated by J & J Lacey is for buildings larger than 500,000 square feet.

It is also important to consider that with raising the building cap, the other design standard requirements would remain the same, specifically, the requirement to have the larger building as part of a multiple building complex. J & J Lacey has submitted a representative site plan of where a larger building would fit on their site as well as where other larger warehouses could be located. The site plan shows that northeast Lacey has the capability of supporting four more buildings of 500,000 square feet or larger based on the proposed amendment with one located at the Hawks Prairie 111 Corporate Park, one located immediately south on an adjacent property under separate ownership, one located on the former South Puget Sound Community College site and one at the Seattle Archdiocese property west of the existing Nutriom building.

The market demand for buildings over 500,000 square feet is also tempered in Lacey by land capacity and site suitability and a building size cap is not necessary. The industrial lands analysis also shows a large number of parcels that can only accommodate the smaller industrial buildings. This information demonstrates that the City can still maintain a mix of building sizes that will promote employer/company diversity.

Summary

The Planning Commission reviewed the application submitted by J & J Lacey LLC and has recommended to remove the 500,000 square foot building requirement in the Light Industrial zoning district provided that the existing development standards related to large buildings and parcels remain the same.

GENERAL MUNICIPAL CODE HOUSEKEEPING UPDATES:

The package of zoning text amendments also contains general “housekeeping” amendments. Housekeeping amendments are done on an as needed basis to clarify policy intent, correct irregularities in the code, and refine concepts. Notes are included in the right hand column of the proposed edits that states the intent of the proposed amendment. The following list details the 2015 housekeeping amendments:

- Clarification of allowed zones for use of barbed wire security fencing.
- Revision of drafting standards as recommended by City Surveyor.
- Eliminating Health Department approval for subdivisions when city water and sewer are provided to a development.
- Adding setbacks for swimming pools.
- Clarifying the definition for multifamily and amending the multi-family mix in residential zones.
- Amending the front setbacks for residential.
- Clarifying maintenance bond requirements for landscaping.

RECOMMENDATION:

The Planning Commission conducted a public hearing to take testimony and comment on the slate of 2015 zoning text amendments on September 1, 2015. No verbal testimony was received; however, four written comments were received, which are attached to the staff report as the Planning Commission record.

The Planning Commission **recommends approval** of the proposed 2015 zoning text amendments based on analysis and the findings as follows:

SEPA Flexible Threshold Modification:

1. The Washington State legislature adopted Senate Bill 6406 directing the Washington State Department of Ecology to modernize rules contained in WAC Chapter 197-11- State Environmental Policy Act in light of increased environmental protections in place under Growth Management Laws (RCW 36.70A), the Shoreline Management Act (RCW 90.58), and other laws.
2. Proposed amendments to LMC Chapter 14.24 will allow for an increase in the size and scope of certain projects that are exempt from review under the State Environmental Policy Act (SEPA).
3. Proposed amendments to LMC Chapter 16.53 and the inclusion of the City of Lacey Standard Inadvertent Archaeological and Historic Resources Discovery Plan are intended to increase the protection of cultural and historic resources.
4. The process contained in WAC 197-11-800(c) to raise categorical exemption threshold levels has been fulfilled including providing a minimum 60-day notification to the Department of Commerce, affected tribes, agencies with expertise, the Department of Ecology, and the public; and documentation of the requirements for environmental analysis, protection, and mitigation for impacts to elements of the environment have been adequately addressed.
5. The revised SEPA provisions for categorical exemptions are better aligned with current regulatory processes and will not reduce the protection of the natural and built environment.

Hawks Prairie Business District Amendments:

1. The proposed amendments are consistent with the Land Use Element, the 1992 Northeast Planning Element, and the Economic Development Element of the Comprehensive Plan.
2. The proposed amendments are consistent with the goals of the 1992 Northeast Planning Element that stresses that development within the area should be designed and constructed to a high quality aesthetic and “urban” standard.

3. The standards for ground floor residential will provide more opportunity, flexibility, and better proximity of uses to create a vibrant mixed-use district provided that ground floor residential units are designed to an urban standard and are within walking distance to other uses in the district.
4. Park and ride lot standards will ensure that transit will serve future residents, employees, and shoppers within the HPBD and regionally, especially given the Hawks Prairie Business District's proximity to Interstate 5. Standards are included to ensure that lots are integrated into a commercial/mixed use site plan and parking facilities are shared with other uses.
5. The standards for auto sales will ensure the architectural and aesthetic requirements of this type of use is consistent with a high quality aesthetic and urban standard as identified in the 1992 Northeast Planning Element.

J&J Lacey Light Industrial Modification:

1. The proposed amendments are consistent with the Land Use Element of the Comprehensive Plan which identifies the need for land resources to support high quality industrial development, job creation, and employment diversification; supports buffering and compatibility requirements between industrial areas and other land uses; and supports industrial areas that are reasonably sized to meet probable demand and need.
2. J&J Lacey have demonstrated through submitted documentation that the probable demand and need are for buildings larger than 500,000 square feet. The industrial demands analysis shows that a small number of parcels will support buildings 500,000 square feet or larger in northeast Lacey.
3. The materials submitted with the application demonstrate that job density (employee per square foot) for larger buildings may be larger than that for smaller buildings (less than 200,000 square feet).
4. Larger buildings and distribution warehouses generate less daily truck trips and less PM peak hour trips than standard warehouses putting less demand on city transportation infrastructure per building square foot. Planned or constructed city improvements in northeast Lacey will enhance the transportation system to accommodate all modes including large trucks.
5. The proposal will keep in effect the standards related to large buildings being part of multiple building complexes, residential compatibility requirements, and design review compliance.

General Municipal Code Housekeeping Updates:

1. The general housekeeping updates to the municipal code clarify policy intent, correct irregularities in the code, and refine concepts consistent with the Land Use Element of the Comprehensive Plan.
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ADVANTAGES:

1. Adoption of the 2015 development code amendments ensures that implementation ordinances are consistent with the Comprehensive Plan and the City's vision.
2. Adoption of the amendments are necessary to clarify policy intent, correct irregularities in the code, and refine concepts

DISADVANTAGES:

1. None identified.

2015 Development Code Update
10/5/15 Draft

~~9.20.050 Barbed wire and electric fences.~~

- ~~A.— No person or firm being the owner of or agent for or in possession and control of any property within the city limits which is located in zone districts low density, moderate density, medium density and high density residential, central business, general commercial, highway commercial, office commercial, limited business, community commercial, neighborhood commercial and open space/institutional shall construct, maintain or allow to exist any barbed wire or electric fence except as herein provided.~~
- ~~B.— No person or firm being the owner of or agent for or in possession and control of any property within the city limits and located in a zone district other than those designated in Section 9.20.050.A shall construct, maintain or allow to exist any barbed wire or electric fence within ten feet of any property line of such property which abuts any of the zone districts designated in Section 9.20.050.A or which abuts upon any public street, alley or other public place except as herein provided.~~
- ~~C.— This section shall not apply to barbed wire fences existing within the city limits on or before March 28, 1974, or to fences containing barbed wire only above a level six feet above the ground and containing fencing material other than electric or barbed wire below such level, commonly known as security fences.~~
- ~~D.— Any person who violates the provisions of this section shall be guilty of a misdemeanor. (Ord. 968 §11, 1993; Ord. 499 §2 (part), 1978).~~

Comment [RA1]: Eliminated old language in Title 9 related to barbed wire because of conflicting language in zoning code.

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14.23.074 Design Criteria For Lacey Villas Historical Neighborhood.

To recognize and preserve the historical values and neighborhood character of the Lacey Villas area, special development standards are necessary. These standards should allow reasonable infill while maintaining the older neighborhood historical characteristics, including large lot sizes and single family traditional housing styles.

- A. Each lot may have one single family detached structure and one accessory dwelling unit that meets the design criteria of LMC 14.23.071. Home occupations meeting requirements of Chapter 16.69 LMC and uses as listed in Chapter 16.24 LMC in chart 16.24.020(1) may also be permitted. (See *Table 16T-06.2*.)
- B. Minimum lot size shall be 17,424 square feet.
- C. Maximum Density shall be 2 1/2 units per acre.
- D. A neotraditional, single family detached housing style is required, with the following features:
 - 1. A usable front porch;
 - 2. A focused, predominant entryway;
 - 3. An alternative garage style, including a detached or recessed garage; ~~see design requirement LMC 14.23.072(A)(5);~~
 - 4. A pitched roof with architectural interest; dormers, chimneys and roof breaks recommended;
 - 5. Horizontal lap siding shall be used on the front, back and all sides.
- E. Minimum setbacks shall be as follows:
 - 1. Front yard, 15 feet;
 - 2. Side yard, minimum 5 feet each side;
 - 3. Rear yard:
 - a. Main house, 15 feet;
 - b. Accessory structures or accessory dwelling units, 5 feet.
- F. Narrow local access streets with no sidewalks, typical of existing streets, are permitted.
- G. If street lights are used, they shall be of decorative design and pedestrian scale (12-18 ft. in height). (Ord. 1124 §8, 2000; Ord. 1024 §3, 1995).

Comment [RA2]: 14.23.072(A)(5) no longer exists.

...

Sections:

- 14.24.010 Authority
- 14.24.020 Adoption by reference
- 14.24.030 Additional definitions
- 14.24.035 Compliance with Chapter 36.70B RCW.
- 14.24.040 Repealed
- 14.24.050 Additional timing considerations

- 14.24.055 Categorical exemptions without flexible thresholds
- 14.24.060 Flexible thresholds for categorical exemptions
- 14.24.070 Use of exemptions
- 14.24.080 Lead agency determination and responsibilities
- 14.24.090 Environmental checklist
- 14.24.100 Mitigated DNS
- 14.24.105 Optional DNS Process
- 14.24.110 Preparation of EIS--Additional considerations
- 14.24.120 Additional elements to be covered in an EIS
- 14.24.130 Public notice
- 14.24.140 Role of the responsible official
- 14.24.150 Designation of responsible official
- 14.24.160 Substantive authority
- 14.24.170 Appeals
- 14.24.180 Environmentally sensitive areas
- 14.24.190 Responsibility of agencies--SEPA public information
- 14.24.200 Fees
- 14.24.210 Notice--Statute of limitations
- 14.24.220 Severability

Comment [CO3]: Addition of a new section to distinguish categorical exemption provisions

...
14.24.020 Adoption by reference.

The city adopts the following sections or subsections of Chapter 197-11 WAC as now existing or hereinafter amended, by reference.

- 197-11-158 SEPA/GMA project review - Reliance on existing plans, law, and regulations
- 197-11-235 SEPA/GMA integration documents
- 197-11-238 SEPA/GMA integration monitoring

Comment [CO4]: Reference changes are in compliance with changes in WAC citations

...
14.24.055 Categorical exemptions without flexible thresholds

A. The following proposed actions that do not have flexible thresholds are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in 197-11-305 WAC.

- 1. Actions listed in Chapter 197-11-800, Sections 2 – 24 WAC.

Comment [CO5]: Changes to the WAC provisions for categorical exemptions have been identified with flexible thresholds and without flexible threshold allowances. Suggested revisions in the code reflect these changes.

...
14.24.060 Flexible thresholds for categorical exemptions.

A. The city establishes the following exempt threshold levels under WAC 197-11-800(1)(d) based on local conditions:

- 1. The construction or location of any multi-family residential structure up to sixty dwelling units;
- 2. The construction of an office, school, commercial, recreational service, or storage building up to 30,000 square feet and associated parking designed for up to ninety parking spaces;
- 3. Landfill or excavation up to 1,000 cubic yards throughout the total lifetime of the fill or excavation.

Comment [CO6]: Removed construction of a barn, storage building, or packing structure 40,000 sq. feet in size per PC comments. Exemption level for these structures will be up to 10,000 sq. feet and are addressed in LMC 14.24.055.

...

14.24.070 Use of exemptions.

A. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal. The city shall not require completion of an environmental checklist for an exempt proposal.

B. In determining whether or not a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt. (Ord. 701 §2 (part), 1984).

c. The determination of whether a proposal is categorically exempt shall be made by the Responsible Official.

...

14.24.160 Substantive authority.

3. The city adopts by reference the policies in the following codes, ordinances and plans:

- a. Lacey zoning ordinance;
- b. Lacey Comprehensive Plan;
- c. Lacey platting and subdivision ordinance;
- d. Lacey six-year street plan;
- e. ~~Shoreline master program for the Thurston region~~Lacey Shoreline Master Program
- f. Thurston Regional Transportation Plan;
- g. The City of Lacey Buildings and Construction Code as set forth in Chapters 14.02 through 14.20 LMC;
- h. Lacey bikeway plan;
- i. The City's Traffic Mitigation and Concurrency Regulations as set forth in Chapter 14.21 LMC;
- j. The city of Lacey's environmental regulations as set forth in Chapters 14.26 (Shoreline Master Program), 14.28 (Wetlands Protection), 14.30 (Removal of Top Soil), 14.31 (Drainage Discharge), 14.32 (Tree and Vegetation Protection and Preservation), 14.33 (Habitat Conservation Areas Protection), 14.34 (Flood Hazard Prevention), 14.36 (Critical Aquifer Recharge Areas Protection), and 14.37 LMC (Geologically Sensitive Areas Protection);
- k. City of Lacey Development Guidelines and Public Works Standards as adopted by the Chapter 12.28 LMC;
- l. The Capital Improvement Plan of the North Thurston Public Schools and means for mitigating impacts upon such plan;
- m. The transportation plans of Thurston County, the City of Olympia and the City of Tumwater, and allowed means of mitigating impacts of development upon such plans;
- n. The City's requirements for the undergrounding of communication facilities as set forth in Chapter 12.22 LMC.
- o. The City of Lacey 2010 Stormwater Design Manual.

...

14.24.180 Environmentally sensitive areas.

A. Those areas in the city of Lacey that are considered environmentally sensitive areas designated or described pursuant to Chapter 16.54 LMC and are further described or designated under Chapters 14.28, 14.33, 14.34, 14.36, and 14.37 LMC retain their status as categorical exemptions except as provided for in LMC 14.24.180(B), and maps contained in the city Environmental Protection and Resource Conservation Plan.

Comment [CO7]: Clarified language in this section per PC review.

Pursuant to WAC 197-11-908(2) the following activities normally exempt under the categorical exemptions are hereby removed from categorical exemption status and are required to file an environmental checklist: WAC 197-11-800(1), (2)(a) through (h), (3), (5), (6)(a), (14)(c), (24)(a) through (g), and (25)(d), (f), (h), and (i).

B. The city shall treat proposals located wholly or partially within an environmentally sensitive area no differently than other proposals under this chapter making a threshold determination for all such proposals. The city shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally sensitive area.

Comment [CO8]: Protections for environmentally sensitive areas are provided for in the Lacey Municipal Code, the Shoreline Master Program, and numerous state and federal laws.

BC. Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped. (Ord. 935 §12, 1992; Ord. 701 §2 (part), 1984).

...

15.06.060 Final approval and recording.

The following shall be shown or accompany the final binding site plan at the time it is submitted to the department of community development:

...

S. Each and every binding site plan of any property filed for record shall:

1. Contain a statement of approval from the city engineer or by a licensed engineer acting on behalf of the city as to the survey data, the layout of streets, alleys, and other rights-of-way, design of bridges, sewage and water systems, and other structures. No engineer who is connected in any way with the binding site plan and dividing of the land for which binding site plan approval is sought shall examine and approve such binding site plan on behalf of the city.

2. Be accompanied by a complete survey of the section or sections in which the binding site plan is located, or as much thereof as may be necessary to properly orient the binding site plan within such section or sections. The binding site plan and section survey shall be submitted with complete field and computation notes showing the original or re-established corners with descriptions of the same and the actual traverse showing error of closure and method of balancing. A sketch showing all distances, angles, and calculations required to determine corners and distances of the binding site plan shall accompany this data. The allowable error of closure shall not exceed one foot in five thousand feet.

Comment [RA9]: No longer applicable per city surveyor.

3. Be acknowledged by the person filing the binding site plan before the auditor, or any other officer who is authorized by law to take acknowledgment of deeds, and a certificate of the acknowledgment shall be enclosed or annexed to such binding site plan and recorded therewith.

4. Contain a certification from the Thurston County Treasurer that all taxes and delinquent assessments for which the property may be liable, as of the date of certification, have been duly paid, satisfied or discharged.

...

15.06.090 Final binding site plan drafting standards.

All final binding site plans shall be drawn in accordance with the following:

A. The final binding site plan shall be clearly and legibly drawn in permanent black ink upon mylar or paper.

B. The scale of the binding site plan shall be not less than one inch equals fifty feet nor greater than two hundred feet.

Lettering size shall be at least eight point font shall be at least three thirty seconds inch high. The perimeter of the

Comment [RA10]: Updated requirements per city surveyor.

binding site plan being recorded shall be depicted with heavier lines wider than the remaining portion of the binding site plan.

C. The size of each sheet shall be eighteen by twenty-four inches.

D. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of ~~three-two~~ inches on the left side, and one-half inch on each of the other three sides.

E. If more than two sheets are used, an index of the entire binding site plan showing the arrangement of all sheets shall be included. Each shall be appropriately numbered.

F. The binding site plan title and number, date, scale, and north arrow shall be shown on each appropriate sheet of the final binding site plan.

G. When a condominium or condominium conversion is the subject of a site plan, the final Plan drawing shall have a title that is reflective of the subject, stating specifically the plan is either for a "condominium development" or a "condominium conversion." (Ord. 1369 §4, 2011; Ord. 1235 §1, 6, 2005).

...

15.10.200 Final plat drafting standards.

All final plats shall be drawn in accordance with the following:

A. The final plat shall be clearly and legibly drawn in permanent black ink upon mylar or paper.

B. The scale of the plat shall be not less than one inch equals two hundred feet. Lettering shall be at least .08 inch high. The perimeter of the plat or subdivision being recorded shall be depicted with heavier lines wider than the remaining portion of the plat or subdivision.

C. The size of each sheet shall be eighteen by twenty-four inches.

D. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of ~~three-two~~ inches on the left side, and one-half inch on each of the other three sides.

E. If more than two sheets are used, an index of the entire subdivision showing the arrangement of all sheets shall be included. Each shall be appropriately numbered.

F. The plat title, date, scale and north arrow shall be shown on each appropriate sheet of the final plat.

G. All signatures placed on the final plat shall be original signatures written in permanent black ink. (Ord. 1235 §1, 8, 2005).

Comment [RA11]: Updated requirement per city surveyor.

...

15.10.210 Final plat approval.

A. Upon receipt of the final plat and accompanying data, the staff of the planning, engineering, ~~health department~~ and other commenting departments and agencies shall review the final map and documents to determine that the plan conforms with the approved preliminary plat, and that there is compliance with provisions of the law and of this title. The staff may make checks in the field to verify that the map is sufficiently correct on the ground, and may enter the property for this purpose.

B. In lieu of the completion of actual construction of any required improvements prior to final plat approval the city may accept financial security as provided for in Chapter 15.16 LMC for securing the actual construction and installation of such improvements. In addition, the city may require that financial security provide for the successful maintenance and operation of required improvements for up to two years after final construction, installation and approval.

C. If the city engineer, planner and health department determine the final plat conforms fully with all applicable regulations and standards, they shall then affix their signatures thereto. ~~Health department signature is not required when potable water and sanitary sewer are provided by the City.~~

Comment [RA12]: Health department approval is only necessary for those subdivisions with private wells and/or septic systems.

D. After being approved as required above, the final plat shall be presented to the city council. After finding that the final plat has been completed in accordance with the provisions of this title, and that all required improvements have been completed or that financial security has been provided to guarantee that such required improvements will be completed, and that the interests of the city are fully protected, the mayor shall sign the final plat accepting such dedications and easements as may be included thereon, and the final plat shall be returned to the applicant for filing for record with the county auditor as provided in LMC 15.10.240.

E. Final plats shall be approved, disapproved or returned to the applicant within thirty days from the date of filing with the planner thereof, unless the applicant consents to an extension of such time period. (Ord. 1235 §1, 8, 2005).

...

15.10.240 Filing for record.

The original of the final plat shall be filed for record with the auditor. ~~One reproducible copy on mylar shall be furnished to the city engineer.~~ One paper copy shall be filed with the assessor, community development department, health department, building department, city engineer and the fire chief. All required paper copies shall bear the auditor's recording data.

Comment [RA13]: City engineer no longer needs mylar copy per survey department.

The auditor shall refuse to accept any plat for filing and recording until approval of the plat has been given by the council. Should a plat or dedication be filed or recorded without such approval, the prosecuting attorney shall apply for writ of mandate in the name of and on behalf of the city council directing the auditor and assessor to remove from their files or records the unapproved plat or dedication of record. (Ord. 1235 §1, 8, 2005).

...

TABLE 15T-03

(Referred from LMC 15.10.260(C))

I hereby certify that the plat of _____ is based upon an actual survey and subdivision of a portion of Section _____, Twp. _____, Range _____ E or W, W.M.; that the distances and courses shown thereon are correct; that the monuments have been set and lot and block corners staked on the ground.

1. Certificate--City Engineer.
Examined and approved this _____ day of _____ 20 ____.

City Engineer

2. Certificate--Health Officer.
Examined and approved this _____ day of _____ 20 ____.

Title

NOTE: -Health Officer signature is not required when potable water and sanitary sewer are provided by the City.

Comment [RA14]: Health Dept. approval only required for those projects with private wells and/or septic systems.

3. Certificate--Assessor.
Examined and approved this _____ day of _____ 20 ____.

Thurston County Assessor

4. Certificate--Treasurer.

I hereby certify that all taxes on the land described hereon have been fully paid to and including the year _____.

Treasurer, Thurston County

5. Certificate--City Planner.

Examined and approved this _____ day of _____ 20 ____.

City Planner

6. Certificate--Mayor for Lacey City Council.

Examined and approved this _____ day of _____ 20 ____.

Lacey City Council

By _____
Mayor

Attest:

City Clerk

7. Certificate--County Auditor.

Filed for record at the request of _____ this day _____ day of _____, 20____, at _____ m. and recorded in Volume _____ of Plats, on Page _____, records of Thurston County, Washington.

Thurston County Auditor

Deputy Auditor

...

16.03.065 Residential swimming pools.

All residential swimming pools, both above and in-ground, shall be located outside of required front yard setbacks and be set back at least five feet from rear and side property lines. Residential swimming pools shall comply with the International Residential Code including structural and barrier requirements.

Comment [RA15]: Added new section related to residential setbacks for swimming pools.

...

16.03.070 Fencing standards.

A. Maximum height.

1. Front yards. The maximum height of free-standing walls, fences, or hedges placed in the front yard of residential buildings directly adjacent to public streets or sidewalks shall be three feet unless a taller masonry wall is required, per the responsible official, to mitigate significant noise impacts.

2. Side or rear yard. If the fencing along a side or rear yard is facing a public street or sidewalk, the maximum height shall be six feet.

3. Transparent fencing. The maximum height of any decorative wall or fence which allows visibility, such as wrought iron or split rail fences, shall be eight feet.

B. Chain link fencing:

1. The maximum height of chain link fencing placed in the front yard of residential buildings directly adjacent to public streets or sidewalks shall be three feet.

2. All chain link fences shall be setback at least three feet from the back of the sidewalk to allow for landscaping elements to screen the fence.

3. Temporary construction fences are exempt from the above requirements.

C. Prohibited material. Electrified and other dangerous fences are prohibited. Barbed and razor wire is prohibited in all zones except for Light Industrial or Light Industrial/Commercial zones where the barbed and razor wire shall be placed on security fences at a minimum height of 6 feet from the ground. No portion of any barbed or razor wire located on a security fence shall extend into the right-of-way.

Comment [RA16]: Relocated from landscaping chapter 16.80.

Comment [RA17]: Clarified policy on use of barbed wire fencing.

...

16.06.532 Multifamily.

"Multifamily" means ~~two~~ three or more living units under the same ownership where land has not been divided, i.e., ~~duplex~~, triplex, quadraplex and apartment units.

Comment [RA18]: Amend the definition of multi-family to remove duplexes to be consistent with SPR requirements and International Building Code definition.

...

16.12.050 Lot area.

The size and shape of lots shall be as follows, provided they adhere to the density requirements:

A. Minimum lot area, six thousand five hundred square feet where alleys are utilized and seven thousand five hundred square feet where alleys are not provided.

B. Minimum lot width, sixty feet where alleys are utilized, seventy feet where alleys are not provided. In the case of infill lots, the street frontage shall also be forty feet when alleys are utilized and fifty feet if alleys are not utilized.

C. Minimum front yard:

~~Ten feet with ten foot planter strip between the street and sidewalk when alleys are provided for rear access. Twenty feet with a standard planter strip when alleys are not provided for rear lot access.~~

Sixteen feet.

Garages facing the street, twenty feet.

On front yard flanking streets, ten feet.

Unenclosed porches may project up to six feet into the front yard ~~for front load access lots and two feet for rear load access lots~~, provided the porches are at least forty-eight square feet in area with no dimension less than six feet.

Comment [RA19]: Changed LD 0-4 front setback for main structure consistent with Village Center design standards.

CHANGE OR REPEAL TABLES TO REFLECT UPDATED FRONT SETBACK REQUIREMENT

...

16.13.050 Lot area.

A. The size and shape of single-family detached lots shall be as follows, provided they adhere to the density requirements:

1. Minimum lot area, four thousand five hundred square feet where alleys are utilized; five thousand square feet where alleys are not provided.
2. Minimum lot width, forty feet where alleys are utilized, fifty feet where alleys are not provided. In the case of infill lots, the street frontage shall also be forty feet when alleys are utilized and fifty feet if alleys are not utilized.
3. Minimum front yard:

~~Ten feet with a ten-foot planter strip between the street and sidewalk when alleys are provided for rear lot access. Twenty feet with a standard planter strip when alleys are not provided for rear lot access. Sixteen feet.~~

In addition, setbacks ~~may be encouraged to be~~ staggered as provided in LMC 15.12.080(F) for the purpose of modulating the streetscape and providing more convenient opportunities for offsetting windows for privacy of individual homes and other desired design outcomes.

Garages facing the street, twenty feet.

On front yard flanking streets, ten feet.

Unenclosed porches may project up to six feet into the front yard ~~for front load access lots and two feet for rear load lots~~, provided the porches are at least forty-eight square feet in area with no dimension less than six feet.

CHANGE OR REPEAL TABLES TO REFLECT UPDATED FRONT SETBACK REQUIREMENT

...

16.15.020 Types of uses permitted.

A. Specific types permitted in the moderate-density residential district:

1. Any residential use with a density of at least six but not greater than twelve units per acre and any additional bonus density that might be applicable. All parcels over ten acres in size shall provide a mix of housing types with no less than fifty percent of the units designated for ~~single family~~ multifamily use. The required mix should be integrated throughout the entire site as much as possible. All residential structures are subject to the design criteria established in Chapter 14.23 LMC that is applicable to the particular type of residential use.
2. Housing for people with functional disabilities.

B. Other or related uses permitted:

1. Accessory buildings or structures clearly incidental to the residential use of the lot, such as storage of personal property (including boats, recreational vehicles, etc.), or for the pursuit of avocational interests; or structures designed for and related to recreational needs of the residents of a residential complex. All such buildings or structures over sixteen feet in height shall comply with the design requirements of LMC 14.23.071;
2. Home occupations as provided in Chapter 16.69 LMC;
3. Accessory dwelling as defined in LMC 16.06.055;
4. Conditional uses as provided in Chapter 16.66 LMC;
5. The keeping of common household animals or pets is permitted provided that their keeping does not constitute a nuisance or hazard to the peace, health and welfare of the community in general and neighbors in particular;
6. Urban agricultural uses as provided for and limited under Chapter 16.21 LMC;
7. Family day care homes as provided in Chapter 16.65 LMC. (Ord. 1368 §21, 2011; Ord. 1310 §29, 2008; Ord. 1192 §137, 2002; Ord. 1137 §5, 2000; Ord. 1024 §31, 1995; Ord. 931 §7, 1992; Ord. 927 §6, 1992; Ord. 691 §10, 1984; Ord. 583 §2.13(B)(1,2), 1980).

...

16.15.050 Lot area.

A. The size and shape of lots for detached single-family shall be as follows, provided they adhere to the density requirements:

1. Minimum lot area, three thousand square feet where alleys are utilized, four thousand square feet if alleys are not provided.
2. Minimum lot width, thirty feet when alleys are utilized, forty feet where alleys are not provided. Minimum lot width and street frontage for infill lots designed for construction of a single-family residence shall be thirty feet when alleys are utilized and forty feet when alleys are not utilized. Infill lots to be used for duplexes or other multi-family uses shall have a minimum lot width and street frontage of fifty feet.
3. Minimum front yard:

~~Ten feet with a ten-foot planter strip between the street and sidewalk when alleys are provided for rear lot access. Twenty feet with a standard planter strip when alleys are not provided for rear lot access.~~

Comment [RA20]: Changed LD 3-6 front setback for main structure consistent with Village Center design standards.

Comment [RA21]: Changed to reflect minimum 50% multifamily use in Moderate Density Residential zone.

~~Sixteen feet.~~

In addition, setbacks ~~may be encouraged to be~~ staggered as provided in LMC 15.12.080(F) for the purpose of modulating the streetscape and providing more convenient opportunities for offsetting windows for privacy of individual homes.

Garages facing the street, twenty feet.

On front yard flanking streets, ten feet.

Unenclosed porches may project up to six feet into the front yard, provided the porches are at least forty-eight square feet in area with no dimension less than six feet.

...

D. Other lot standards:

...

5. Accessory buildings: All accessory buildings must comply with the current building setbacks as stated in this chapter; provided, however, if the accessory building is less than two hundred square feet, the following setbacks are permitted:

Front yard, ten feet.

Side yard, ~~three-five~~ feet.

Rear yard, ~~five-three~~ feet, ~~or three feet to rear yard line alley easement or paved surface if adjacent to an alley.~~

CHANGE OR REPEAL TABLES TO REFLECT UPDATED FRONT SETBACK REQUIREMENT

...

16.18.020 Permitted uses.

A. Specific types permitted in the high-density residential district:

Any residential use with a density of at least six units per acre but not greater than twenty units per acre and any additional bonus density that might be applicable. All parcels over ten acres in size shall provide a mix of housing types with no less than ~~twenty-five~~ fifty percent of the units designated for ~~single family~~ multifamily use. The required mix should be integrated throughout the entire site as much as possible. All residential structures are subject to the design criteria established in Chapter 14.23 LMC that is applicable to the particular type of residential use.

B. Other or related uses permitted:

1. Accessory buildings or structures clearly incidental to the residential use of the lot, such as storage of personal property (including boats, recreational vehicles, etc.), or for the pursuit of avocational interests; or structures designed for and related to recreational needs of the residents of a residential complex. All such buildings or structures over sixteen feet in height shall comply with the design requirements of LMC 14.23.071;
2. Home occupations as provided in Chapter 16.69 LMC;
3. Accessory dwelling as defined in LMC 16.06.055;
4. Conditional uses as provided in Chapter 16.66 LMC;
5. The keeping of common household animals or pets is permitted provided that their keeping does not constitute a nuisance or hazard to the peace, health and welfare of the community in general and neighbors in particular;
6. Urban agricultural uses as provided for and limited under Chapter 16.21 LMC;
7. Family day care homes as provided in Chapter 16.65 LMC. (Ord. 1368 §23, 2011; Ord. 1310 §35, 2008; Ord. 1192 §139, 2002; Ord. 1137 §6, 2000; Ord. 1024 §32, 1995; Ord. 931 §9, 1992; Ord. 927 §8, 1992; Ord. 691 §12, 1984; Ord. 583 §2.14(B), 1980).

...

16.18.040 Lot area.

A. The size and shape of single family detached lots shall be as follows:

1. Minimum lot area, two thousand square feet where alleys are utilized, three thousand five hundred square feet if alleys are not provided.
2. Minimum lot width, thirty feet when alleys are utilized, forty feet if alleys are not provided. Minimum lot width and street frontage for infill lots designed for construction of a single family residence shall be thirty feet when alleys are utilized and forty feet when alleys are not utilized. Infill lots to be used for duplexes or other multi-family uses shall have a minimum lot width and street frontage of fifty feet.
3. Minimum front yard:

Comment [RA22]: Changed MD front setback for main structure consistent with Village Center design standards.

Comment [RA23]: Changed in Moderate Density Residential zoning district to be consistent with other residential districts.

Comment [RA24]: Changed to reflect minimum 50% multifamily use in High Density Residential zone.

~~Ten feet with a ten-foot minimum planter strip between the street and sidewalk. Fifteen feet with a planter strip less than ten feet wide between the street and sidewalk.~~
 Sixteen feet. In addition, setbacks ~~are encouraged to may~~ be staggered as provided in LMC 15.12.080(F) for the purpose of modulating the streetscape, providing more convenient opportunities for offsetting windows for privacy of individual homes or other desired design outcomes.
 Garages facing the street, twenty feet.
 Unenclosed porches may project up to six feet into the front yard, provided the porches are at least forty-eight square feet in area with no dimension less than six feet.

Comment [RA25]: Changed in High Density Residential zoning district to be consistent with other residential districts.

CHANGE OR REPEAL TABLES TO REFLECT UPDATED FRONT SETBACK REQUIREMENT

...

16.25.090 Pedestrian circulation requirements.

...

O. A pedestrian-oriented facility may utilize a zero foot front yard setback if it meets all of the following criteria:

1. Use is pedestrian-oriented as determined by the director of community development or designee;
2. ~~F~~acade has pedestrian-friendly features, such as awnings, main entrances, and pedestrian scale;
3. Pedestrian entrance is direct to building with no parking or vehicle access lane between sidewalk and the main pedestrian entrance to the building;

~~4. A planter strip is provided between the street and the sidewalk which meets requirements of LMC 14.23.087(H) and Table 14T-16.~~

Comment [RA26]: 14.23.087(H) and Table 14T-16 have been replaced with other legislation but this reference still exists. Recommend that the reference be removed.

...

**Chapter 16.37
 HAWKS PRAIRIE BUSINESS DISTRICT¹**

Sections:

- [16.37.010 Intent](#)
- [16.37.020 Permitted uses in the designated commercial area](#)
- [16.37.030 Permitted uses in the business/retail area](#)
- [16.37.040 Prohibited uses](#)
- [16.37.050 Conditional uses](#)
- [16.37.060 Site requirements](#)
- [16.37.070 Design standards](#)
- [16.37.080 Site plan requirements](#)
- [16.37.090 Landscaping requirements](#)
- [16.37.100 Stormwater runoff](#)
- [16.37.110 Common open space](#)
- [16.37.120 Environmental performance standards](#)

16.37.010 Intent.

It is the intent of this chapter to:

- A. Implement the goals and policies of the Northeast Area Element of the Comprehensive Plan as they relate to the area designated Hawks Prairie Business District.
- B. Encourage development of an integrated, planned community where people will want to live and work, by permitting residential and compatible business uses to develop in close proximity to each other, with strong functional and aesthetic links, through the implementation of strict performance standards.
- C. Assure that development is site sensitive, user efficient, and furthers the mixed-use policies of the Northeast Area Element of the Comprehensive Plan.
- D. Assure that early development does not unnecessarily foreclose options for later projects and that new uses can be added without jeopardizing uses already established or planned.
- E. Encourage originality, flexibility, and innovation in site planning and development, including architecture, landscaping, and graphic design, as well as circulation and infrastructure systems.
- F. Assure that the natural and environmental characteristics and attributes of the district are preserved and enhanced.
- G. Encourage and facilitate the use of mass transit and other forms of transportation alternatives to the single occupancy vehicle.
- H. Provide for development consistent with the vision represented on the conceptual Hawks Prairie Business District site plans. This vision is of an area with distinctive character which includes such things as focal points at intersections and special site planning and building design considerations, all of which create a distinctive place to gather. The conceptual Hawks Prairie Business District site plans, Tables 16T-67 through 16T-70, are intended to serve as a guide in fulfilling the intent and provisions of the Hawks Prairie Business District.
- I. Preserve an adequate supply of commercial areas located to maximize future market potential and to ensure the city is able to provide services for the projected growth in the region. (Ord. 1139 §4, 2000; Ord. 1054 §2, 1997).

16.37.020 Permitted uses in the designated commercial area.

The following uses are permitted in that portion of the Hawks Prairie Business District designated as commercial area on Table 16T-67.

A. Commercial

Apparel

Automotive supplies

Auto sales including new or used cars, campers, trailers, motorcycles and boats subject to the provisions of LMC 16.37.070(K).

Comment [RA27]: Clarified that auto sales are allowed subject to design requirements.

Books and stationery

Convenience stores and service stations designed for fueling no more than eight automobiles simultaneously and subject to the provisions of LMC [16.37.070\(H\)](#).

Department stores

Drug stores and pharmacies

Fabric stores

Florists

Food stores

General merchandise

Gifts/specialty

Hobby/special interest

Homes appliances/electronics

Home furnishings

Home improvement centers/garden supplies

Jewelry and cosmetics

Liquor

Personal services

Professional services when provided as an integral part of a commercial center.

Sporting goods and related stores.

B. Hotels and motels

C. Convention centers and conference facilities.

D. Eating and drinking establishments. Restaurants with drive through windows shall meet the provisions of LMC [16.37.070\(D\)](#).

E. Cultural, entertainment and recreation.

Art galleries

Athletic facilities and health clubs

Bowling alleys

Cinemas

Libraries and museums

F. Day care facilities when provided as an integral part of a commercial center and in support of the other uses therein.

G. Financial institutions

Banks

Brokerages

Finance companies

Insurance and real estate offices

Such uses shall be allowed only when provided as an integral part of a commercial center and in support of the other uses therein.

H. Other similar and related uses consistent with the intent of the zone as determined by the site plan review committee.

I. Urban agricultural uses as provided for and limited under Chapter 16.21 LMC. (Ord. 1368 §33, 2011; Ord. 1054 §2, 1997).

16.37.030 Permitted uses in the business/commercial area.

The following uses are permitted in that portion of the Hawks Prairie Business District designated as business/commercial area on Table 16T-67.

A. All uses listed under LMC [16.37.020](#).

B. Public services

Higher education facilities

Vocational schools

Local public services including charitable and service organizations, employment centers, fire stations, police stations and other local government offices.

C. Mass transit

Bus transfer facilities.

Park and ride lots, provided facilities are integrated into a commercial/mixed use site plan and parking facilities are shared with other uses.

Comment [RA28]: Park and ride lots included as a permitted use provided that they are integrated into a commercial site plan and the parking is shared with other uses (can be used for commercial or other uses outside of typical commuting hours).

D. Offices and manufacturing

Computer hardware and software development and assembly

Conference facilities

Corporate/regional/administrative offices

Daycare facilities

Electrical equipment research, development, and assembly

Financial institutions including banks, brokerages, finance companies, insurance and real estate offices

High-tech industry

Medical offices and clinics

Offices and manufacturing

Photo and optical goods design and development

Professional and business offices

Scientific research and development

Scientific, analytic or control instrument research and development

E. Eating and drinking establishments. Restaurants with drive through windows shall be subject to LMC [16.37.070\(I\)](#).

F. Warehouse and distribution activities, when developed in conjunction with a primary function such as business headquarters, research and design, marketing or retail sales and subject to the granting of a conditional use permit.

G. Medical facilities

H. Residential subject to the provisions of LMC 16.37.070(L).

~~1. High density residential, twenty units per acre. All residential units must be located in mixed use buildings that have the first floor dedicated to offices or other non-residential uses.~~

~~2. No more than ten percent of a parcel shall be used to calculate the number of units permitted on that parcel.~~

Comment [RA29]: New residential provisions allowing ground floor added to 16.37.070(L).

Comment [RA30]: Relocated to 16.37.070(L)

I. Other similar and related uses in accordance with the intent of this chapter as determined by the site plan review committee.

J. Urban agricultural uses as provided for and limited under Chapter 16.21 LMC. (Ord. 1368 §34, 2011; Ord. 1054 §2, 1997).

16.37.040 Prohibited uses in all Hawks Prairie Business District areas.

The following types of uses are prohibited in the Hawks Prairie Business District.

A. Uses with physical and operational requirements generating substantial:

Truck traffic

Dust

Glare

Heat or vibration

Noise

Odors

B. Uses of a character which are either not compatible with the high aesthetic standards of the area, will not enhance the marketability of the Hawks Prairie Business District, or will adversely impact the city's economic development strategies for this zone. These uses shall include, but are not limited to:

Activities entailing movement of heavy equipment on and off the site except during construction;

Auto or truck storage or repair as a primary use;

Cemeteries and crematoria;

Machine shops;

Motor freight terminals;

~~Park and ride lots;~~

Comment [RA31]: Park and ride lots moved from prohibited to permitted use provided conditions are met.

State, federal or public regional offices or facilities other than educational facilities as set forth in LMC [16.37.030](#);

Solid waste disposal facilities, including transfer stations, incinerators and sanitary landfills;

Stand alone warehouse and distribution facilities. (Ord. 1054 §2, 1997).

...

16.37.070 Design standards.

- A. Relationship between buildings. Proposed buildings shall be related harmoniously to the terrain and to other buildings in the vicinity that have a visual relationship to the proposed buildings.
- B. Interior circulation. Development proposals shall include the following components:
 - 1. Location and number of access points to the public streets.
 - 2. Sidewalks that provide continuous pedestrian and bicycle access along public, state, or private access roads and to primary uses within the development.
 - 3. General interior circulation.
 - 4. Separation of pedestrian and vehicular traffic, via strategically located, clearly defined pedestrian corridors through parking lots and other means of clearly differentiating pedestrian areas from vehicle areas. The number and location of pedestrian corridors shall be determined by the city based on the size and scale of the development.
 - 5. Arrangement of parking areas that are safe and convenient and do not detract from the design of proposed buildings and structures and the neighboring properties.
- C. Access. Connection to arterials shall be made at city determined locations. Full access to arterials may be restricted by the city where necessary to facilitate efficient traffic circulation.
- D. Transit. Buildings shall be located so as to encourage and facilitate the use of transit and other forms of transportation alternatives to the single occupancy vehicle.
- E. Signs. The size, location, design, color, texture, lighting and materials of all signs shall not detract from the design of proposed buildings and structures and shall comply with Chapter 16.75 LMC.
- F. Parking. All parking areas and structures shall comply with the standards of Chapter 16.72 LMC.
- G. Utilities. All permanent utility lines, pipes and conduits shall be located below ground, and all other utility facilities, except fire hydrants, shall be landscaped and screened with sight-obscuring vegetation.
- H. Standards for convenience stores and service stations.
 - 1. Must be sized and designed to be compatible with the Hawks Prairie Business District zone.
 - 2. Convenience stores and service stations shall not be permitted on any parcel adjacent to an intersection.
 - 3. Special attention must be given to assure compliance with the standards for the area. The site plan review committee may require revisions to the proposed layout in order to achieve such consistency.
 - 4. Maximum front building setback shall be fifteen feet.
 - 5. Signs must be consistent with the sign regulations contained in Chapter 16.75 LMC.
 - 6. Buildings must be of an architectural style that is harmonious with and complementary to surrounding structures.
- I. Standards for restaurants with drive through windows.
 - 1. Buildings must be of an architectural style that is harmonious with and complementary to surrounding structures.
 - 2. Drive through lanes and parking areas may not be located between the building and any public street.
 - 3. Restaurants with drive through windows shall not be permitted on any parcel adjacent to an intersection.

J. Mixed use occupancies. Residential units and retail business or office uses shall be permitted within the same structure, subject to the following limitations:

1. The nonresidential uses must have vehicular access via a business street or arterial and shall front directly on an adjacent sidewalk or pedestrian walkway, or on a front or side yard from which vehicles are excluded.
2. Business/commercial uses shall occupy the floors below the residential uses to preserve a residential atmosphere for the residents above.
3. Business and residential portions of the building must be separated by a soundproofed concrete or wood floor, insulated or otherwise soundproofed with the intervening space unoccupied except for utility lines, heating and air conditioning ducts, and similar devices not producing noise or vibration or requiring regular access.

K. Standards for auto sales.

Comment [RA32]: New standards for auto sales

1. A showroom building is required. Maximum front building setback shall be fifteen feet. Showroom windows and displays shall face the fronting street encompassing a minimum of 60% of the façade surface area.
2. Showroom building width shall be a minimum of 40% of the width of the parcel fronting the street.
3. Outdoor vehicle display shall be located at the side or rear of the showroom building.
4. Service facilities shall be located to the rear of the showroom building with bay doors oriented to the rear of the building. Any separate service buildings shall be located internal to or at the rear of the site.
5. 15 feet of Type II landscaping is required on any right-of-way frontages not containing a showroom or other building.
5. Buildings must be of an architectural style that is harmonious with and complementary to surrounding structures in compliance with the Design Review Checklist for the Hawks Prairie Business District.
6. Any existing buildings modified for the purposes of auto sales shall meet the requirements of this chapter.

Comment [RA33]: Included landscape buffer requirements for frontages where no building is present.

L. Standards for residential.

Comment [RA34]: New standards for first-floor residential uses.

1. Residential units shall be located in mixed use buildings that have the first floor dedicated to offices or other non-residential uses. An exception may be granted by the Community Development Director for allowing ground floor residential under the following conditions:
 - a. As part of an approved master plan, provided that the distance to a commercial or office building does not exceed 1000 feet.
 - b. The ground floor residential uses are directly connected by pedestrian amenities to commercial and/or office uses.
 - c. Buildings must be of an urban architectural style that is harmonious with and complementary to surrounding structures in compliance with the Design Review Checklist for the Hawks Prairie Business District.
 - d. Ground floor residential uses shall be limited to townhomes, row homes, live/work, and urban walk-up apartments. No more than 50% of the total units shall be used for townhomes or row homes.
2. Maximum residential density shall be calculated at 20 units per acre. No more than ten percent of a parcel shall be used to calculate the number of units permitted on that parcel.

~~K~~M. Design review. All development in the Hawks Prairie Business District shall be consistent with the appropriate provisions of Chapter 14.23 LMC. (Ord. 1220 §38, 2004; Ord. 1154 §13, 2001; Ord. 1139 § 5, 2000; Ord. 1054 §2, 1997).

...

**Chapter 16.40
LIGHT INDUSTRIAL DISTRICT**

Sections:

- [16.40.010 Intent](#)
- [16.40.020 Permitted uses](#)
- [16.40.030 Prohibited uses](#)
- [16.40.040 Environmental performance standards](#)
- [16.40.050 Site requirements](#)
- [16.40.051 Master SPR requirement](#)
- [16.40.052 Site of forty acres or more](#)
- [16.40.060 Building allowance](#)
- [16.40.070 Off-street parking](#)
- [16.40.080 Landscaping](#)
- [16.40.085 Refuse](#)
- [16.40.090 Stormwater runoff](#)
- [16.40.093 Design review](#)

...

16.40.030 Prohibited uses.

Uses other than those identified or described in LMC [16.40.020](#) are prohibited, including but not limited to:

~~A. All buildings with a footprint in excess of five hundred thousand square feet in size, except as provided in LMC [16.40.020\(A\)\(6\)](#)~~

~~B. All uses or activities which would require extraordinary equipment, devices or technology for the control of odors, dust, fumes, smoke, noise or other wastes and/or by-products which, if uncontrolled, would contaminate the environment to a degree which would exceed the acceptable limits established by competent and recognized public and quasi-public agencies;~~

~~C. Examples of prohibited uses are:~~

- ~~1. Animal slaughtering,~~
- ~~2. Care and/or sale of livestock, poultry or similar animals,~~
- ~~3. Storage, manufacturing or sale of highly volatile or otherwise extremely hazardous substances or materials.~~
- ~~4. Any heavy industrial activity including truck terminals, cross dock facilities or any structure designed for similar type use. (Ord. 1348 §3, 2010; Ord. 1264 §10, 2006; Ord. 758 §1 (part), 1985).~~

...

Comment [RA35]: Eliminate buildings greater than 500,000 square feet from prohibited uses.

16.40.050 Site requirements.

Minimum site requirements shall be as follows:

- A. Lot area, twenty thousand square feet.
- B. Lot width, one hundred feet.
- C. Side yard setback, fifteen feet.
- D. Rear yard setback, twenty-five feet.
- E. Front yard setback, twenty feet.

~~F. Maximum size of each building shall be a footprint of more than two hundred thousand square feet shall meet the , provided, however, that such footprint may be as large as five hundred thousand square feet for those sites meeting the requirements of LMC 16.40.052.~~

Comment [RA36]: Refer to site requirements for larger buildings.

~~G.~~ Wherever there are multiple buildings on the same lot, a minimum separation distance, meeting the requirements of LMC 14.23.083, shall be maintained between such buildings.

~~H.~~ When adjacent to a residential zoned property (LD 0-4, LD 3-6 MD or HD), or an open space institutional zoned property (OSI), the minimum yard setback adjacent to the residential or open space institutional zone shall be fifty feet.

~~I.~~ Truck bay doors and/or loading or unloading areas shall not face residential zoned property (LD-04, LD 3-6, MD or HD), if within two hundred fifty feet of said zones, unless separated by the placement of a building without bay doors and/or loading or unloading areas facing the residential zone. (Ord. 1348 §4, 2010; Ord. 1264 §11, 2006; Ord. 758 §1 (part), 1985).

...

16.40.052 Sites of forty acres or more.

Master site plan review and binding site plan approval may be given for projects proposed to contain buildings with a footprint of more than two hundred thousand square feet ~~but not exceeding five hundred thousand square feet~~ when the following site standards have been met:

- A. The site consists of a parcel or contiguous parcels totaling a minimum of forty acres.
- B. The master plan shall provide for a multiple-building complex consisting of three or more buildings.
- C. Truck access to the site shall be from a city of Lacey street. Methods to discourage and/or restrict truck traffic from traveling through residential areas shall be incorporated into the site design and/or project approval. Methods to restrict truck access may include, but are not limited to, median controls, signage, driveway design, and internal circulation. All methods are subject to approval by the city of Lacey community development and public works departments.
- D. When adjacent to a residential zone, a one-hundred-foot natural treed buffer tract shall be established meeting the city of Lacey tree tract standards established in LMC 14.32.064 and 14.32.065 at the time of building construction.
- E. Buildings shall be consistent with the city of Lacey industrial design review standards contained in LMC 14.23.083.
- F. Construction pads for buildings with a footprint greater than two hundred thousand square feet shall be limited to seventy-five percent of the buildable area of the site in order to provide a variety of building sizes throughout a multiple-building complex.

Comment [RA37]: Master site plan requirement is still required for sites of 40 acres or more, however, there is no maximum building square footage limit as long as the rest of section .052 is met (three or more buildings, access requirements, buildings larger than 200k limited to 75% of a complex, residential compatibility, etc.).

G. When a site is adjacent to a residential zone, the applicant shall be encouraged to meet with the adjacent homeowners' association or neighborhood group to provide project and contact information to the residents. (Ord. 1397 §1, 2012; Ord. 1380, §1, 2012; Ord. 1348 §5, 2010).

...

16.80.080 Maintenance of plant materials.

A. The property owner shall replace any unhealthy or dead plant materials in conformance with the approved landscape development proposal and shall maintain all landscape material.

B. Unless entirely landscaped with significant trees preserved under LMC 16.80.040, all areas where new landscaping is being required shall be provided with irrigation systems designed by a licensed landscape architect, Washington-certified nurseryperson, Washington-certified landscaper or professional engineer. Said irrigation systems shall be designed, installed and operated to maintain the plant materials to the standards detailed in subsection A of this section.

C. The city shall require a maintenance assurance device ~~for a period of one year from the completion of planting in order~~ to insure compliance with the requirements of this chapter. The value of a maintenance assurance device must equal at least ~~one hundred~~ twenty percent of the replacement cost of the landscape materials, and shall be utilized by the city to perform any necessary maintenance, and to reimburse the city for documented administrative costs associated with action on the device. The maintenance assurance shall be for a minimum period of one year from the completion of planting; however for Type 1 landscaping, the period shall be three years. The Community Development Director may adjust the period of maintenance assurances on a case-by-case basis. A separate financial guarantee for maintenance associated with landscaping in the right-of-way and stormwater facilities shall be submitted to the Public Works Department in accordance with section 3.090 of the Development Guidelines and Public Works Standards.-

Comment [RA38]: Make consistent with current policy.

Comment [RA39]: Longer maintenance bond requirements for buffer plantings associated with Type 1 landscaping. Clarified that there is a separate maintenance financial assurance with PW for right-of-way and stormwater facilities.

D. The city may accept, as an alternative to a maintenance assurance device, a contractual agreement or bond between the owner/developer and a licensed landscape architect, Washington- certified nurseryperson, or Washington- certified landscaper, along with a rider or endorsement specifically identifying the city as a party to the agreement for purposes of enforcement. Nothing in this alternative shall be interpreted to in any way modify the conditions of subsection B of this section.

E. If a maintenance assurance device or evidence of a similar device is required under subsections B and C of this section, the property owner shall provide the city with an irrevocable notarized agreement granting the city and its agents the right to enter the property and perform any necessary work.

F. Upon completion of the one-year maintenance period, and if maintenance is not required, the city shall promptly release the maintenance assurance device or evidence thereof.

G. All trees, plant materials and landscaped areas shall receive sufficient water to be kept in a healthy and growing manner. (Ord. 1310 §54, 2008; Ord. 1179 §11, 2002; Ord. 965, §17, 1993; Ord. 871 §2 (part), 1989).

...

16.80.110 Fencing standards.

A.— Maximum height.

~~1.— Front yards. The maximum height of free standing walls, fences, or hedges in the front yard of residential buildings along public streets or sidewalks shall be three feet unless a taller masonry wall is required, per the responsible official, to mitigate significant noise impacts.~~

~~2.— Side or rear yard. If the fencing along a side or rear yard is facing a public street or sidewalk, the maximum height shall be six feet.~~

Comment [RA40]: Section on fencing moved to General Provisions (LMC 16.03) from landscaping chapter.

~~3. Transparent fencing. The maximum height of any decorative wall or fence which allows visibility, such as wrought iron or split rail fences, shall be eight feet.~~

~~B. Chain link fencing:~~

~~1. Chain link fences shall be limited to three feet in height in any front yard and in any location between the street and any residential structure.~~

~~2. All chain link fences shall be setback at least three feet from the back of the sidewalk to allow for landscaping elements to screen the fence.~~

~~3. Temporary construction fences are exempt from the above requirements.~~

~~C. Prohibited material. Barbed wire, razor wire, electric and other dangerous fences are prohibited.~~

~~D. Retaining wall standards: Retaining walls taller than three feet six inches and visible from the street shall be terraced so that no individual segment is taller than four feet. Terraced walls shall be separated by a landscaping bed at least two feet in width including one shrub every three lineal feet of retaining wall. Alternative landscaping treatments will be considered provided they reduce the bulk and scale of the retaining wall and enhance the streetscape. (Ord. 1310 §56, 2008).~~

**Chapter 16.53
HISTORIC PRESERVATION & CULTURAL RESOURCES**

Sections:

- 16.53.010 Title
- 16.53.020 Definitions
- 16.53.030 Register of historic places
- 16.53.040 Review of changes to historic register properties
- 16.53.050 Review and monitoring of properties for special property tax valuation
- 16.53.060 Relationship of provisions to zoning
- 16.53.070 Provisions not to affect Building or Fire Codes
- 16.53.080 Inadvertent Discovery of Archaeological and Cultural Resources

16.53.010 Title.

The ordinance from which this chapter is derived shall be known and may be cited as the “Historic Preservation and Cultural Resources Ordinance of the city of Lacey.” (Ord. 796 §1, 1986).

16.53.020 Definitions.

The following words and terms when used in this chapter shall mean as follows, unless a different meaning clearly appears from the context:

A. A “building” is a structure constructed by human beings. This includes both residential and nonresidential buildings, main and accessory buildings.

B. “Certificate of appropriateness” is the document indicating that the commission has reviewed the proposed changes to a local Register property or within a local Register Historical District and certified the changes as not adversely affecting the historic characteristics of the property which contribute to its designation.

C. “Class of properties eligible to apply for special valuation” are the class of properties eligible for special valuation listed on the Lacey Register of Historic Places or properties listed as contributing to a Lacey Register historic district, and on a local, state, and/or National Register.

D. “Cultural Resources is physical evidence or place of past human activity, site, object, landscape, structure; or a site, structure, landscape, object or natural feature of significance to a group of people traditionally associated with it.

E. “DAHP” is the Washington State Department of Archaeology and Historic Preservation.

Comment [CO41]: Suggested addition by the Historical Commission. This definition used by the National Park Service.

DE. A “district” is a geographically definable area--urban or rural, small or large--possessing a significant concentration, linkage, or continuity of sites, buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.

EG. “Emergency repair” is work necessary to prevent destruction or dilapidation to real property or structural appurtenances thereto immediately threatened or damaged by fire, flood, earthquake, or other disaster.

H. “Historic” is generally considered to be fifty years old.

Comment [CO42]: Suggested addition by the Historical Commission.

I. “Inadvertent Discovery” is unanticipated discovery of protected cultural material during ground-disturbing or other activities related to development.

Comment [CO43]: Suggested addition by the Historical Commission.

FI. “Incentives” are such rights or privileges, or combination thereof, which the city council, or other local, state, or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of registered properties. Examples of economic incentives include, but are not limited to, tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, beneficial placement of public improvements or amenities, or the like.

GK. “Inventory” or “historic inventory” is the comprehensive inventory of historic and pre-historic and cultural resources within the boundaries of the city of Lacey.

Comment [CO44]: Suggested addition by the Historical Commission.

HL. “Lacey Historical Commission” or “Commission” is the commission designed in Chapter 2.42 LMC.

IM. “Lacey’s Register of Historic Places” or “Register” is the local listing of properties provided for in LMC 16.53.030.

JN. “Lessee” is a person or persons who are other than owner(s) of record and who hold an interest in real or personal property under a lease agreement.

KO. “National Register of Historic Places” is the national listing of properties significant to our cultural history because of their documented importance to our history, architectural history, engineering, or cultural heritage.

LP. “Object” is a thing of functional, aesthetic, cultural, historical, or scientific value that may or may not be, by nature or design, movable yet related to a specific setting or environment.

MQ. “Ordinary repair and maintenance” is work for which a permit issued by the city is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure or appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage; provided that all work is done in accordance with standards issued by Secretary of the Department of the Interior.

NR. “Owner” of property is the fee simple owner of record as exists on the Thurston County assessor’s records.

OS. “Prehistoric” means the time period before written record.

PT. “Significance” or “significant,” used in the context of historic significance, is the following: a property with local, state, or national significance is one which helps in the understanding of the history or pre-history of the local area, state, or nation (whichever is applicable) by illuminating the local, statewide, or nationwide impact of the events or persons associated with the property, or its architectural type or style in information potential. The local area can include the city of Lacey, Thurston County, or southwest Washington, or a modest geographical or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.

QU. A “site” is a place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupation or activities that may be marked by physical remains; or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may be the location of a ruined

or now nonexistent building or structure, or the location itself possesses historic, cultural or archaeological significance.

R.V. “State Register of Historic Places” is the state listing of properties significant to the community, state or nation, but which may or may not meet the criteria of the national register.

S.W. “Structure” is a work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by man, it is often an architectural and/or engineering project.

F.X. “UTM” (Universal Transverse Mercator) is a grid zone in metric measurement providing for an exact point of numerical reference. (Ord. 1370 §1, 2011; Ord. 796 §2, 1986).

16.53.080 Inadvertent Discovery of Archaeological and Cultural Resources

Building, grading, and land clearing permits shall include the following note: When an unanticipated discovery of protected cultural material (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) or human remains are discovered, the property owner or contractor will immediately stop all work, completely secure the location, and contact the Washington State Department of Archaeology and Historic Preservation and other contacts as identified in the City of Lacey Standard Inadvertent Archaeological and Historic Resources Discovery Plan. The individual or representative whom the permit was issued to must send written notification of the inadvertent discovery to the City of Lacey Department of Community Development.

Comment [CO45]: Increasing flexible thresholds must demonstrate protection of cultural and historic resources. Added comments from PC worksession.

Comment [CO46]: Last sentence recommended by the Historical Commission.

**Standard Inadvertent Archaeological and Historic Resources
Discovery Plan – City of Lacey**

Comment [CO47]: Proposed adoption of an Inadvertent Archaeological and Historic Resources Discovery Plan to mitigate potential impacts to these resources.

In the event that any ground-disturbing activities or other project activities related to this development or in any future development uncover protected cultural material (e.g., bones, shell, antler, horn or stone tools, or the evidence of historic artifacts), the following actions will be taken:

Comment [CO48]: Added language for historic artifacts from PC worksession.

1. When an unanticipated discovery of protected cultural material (see definitions below) occurs, the property owner or contractor will completely secure the location and contact:
 - a. The property owner and project representative;
 - b. A professional archaeologist;
 - c. The Department of Archaeology and Historic Preservation (DAHP) – Contact Gretchen Kaehler or assign, 360-586-3088, 360-628-2755 cell);
 - d. Nisqually Indian Tribe – Contact Annette “Nettsie” Bullchild, 360-456-5221 ext. 1106 or Jackie Wall, 360-456-5221 ext. 2180, or assign;
 - e. Squaxin Island Tribe – Contact Rhonda Foster or assign, 360-423-3850; and
 - f. City of Lacey Department of Community Development Department – 360-491-5642
 - g. Museum Curator, Lacey Museum – 360-413-3557

Comment [CO49]: Suggested addition by the Historical Commission.

2. If the discovery is human remains, the property owner or contractor will stop work in and adjacent to the discovery, completely secure the work area by moving the land-altering equipment to a reasonable distance, and will immediately contact:

- a. The property owner;
- b. The City of Lacey Police Department – 360-459-4333;
- c. The Thurston County Coroner, Gary Warnock or assign, 360-867-2140 to determine if the remains are forensic in nature;
- d. If the remains are not forensic in nature, the Department of Archaeology and Historic Preservation (DAHP) – Contact Gretchen Kaehler, 360-586-3088 or Guy Tasa, 360-586-3534, or assigns; will take the lead on determining the appropriate method of treatment for the remains and will consult with the affected tribes;
- e. A professional archaeologist; and
- f. City of Lacey Department of Community Development – 360-491-5642

3. Cultural material that may be protected by law could include but is not limited to:

- a. Buried layers of black soil with layers of shell, charcoal, and fish and mammal bones (Figure 1);
- b. Buried cobbles that may indicate a hearth feature;
- c. Non-natural sediment or stone deposits that may be related to activity areas of people;
- d. Stone, bone, shell, horn, or antler tools that may include projectile points (arrowheads), scrapers, cutting tools, wood working wedges or axes, and grinding stones (Figures 2 and 3); and
- e. Stone tools or stone flakes (Figures 2 and 3)

4. Perennially damp areas may have preservation conditions that allow for remnants of wood and other plant fibers; in these locations there may be remains including:

- a. Fragments of basketry, weaving, wood tools, or carved pieces, and
- b. Human remains.

5. Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, RCW 27.44 and WAC 25-48), Governor’s Executive Order 05-05, and with human remains (RCW 68.50) is required. Failure to comply with these requirements could constitute a Class C Felony.

Figure 1: Shell Midden

Comment [C050]: Language regarding Governor’s Executive Order 05-05 was added by Historical Commission. This executive order requires all state agencies with capital improvement projects to integrate DAHP, Governor’s Office of Indian Affairs and concerned tribes into their capital project planning process.



Figure 2: Example of Stone Tool

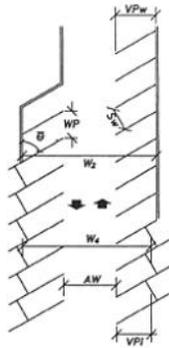


Figure 3: Example of Stone Flake and Tools



(Ord. 1130 §15, 2000)

- θ Parking angle
- Sw Stall width
- Wp Stall width parallel to aisle
- VPw Stall depth from curb to aisle
- VPi Stall depth to interlock
- AW Aisle width
- W₂ Parking module width (curb to curb), double loaded aisle
- W₄ Parking module width (interlock to interlock), double loaded aisle



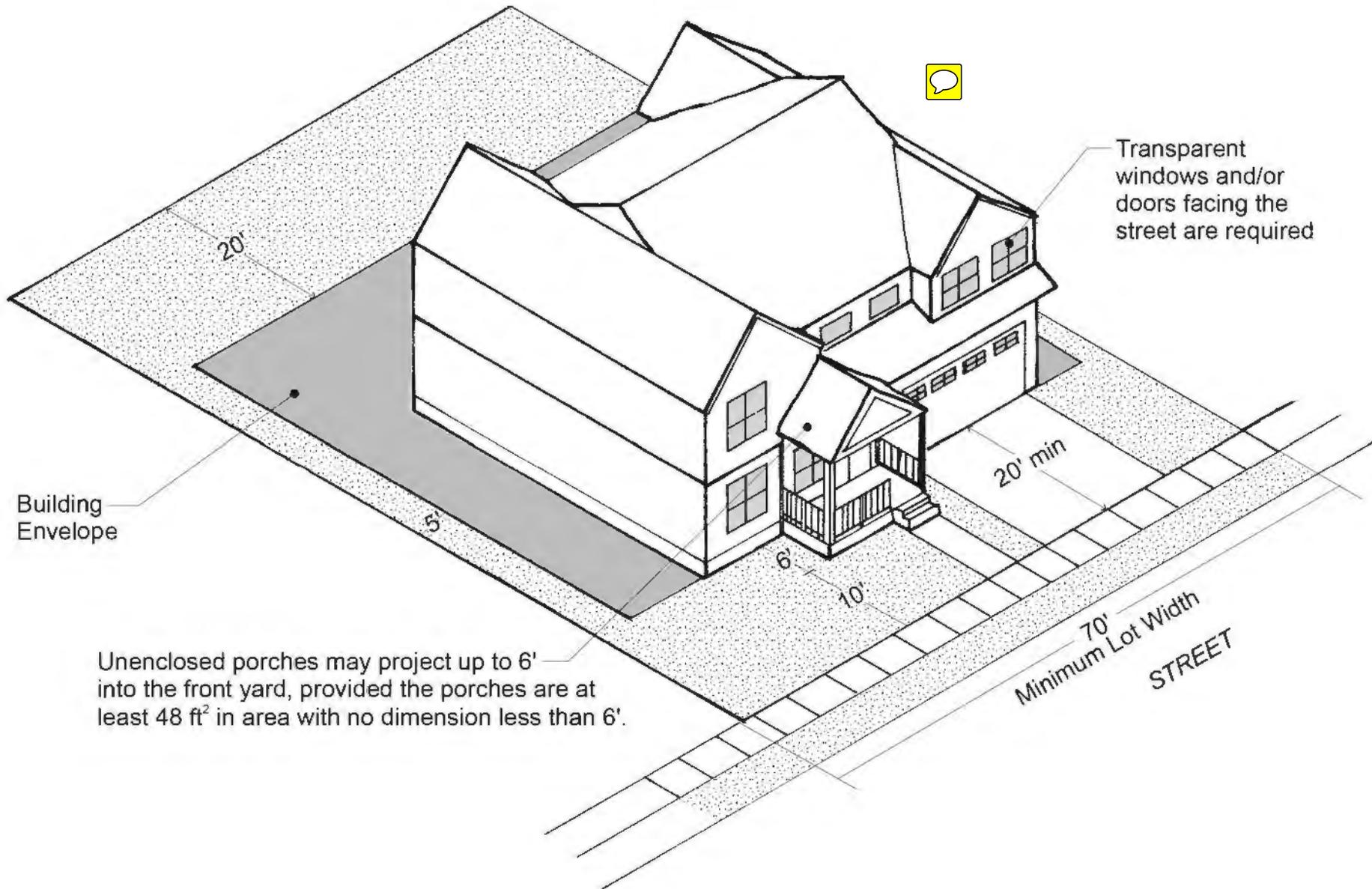
	θ	Sw	Wp	VPw	VPi	AW	W ₂	W ₄
STANDARD CAR PARKING	45°	9'	12.7'	18'	16.5'	24'	60'	57'
	60°	9'	10.4'	19.5'	18.5'	25'	64'	62'
	90°	9'	9'	19'	19'	26'	64'	64'
COMPACT CAR PARKING	45°	8.25'	11.7'	15.5'	14'	24'	60'	57'
	60°	8.25'	9.5'	17'	16'	25'	64'	62'
	90°	8.25'	8.25'	16.5'	16.5'	26'	64'	64'
PARALLEL PARKING		24'	24'	8'	8'	24'	40'	40'

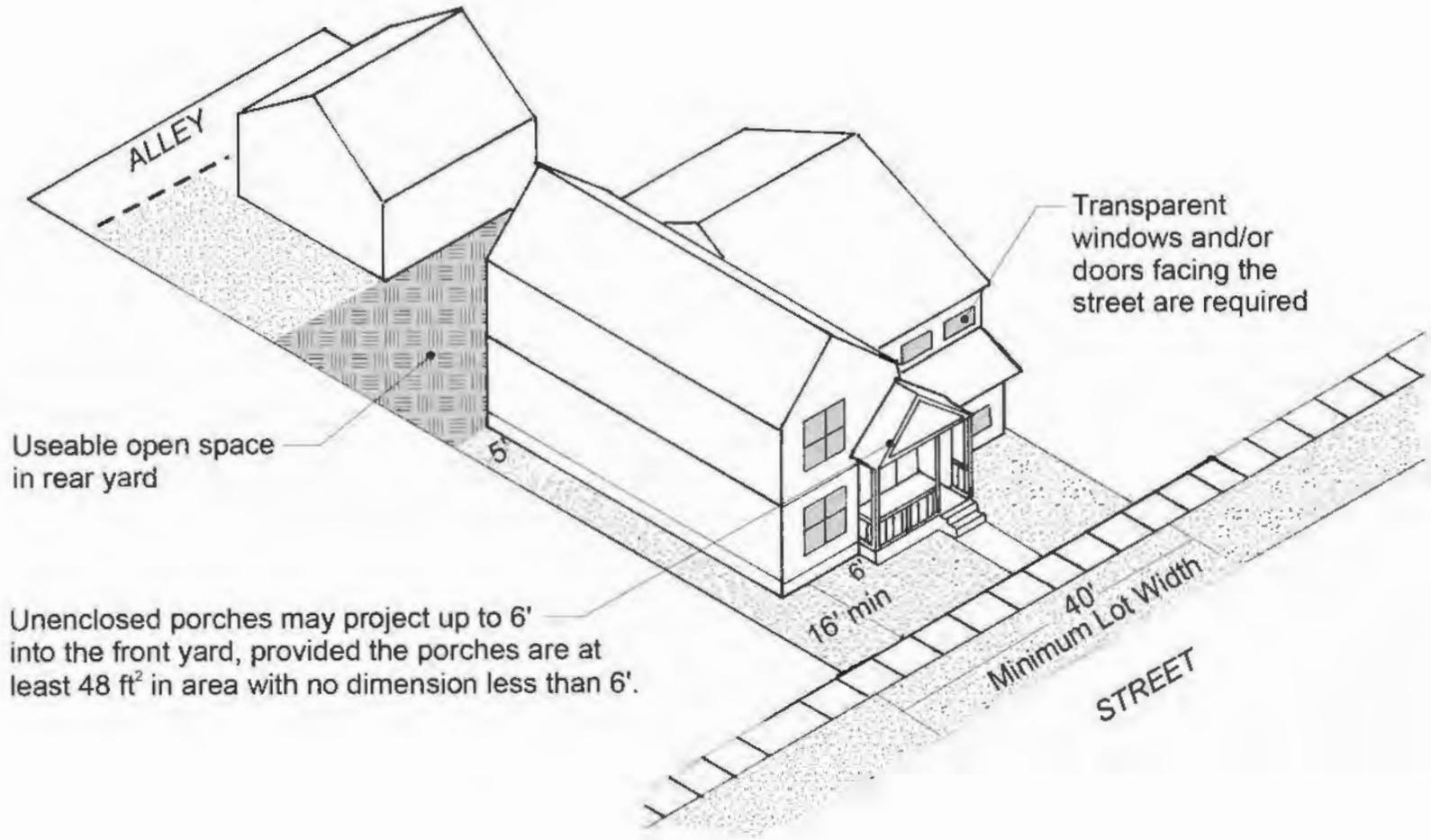
Note: For two-sided compact car parking at 90 degree double-loaded aisle W₂ and W₄ should be 59' (16.5' parking stall + 26' aisle + 16.5' parking stall).

CITY OF LACEY, WASHINGTON DEPT. OF PUBLIC WORKS			
PARKING LAYOUT TWO WAY TRAFFIC			
APPROVED <i>Myra A. Salsmond</i> 3/28/00 CITY ENGINEER		DATE 4-5-72	
DES. MAH	DWN. GGW	CKD. LRW	DATE 3/28/00

0045-72.DWG

Comment [RA51]: Add note to table 16T-19 that for two-sided compact car parking at 90 degree double-loaded aisle should be 59' (16.5' parking stall + 26' aisle + 16.5' parking stall).





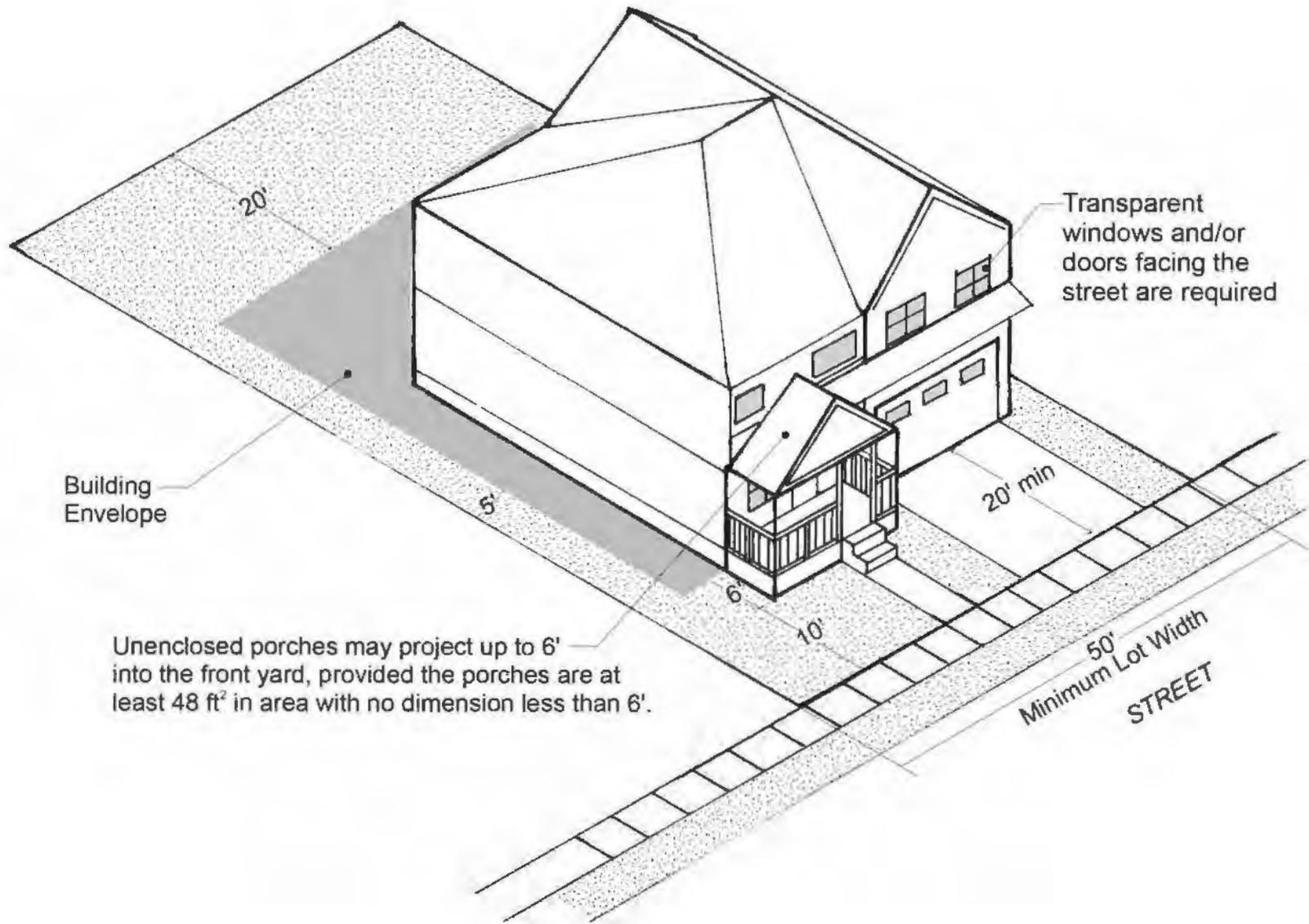
Useable open space in rear yard

Unenclosed porches may project up to 6' into the front yard, provided the porches are at least 48 ft² in area with no dimension less than 6'.

Transparent windows and/or doors facing the street are required

40' Minimum Lot Width

STREET

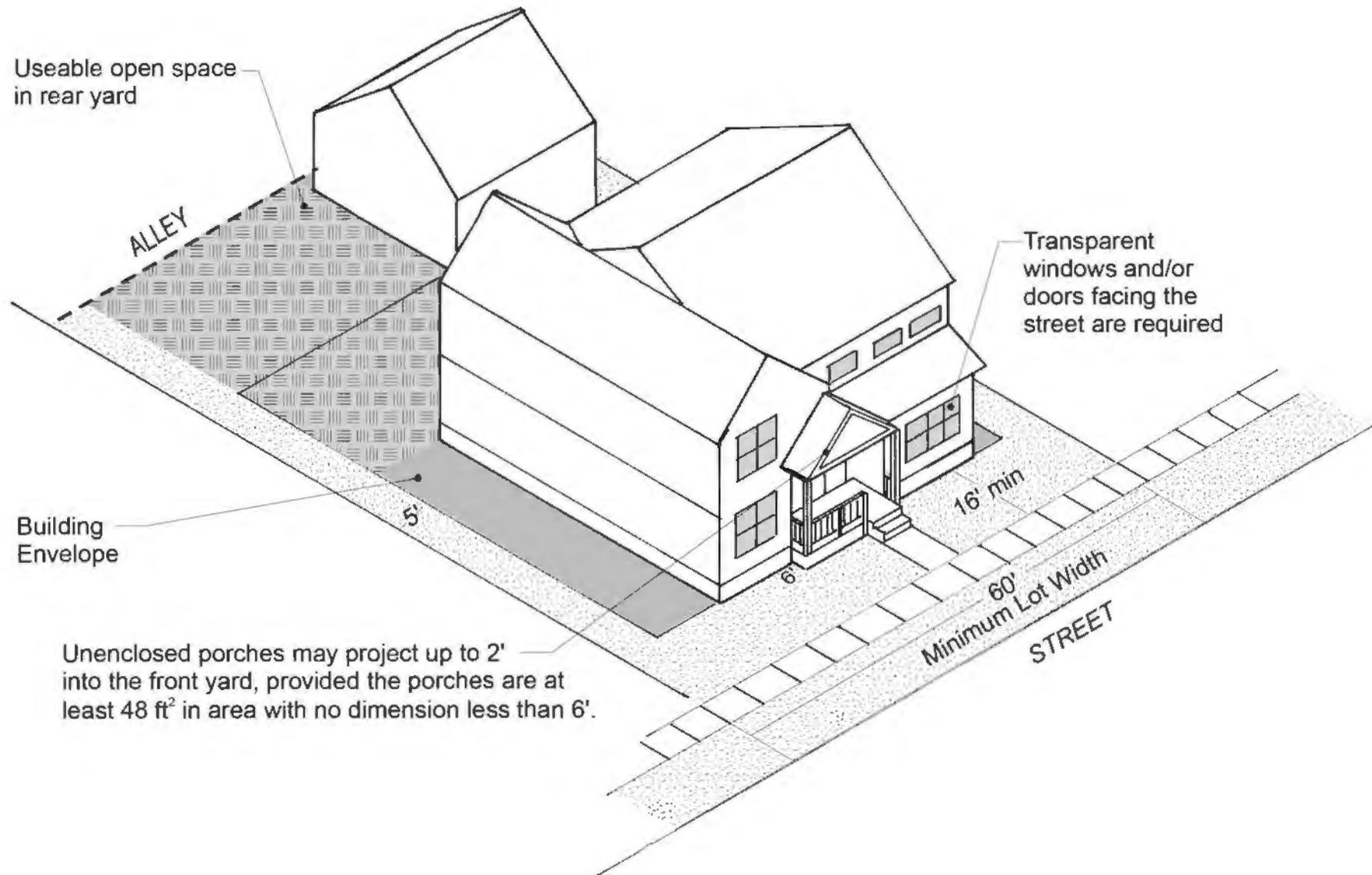


Transparent windows and/or doors facing the street are required

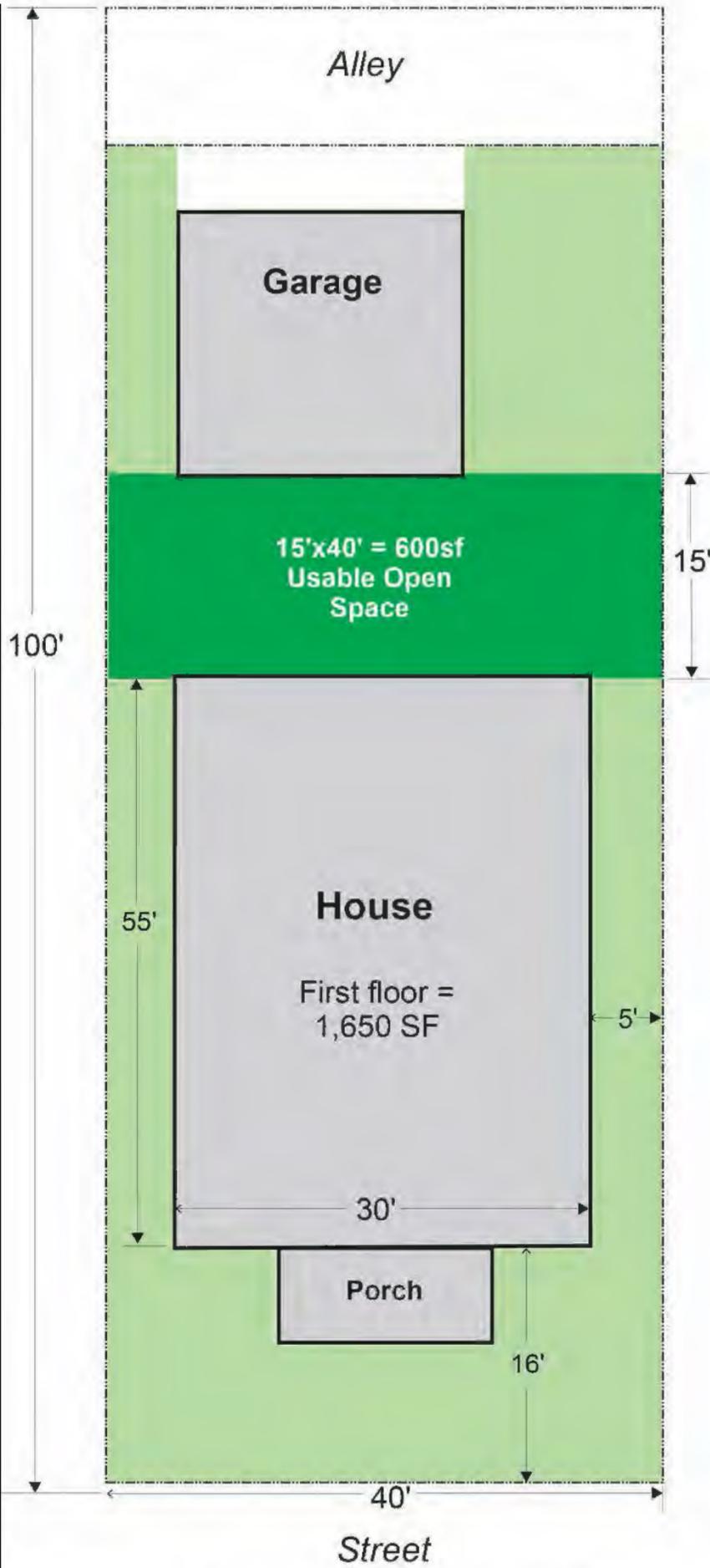
Building Envelope

Unenclosed porches may project up to 6' into the front yard, provided the porches are at least 48 ft² in area with no dimension less than 6'.

50'
Minimum Lot Width
STREET



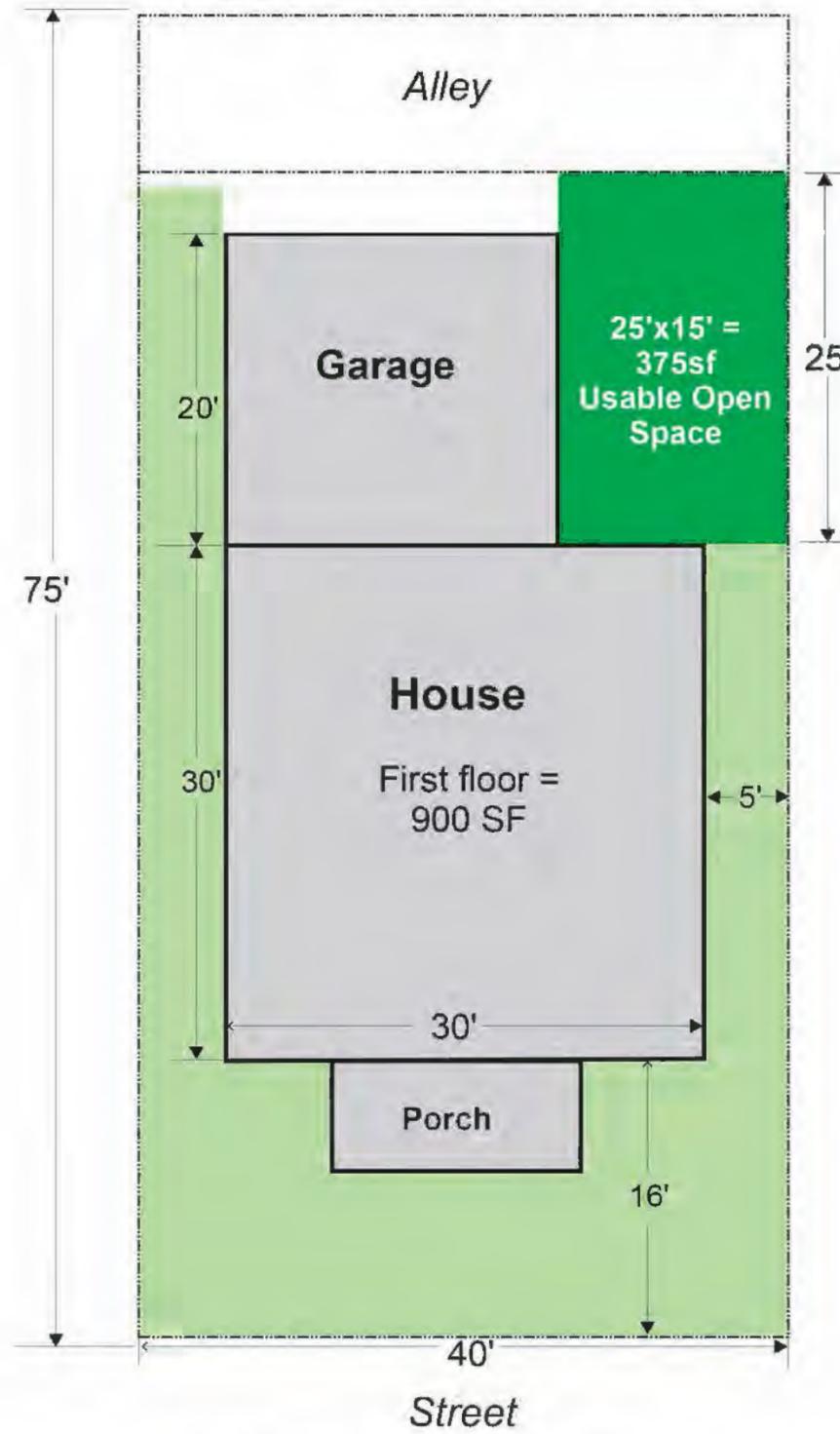
4,000 SF Lot
(400sf usable open space needed)



Conventional Lot

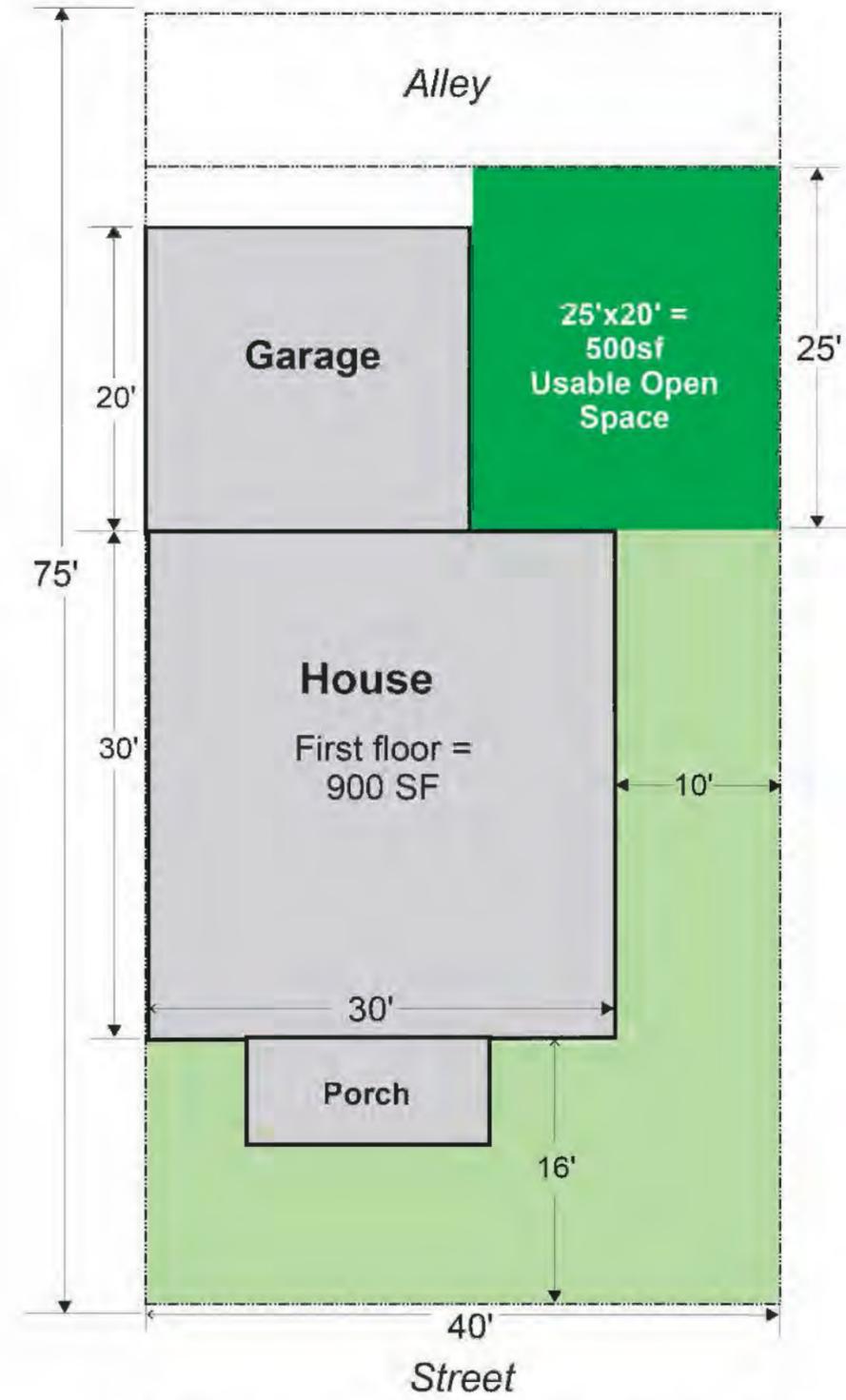


3,000 SF Lot
(300sf usable open space needed)



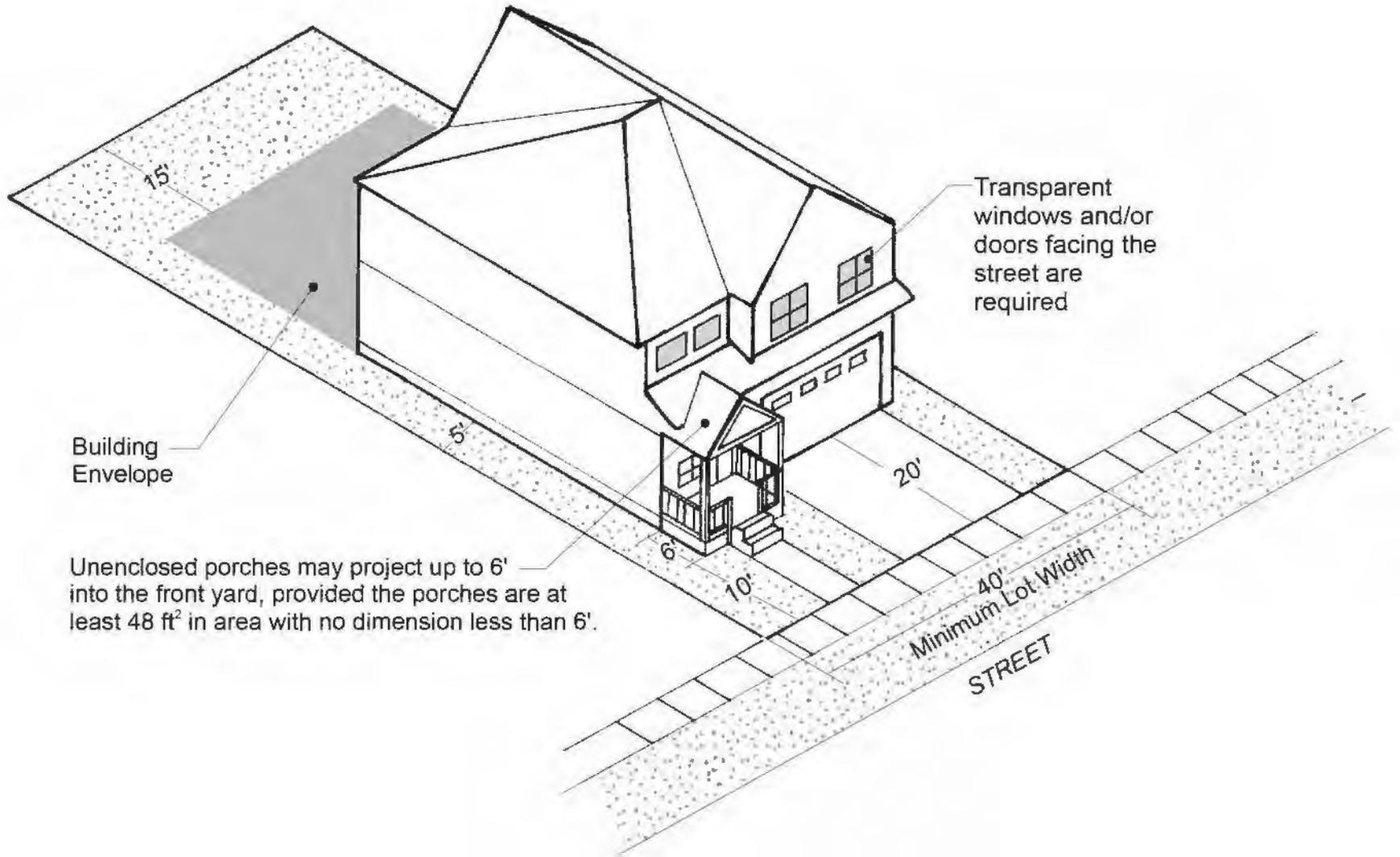
Conventional Lot

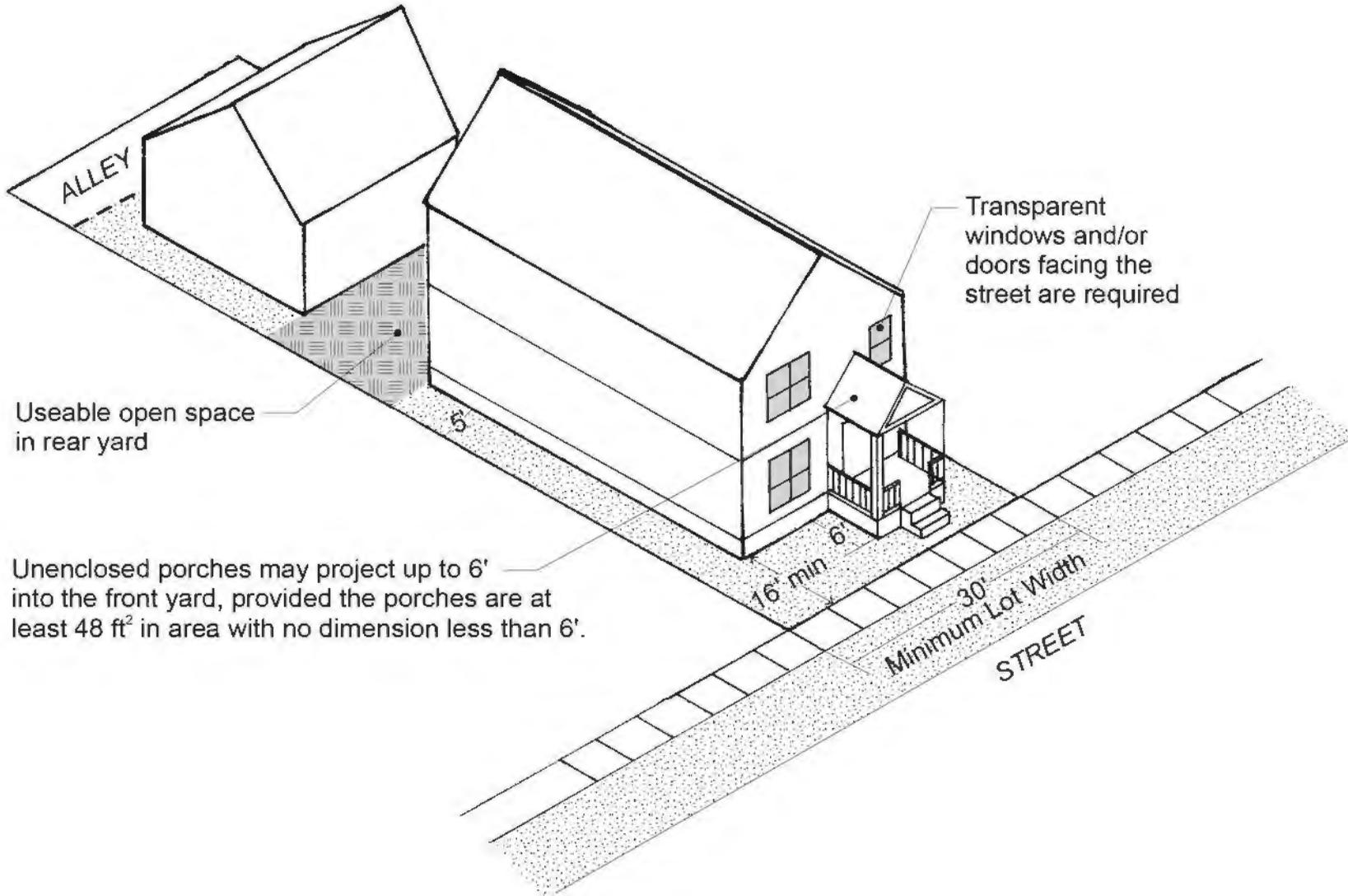
3,000 SF Lot
(300sf usable open space needed)



Zero Lot Line Configuration

(home pushed to side property line, maximizing usable open space)





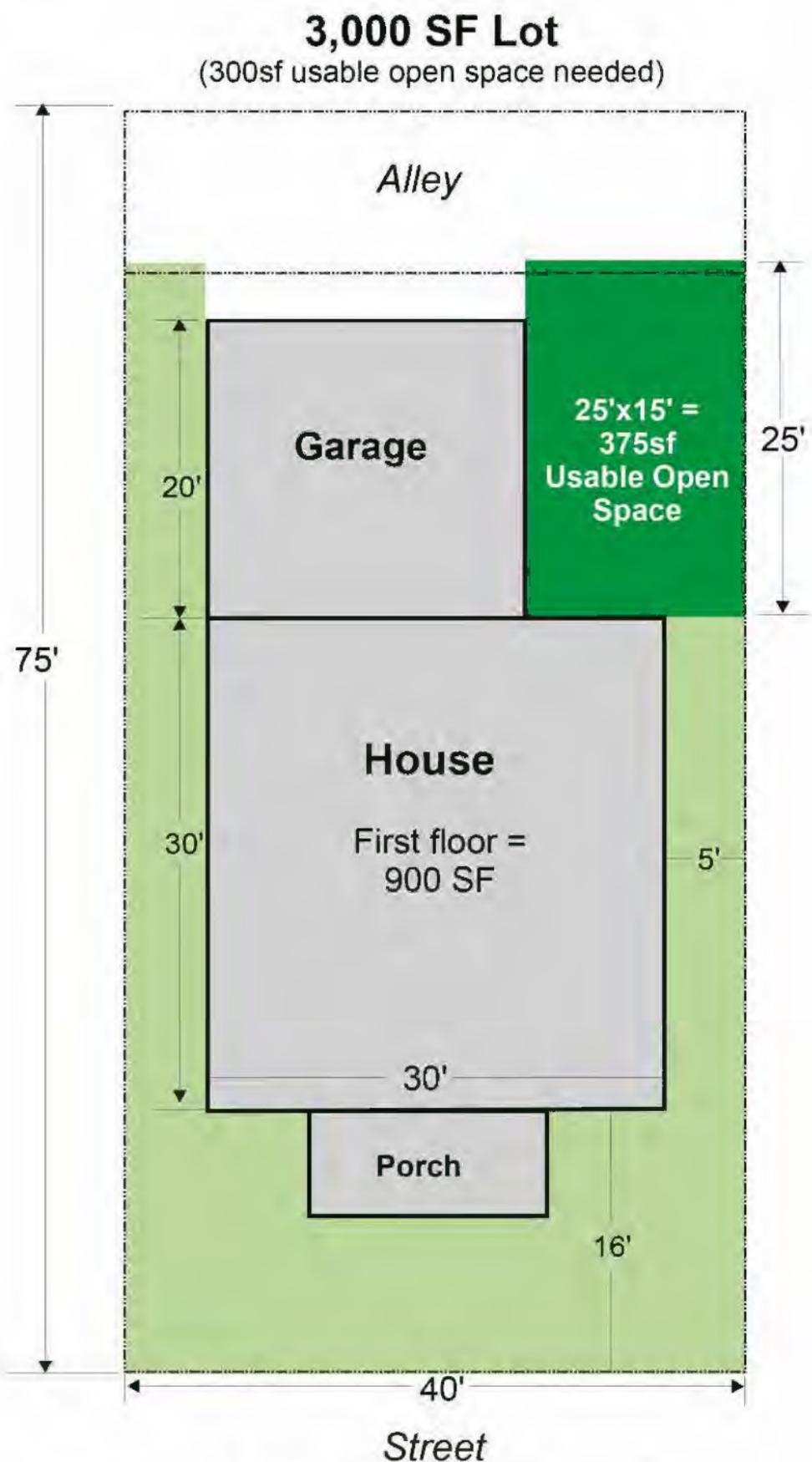
Useable open space in rear yard

Transparent windows and/or doors facing the street are required

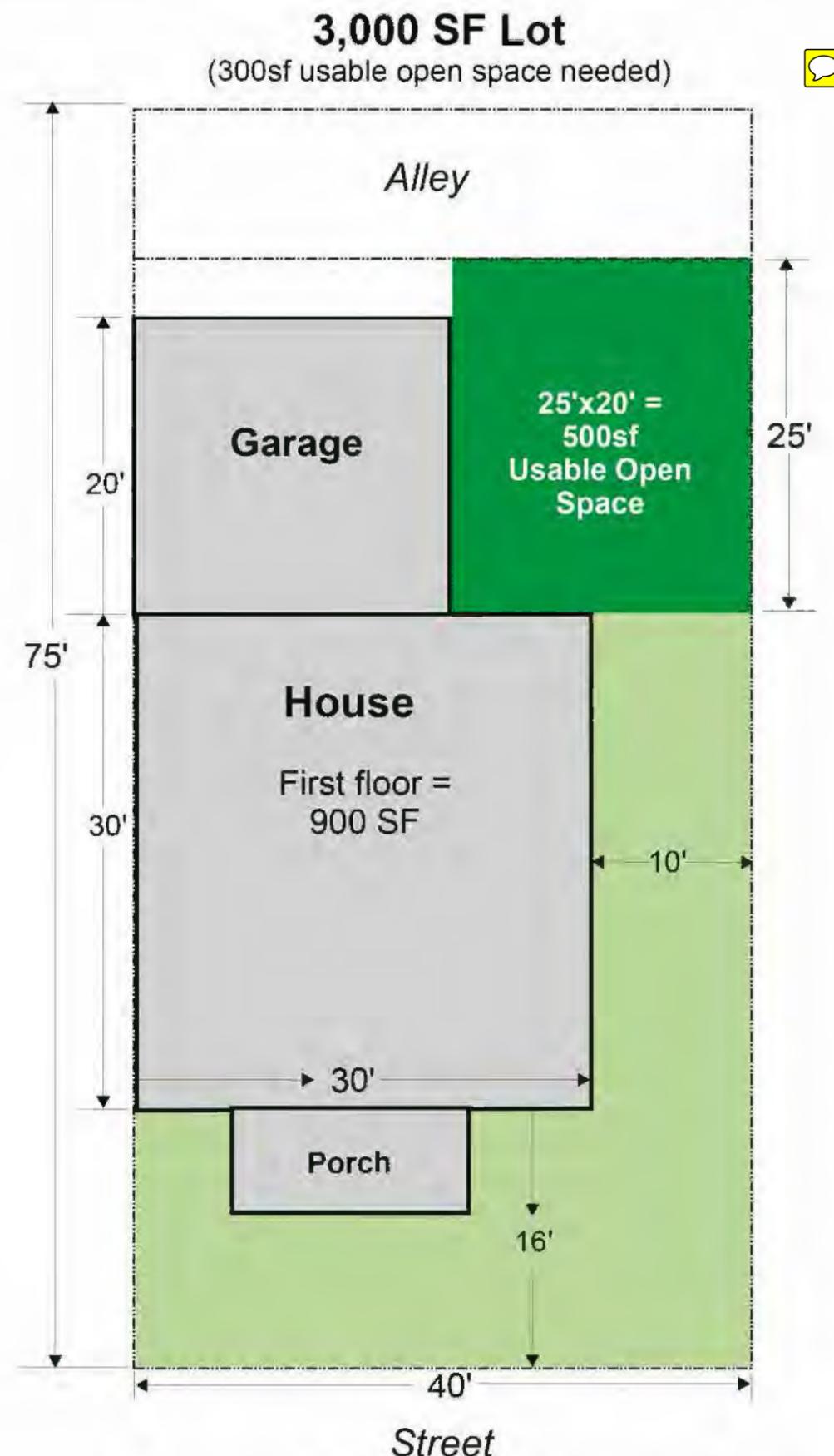
Unenclosed porches may project up to 6' into the front yard, provided the porches are at least 48 ft² in area with no dimension less than 6'.

16' min
6'

30'
Minimum Lot Width
STREET

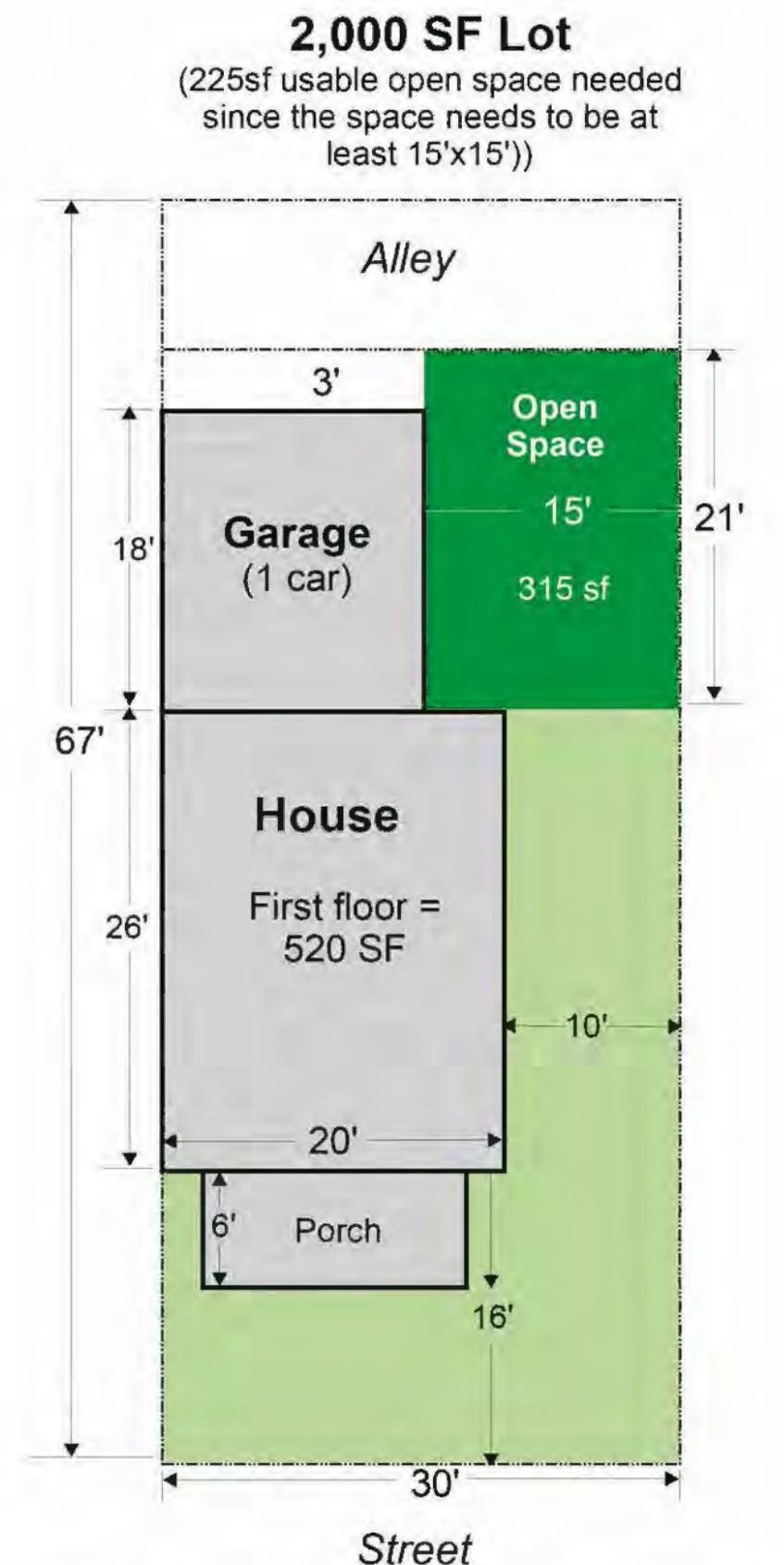


Conventional Lot



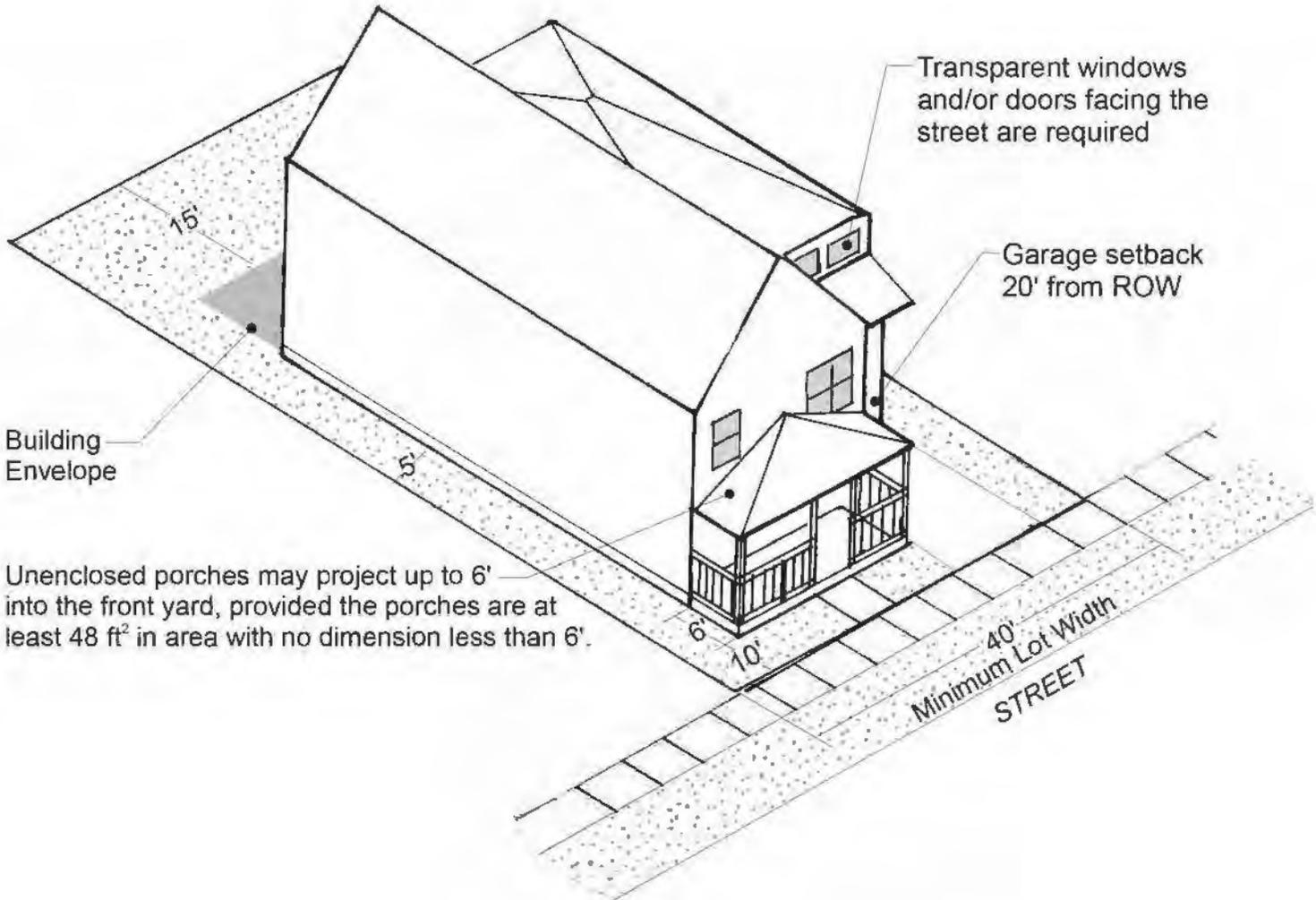
Zero Lot Line Configuration

(home pushed to side property line, maximizing usable open space)



Zero Lot Line Configuration

(home pushed to side property line, maximizing usable open space)



Transparent windows and/or doors facing the street are required

Garage setback 20' from ROW

Building Envelope

Unenclosed porches may project up to 6' into the front yard, provided the porches are at least 48 ft² in area with no dimension less than 6'.

40'
Minimum Lot Width
STREET



Useable open space
in rear yard

ALLEY

Transparent
windows and/or
doors facing the
street are required

Unenclosed porches may
project up to 6' into the front
yard, provided the porches are
at least 48 ft² in area with no
dimension less than 6'.

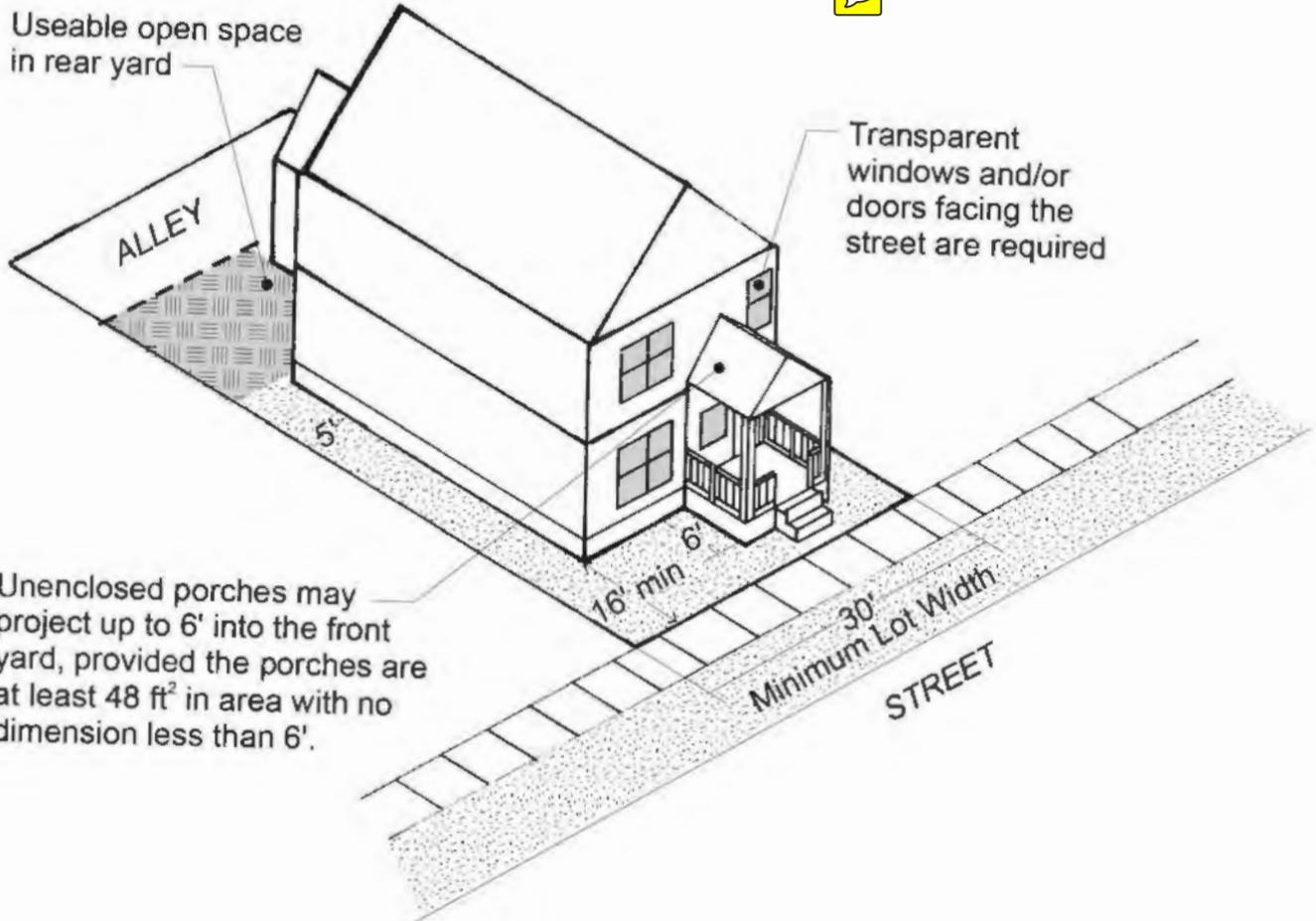
5'

16' min

6'

30'
Minimum Lot Width

STREET





CITY OF LACEY
 Community Development Department
 420 College Street SE
 Lacey, WA 98503
 (360) 491-5642

OFFICIAL USE ONLY

Case Number: _____

Date Received: _____

By: _____

Related Case Numbers:

**ZONING TEXT AMENDMENT
 APPLICATION**

SECTION I

APPLICANT NAME: J & J Lacey LLC

MAILING ADDRESS: 2001 Western Avenue, Suite 330

CITY, STATE, ZIP: Seattle, WA 98121

TELEPHONE: (206) 728-1130

REPRESENTATIVE NAME: * Loren Davis

MAILING ADDRESS: Same as above.

CITY, STATE, ZIP: Same as above.

TELEPHONE: (206) 999-5177

The representative is the person whom staff will contact regarding the application, and to whom all notices and reports shall be sent, unless otherwise stipulated by the applicant.

SECTION II

A. GENERAL DESCRIPTION OF PROPOSAL; DESCRIBE THE INTENT AND REASON FOR PROPOSING A CHANGE TO THE TEXT OF THE ZONING CODE

The elimination of the building size cap of 500,000 square feet within the Light Industrial zone. The City of Lacey has not been able to compete for several distribution and manufacturing prospects that require land sites that can accommodate buildings larger than 500,000 square feet, or buildings that will initially be within the existing cap, but require the ability to grow to a size larger than 500,000 square feet.

(See Exhibit 1, supporting documentation, including: i) discussion of the size of a building and associated job creation, ii) a representative list of companies that have selected other South Puget Sound submarkets in which to locate their industrial facilities that are larger than the City of Lacey's 500,000 SF building size cap, iii) energy efficiencies of large buildings, traffic / truck trip of large building vs smaller buildings, and iv) sites that could potentially accommodate large buildings in the city of Lacey's Light Industrial zone.

B. GENERAL PURPOSE OF THE ZONE TO BE CHANGED? CONSIDER WHAT FUNCTION THE ZONE SERVES AS DESCRIBED IN THE COMPREHENSIVE LAND USE PLAN AND HOW THAT FUNCTION OR PURPOSE MIGHT BE IMPACTED BY THE PROPOSED CHANGE

The Light Industrial Zone provides the zoning for Light industrial activities involving the manufacture, assembly, repair, servicing of goods or products which can be performed with minimal adverse impact on, and pose no special hazard to, the environment and the community and activities involving the assembly of manufactured products and processing of materials and other uses such as warehousing and distribution facilities and storage of equipment, commodities and products.

The function of Light Industrial Zone will only be impacted in a positive manner by this zoning Text Amendment as it will allow the City of Lacey to compete for more companies to locate within the City.

C. TEXT CHANGE REQUESTED

CURRENT ZONING LANGUAGE

16.40.030 Prohibited uses.

Uses other than those identified or described in LMC 16.40.020 are prohibited, including but not limited to:

- A. All buildings with a footprint in excess of five hundred thousand square feet in size, except as provided in LMC 16.40.020(A)(6).**

16.40.052 Sites of forty acres or more.

Master site plan review and binding site plan approval may be given for projects proposed to contain buildings with a footprint of more than two hundred thousand square feet but not exceeding five hundred thousand square feet when the following site standards have been met

REQUESTED NEW ZONING LANGUAGE:

16.40.030 Prohibited uses.

Uses other than those identified or described in LMC 16.40.020 are prohibited, including but not limited to:

- ~~A. All buildings with a footprint in excess of five hundred thousand square feet in size, except as provided in LMC 16.40.020(A)(6).~~**

16.40.052 Sites of forty acres or more.

Master site plan review and binding site plan approval may be given for projects proposed to contain buildings with a footprint of more than two hundred thousand square feet but not exceeding five hundred thousand square feet when the following site standards have been met

D. DOES THE PROPOSED AMENDMENT AFFECT BOTH THE CITY AND THURSTON COUNTY? IS THE ZONE TO BE CHANGED IN BOTH INCORPORATED AND UNINCORPORATED AREAS; LACEY AND LACEY'S GROWTH AREA? (PLEASE EXPLAIN):

The proposed amendment only affects the City of Lacey

E. WAS THIS ISSUE, THE ZONES SPECIFIC ALLOWED USES OR STANDARDS PROPOSED FOR CHANGE, DISCUSSED DURING THE COMPREHENSIVE PLAN AND ZONING REGULATIONS REVIEW AND ADOPTION PROCESS? IF SO, PLEASE EXPLAIN:

No

F. IS THE PRESENT ZONING LANGUAGE THE RESULT OF A MISTAKE? WHAT KIND OF MISTAKE (i.e., ACCIDENTAL OMISSION, INTENT NOT CLARIFIED)? PLEASE EXPLAIN:

NO

G. HOW MANY ACRES OF DEVELOPED AND UNDEVELOPED PROPERTY IN THIS ZONING DESIGNATION COULD BE IMPACTED BY THE CHANGE?

DEVELOPED: _____ 649 _____ UNDEVELOPED: _____ 539 _____

WHAT ZONES ARE LOCATED ADJACENT TO THESE AREAS?

LI-C (Light Industrial Commercial), BP (Business Park), OS-I (Open Space Institutional), OSI-S (Open Space School), and limited amounts of MD, LD 3-6, HPBDBC, and HPBD-C.

H. WHAT POTENTIAL LAND USE CONFLICTS COULD RESULT FROM THE PROPOSED CHANGE? CONSIDER ALL LAND IN THE ZONE TO BE CHANGED AS WELL AS EXISTING AND PLANNED LAND USES IN ADJACENT ZONES. DO NOT LIMIT CONSIDERATION ONLY TO THE SPECIFIC PARCEL(S) THAT YOU ARE INTERESTED IN. REMEMBER, A TEXT AMENDMENT WILL IMPACT ALL PROPERTY WITHIN THAT ZONE AND COULD POTENTIALLY IMPACT PROPERTY IN ADJACENT ZONES AS WELL.

The Light Industrial Zone has adequate buffers and standards are already established to assure consistency with surrounding land uses.

EXPLAIN HOW THE AMENDMENT IS CONSISTENT WITH THE FOLLOWING:

- **State Growth Management Act (GMA):**
The requested amendment only allows the increase in building size and does not increase over all density in the light industrial zone so it would not have any effect on the GMA
- **County-Wide Planning Policies (CWPP):**
The requested amendment only allows the increase in building size and does not increase over all density in the light industrial zone so it would not have any effect on the CWPP
- **Lacey Comprehensive Plan:**
The requested amendment only allows the increase in building size and does not increase over all density in the light industrial zone so it would not have any effect on the The Lacey Comprehensive Plan
- **Regional Transportation Plan (RTP):**
The requested amendment only allows the increase in building size and does not increase over all density in the light industrial zone so it would not have any effect on the RTP
- **Other Applicable City Plans or Documents:**
The requested amendment only allows the increase in building size and does not increase over all density in the light industrial zone so it would not have any effect on the Other Applicable City Plans or Documents
- **Neighboring Jurisdictions' Comprehensive Plan (when your proposal affects multiple jurisdictions):**
Not Applicable

SUPPLEMENTAL INFORMATION

THIS APPLICATION MUST BE ACCOMPANIED BY THE FOLLOWING INFORMATION:

- 1- Environmental checklist (must include 2 CD's containing .pdf copies of all submittal materials, including applications)
- 2- Supplemental information and/or special reports may be required including:
 - a. Environmental issues;
 - b. Anticipated impacts from a change in uses or standards of the zone;
 - c. Other.

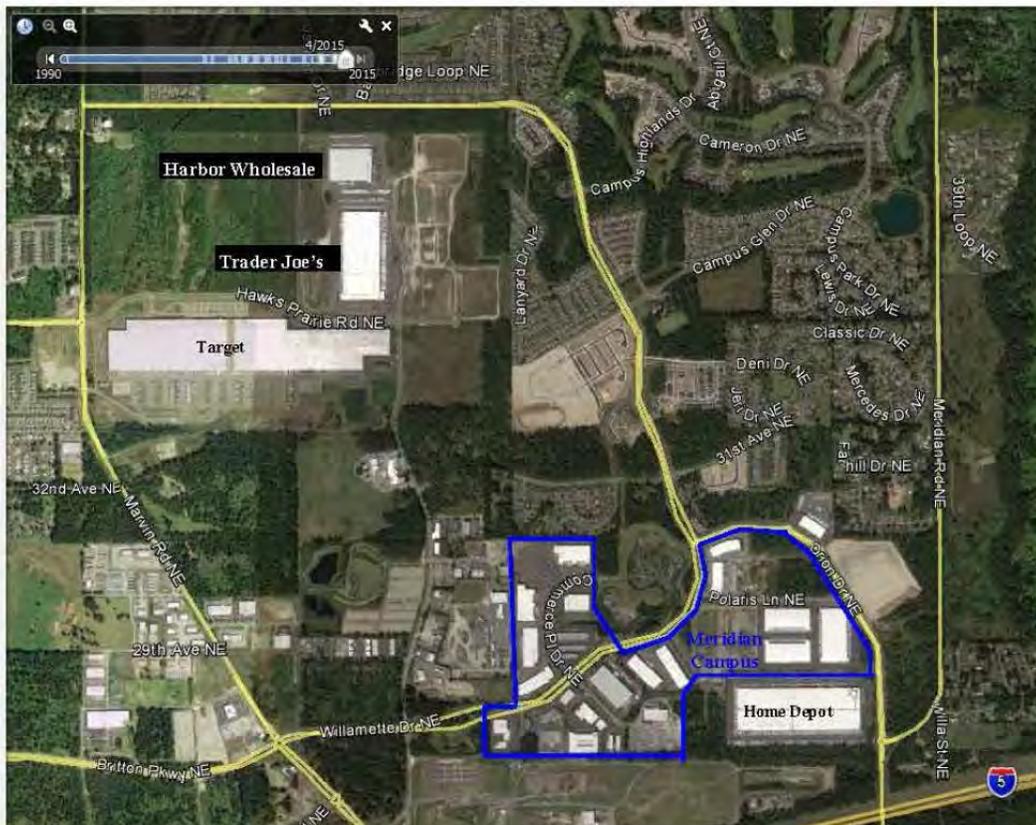
Exhibit 1

The cap was raised from 200,000 square feet to 500,000 square feet in 2010. Two companies have located facilities in the Hawks Prairie 111 Park directly as a result of the cap being raised, Harbor Wholesale Grocery with a 200,000 square foot distribution center expandable to 300,000 square feet and Trader Joe's with a 500,000 square foot distribution center. These two companies have collectively brought over 600 jobs to Lacey or approximately 16 jobs per acre, which is almost twice the number of jobs per acre than the average jobs per acre for the Meridian Campus area (which is composed of smaller multi tenant buildings) of the light industrial zone (see 2015 Jobs Density Analysis below) thus demonstrating that large buildings can generate as many or more jobs than small buildings.

2015 Job Density Meridian Campus Light Industrial Zone Area vs.

High Cube Warehouses Built between 2010 and 2015

	Number of Employees	Site Size Acres	Employees per Acre	Approx. Bldg. Size
HARBOR WHOLESALE	228	11.5	19.9	200,000
TRADER JOES	400	28.6	14.0	500,000
	628	40.1	15.7	700,000
			Avg. Employees per Acre	
Buildings Built in Meridian Campus between 2007 & 2010	238	36.4	6.5	780,056
Buildings Built in Meridian Campus through 2006	653	70.2	9.3	668,000
	891	106.6	8.4	1,448,056
			Avg. Employees per Acre	
Home Depot	175	43.7	4.0	750,000
Target	400	125.0	3.2	1,900,000
	575	168.7	3.4	2,650,000
			Avg. Employees per Acre	



Light Industrial Zone 7-2006



Meridian Campus 7 - 2006

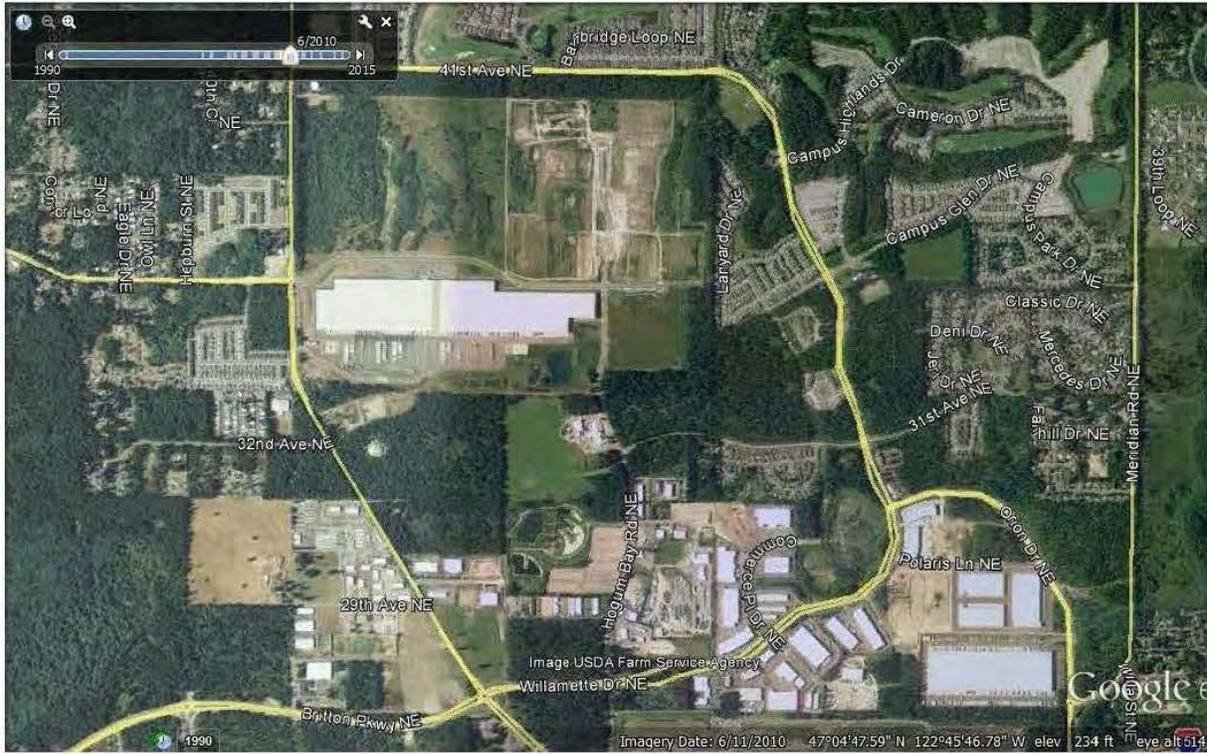


2015 Job Density Meridian Campus Light Industrial Zone Area Buildings Built Through 2006

	Meridian Campus Buildings Tenants	Number of Employees	Site Size Acres	Number of Employees	Site Size Acres	Employees per Acre	Building Size
1	Pipe Fitter Union Training Facility	12	4.35	12	4.35	2.76	43,057
2	Morgan Transfer	30		30			
	A&E Relocation	50		50			
	Golden Services	10		10			
	SUBTOTAL	90	4.03		4.03	22.33	42,600
3	I-5 Design & Manufacture	40	2.00	40	2.00	20.00	
4	Mutal Materials	20	20.07	20	20.07	1.00	38,500
5	Small Office Building		0.99				
6	Sierra Pacific Window	18		18			
	Right! Systems (primarily an office bldg.)	45		45			
	SUBTOTAL	63	1.91		1.91	32.98	20,793
7	Hummingbird Scientific	20	2.10	20	2.10	9.52	16,200
8	Sealy Mattress	150	8.78	150	8.78	17.08	132,872
9	EcoNet (Univera)	21		21			
	Undisclosed I-502 Producer?	12		12			
	AllWest Transportation	27		27			
	Access Info Mngt.	4		4			
	SUBTOTAL	64	5.10		5.10	12.55	141,710
10	Direct TV	18		18			
	Vacant	0		0			
	Vacant	0		0			
	Western Hydro Corp.	6		6			
	Espresso Products	6		6			
	SUBTOTAL	30	1.91		1.91	15.71	63,920
11	Dish Network	12		12			
	R-T London Norse	35		35			
	SUBTOTAL	47	5.800		5.80	8.10	81,960
12	Auto Additions	1		1			
	Stottle Winery	2		2			
	Salish Sea distillery	2		2			
	Prince Telecom	4		4			
	Northwest Landscape Services	6		6			
	Full Steam Staffing	4		4			
	Sign-a-rama	4		4			
	Auto Tint Northwest	4		4			
	West Coast Plumbing, Pump and Filtration	5		5			
	Alliance Enterprises Inc	29		29			
	SUBTOTAL	61	4.90		4.90	12.45	56,504
13	J B Trucking	9		9			
	International Paper / File Storage	2		2			
	SUBTOTAL	11	4.79		4.79	2.30	82,740
14	Ship Wreck Beads	45	4.49	45	4.49	10.02	59,200
15	Xerox ACS	400					
	Washington Insulation / MASCO	9					
	SUBTOTAL	409	11.98				
	See map for building location			653	70.23	9.3	780,056
						Avg. per Acre	

Note: The Small Office Building (5) and the Xerox call center (15) are office buildings and therefore not included in the jobs per acre calculation for Light Industrial Buildings.

Light Industrial Zone 2007 - 2010



Meridian Campus 2007 - 2010



2015 Job Density Meridian Campus Light Industrial Zone Area Buildings Built Between 2007 & 2010

Map Location	Meridian Campus Buildings Tenants	Number of Employees	Site Size Acres	Number of Employees	Site Size Acres	Employees per Acre	Approx. Bldg. Size
A	Earth Friendly Products	50	3.9	50	3.9	12.82	85,000
B	Direct Buy	30	2.37	30	2.37	12.66	36,000
C	Exeltech (10,000 sf Office Building)	38	0.96				
D	Providence Health & Services (160,000 sf) Vacant (40,000 sf)	100		100			
		100	10.43		10.43	9.59	200,000
E	Vacant	0	6.9	0	6.9	0.00	130,000
F	Crown Cork & Seal (60,000 sf) Vacant (70,000 sf)	5		5			
		5	6.9	5	6.9	0.72	130,000
G	Macy's West	6		6			
	Nistevo LLC	9		9			
	ACI	8		8			
	Pacific Green Room	4		4			
	Midwest equip sales	3		3			
	Funeral Alternatives	16		16			
	Sealy Mattress Storage	2		2			
	SUBTOTAL	48	5.88		5.88	8.17	87,000
	See map for building location			238	36.38	6.54	668,000
						Avg. per Acre	

Note: Building (C) was excluded as it is an office building.
Also note that Buildings D, E & F have large vacancies which are common in the smaller multi-tenanted buildings as the companies are smaller and are more affected by the economy and market conditions. These three buildings built under the cap have had difficulties staying leased and have had to lease to tenants that were using them for car storage for the military with about 5 jobs per building or have been vacant for periods of time.

Unfortunately, since Harbor Wholesale and Trader Joe's have located here the city has not been able to compete for several distribution and manufacturing prospects that require sites that can accommodate buildings larger than 500,000 square feet or companies that will initially be within the cap, but want the ability to grow their facilities to a size larger than 500,000 square feet. Companies that have located elsewhere and companies that are in the market but could not locate in Lacey due to the building size cap are as follows:

**REPRESENTATIVE LIST OF LARGE BUILDING USERS
LOCATED IN THE SOUTH PUGET SOUND AREA
AFTER 2005**

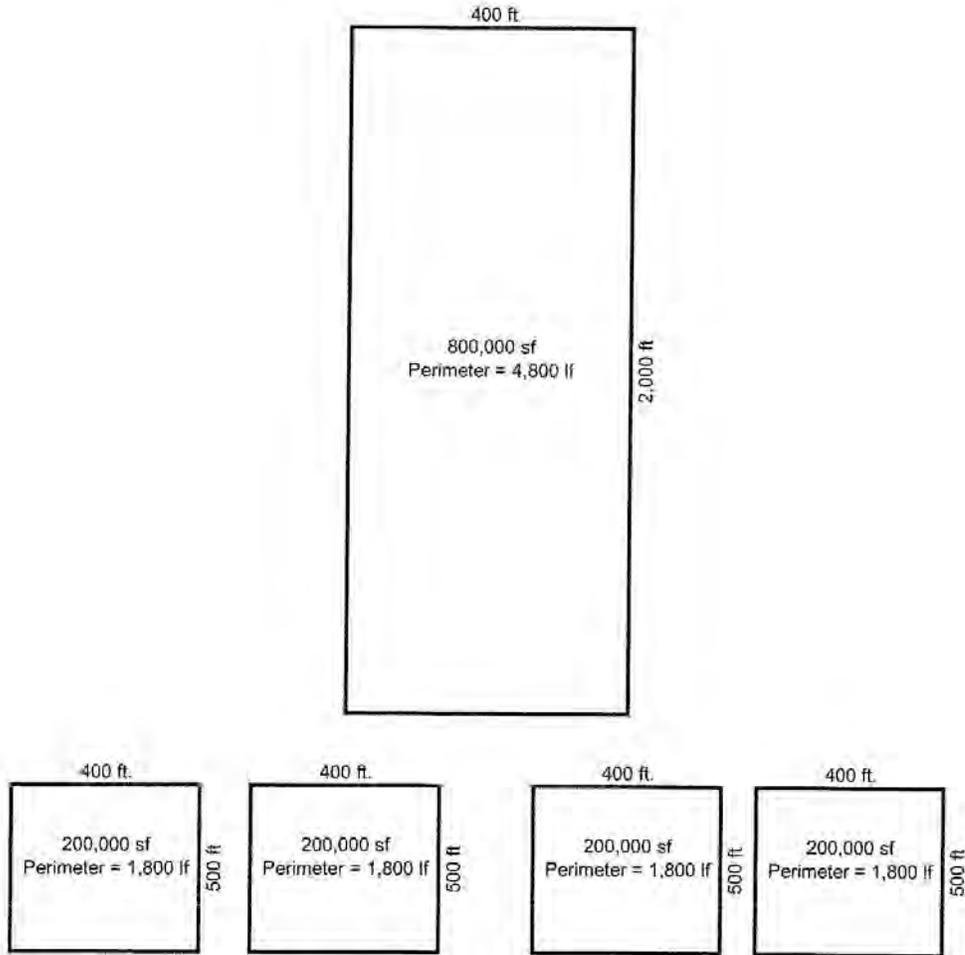
Users	Approximate Total Area (SF)	Final Location	Reported # of Jobs
Kimberly-Clark Worldwide	520,000 sf expandable to 650,000 sf	Kent	n/a
Macy's	530,000 sf	Tukwila	n/a
James Hardie Building Products	600,000 sf w/ possible expansion	Frederickson	200
Amazon.com	1.1 million sf (plus mezz.)	Kent	~500+
PepsiCo / Quaker	520,000 sf expandable to 650,000 sf	Tacoma	n/a
Pacific Distribution	590,000 sf	Sumner	n/a
Amazon.com	1.5 million sf (incl mezz.)	DuPont	500
UPS Supply Chain Solutions	616,827	Auburn	n/a
Regal Logistics	~1 million sf	Fife	n/a
Whirlpool	900,000 sf	Frederickson	150
DHL / Exel Logistics (Starbucks Acct.)	500,000 sf expandable to 750,000 sf	Auburn	n/a
MEGA Brands	850,000 sf	Fife	200
Ikea	650,000 sf expandable to 1 million sf	Frederickson	125
Michael's Arts & Crafts	715,000 sf expandable to 1 million sf	Centralia	225

**REPRESENTATIVE LIST OF LARGE USERS THAT
HAVE BEEN INTERESTED IN LARGE BUILDINGS
LOCATED IN THE SOUTH PUGET SOUND AREA**

Company	Approximate Total Area (SF)
Medline Industries	500,000 sf expandable to 700,000 sf
Walmart	800,000 to 1,200,000 sf
Proctor & Gamble	600,000 sf w/ possible expansion
Uline Packaging	500,000 sf expandable to 700,000 sf
Unified Grocers	600-800,000 sf
Cabela's	500-650,000 sf
Dart Container / Solo Cup	500,000 sf
Conagra / Ralcorp	400,000 sf expandable to 600,000 sf
Ashley Furniture	400-600,000 sf

Larger buildings have proven to be more energy efficient and generate less truck traffic. Moreover, the truck traffic quite often occurs in off-peak hours thus reducing peak traffic period congestion. The operations of Harbor Wholesale Grocery and Trader Joe's facilities have proven to be compatible with the surrounding residential neighborhoods.

Building Perimeters



Total Perimeter 4 x 200,000 bldg. = 7,200 lf which is 150% of a 800,000 sf single bldg.

Large buildings consume less materials to build, have less perimeter wall to lose or absorbed heat. Large buildings are thus more energy efficient during operations and use less energy for the initial construction.

High-Cube Warehouses Generate Less Truck Trips Than Regular Warehouses

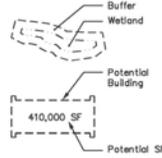
ITE Land Use Code:		110	120	130		140	150	152		
Land Use Name:		(General Light Industrial)	(General Heavy Industrial)	(Industrial Park)	Average Light Industrial and Industrial/Park Areas	(Manufacturing)	(Warehousing)	(High-Cube Warehouse)	Average High-Cube and Warehousing	3-way average: High-Cube, Warehouse, Light Ind/Ind Park
Per:		(1000 Sq. Feet Gross Floor Area) (Weekday, PM Peak of Adj. Street, 1 hr. 4-6 PM)	(1000 Sq. Feet Gross Floor Area) (Weekday, PM Peak of Adj. Street)	(1000 Sq. Feet Gross Floor Area) (Weekday, PM Peak of Adj. Street, 1 hr. 4-6 PM)		(1000 Sq. Feet Gross Floor Area) (Weekday, PM Peak of Adj. Street, 1 hr. 4-6 PM)	(1000 Sq. Feet Gross Floor Area) (Weekday, PM Peak of Adj. Street, 1 hr. 4-6 PM)	(1000 Sq. Feet Gross Floor Area) (Weekday, PM Peak of Adj. Street, 1 hr. 4-6 PM)		
During:										
Project Gross Square Feet:		5,158,000	5,158,000	5,158,000	5,158,000	5,158,000	5,158,000	5,158,000	5,158,000	5,158,000
Internal Capture Rate:		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Passby Rate:		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
PM Peak Trip Rate:		0.98	0.19	0.86	0.92	0.74	0.47	0.12	0.30	0.50
PM Trips Generated:		5055	980	4436	4745	3817	2424	619	1522	2596
PM Peak - New Trips:		5055	980	4436	4745	3817	2424	619	1522	2596
Daily Trip Rate per tsf:		6.97	1.50	6.96	6.97	3.82	4.96	1.27	3.12	4.40
Daily - All Vehicles:		35,951	7,737	35,900	35,925	19,704	25,584	6,551	16,067	22,687
All Trucks, % of daily:		8.00%	18.24%	8.00%	8.00%	13.09%	31.62%	35.00%	33.31%	24.87%
Daily - All Trucks:		2,876	1,411	2,872	2,874	2,579	8,090	2,293	5,352	5,643
Daily Articulated Trucks, % of daily:		3.60%	12.38%	3.33%	3.47%	5.24%	17.95%	25.54%	21.74%	15.65%
Daily - Semi Trucks:		1,294	958	1,197	1,245	1,032	4,591	1,673	3,494	2,744

This trip generation table shows that High Cube Warehouse generates less daily truck trips and less PM peak hour truck trips than regular warehouses and manufacturing facilities, as shown on the above comparison table produced by City of Lacey using the Institute of Transportation Engineers trip generation tables.

Potential Building Sizes of the Remaining Undeveloped Land in the Lacey Light Industrial Zone



ZONING IS IN THE PROCESS OF BEING CHANGED TO LIGHT INDUSTRIAL AND BUILDINGS SHOWN ARE FOR A LIGHT INDUSTRIAL USE.



- NOTES-
1. Wetland Information from Thurston County GeoData
 2. Potential buildings 200,000 SF and smaller are part of existing Blending Site Plans or Site Plan Reviews

- LI LIGHT INDUSTRIAL
- OS* OPEN SPACE INSTITUTIONAL
- OS-S* OPEN SPACE INSTITUTIONAL-SCHOOL

TEUTSCH PARTNERS Real Estate Services

TAHOMA DESIGN GROUP

Summary

This zoning text amendment changes the Light Industrial allowable building size back to the permitted size of industrial / distribution buildings in the Hawks Prairie Light Industrial Zone in 2005. This will enable Lacey to compete with all of the other south sound communities in attracting both regional and national companies that require buildings in excess of 500,000 square feet at their initial build out or require the ability to grow beyond a 500,000 square foot size. This change will bring jobs and increase the local tax base. Surrounding property owners will not experience or see any change in the uses on the property from what is permitted in the comprehensive plan proposed for the Light Industrial Designation.

memo

Date: September 1, 2015
To: Lacey Planning Commission
From: Ryan Andrews, Planning Manager *RA*
Subject: J & J Lacey Building Cap Zoning Text Amendment—Backing Beeper Issue

At the last meeting, a comment was raised by a member of the community related to the light industrial warehouse building cap issue related to backing beepers. Specifically, the community member supported the elimination of the maximum building cap under the condition that the City enacts legislation to prohibit standard single-tone backup alarms.

Through the federal Occupational Safety & Health Administration (commonly known as OSHA), if a vehicle has an obstructed view to the rear, OSHA requires a backup alarm or a spotter when the vehicle is backing up. Since most businesses do not have the resources to use a spotter, backing beepers are used in a large majority of situations where vehicles with obstructed views are backing up. Backing beepers are not required indoors in warehouses by forklifts or other devices but are commonly installed as a general precaution. Additionally, backing beepers and other similar warning devices are exempt from noise regulation under state law.

In 2010, the City Council examined the issue of backing beepers associated with a slate of other issues including truck idling. At that time, the question was raised about whether the City could require “white noise” beepers. White noise beepers are those that use compressed air to creating a whooshing noise instead of the whine commonly associated with standard backing beepers. Staff reached out to other jurisdictions across the state to see what other jurisdictions were requiring and found that none required white noise backing beepers but several had converted their fleet vehicles voluntarily to white noise systems. Fife has implemented regulations on “yard vehicles”—those vehicles that don’t travel on a public street. Seattle also has regulations that prohibit car horns and warning devices (including backing beepers) from being more than 85 decibels at more than 200’ away.

It was determined by the Land Use Committee that requiring white noise systems to be used throughout the city was not feasible due to enforcement requirements, cost to businesses to convert to new devices, and the nature of trucks coming from out of area not complying with specific local regulations.

Attached is the April 7, 2010 City Council Land Use Committee materials for review. The materials provide the context for review in 2010, background information on the US EPA model state idling law and the Washington Administrative Code section on maximum environmental noise.

Staff Report

Date: April 7, 2010
To: Land Use Committee
From: Greg Cuoio, City Manager *GC*
Rick Walk, Community Development Director *RW*
Subject: Truck Idling and Backup Beeper Restrictions

Objective: Brief the Committee on truck idling and backup beeper restrictions and obtain further guidance and direction

Present Situation: The City has received numerous complaints from the Giroux family about backup beepers and idling trucks. The Giroux live in the Christa Heights residential neighborhood which is located adjacent to the Commerce Place Light Industrial Park. Washington Insulation, a business located in the Light Industrial Park, backs up to the Giroux property. Washington Insulation, in the course of their daily business, loads and unloads materials for delivery to construction sites. The loading door is in the rear of the building which faces the Giroux property. The hours of operation are generally from 7 a.m. to 6 p.m. There is a 25 foot vegetated buffer between the properties. Recently, RSS Management, the property owner, constructed an 8 foot CMU block wall in an effort to reduce the impacts to the Giroux and neighboring properties.

The staff has researched the potential to regulate back up beepers and truck idling to help address this ongoing issue. Back up warning measures are required by the State of Washington for safety purposes. These measures may take the form of horn-style beepers, 'white' noise beepers, back up spotters, horn honking, or back up cameras. The most common used by industry is the horn-style back up beeper.

State administrative codes (WAC 173-60) exempt back up beepers from maximum decibel requirements. To date, our research indicates that only Seattle has expanded their regulatory authority of back up beepers. Seattle's noise ordinance restricts the noise level of back up beepers to no more than 85 decibels at 200 feet. Such a restriction would not alleviate the problem experienced by the Giroux family.

Except for the City of Spokane, we have not identified any Washington city that regulates truck idling. Spokane limits truck idling to 60 seconds in their downtown non-attainment area. The City implemented this restriction in order to help address air quality issues. Enforcement is an issue as infractions must be observed. Since passage of the ordinance in 2007, no citations have been issued.
Commerce Place Light Industrial Park

In 2006, the U.S. Environmental Protection Agency developed a Model State Idling Law. The purpose was to develop model regulations that could be adopted by the states to provide consistency to the trucking industry. Various states have adopted the model regulations. Washington has not done so.

Committee Guidance: It is apparent that the Giroux family and some neighbors are impacted by Washington Insulation activities. For the past two years, city staff has worked with the Giroux's and Washington Insulation in an effort to find a satisfactory resolution to the noise and idling issues. The recent construction of the 8 foot CMU wall is an example of this effort. Unfortunately, the conflict continues.

We are seeking the opportunity to further discuss this matter with the Committee and obtain guidance on the next steps to address this unfortunate circumstance, if any.

Attachments

Letter from HOA to Washington Insulation
U.S. EPA Model State Idling Law
WAC 173-60

Rick Walk

From: Christa Heights Board [ChristaBOD@comcast.net]
Sent: Tuesday, April 06, 2010 8:49 AM
To: Robert Anderson
Cc: Cynthia Pratt; Rick Walk; Mike Slattery; thepanellos@comcast.net; Danny Orgeron; danamelm@comcast.net; dcarbaugh@integral-corp.com; goreadam@hotmail.com; grannybb@comcast.net; lynnjohn360@comcast.net; roopsmm@comcast.net; 'Charlotte Crimmins'
Subject: Excessive Noise from Backup Beepers

Dear Mr. Anderson:

I'm sure you are quite aware of the various complaints from several of our Christa Heights Homeowners regarding warehouse noise at Washington Insulation and more specifically, the backup beepers on the forklifts and other warehouse/transportation equipment. Our Homeowners Association Board has recently received a petition signed by thirteen families living in close proximity to the northeast corner of your warehouse noting their distress in having to put up with a constant beeping throughout the week, quite often very early in the morning, into the evening hours and some weekends. One person's back door is literally no more than seventy-five feet from the rollup door in the northeast corner where most of this noise emanates from. I am contacting you to address this concern.

Although other sources of noise (radios, horns, metal crashing, various banging, etc.) are obvious and there is great concern regarding exhaust fumes affecting the health of these families, there is a solution which can significantly reduce the incessant sound of backup beepers – one of the major causes of noise. I am referring to white noise beepers and the details of this type of warning beeper can be found at <http://www.reverseinsafety.co.uk/product-focus/alarms>. We urge you to consider replacing the existing beepers with one of these less intrusive models in an effort to help reduce the amount of excessive noise. The sound barrier wall that was constructed to help alleviate this and other noises has had no significant impact (and many say absolutely no impact).

Most recently I have been made aware of complaints of steel crashing, air brakes and truck horns which can be heard throughout the neighborhood (not just in the immediate area) at all hours of the day. Although I realize you do need to conduct business by transporting materials, I suggest that moving the major heavy-equipment activities to a different rollup would significantly reduce the impact to the families directly behind and adjacent to the warehouse. We strongly request you consider this for the improvement of our homeowner's well-being, not to mention direct impact to health, both physical and mental.

We sincerely appreciate your consideration in helping us improve the quality of life in our subdivision and ultimately come to a suitable environment for both residents and businesses as I'm sure the City of Lacey had originally intended. Please forward this request to anyone who you feel might be able to help.

Thank you,

A handwritten signature in black ink, appearing to read 'JDC', written in a cursive style.

James D. Carbaugh

President, Christa Heights Homeowners Association



Air and Radiation

EPA420-S-06-001
April 2006

Model State Idling Law

EPA420-S-06-001
April 2006

Model State Idling Law

**Transportation and Regional Programs Division
Office of Transportation and Air Quality
U.S. Environmental Protection Agency**

MODEL STATE IDLING LAW

I. BACKGROUND

In May, 2004, at the National Idle Reduction Planning Conference in Albany, New York, representatives from the trucking industry identified the inconsistent pattern and design of state and local vehicle idle restriction laws as a barrier to greater implementation of idle reduction technologies. According to the trucking industry, the patchwork of state and local idling laws and the impracticality of the provisions of these laws make knowledge, understanding, and ultimately compliance an issue for truck drivers and owners. Approximately 15 states and dozens of local jurisdictions have idling laws. In response to their concerns, the Environmental Protection Agency (EPA) hosted a series of five public workshops.

The goal of the workshops was twofold: (1) Develop a model state idling law for states to consider adopting that would foster greater compliance through common understanding of the requirements and ease of implementation; and (2) Raise awareness among the trucking industry, states, and environmental groups about each other's needs. For example, states and environmental groups want diesel emission reductions, and truck drivers want to rest comfortably and drive safely.

Existing idle reduction laws served as a starting point for discussion at the workshops hosted by EPA around the country in 2005. The workshops were held in Baltimore, MD; Atlanta, GA; Chicago, IL; San Francisco, CA; and Hartford, CT. Participants had an opportunity to discuss the provisions of these laws, add or modify them, and generally improve the framework of the laws. The language included in this model law represents the majority views expressed by the participants.

EPA is not promulgating any type of regulation regarding vehicle idling. EPA's role is limited to that of a facilitator on behalf of the Federal government to respond to the trucking industry's request to better involve the trucking industry in the development of idle reduction laws and achieve greater compliance with such laws. This model law does not represent the views of EPA or any other Federal department or agency concerning whether any state should, or should not, adopt the model law. Instead, the model law should be considered informational in nature.

II. MODEL STATE IDLING LAW WITH DISCUSSION COMMENTS

General: The model law is divided into eight sections. For purposes of better understanding, each section here includes a summary of some of the discussion points and comments made at the workshops. The model state idling law, without workshop comments, is also included in Section III.

Section A: Purpose
Section B: Applicability
Section C: General Requirement for Load/Unload Locations

- Section D: General Requirement for Vehicles
- Section E: Exemptions
- Section F: Conditional Exemptions
- Section G: Auxiliary Power Units
- Section H: Penalties

Section A: PURPOSE: The purpose of this law is to protect public health and the environment by reducing emissions while conserving fuel and maintaining adequate rest and safety of all drivers of diesel vehicles.

Discussion: Many participants expressed concern that current idle restriction laws were passed to reduce vehicle emissions or noise while ignoring other important benefits. These participants want the law to also recognize, as its purpose, that reducing vehicle idling conserves fuel and potentially improves the truck driver's rest and safety. Many felt that the trucking industry's needs or views were not represented in past idle restriction laws, and inclusion of such needs and views would improve the law's effectiveness.

Section B: APPLICABILITY: This law applies to commercial diesel vehicles which are designed to operate on highways (as defined under 40 CFR 390.5), and to locations where commercial diesel vehicles load or unload (hereinafter referred to as "load/unload locations").

Discussion: This model law only addresses diesel vehicles because the majority of the emissions impacts and fuel consumption is from long duration idling diesel vehicles. Participants generally agreed that the law should apply to diesel vehicles. These participants pointed out that diesel engines emit more harmful emissions than gasoline engines. Some participants also voiced the need to include gasoline engines as a growing segment of the vehicle idling population, especially with the increase in remote start technology which is likely to result in more light-duty vehicle idling emissions. States and local jurisdictions are welcome to modify this model to include gasoline engines. Some participants expressed the concern that diesel delivery and service vans used in commercial applications are the source of much idling emissions. These participants preferred weight classifications as a limiting factor, and recommended ranges from a minimum of 8,500 pounds to 10,000 pounds. General agreement was reached on using the term "commercial diesel vehicles" as a means of including the majority of long duration idling diesel vehicles.

Section C: GENERAL REQUIREMENT FOR LOAD/UNLOAD LOCATIONS: No load/unload location owner shall cause vehicles covered by this rule to idle for a period greater than 30 minutes while waiting to load or unload at a location under their control.

Discussion: The objective of this section is to strike a balance between truck drivers and facility owners of load/unload locations. It would create a mutual responsibility to reduce truck idling. Participants expressed a strong desire to address the issue of idling while waiting at load/unload locations (e.g., distribution centers, retail stores, ports, and other

similar facilities), where truck drivers will idle their engines to maintain cab comfort while waiting to load or unload. Many truck drivers noted that it is often logistics problems at the load/unload locations that create long wait times, and during this period they need to idle to maintain their comfort. They believe that they should not be solely responsible for idling in these cases. In fact, they indicated that by holding the load/unload locations accountable for causing these delays, changes might be put into place which would result in less waiting, and therefore less truck idling. States and local jurisdictions view long lines of idling trucks as a significant source of emissions, which is of concern especially if the load/unload location is near residential housing. Consequently, many participants wanted similar language encouraging load/unload locations to adopt technologies or behaviors to reduce idling. Load/unload location operators can improve their logistics system for processing truck loading and unloading, implement a call-in system when trucks are ready to be processed, or provide a waiting room for truck drivers until they are ready to be processed. Where the cause of the long wait times is due to load/unload location owner behavior, and not due to forces outside of their control (e.g., weather), then the load/unload location owner should bear some of the responsibility to implement measures to reduce idling.

Note, the language in this section applies to facilities that “cause” idling while trucks are waiting to “load or unload.” This language does not apply to truck stops or plazas because truck drivers do not load or unload at these locations. Moreover, truck stop owners or operators are not “causing” a truck driver to idle. This section is limited to load/unload location owners that “cause” idling due to their own behavior. Participants considered and rejected adding the term “permit” idling as part of the location owner’s liability. The rationale for rejecting this term was based on the need to address the underlying reason for queue idling which was found to be, at times, an active behavior on the part of the facility owner. “Permit” idling confers a passive situation which is not necessarily linked with any action on the part of the facility owner.

Section D: GENERAL REQUIREMENT FOR VEHICLES: No owner or operator of a vehicle shall cause or permit vehicles covered by this rule to idle for more than 5 minutes in any 60 minute period except as noted in sections E and F, and except as provided in section C in the case of a load/unload location.

Discussion: Most idle restriction laws have a general time limit, but the rationale for the time limit is usually not explained or understood. In this case, it was noted that some exemptions found in other idling laws require no more than five minutes of engine idling to accomplish certain tasks. This section attempts to bundle some exemptions under the umbrella of a general time limit. For example, warming-up or cooling-down a diesel engine in moderate weather takes only about five minutes (in extreme weather conditions the truck owner or driver should invest in an alternative device to keep the engine and fuel warm, and should not rely on the main engine for this function). Similarly, the required pre-trip inspection requires an air brake pressure test which typically takes less than five minutes of engine idling. The rest of the inspection can be conducted without the engine operating. If a state or local jurisdiction would rather create specific

exemptions for engine conditioning or pre-trip inspection, they can add these sections as additional exemptions. However, the majority of participants felt that fewer exemptions make for easier compliance and enforcement because it promotes greater consistency and understanding of the requirement. This section includes the term "permit" idling. The rationale for including this term here but rejecting it for load/unload facility owners is that the truck owners retains greater control over their drivers and the operation of their vehicles.

Section E: EXEMPTIONS: Section D does not apply for the period or periods where:

1. A vehicle idles while forced to remain motionless because of on-highway traffic, an official traffic control device or signal, or at the direction of a law enforcement official.

Discussion: Participants recognized the need for this exemption as it involves a situation outside the truck driver's control. Participants recommended adding "on-highway" to avoid allowing trucks queuing at a distribution center (off the highway) from claiming this exemption. Queuing and distribution centers are addressed under Section C: GENERAL REQUIREMENT FOR LOAD/UNLOAD LOCATIONS.

2. A vehicle idles when operating defrosters, heaters, air conditioners, or installing equipment solely to prevent a safety or health emergency, and not as part of a rest period.

Discussion: This exemption was originally advanced during the workshops to allow idling for the safe operation of the vehicle during adverse weather conditions. However, many workshop participants felt that this language was too broad and created many loopholes. This subsection was therefore revised to require that the idling be necessary to prevent a safety or health emergency (e.g., school bus breaks down in cold weather and idles to keep its occupants warm), so as to differentiate this need from cabin comfort needs during a truck driver's rest period.

3. A police, fire, ambulance, public safety, military, other emergency or law enforcement vehicle, or any vehicle being used in an emergency capacity, idles while in an emergency or training mode, and not for the convenience of the vehicle operator.

Discussion: Some participants in the conferences cautioned that this exemption could potentially be abused under the guise of public service. Therefore, language was specifically inserted to ensure that the vehicle must be in an emergency or training mode for the exemption to apply.

4. The primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic purposes if idling is required for such activity.

Discussion: Similar to the emergency exemption above, workshop participants recommended language guarding against abuse. Therefore, the language indicates that

idling must be “necessary” for the exemption to apply. Interpreting what is “required” is a mechanical or electrical function of the activity, so its interpretation is rather narrow.

5. A vehicle idles as part of a state or federal inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection.

Discussion: During the workshops, there was general agreement on this exemption with language indicating that idling is required for the inspection.

6. Idling of the primary propulsion engine is necessary to power work-related mechanical or electrical operations other than propulsion (e.g., mixing or processing cargo or straight truck refrigeration). This exemption does not apply when idling for cabin comfort or to operate non-essential on-board equipment.

Discussion: Workshop participants agreed that “power take-off” operation is a valid exemption. Participants wanted to guard against using this exemption to operate air conditioning, heating, microwaves, or televisions as an electrical operation (all of which would be considered non-essential on-board equipment) during rest periods, so it was necessary to add the last sentence.

7. An armored vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded.

Discussion: While many would consider this a common sense exemption, like the emergency vehicle exemption above, many participants felt it was important to articulate these exemptions to ensure appropriate interpretation and enforcement by law enforcement officials.

Section F: CONDITIONAL EXEMPTIONS: Subsection D does not apply for the period or periods where:

1. A passenger bus idles a maximum of 15 minutes in any 60 minute period to maintain passenger comfort while non-driver passengers are on-board. The exemption expires (x) years after implementing a state financial assistance program for idle reduction technologies or strategies.

Discussion: Participants felt that passenger buses needed to keep passengers warm or cool while on-board. Some participants argued for 30 minutes as the time needed to condition the bus, but the majority felt that this was excessive and that 15 minutes was sufficient. Others wanted temperature ranges, but the majority felt that ambient temperatures did not reflect interior temperatures, which may be affected by solar intensity. Almost everyone agreed that the driver should not be allowed to idle just for his/her own needs, but that passengers had to be on-board. The time period for the sunset provision should be established by the state/local legislative body. The issue of a sunset

provision is explained below in subsection (2), and a list of financial assistance programs is in Section IV.

2. An occupied vehicle with a sleeper berth compartment idles for purposes of air conditioning or heating during rest or sleep period, until (x) years after implementing a state financial assistance program for idle reduction technologies or strategies, whereupon this exemption expires.

Discussion: All participants felt that this model law should balance the needs of states and industry. In a common theme for the conditional exemptions with a sunset provision, participants agreed that both the trucking industry and states have responsibilities toward reducing idling. Simply passing a state law and placing the financial burden on the trucking industry was not enough, according to trucking industry participants.

The compromise advanced in this provision is for both sides to contribute toward reducing idling. The trucking industry would evaluate, select, and purchase an idle reduction technology; and the state would assist the trucking industry with the purchase by creating a financial assistance program, such as those that currently exist in Minnesota, Arkansas, Pennsylvania, and Oregon. These states, as well as others, are assisting the trucking industry with purchasing idle reduction technologies through grants and loans. These states are in the position to say that since they are helping the industry; therefore the industry should not be idling during their rest or sleep period while in these states.

Since this issue is a matter for states to decide in the context of various competing priorities, the EPA does not take a position on whether exemptions should be made conditional on the enactment and implementation of a state financing program. This is inherently a matter for states to decide in their legislative process.

Under the provision, the sleeper berth exemption would expire after a set period of time in states that provide some kind of financial assistance program. The set period of time should take into account the state's financial resources and legislative concerns, as well as the trucking industry's need for time to evaluate and select an idle reduction technology. More information about different types of loan programs is provided in Section IV. Under this provision, if a state offers no financial assistance, in any form, then the sleeper berth exemption could stay in effect. The theory underlying this provision is that while laws may serve as a deterrent to idling, the effectiveness of a law may be enhanced with some kind of financial program to assist with the purchase and deployment of an idle reduction technology. This view was not shared by all workshop participants. Some states argued that since the idle reduction devices pay for themselves over time, the industry should simply buy them. Others argued that this view should take into account the fact that idle reduction technologies (e.g., auxiliary power units) may require significant up front capital costs. For example, where an average truck owner-operator earns \$30,000 in net annual income, the upfront \$7,000 cost of an auxiliary

power unit may prevent the purchase of this technology even though the unit will pay for itself in a relatively short period.

In addition, financial assistance can increase the deployment of idling reduction technologies which are not directly funded by vehicle owners. For example, EPA has awarded grants to study, evaluate, and deploy idle reduction systems with trucking fleets and in many states, and estimates that the Agency's grant awards of \$6.5 million has leveraged \$15 million in additional resources. Conversely, it can be argued that without some kind of financial assistance program, truck owners may simply pay the fine as a cost of doing business and take their chances on lack of enforcement.

EPA does not have a formal position with respect to the type of financial assistance that states may want to provide, or with respect to the eligibility or user requirements for any financial assistance program.

Participants in the workshops indicated that a loan program could move states and industry closer toward achieving the goals of emission reductions and fuel conservation. It was argued that, by offering a loan instead of a grant, states are in a position to recoup their expenditures. One often cited concern of the trucking industry is that financial assistance programs not be limited to in-state trucking companies only. The industry argued that a loan program should apply to any trucking company traveling through the state since freight truck activity and any emission reductions potentially affects the air quality of multiple states.

3. An occupied vehicle idles for purposes of air conditioning or heating while waiting to load or unload, until (x) years after implementing a state financial assistance program for idle reduction technologies or strategies, whereupon this exemption expires.

Discussion: Many trucking industry representatives blamed their idling on facility owners. This conditional exemption recognizes the need to deploy idle reduction technologies or strategies (e.g., waiting room) for trucks that idle while loading/unloading. Some participants believed that queue idling requires a joint truck driver-facility owner response. Consequently, Sections C (GENERAL REQUIREMENTS FOR LOAD/UNLOAD LOCATIONS) and H (PENALTIES) address location owners.

As with other conditional exemptions, EPA does not take a position as to whether conditional exemptions should be dependent on financial assistance and believes that the matter of state financing is inherently a matter for individual states to decide.

4. A vehicle idles due to mechanical difficulties over which the driver has no control; PROVIDED that the vehicle owner submits the repair paperwork or product receipt (by mail; within (x) days) to the appropriate authority verifying that the mechanical problem has been fixed.

Discussion: Many participants felt that simply exempting a vehicle for mechanical problems was open for abuse because of the difficulty of verifying the claim without potentially harming the truck engine if the claim was accurate. The solution, as recommended by the participants, is to have the truck owner/driver submit the proper paperwork indicating that the mechanical problem was fixed to dismiss the ticket. This approach is already used for similar types of infractions. Some participants cited the additional administrative burden, but the situations where a truck must remain idling (e.g., problem with alternator) are so rare that it would not be overly burdensome to manage.

Section G: AUXILIARY POWER UNITS: Operating an auxiliary power unit, generator set, or other mobile idle reduction technology as a means to heat, air condition, or provide electrical power as an alternative to idling the main engine is not an idling engine.

(1) Operating an auxiliary power unit or generator set on all model year 2006 or older commercial diesel vehicles is permitted.

(2) *[Reserved for sub-section on operating an auxiliary power unit or generator set on 2007 and subsequent model year commercial vehicles once more emissions testing data is available.]*

Discussion: Some truck drivers stated that they received idling citations for operating their auxiliary power unit. They requested that the model law clarify that an idle reduction technology should not be considered an idling engine since its use is to reduce main engine idling. Based on EPA testing and engine certification levels, the emissions of a typical APU are less than a model year 2006 or older diesel vehicle so states should encourage and create financial incentives for the use of APUs on those trucks. As for 2007 and subsequent model year diesel vehicles, more information is needed to better understand how model year 2007 and subsequent engines perform under long duration idling conditions. However, one state provided information that APUs will emit more than 2007 and subsequent model year engines, and this state will require the APUs to meet a more stringent emission level.

The California Air Resources Board issued a regulation to amend Title 13 of the California Code of Regulations. This regulation states that on or after January 1, 2008, the truck drivers operating in California shall not operate an internal combustion auxiliary power system (APS) on any vehicle equipped with a 2007 and subsequent model year primary engine unless the vehicle is equipped with an APS meeting the emissions performance requirements, as follows:

- a. Be equipped with a verified Level 3 in-use strategy for particulate matter control, or
- b. Have its exhaust routed directly into the vehicle's exhaust pipe, upstream of the diesel particulate matter aftertreatment device.

Section H: PENALTIES: The owner and/or operator of a vehicle, and/or the owner of a load/unload location, that is in violation of this law is responsible for penalties as follows.

(1) First offense: Warning ticket issued to vehicle driver and owner, and where applicable, the load/unload facility owner.

(2) Second and subsequent offenses: \$150 citation is issued to the vehicle driver; and/or, \$500 citation issued to the registered vehicle owner or load/unload location owner.

Discussion: Participants felt a warning should first be given, especially if a state is beginning to enforce a state idling law. If the state has a long and well-established history of enforcement in this area, then the warning ticket may not be necessary. Workshop participants indicated that utilizing a warning ticket provides a good opportunity to educate the truck owner about the law and any state financing program, if available. As for the second and subsequent offenses, many states have their own protocol on issuing tickets, and the model language above simply represents some agreement by participants on the amounts. Some states felt the need to penalize the truck owner for a perceived economic gain in idling. Trucking industry participants expressed the desire that states understand that owner operators are less likely to absorb high fines and remain economically solvent, while larger companies could build in these fines as a cost of doing business.

III. MODEL STATE IDLING LAW

(a) **PURPOSE:** The purpose of this law is to protect public health and the environment by reducing emissions while conserving fuel and maintaining adequate rest and safety of all drivers of diesel vehicles.

(b) **APPLICABILITY:** This law applies to commercial diesel vehicles which are designed to operate on highways (as defined under 40 CFR 390.5), and to locations where commercial diesel vehicles load or unload (hereinafter referred to as "load/unload locations").

(c) **GENERAL REQUIREMENT FOR LOAD/UNLOAD LOCATIONS:** No load/unload location owner shall cause vehicles covered by this rule to idle for a period greater than 30 minutes while waiting to load or unload at a location under their control.

(d) **GENERAL REQUIREMENT FOR VEHICLES:** No owner or operator of a vehicle shall cause or permit vehicles covered by this rule to idle for more than 5 minutes in any 60 minute period except as noted in sections (e) and (f), and except as provided in section (c) in the case of a load/unload location.

(e) **EXEMPTIONS:** Section (d) does not apply for the period or periods where:

- (1) a vehicle idles while forced to remain motionless because of on-highway traffic, an official traffic control device or signal, or at the direction of a law enforcement official.

- (2) a vehicle idles when operating defrosters, heaters, air conditioners, or installing equipment solely to prevent a safety or health emergency, and not as part of a rest period.
- (3) a police, fire, ambulance, public safety, military, other emergency or law enforcement vehicle, or any vehicle being used in an emergency capacity, idles while in an emergency or training mode and not for the convenience of the vehicle operator.
- (4) the primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic purposes if idling is required for such activity.
- (5) a vehicle idles as part of a state or federal inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection.
- (6) idling of the primary propulsion engine is necessary to power work-related mechanical or electrical operations other than propulsion (e.g., mixing or processing cargo or straight truck refrigeration). This exemption does not apply when idling for cabin comfort or to operate non-essential on-board equipment.
- (7) an armored vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded.

(f) **CONDITIONAL EXEMPTIONS:** Subsection (d) does not apply for the period or periods where:

- (1) a passenger bus idles a maximum of 15 minutes in any 60 minute period to maintain passenger comfort while non-driver passengers are onboard. The exemption expires (x) years after implementing a state financial assistance program for idle reduction technologies or strategies.
- (2) an occupied vehicle with a sleeper berth compartment idles for purposes of air conditioning or heating during rest or sleep period, until (x) years after implementing a state financial assistance program for idle reduction technologies or strategies, whereupon this exemption expires.
- (3) an occupied vehicle idles for purposes of air conditioning or heating while waiting to load or unload, until (x) years after implementing a state financial assistance program for idle reduction technologies or strategies, whereupon this exemption expires.
- (4) a vehicle idles due to mechanical difficulties over which the driver has no control; PROVIDED that the vehicle owner submits the repair paperwork or product receipt (by mail; within (x) days) to the appropriate authority verifying that the mechanical problem has been fixed.

(g) **AUXILIARY POWER UNITS:** Operating an auxiliary power unit, generator set, or other mobile idle reduction technology as a means to heat, air condition, or provide electrical power as an alternative to idling the main engine is not an idling engine.

(1) operating an auxiliary power unit or generator set on all model year 2006 or older commercial diesel vehicles is permitted.

(2) *[reserved for sub-section on operating an auxiliary power unit or generator set on 2007 and subsequent model year commercial vehicles.]*

(h) **PENALTIES:** The owner and/or operator of a vehicle, and/or the owner of a load/unload location, that is in violation of this law is responsible for penalties as follows.

(1) First offense: warning ticket issued to vehicle driver and owner, and where applicable, the load/unload facility owner.

(2) Second and subsequent offenses: \$150 citation is issued to the vehicle driver; and/or, \$500 citation issued to the registered vehicle owner or load/unload location owner.

IV. FINANCIAL ASSISTANCE PROGRAMS

For virtually every trucking company, fuel is the second largest expense behind labor. Numerous technologies are currently available to help these companies reduce fuel consumption from idling; however one of the major barriers to their widespread adoption is a lack of investment capital. In order to increase compliance with state idle restriction laws, especially among small and medium-sized trucking companies, participants at EPA's workshops generally agreed that states should consider developing financial assistance programs aimed at providing capital to trucking companies for the purchase of idle reduction technologies. Opportunities for financial assistance programs include loan programs, performance contracting arrangements, and grants as listed below.

Loan Programs

- States could offer grants or loans with terms that are more attractive than currently available commercial loans (e.g., low-interest rates, flexible repayment terms). Some states have existing grant or loan programs through their small business or environmental offices that may be able to support idle reduction technologies, including:
 - Currently, at least two states, Arkansas and Minnesota, offer loans to small businesses for idle reduction technologies (AR: <http://www.adeg.state.ar.us/poa/businessasst.htm> and MN: http://www.pca.state.mn.us/programs/sbomb_loan.html).

- Another state, Oregon's Lane Regional Air Pollution Authority (LRAPA), provides low-cost lease-to-own or no-interest arrangements on auxiliary power units for truckers (<http://www.lrapa.org>).
 - The State of Wisconsin recently created a grant program for diesel truck idling reduction units. This program is administered by the Wisconsin Department of Commerce and provides grants to freight motor carrier's newer truck tractors. The program is designed to award \$1 million per year in grants for five years (<http://www.legis.state.wi.us/> (click on "Wisconsin Law"))).
 - The State of California provides funds to support the incremental cost of cleaner diesel engines and equipment. Eligible projects include the installation costs for auxiliary power units (<http://www.arb.ca.gov/msprog/moyer/moyer.htm>).
 - California Assembly Bill 1901 would establish a program, until January 1, 2012, in the State Energy Resources Conservation and Development Commission, to help finance, through direct loans, the retrofitting of trucks of large and small businesses with EPA SmartWay Upgrade Kits (includes idle reduction technology) that would be required to have specified emission control devices and may have other specified equipment. The Bill has been passed by Assembly Committee on Transportation and by the Assembly Committee on Jobs, Economic Development and the Economy. The Bill is currently with the Committee on Appropriations (http://www.aroundthecapitol.com/Bills/AB_1901).
 - The State of Pennsylvania provides up to 50% matching grants, to a maximum of \$7,500, to enable small Pennsylvania businesses to adopt or acquire energy efficient or pollution prevention equipment.
-
- The State of Washington Legislature recently passed a bill that would provide a tax credit from the retail sale, lease, or rental of auxiliary power to heavy-duty diesel vehicles through onboard auxiliary systems or stand along electrification systems (<http://apps.leg.wa.gov/billinfo/summary.aspx?bill=6512#documents>).

Performance Contracting Arrangements

- States or private institutions could consider setting up programs in which they provide idle reduction equipment to trucking companies with no up-front cost to the company. The company would then pay for the equipment by returning a portion of its savings from reduced fuel consumption to the state or private entity each month. This type of arrangement would eliminate the problem caused by lack of access to investment capital that is a problem for many small- and medium-sized trucking companies. EPA's SmartWay Transport Partnership is currently studying this type of program.

Department of Transportation Programs

- Congestion Mitigation and Air Quality (CMAQ) Improvement program provides funds to state Department of Transportations, metropolitan planning organizations, and transit agencies to invest in projects that reduce regulated criteria air pollutants from transportation-related sources. This program has funded several idle-reduction projects throughout the country and there are several applications pending for future CMAQ-funded idle-reduction projects (<http://www.fhwa.dot.gov/environment/cmaqpgs/index.htm>).
- Section 129 Loans allows states to use regular federal-aid highway apportionments to fund loans for projects with dedicated revenue streams (<http://www.fhwa.dot.gov/innovativefinance/>).
- State Infrastructure Banks provides revolving infrastructure investment funds for surface transportation projects that are established and administered by states (<http://www.fhwa.dot.gov/innovativefinance/sib.htm>).
- Transportation Infrastructure Finance and Innovation Act allows DOT to provide direct credit assistance to sponsors of major transportation projects (<http://tiffa.fhwa.dot.gov/>).

Chapter 173-60 WAC
Maximum environmental noise levels
WAC Sections

Last Update: 12/6/00

- 173-60-010 Authority and purpose.
- 173-60-020 Definitions.
- 173-60-030 Identification of environments.
- 173-60-040 Maximum permissible environmental noise levels.
- 173-60-050 Exemptions.
- 173-60-060 Nuisance regulations not prohibited.
- 173-60-070 Reserved.
- 173-60-080 Variances and implementation schedules.
- 173-60-090 Enforcement policy.
- 173-60-100 Appeals.
- 173-60-110 Cooperation with local government.
- 173-60-120 Effective date.

173-60-010
Authority and purpose.

These rules are adopted pursuant to chapter 70.107 RCW, the Noise Control Act of 1974, in order to establish maximum noise levels permissible in identified environments, and thereby to provide use standards relating to the reception of noise within such environments. Vessels, as defined in RCW 88.12.010(21) and regulated for noise under chapter 88.12 RCW (Regulation of recreational vessels), shall be exempt from chapter 173-60 WAC.

[Statutory Authority: Chapter 70.107 RCW. 94-12-001 (Order 92-41), § 173-60-010, filed 5/18/94, effective 8/18/94; Order 74-32, § 173-60-010, filed 4/22/75, effective 9/1/75.]

173-60-020
Definitions.

(1) "Background sound level" means the level of all sounds in a given environment, independent of the specific source being measured.

(2) "dBA" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter. The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure of 20 micropascals.

(3) "Department" means the department of ecology.

(4) "Director" means the director of the department of ecology.

(5) "Distribution facilities" means any facility used for distribution of commodities to final consumers, including facilities of utilities that convey water, waste water, natural gas, and electricity.

(6) "EDNA" means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.

(7) "Existing" means a process, event, or activity in an established area, producing sound subject to or exempt from this chapter, prior to the effective date of September 1, 1975.

(8) "Local government" means county or city government or any combination of the two.

(9) "Noise" means the intensity, duration and character of sounds, from any and all sources.

(10) "Person" means any individual, corporation, partnership, association, governmental body, state agency or other entity whatsoever.

(11) "Property boundary" means the surveyed line at ground surface, which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons, and its vertical extension.

(12) "Racing event" means any motor vehicle competition conducted under a permit issued by a governmental authority having jurisdiction or, if such permit is not required, then under the auspices of a recognized sanctioning body.

(13) "Receiving property" means real property within which the maximum permissible noise levels specified herein shall not be exceeded from sources outside such property.

(14) "Sound level meter" means a device which measures sound pressure levels and conforms to Type 1 or Type 2 as specified in the American National Standards Institute Specification S1.4-1971.

[Statutory Authority: Chapter 70.107 RCW, 94-12-001 (Order 92-41), § 173-60-020, filed 5/18/94, effective 6/18/94; 83-15-046 (Order DE 82-42), § 173-60-020, filed 7/19/83; Order DE 77-1, § 173-60-020, filed 6/1/77; Order 74-32, § 173-60-020, filed 4/22/75, effective 9/1/75.]

173-60-030

Identification of environments.

(1) Except when included within specific prior designations as provided in subsections (2), (3), and (4) of this section, the EDNA of any property shall be based on the following typical uses, taking into consideration the present, future, and historical usage, as well as the usage of adjacent and other lands in the vicinity.

(a) Class A EDNA - Lands where human beings reside and sleep. Typically, Class A EDNA will be the following types of property used for human habitation:

- (i) Residential
- (ii) Multiple family living accommodations
- (iii) Recreational and entertainment, (e.g., camps, parks, camping facilities, and resorts)
- (iv) Community service, (e.g., orphanages, homes for the aged, hospitals, health and correctional facilities)

(b) Class B EDNA - Lands involving uses requiring protection against noise interference with speech. Typically, Class B EDNA will be the following types of property:

- (i) Commercial living accommodations
- (ii) Commercial dining establishments
- (iii) Motor vehicle services
- (iv) Retail services
- (v) Banks and office buildings
- (vi) Miscellaneous commercial services, property not used for human habitation
- (vii) Recreation and entertainment, property not used for human habitation (e.g., theaters, stadiums, fairgrounds, and amusement parks)
- (viii) Community services, property not used for human habitation (e.g., educational, religious, governmental, cultural and recreational facilities).

(c) Class C EDNA - Lands involving economic activities of such a nature that higher noise levels than experienced in other areas is normally to be anticipated. Persons working in these areas are normally covered by noise control regulations of the department of labor and industries. Uses typical of Class A EDNA are generally not permitted within such areas. Typically, Class C EDNA will be the following types of property:

- (i) Storage, warehouse, and distribution facilities.
- (ii) Industrial property used for the production and fabrication of durable and nondurable man-made goods
- (iii) Agricultural and silvicultural property used for the production of crops, wood products, or livestock.

(d) Where there is neither a zoning ordinance in effect nor an adopted comprehensive plan, the legislative authority of local government may, by ordinance or resolution, designate specifically described EDNAs which conform to the above use criteria and,

upon departmental approval, EDNAs so designated shall be as set forth in such local determination.

(e) Where no specific prior designation of EDNAs has been made, the appropriate EDNA for properties involved in any enforcement activity will be determined by the investigating official on the basis of the criteria of (a), (b), and (c) of this subsection.

(2) In areas covered by a local zoning ordinance, the legislative authority of the local government may, by ordinance or resolution designate EDNAs to conform with the zoning ordinance as follows:

- (a) Residential zones - Class A EDNA
- (b) Commercial zones - Class B EDNA
- (c) Industrial zones - Class C EDNA

Upon approval by the department, EDNAs so designated shall be as set forth in such local determination. EDNA designations shall be amended as necessary to conform to zone changes under the zoning ordinance.

(3) In areas not covered by a local zoning ordinance but within the coverage of an adopted comprehensive plan the legislative authority of the local government may, by ordinance or resolution designate EDNAs to conform with the comprehensive plan as follows:

- (a) Residential areas - Class A EDNA
- (b) Commercial areas - Class B EDNA
- (c) Industrial areas - Class C EDNA

Upon approval by the department EDNAs so designated shall be as set forth in such local determination. EDNA designations shall be amended as necessary to conform to changes in the comprehensive plan.

(4) The department recognizes that on certain lands, serenity, tranquillity, or quiet are an essential part of the quality of the environment and serve an important public need. Special designation of such lands with appropriate noise level standards by local government may be adopted subject to approval by the department. The director may make such special designation pursuant to the procedures of the Administrative Procedure Act, chapter 34.04 RCW.

[Order 74-32, § 173-60-030, filed 4/22/75, effective 9/1/75.]

173-60-040

Maximum permissible environmental noise levels.

(1) No person shall cause or permit noise to intrude into the property of another person which noise exceeds the maximum permissible noise levels set forth below in this section.

(2)(a) The noise limitations established are as set forth in the following table after any applicable adjustments provided for herein are applied.

EDNA OF NOISE SOURCE	EDNA OF RECEIVING PROPERTY		
	Class A	Class B	Class C
CLASS A	55 dBA	57 dBA	60 dBA
CLASS B	57	60	65
CLASS C	60	65	70

(b) Between the hours of 10:00 p.m. and 7:00 a.m. the noise limitations of the foregoing table shall be reduced by 10 dBA for receiving property within Class A EDNAs.

(c) At any hour of the day or night the applicable noise limitations in (a) and (b) above may be exceeded for any receiving property by no more than:

- (i) 5 dBA for a total of 15 minutes in any one-hour period; or
- (ii) 10 dBA for a total of 5 minutes in any one-hour period; or
- (iii) 15 dBA for a total of 1.5 minutes in any one-hour period.

[Order 74-32, § 173-60-040, filed 4/22/75, effective 9/1/75]

173-60-050
Exemptions.

(1) The following shall be exempt from the provisions of WAC 173-60-040 between the hours of 7:00 a.m. and 10:00 p.m.:

(a) Sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds and appurtenances.

(b) Sounds created by the discharge of firearms on authorized shooting ranges.

(c) Sounds created by blasting.

(d) Sounds created by aircraft engine testing and maintenance not related to flight operations: Provided, That aircraft testing and maintenance shall be conducted at remote sites whenever possible.

(e) Sounds created by the installation or repair of essential utility services.

~~(2) The following shall be exempt from the provisions of WAC 173-60-040 (2)(b):~~

(a) Noise from electrical substations and existing stationary equipment used in the conveyance of water, waste water, and natural gas by a utility.

(b) Noise from existing industrial installations which exceed the standards contained in these regulations and which, over the previous three years, have consistently operated in excess of 15 hours per day as a consequence of process necessity and/or demonstrated routine normal operation. Changes in working hours, which would affect exemptions under this regulation, require approval of the department.

(3) The following shall be exempt from the provisions of WAC 173-60-040, except insofar as such provisions relate to the reception of noise within Class A EDNAs between the hours of 10:00 p.m. and 7:00 a.m.

(a) Sounds originating from temporary construction sites as a result of construction activity.

(b) Sounds originating from forest harvesting and silvicultural activity.

(4) The following shall be exempt from all provisions of WAC 173-60-040:

(a) Sounds created by motor vehicles when regulated by chapter 173-62 WAC.

(b) Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations.

(c) Sounds created by surface carriers engaged in interstate commerce by railroad.

~~(d) Sounds created by warning devices not operating continuously for more than five minutes, or bells, chimes, and carillons.~~

~~(e) Sounds created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible.~~

(f) Sounds created by emergency equipment and work necessary in the interests of law enforcement or for health safety or welfare of the community.

(g) Sounds originating from motor vehicle racing events at existing authorized facilities.

(h) Sounds originating from officially sanctioned parades and other public events.

(i) Sounds emitted from petroleum refinery boilers during startup of said boilers: Provided, That the startup operation is performed during daytime hours whenever possible.

(j) Sounds created by the discharge of firearms in the course of hunting.

(k) Sounds caused by natural phenomena and unamplified human voices.

(l) Sounds created by motor vehicles, licensed or unlicensed, when operated off public highways EXCEPT when such sounds are received in Class A EDNAs.

(m) Sounds originating from existing natural gas transmission and distribution facilities. However, in circumstances where such sounds impact EDNA Class A environments and complaints are received, the director or his designee may take action to abate by application of EDNA Class C source limits to the facility under the requirements of WAC 173-60-050(5).

(6) Nothing in these exemptions is intended to preclude the department from requiring installation of the best available noise abatement technology consistent with economic feasibility. The establishment of any such requirement shall be subject to the provisions of the Administrative Procedure Act, chapter 34.04 RCW.

[Statutory Authority: Chapter 70.107 RCW. 94-12-001 (Order 92-41), § 173-60-050, filed 5/18/94, effective 6/18/94; 83-15-046 (Order DE 82-42), § 173-60-050, filed 7/19/83; Order DE 77-1, § 173-60-050, filed 6/2/77; Order 75-18, § 173-60-050, filed 8/1/75; Order 74-32, § 173-60-050, filed 4/22/75, effective 9/1/75.]

173-60-060

Nuisance regulations not prohibited.

Nothing in this chapter or the exemptions provided herein, shall be construed as preventing local government from regulating noise from any source as a nuisance. Local resolutions, ordinances, rules or regulations regulating noise on such a basis shall not be deemed inconsistent with this chapter by the department.

[Order 74-32, § 173-60-060, filed 4/22/75, effective 9/1/75.]

173-60-070

Reserved.

Reserved.

[Statutory Authority: Chapter 70.107 RCW. 00-24-134 (Order 00-24), § 173-60-070, filed 12/6/00, effective 1/6/01; 94-12-001 (Order 92-41), § 173-60-070, filed 5/18/94, effective 6/18/94; Order DE 77-1, § 173-60-070, filed 6/1/77; Order 74-32, § 173-60-070, filed 4/22/75, effective 9/1/75.]

173-60-080

Variances and implementation schedules.

(1) Variances may be granted to any person from any particular requirement of this chapter, if findings are made that immediate compliance with such requirement cannot be achieved because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors, encroachment [encroachment] upon an existing noise source, or because of nonavailability of feasible technology or control methods. Any such variance or renewal thereof shall be granted only for the minimum time period found to be necessary under the facts and circumstances.

(2) An implementation schedule for achieving compliance with this chapter shall be incorporated into any variance issued.

(3) Variances shall be issued only upon application in writing and after providing such information as may be requested. No variance shall be issued for a period of more than 30 days except upon due notice to the public with opportunity to comment. Public hearings may be held, when substantial public interest is shown, at the discretion of the issuing agency.

(4) Sources of noise, subject to this chapter, upon which construction begins after the effective date hereof shall immediately comply with the requirements of this chapter, except in extraordinary circumstances where overriding considerations of public interest dictate the issuance of a variance.

[Order 74-32, § 173-60-080, filed 4/22/75 effective 9/1/75.]

173-60-090**Enforcement policy.**

Noise measurement for the purposes of enforcing the provisions of WAC 173-060-040 shall be measured in dBA with a sound level meter with the point of measurement being at any point within the receiving property. Such enforcement shall be undertaken only upon receipt of a complaint made by a person who resides, owns property, or is employed in the area affected by the noise complained of, EXCEPT for parks, recreational areas, and wildlife sanctuaries. For enforcement purposes pursuant to RCW 70.107.050, each day, defined as the 24-hour period beginning at 12:01 a.m., in which violation of the noise control regulations (chapter 173-60 WAC) occurs, shall constitute a separate violation.

[Order DE 76-5, § 173-60-090, filed 2/5/76, Order 74-32, § 173-60-090, filed 4/22/75, effective 9/1/75.]

173-60-100**Appeals.**

Any person aggrieved by any decision of the department in relation to the enforcement of the maximum permissible noise levels provided for herein, the granting or denial of a variance or the approval or disapproval of a local resolution or ordinance for noise abatement and control may appeal to the pollution control hearings board pursuant to chapter 43.21B RCW under the procedures of chapter 371-08 WAC.

[Order 74-32, § 173-60-100, filed 4/22/75, effective 9/1/75.]

173-60-110**Cooperation with local government.**

(1) The department conceives the function of noise abatement and control to be primarily the role of local government and intends actively to encourage local government to adopt measures for noise abatement and control. Wherever such measures are made effective and are being actively enforced, the department does not intend to engage directly in enforcement activities.

(2) No ordinance or resolution of any local government which imposes noise control requirements differing from those adopted by the department shall be effective unless and until approved by the director. If approval is denied, the department, following submission of such local ordinance or resolution to the department, shall deliver its statement or order of denial, designating in detail the specific provision(s) found to be objectionable and the precise grounds upon which the denial is based, and shall submit to the local government, the department's suggested modification.

(3) The department shall encourage all local governments enforcing noise ordinances pursuant to this chapter to consider noise criteria and land use planning and zoning.

[Statutory Authority: Chapter 70 107 RCW. 87-06-056 (Order 86-40), § 173-60-110, filed 3/4/87; Order 74-32, § 173-60-110, filed 4/22/75, effective 9/1/75.]

173-60-120**Effective date.**

This chapter shall become effective on September 1, 1975. It is the intention of the department to periodically review the provisions hereof as new information becomes available for the purpose of making amendments as appropriate.

[Order 74-32, § 173-60-120, filed 4/22/75, effective 9/1/75.]

Lacey Planning Commission
420 College St. SE
Lacey, WA 98516

31 August 2015

AUG 3 2015

Members of the Commission,

I presented the following at the 18 August commission meeting. Since a quorum was not present at that meeting, the official public hearing was postponed until 01 September. I am unfortunately unable to attend the 01 September meeting so I wanted to ensure this testimony was included in the public record.

Good Evening.....My name is John Matykowski and I live at 3537 Lanyard Dr. NE, Lacey. I serve on the board of the Campus Glen Neighborhood Association. Our Campus Glen community is situated directly adjacent to the Hawks Prairie 111 Commercial Development.

It wasn't that long ago this commission considered and supported a similar request to raise the cap on maximum allowable square footage for light industrial buildings. Somewhat to my surprise, the overall impact of the construction and operation of the resulting 500,000 sq. ft. Trader Joe's distribution center on our Campus Glen neighborhood has been much less than I anticipated.

Early on in the development of Hawks Prairie 111, we as a neighborhood association established a close working relationship with the J & J Lacey principals, Mr. Teutsch and Mr. Davis. which we maintain to this day. We greatly appreciate their understanding and realization that Light Industrial Development not only impacts the commercial entities involved but all the residents on....what we like to call,.... "the other side of the fence".

I would enthusiastically encourage each member of this commission to always take into consideration the possible impact on neighboring residential properties in all of your decisions.

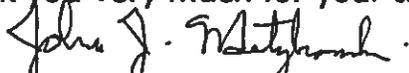
That being said, I believe this request to once again raise (or basically eliminate) the sq. footage cap on light industrial buildings provides you with an excellent opportunity to reduce or even eliminate the greatest irritant that impacts all residents living near these light industrial complexes.....the dreaded "back-up

warning beeper". This is the primary nuisance generated by the Trader Joe's property on the residents of Campus Glen. The personnel within about a 50 foot radius of a moving vehicle are the main safety concern this "warning beeper" is designed to "protect". We in Campus Glen feel we are in no danger of being backed over by a forklift or trailer "goat" located over 300 yards away. Yet, these "beepers" drone on and are very audible to all community residents throughout the day and night. I am certain we are not the only community dealing with this issue.

A possible solution would be for this commission to recommend to the City Council the adoption of the mandatory use of "white noise" back-up warning devices on all vehicles owned by and permanently assigned to any warehouse. This could encompass existing facilities as well! If I remember correctly, this was actually a point of discussion during the previous square footage cap increase. I contend the overall benefit to all City of Lacey residents would far outweigh the initial cost factor to the building owners.

In closing I would like to thank all the Commissioners for their very valuable service to this community. I have no opposition to the elimination of the square footage cap. (One big building usually has less overall impact than many smaller ones.) However, I would vigorously urge this commission to at least consider a recommendation to mandate use of "white noise warning mechanism" and thereby provide all City of Lacey residents "on the other side of the fence" a reprieve from the primary annoyance emanating from most light industrial properties.

Thank you very much for your time.


John J. Matykowski



FROM OUR NEIGHBORHOOD TO YOURS

August 15, 2015

RECEIVED
AUG 18 2015

City of Lacey, Planning Commission
Ryan Andrews, Planning Manager
420 College Street SE
Lacey, WA 98503

Re: Zoning Text Amendment
Project #15-184

Mr. Andrews,

I would like to recommend that the Lacey Planning Commission approve the request to remove the 500,000 square foot maximum building size requirement in the City of Lacey light industrial zone, Project #15-184. We have worked with John Teutsch and J & J Lacey, LLC in the design and construction of our food distribution facility, Harbor Wholesale Foods at 3901 Hogum Bay Road NE and are very pleased with the finished product along with the further development of the Hawks Prairie 111 Corporate Park. Our most recent neighbor, the 500,000 square foot Trader Joe's Distribution Center has over 500 jobs related to it.

John continues to bring a diverse group of companies to the Lacey area, creating hundreds of family wage earning jobs for our community. I recently hosted a group of food industry leaders at a meeting here in our warehouse and they were blown away by the appearance of the structures and amenities supporting the development. Our biggest win was the recent acquisition of a five year, 430 location, Subway Restaurants distribution contract for Western Washington. They were also very impressed with our facilities and location which weighed heavily in the decision to pick us over our competition. When our Subway business reaches full operation we expect to have over 220 jobs related to our operation in Lacey.

Lifting the cap will position Lacey to attract more blue chip companies to the community.

Respectfully submitted,

A handwritten signature in blue ink that reads 'Michael J. Erickson'.

Michael J. Erickson
Chairman
Harbor Wholesale Foods Inc.



Allyson Brooks Ph.D., Director
State Historic Preservation Officer

August 4, 2015

Ms. Christy Osborn
Associate Planner
City of Lacey
420 College St. SE
Lacey, WA 98503

In future correspondence please refer to:

Log: 080415-23-TN

Property: City of Lacey Raising of SEPA Thresholds

Re: Archaeology-Review Comments

Dear Ms. Osborn:

Thank you for contacting the Washington State Department of Archaeology and Historic Preservation (DAHP). City of Lacey (City) is known to contain multiple precontact and historical period archaeological sites. With its location relative to the Nisqually Delta there is a high probability for many additional archaeological sites to be present. The raising of SEPA exemption through flexible thresholds will impact cultural resources including archaeological resources, human remains and burials and historic and abandoned cemeteries which have legal protections under state statutes (RCW 27.53, RCW 27.44, RCW 68.50 and RCW 68.60). In order to exempt projects from SEPA review, the City must show “no net loss” or that there are other avenues of protection for environmental resources. This includes cultural resources. In terms of cultural resources, it is not the size of the project but rather the location of the project and even an excavation of 1,000 cubic yards or less has the potential to damage or destroy irreplaceable cultural resources protected by state laws. **Has the City conducted an analysis of cultural resources that show “no net loss” if the exemptions are raised? Is identification and protection of cultural resources addressed under alternate processes such as GMA, UG or a separate county ordinance?**

It should be noted that SEPA flexible threshold exemptions do not negate compliance with state laws and parties are still held responsible for inadvertent discoveries and damage to archaeological resources and human remains. Inadvertent discoveries of cultural resources during construction often lead to cost overruns and prolonged work stoppages which could be avoided through thorough project reviews that utilize all available existing data. We request that the County use the following procedures to ensure that cultural resources will not be impacted:

- The location of exempted projects should be checked against the DAHP database and statewide archaeological predictive model. The City is a data sharing partner with DAHP. Please be sure that you have downloaded the most recent GIS data share files. Contact Morgan McLemore, Morgan.McLemore@DAHP.WA.GOV if you need assistance with downloading files.
- For exempted projects inside or within 500 feet of a DAHP resources polygon, a cultural resources survey should be required.



- For projects within the High Risk, Very High Risk and Moderate Risk zones on the DAHP Statewide Predictive Model (included as part of the DAHP data sharing agreement) a cultural resources survey should be required.
-

Please note that while we support the use of an Inadvertent Discovery Plan and/or Inadvertent Discovery Language, these plans do not substitute for thorough planning review and professional archaeological survey prior to ground disturbance. Inadvertent Discovery protocols also do not protect project proponents from the above and is not a compliance with state laws for that protection of archaeology.

Alternately, the City may wish to address identification and protection of cultural resources in projects exempted from SEPA under a separate ordinance or under critical areas in the Growth Management Act (GMA).

Thank you for the opportunity to comment. Please feel free to contact me if you have any questions.

Sincerely,



Gretchen Kaehler
Local Governments Archaeologist
(360) 586-3088
gretchen.kaehler@dahp.wa.gov

cc. Jackie Wall, Cultural Resources, Nisqually Tribe
Rhonda Foster, THPP, Squaxin Island Tribe
Brandon Reynon, Archaeologist, Puyallup Tribe
Greg Griffith, Deputy SHPO, DAHP
Morgan McLemore, GIS Cultural Resource Analyst
Erin Quinn Valcho, CLG Coordinator, City of Lacey



Shaping
our community
together

420 COLLEGE STREET SE
LACEY, WA 98503-1238

CITY COUNCIL

ANDY RYDER
Mayor

CYNTHIA PRATT
Deputy Mayor

VIRGIL CLARKSON
JEFF GADMAN
LENNY GREENSTEIN
JASON HEARN
MICHAEL STEADMAN

CITY MANAGER
SCOTT H. SPENCE

August 26, 2015

Mr. Mike Beehler, Chair
Lacey Planning Commission
420 College St SE
Lacey, WA 98503-1238

Re: LMC 16.53 Historic Preservation Code and Standard Inadvertent Archaeological and
Historic Resource Discovery Plan

Dear Lacey Planning Commissioners:

On behalf of the Lacey Historical Commission (LHC), I extend our appreciation to Christy Osborn for attending our monthly Commission meeting on August 19 to familiarize us with the proposed code revisions, SEPA revisions and Inadvertent Discovery Plan. The LHC reviewed the documents and discussed minor revisions to the documents during the meeting. Our proposed revisions (in track changes mode) are attached for your consideration. Our opinion is that these revisions are very important to the protection of cultural resources.

We believe that the adoption of an Inadvertent Discovery Plan is a welcome addition to the Historical Preservation code. However, simply having a plan does not substitute for thorough planning review prior to issuing a permit or - if justified by the review - a professional archaeological survey prior to ground disturbance.

It is the position of the LHC that every reasonable effort must be made to ensure the protection of the historic, prehistoric and cultural resources of the City of Lacey prior to the issuance of a permit. Once a cultural site or historic artifact has been inadvertently discovered, it is too late to protect it.

We appreciate your support of the City's historical and cultural resources and we look forward to working with you to protect these irreplaceable resources.

Sincerely,



Erich Ebel, Vice Chair
Lacey Historical Commission



TDD Relay
1-800-833-6388

City Council
(360) 491-3214

City Manager
(360) 491-3214

City Attorney
(360) 491-1802

Community Development
(360) 491-3642

Finance
(360) 491-3212

Parks & Recreation
(360) 491-0857

Police
(360) 459-4333

Public Works
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Chapter 16.53

HISTORIC PRESERVATION & CULTURAL RESOURCES

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16.53.010 Title.

The ordinance from which this chapter is derived shall be known and may be cited as the "Historic Preservation and Cultural Resources Ordinance of the city of Lacey." (Ord. 796 §1, 1986)

16.53.020 Definitions.

The following words and terms when used in this chapter shall mean as follows, unless a different meaning clearly appears from the context:

- A. A "building" is a structure constructed by human beings. This includes both residential and nonresidential buildings, main and accessory buildings
- B. "Certificate of appropriateness" is the document indicating that the commission has reviewed the proposed changes to a local Register property or within a local Register Historical District and certified the changes as not adversely affecting the historic characteristics of the property which contribute to its designation
- C. "Class of properties eligible to apply for special valuation" are the class of properties eligible for special valuation listed on the Lacey Register of Historic Places or properties listed as contributing to a Lacey Register historic district, and on a local, state, and/or National Register.

D. "Cultural Resources" is physical evidence or place of past human activity, site, object, landscape, structure, or a site, structure, landscape, object or natural feature of significance to a group of people traditionally associated with it. (Note: Definition used by the National Park Service)

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E. "DAHP" is the Washington State Department of Archaeology and Historic Preservation.

DEF. A "district" is a geographically definable area--urban or rural, small or large--possessing a significant concentration, linkage, or continuity of sites, buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.

EGF. "Emergency repair" is work necessary to prevent destruction or dilapidation to real property or structural appurtenances thereto immediately threatened or damaged by fire, flood, earthquake, or other disaster.

H. "Historic" is generally considered to be at least fifty years old.

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I. "Inadvertent Discovery" is unanticipated discovery of protected cultural material during ground-disturbing or other activities related to development.

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FG. "Incentives" are such rights or privileges, or combination thereof, which the city council, or other local, state, or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant or obtain for the owner(s) of registered properties. Examples of economic incentives include, but are not limited to, tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of

development rights, facade easements, gifts, preferential leasing policies, beneficial placement of public improvements or amenities, or the like.

GH. "Inventory" or "historic inventory" is the comprehensive inventory of historic and pre-historic and cultural resources within the boundaries of the city of Lacey.

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HI. "Lacey Historical Commission" or "Commission" is the commission designed in Chapter 2.42 LMC.

IJ. "Lacey's Register of Historic Places" or "Register" is the local listing of properties provided for in LMC 16.53.030

JK. "Lessee" is a person or persons who are other than owner(s) of record and who hold an interest in real or personal property under a lease agreement.

LK. "National Register of Historic Places" is the national listing of properties significant to our cultural history because of their documented importance to our history, architectural history, engineering, or cultural heritage.

ML. "Object" is a thing of functional, aesthetic, cultural, historical, or scientific value that may or may not be, by nature or design, movable yet related to a specific setting or environment.

NM. "Ordinary repair and maintenance" is work for which a permit issued by the city is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure or appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage, provided that all work is done in accordance with standards issued by Secretary of the Department of the Interior.

ON. "Owner" of property is the fee simple owner of record as exists on the Thurston County assessor's records.

PO. "Prehistoric" means the time period before written record.

QP. "Significance" or "significant," used in the context of historic significance, is the following: a property with local, state, or national significance is one which helps in the understanding of the history or pre-history of the local area, state, or nation (whichever is applicable) by illuminating the local, statewide, or nationwide impact of the events or persons associated with the property, or its architectural type or style in information potential. The local area can include the city of Lacey, Thurston County, or southwest Washington, or a modest geographical or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.

RQ. A "site" is a place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupation or activities that may be marked by physical remains; or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may be the location of a ruined or now nonexistent building or structure, or the location itself possesses historic, cultural or archaeological significance.

SH. "State Register of Historic Places" is the state listing of properties significant to the community, state or nation, but which may or may not meet the criteria of the national register.

TS. "Structure" is a work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by man, it is often an architectural and/or engineering project.

UF. "UTM" (Universal Transverse Mercator) is a grid zone in metric measurement providing for an exact point of numerical reference. (Ord. 1370 §1, 2011; Ord. 796 §2, 1986).

16.53.030 Register of historic places.

A. Criteria for Determining Designation in the Register. Any building, structure, site, object, or district may be designated for inclusion in the Lacey Register of Historic Places if it is significantly associated with the history, architecture, archaeology, engineering, or cultural heritage of the community; has historical integrity; is at least fifty

years old, or is of a lesser age and has exceptional importance; and if it falls in at least one of the following categories:

1. Is associated with events that have made a significant contribution to the broad patterns of national, state, or local history;
2. Embodies the distinctive architectural characteristics of a type, period, style, or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction;
3. Is an outstanding work of a designer, builder, or architect who has made a substantial contribution to the art;
4. Exemplifies or reflects special elements of the city's cultural, special, economic, political, aesthetic, engineering, or architectural history;
5. Is associated with the lives of persons significant in national, state, or local history;
6. Has yielded, or may be likely to yield, important archaeological information related to history or pre-history;
7. Is a building or structure removed from its original location but which is significant primarily for architectural value, or which is the only surviving structure significantly associated with an historic person or event;
8. Is a birthplace or grave of an historical figure of outstanding importance and is the only surviving structure or site associated with that person;
9. Is a cemetery which derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns;
10. Is a reconstructed building that has been erected in an historically accurate manner on the original site;
11. Is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and which does not fit into formal architectural or historical categories.

B. Process for Designating Properties or Districts to the Register.

1. Any person may nominate a building, structure, site, object or district for inclusion in the Lacey Register of Historic Places. Members of the historical commission or the commission as a whole may generate nominations. In its designation decision, the commission shall consider the Lacey historical inventory and the city comprehensive plan.
2. In the case of individual properties, the designation shall include the UTM reference and all features, interior and exterior, and outbuildings which contribute to its designation.
3. In the case of districts, the designation shall include description of the boundaries of the district, the characteristics of the district which justifies its designation, and a list of all properties including features, structures, sites, objects, and open spaces which contribute to the designation of the district.
4. The historical commission shall consider the merits of the nomination, according to the criteria in subsection A of this section and according to the nomination review standards established by the commission, at a public meeting. Adequate notice shall be given to the public, the owner(s), and the authors of the nomination, if different, and lessees, if any, of the subject property prior to the public meeting according to standards for public meetings established in rules and in compliance with Chapter 42.30 RCW, Open Public Meeting Act. Such notice shall include publication in a newspaper of general circulation in Lacey, and posting of the property. If the commission finds that the nominated property is eligible for the Lacey Register of

Historic Places, the commission shall make recommendation to the city council that the property be listed in the register. The public, property owner(s) and the authors of the nomination, if different, and lessees, if any, shall be notified of the listing. In addition, prior to submitting the recommendations to the city council, the historical commission will obtain a signed statement from the appropriate party/owner of record stating their willingness to have their property listed in the Lacey, state, and/or national register.

In the case of districts, if the commission finds the nominated district is eligible for the register, the designated area will be defined and submitted to the planning commission for review, and recommendation to the city council.

5. Properties listed on the Lacey Register of Historic Places shall be recorded on official zoning records with an "HR" (for historic register) designation. This designation shall not change or modify the underlying zone classification.

C. Removal of Properties from the Register. In the event that any property is no longer deemed appropriate for designation to the Lacey Register of Historic Places, the commission may initiate removal from such designation by the same procedure as provided for in this chapter for establishing the designation.

D. Effects of Listing on the Register.

1. Listing on the Lacey Register of Historic Places is an honorary designation denoting significant association with the historic, archaeological, engineering, or cultural heritage of the community. Properties are listed individually or as contributing properties to an historic district.

2. Prior to the commencement of any work on a registered property, excluding ordinary repair and maintenance including painting and emergency measures defined in LMC 16.53.020, the owner must request a certificate of appropriateness from the commission for the proposed work. Violation of this rule shall be grounds for the commission to review the property for removal from the register.

3. Prior to whole or partial demolition of a registered property, the owner must request and receive a waiver of a Certificate of Appropriateness.

4. Lacey was certified as a certified local government (CLG) on December 19, 1986. As such, properties listed on the local register may be eligible for a special tax valuation on their rehabilitation, pursuant to LMC 16.53.050. (Ord. 1370 §2, 2011; Ord. 796 §5, 1986).

16.53.040 Review of changes to historic register properties.

A. Review Required. No person shall change the use, construct any new building or structure, or reconstruct, alter, restore, remodel, repair, move, or demolish any existing property on the register or within an historic district on the register without review by the commission and without receipt of a certificate of appropriateness as a result of the review. The review (maximum of thirty days from receipt of request for certificate of appropriateness) shall apply to all features of the property, interior and exterior that contribute to its designation, and are listed on the nomination form. This section shall have no application to ordinary repair and maintenance, including painting, nor to emergency measures defined in LMC 16.53.020. Information required by the commission to review the proposed changes shall be established in rules of the commission.

B. Exemptions. The following activities do not require a Certificate of Appropriateness or review by the commission: ordinary repair and maintenance, painting, and/or emergency repairs defined in LMC 16.52.020.

C. Review Process.

1. The building or zoning official shall report any application for a permit to work on a designated Lacey register property or in Lacey Register Historic District to the commission, who shall notify the applicant of the commission review requirements. The building or zoning official shall not issue any such permit, but continue to process such application and work with the commission in considering building and fire code requirements. The commission shall review the work and make a recommendation to the building or zoning official prior to

granting a permit. Any conditions voluntarily agreed to by the applicant in this review shall become conditions of approval of the permits granted.

2. The owner or his/her agent (architect, contractor, lessee, etc.) shall apply to the commission for a review of proposed changes on a register property or within a register historic district, and request a Certificate of Appropriateness or, in the case of demolition, a waiver.
3. Each application for review of proposed changes shall be accompanied by such information as is required by the commission establishing in its rules for the proper review of the proposed project.
4. The commission shall meet with the applicant and review the proposed work according to the design review criteria established in the rules. The commission shall complete its review and make its recommendations within thirty (30) calendar days of the date of receipt of the application. Unless legally required, there shall be no notice, posting, or publication requirements for action on the application, but all such actions shall be made at regular meetings of the commission. The commission's recommendations shall be in writing and shall state the findings of fact and reasons relied upon in reaching its decision. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the permits granted. The Commission's recommendations and, if awarded, the Certificate of Appropriateness shall be transmitted to the building official. If the owner agrees to the commission's recommendations, a certificate of appropriateness shall be awarded by the commission according to standards established in rules of the commission.
5. A Waiver of the Certificate of Appropriateness is required before a permit may be issued to allow sole or partial demolition of a designated Lacey Register Historic property or in a Lacey Register Historic District. The owner or his/her agent shall apply to the commission for a review of the proposed demolition and request a waiver. The applicant shall meet with the commission in an attempt to find alternatives to demolition. These negotiations may last no longer than 45 calendar days from the initial meeting of the commission, unless either party requests an extension. If no request is made and no alternative to demolition has been agreed to, the commission shall act and advise the official in charge of issuing a demolition permit of the approval or denial of the waiver of a Certificate of Appropriateness. Conditions in the case of granting a demolition permit may include allowing the commission up to 45 additional calendar days to develop alternatives to demolition. When issuing a waiver the board may require the owner to mitigate the loss of the Lacey Historic Register property by means determined by the commission at the meeting. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the permits granted. After the property is demolished, the commission shall initiate removal of the property from the register. (Ord. 1370 §3, 2011; Ord. 796 §6, 1986).

16.53.050 Review and monitoring of properties for special property tax valuation.

- A. The class of properties eligible for special valuation shall be limited to properties listed on the Lacey Register of Historic Places or properties identified as contributing to Lacey Register Historic District.
- B. Applications for special property tax valuation in connection with substantial improvement of historic properties, as defined in Chapter 84.26 RCW and Chapter 221, Laws of 1986, shall be submitted to the commission by the county assessor within ten days of filing.
- C. The commission shall recommend to the city council applications for approval for special valuation if the property meets the criteria of Chapter 84.26 RCW and Chapter 221, Laws of 1986, and is not altered in a way which adversely affects those elements which contribute to its designation and the owner(s) enters into an agreement with the city of Lacey which requires the owner(s) for the ten year period of classification to:
 1. Monitor the property for its continued qualification for special valuation;
 2. Comply with rehabilitation plans and minimum standards of maintenance as defined in the agreement,
 3. Make the historic aspects of the property accessible to public view one day a year, if the property is not visible from the public right-of-way;
 4. Apply to the commission for recommended approval or denial of any demolition or alteration;

5. Comply with any other provisions in the original agreement as may be appropriate.

D. Once an agreement between an owner and the commission has become effective pursuant to Chapter 84.26 RCW and Chapter 221, Laws of 1986, there shall be no changes in standards of maintenance, public access, alteration, or report requirements, or any other provisions of the agreement, during the period of the classification without the approval of all parties to the agreement.

1. The Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of the Historic Properties in WAC 254-20-100 shall be used by the commission as minimum requirements for determining whether or not an historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.

2. The historic preservation special valuation agreement in WAC 254-20-120 shall be used by the commission as the minimum agreement necessary to comply with the requirements of RCW 84.26.050(2).

E. An application for classification as an eligible historic property shall be approved or denied by the Lacey city council before December 31st of the calendar year in which the application is made, ~~is~~ submitted by December 1st of the calendar year.

F. The city shall notify the county assessor, county auditor, and the applicant of the approval or denial of the application.

G. If the Lacey city council determines that the property qualifies as an eligible historic property, the city shall certify the fact in writing and shall file a copy of the certificate with the county assessor and auditor within ten days of the determination and no later than December 31st. The certificate shall state the facts upon which the approval is based.

H. Any decision of the Lacey city council regarding application for classification as historic property, eligible for special valuation, may be appealed to superior court under RCW 34.05.510 through 34.05.598, in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the county board of equalization. (Ord. 1370 §4, 2011; Ord. 796 §8, 1986).

16.53.060 Relationship of provisions to zoning.

Properties listed on the Lacey register shall be subject to the provisions set forth in this chapter, as well as the bulk, use, setback, and other controls of the zoning district in which they are located. Nothing contained in this chapter shall be construed as repealing, modifying, or waiving any zoning provisions (Ord. 1370 §5, 2011; Ord. 796 §7, 1986).

16.53.070 Provisions not to affect Building or Fire Codes.

The regulating language contained in this chapter shall not be interpreted to supersede the rules and regulations pertaining to historical structures as outlined in either the Building or Fire Codes (Ord. 1208 §66, 2003, Ord. 796 §9, 1986).

16.53.080 Inadvertent Discovery of Archaeological and Cultural Resources

Building, grading, and land clearing permits shall include the following note: When an unanticipated discovery of protected cultural material (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) or human remains are discovered, the property owner or contractor will immediately stop all work, completely secure the location, and contact the Washington State Department of Archaeology and Historic Preservation (DAHP) and other contacts as identified in the City of Lacey Standard Inadvertent Archaeological and Historic Resources Discovery Plan. The individual or representative whom the permit was issued to must send written notification of the inadvertent discovery to the City of Lacey Department of Community Development.

Comment [C01]: Increasing flexible thresholds must demonstrate protection of cultural and historic resources. Added comments from PC worksession.

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Standard Inadvertent Archaeological and Historic Resources Discovery Plan-City of Lacey

In the event that any ground-disturbing activities or other project activities related to this development or in any future development uncover protected cultural material (e.g., bones, shell, antler, horn or stone tools, or the evidence of historic artifacts), the following actions will be taken:

1. When an unanticipated discovery of protected cultural material (see definitions below) occurs, the property owner or contractor will completely secure the location and contact:
 - a. The property owner and project representative;
 - b. A professional archaeologist;
 - c. The Department of Archaeology and Historic Preservation (DAHP) – Contact Gretchen Kaehler or assign, 360-586-3088, 360-628-2755 cell);
 - d. Nisqually Indian Tribe – Contact Annette “Nettsie” Bullchild, 360-456-5221 ext. 1106 or Jackie Wall, 360-456-5221 ext. 2180, or assign;
 - e. Squaxin Island Tribe – Contact Rhonda Foster or assign, 360-423-3850; and
 - f. City of Lacey Department of Community Development Department – 360-491-5642
 - g. Museum Curator, Lacey Museum 360-413-3557
2. If the discovery is human remains, the property owner or contractor will stop work in and adjacent to the discovery, completely secure the work area by moving the land-altering equipment to a reasonable distance, and will immediately contact:
 - a. The property owner;
 - b. The City of Lacey Police Department – 360-459-4333;
 - c. The Thurston County Coroner, Gary Warnock or assign, 360-867-2140 to determine if the remains are forensic in nature;
 - d. If the remains are not forensic in nature, the Department of Archaeology and Historic Preservation (DAHP) – Contact Gretchen Kaehler, 360-586-3088 or Guy Tasa, 360-586-3534, or assigns; will take the lead on determining the appropriate method of treatment for the remains and will consult with the affected tribes;
 - e. A professional archaeologist; and
 - f. City of Lacey Department of Community Development – 360-491-5642
3. Cultural material that may be protected by law could include but is not limited to:
 - a. Buried layers of black soil with layers of shell, charcoal, and fish and mammal bones (Figure 1);
 - b. Buried cobbles that may indicate a hearth feature;

- c. Non-natural sediment or stone deposits that may be related to activity areas of people;
 - d. Stone, bone, shell, horn, or antler tools that may include projectile points (arrowheads), scrapers, cutting tools, wood working wedges or axes, and grinding stones (Figures 2 and 3); and
 - e. Stone tools or stone flakes (Figures 2 and 3)
4. Perennially damp areas may have preservation conditions that allow for remnants of wood and other plant fibers; in these locations there may be remains including:
- a. Fragments of basketry, weaving, wood tools, or carved pieces, and
 - b. Human remains.
5. Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, RCW 27.44 and WAC 25-48), [Governor's Executive Order 05-05](#), and with human remains (RCW 68.50) is required. Failure to comply with these requirements could constitute a Class C Felony.

Figure 1: Shell Midden



Figure 2: Example of Stone Tool



Figure 3: Example of Stone Flake and Tools



Figure 4: Example of Hearth (Oven) Feature



Figure 5: Example of Historic Artifacts from Debris Scatter



Figure 6: Example of Bottle from Historic Debris Dump



MINUTES

Lacey Planning Commission Meeting
Tuesday, September 1, 2015 – 7:00 p.m.
Lacey City Hall Council Chambers, 420 College Street SE

Meeting was called to order at 7:00 p.m. by Mike Beehler.

Planning Commission members present: Mike Beehler, Jason Gordon, Sharon Kophs, Carolyn St. Claire, Paul Enns, Cathy Murcia, and Carolyn Cox. Staff present: Rick Walk, Christy Osborn, George Smith, and Leah Bender.

Mike Beehler noted a quorum present.

Sharon Kophs made a motion, seconded by Carolyn St. Claire, to approve the agenda for tonight's meeting. All were in favor, the motion carried.

Carolyn Cox made a motion, seconded by Carolyn St. Claire, to approve the August 4 meeting minutes. All were in favor, the motion carried.

Sharon Kophs made a motion, seconded by Jason Gordon, to approve the August 18 meeting minutes. All were in favor, the motion carried.

1. **Public Comments:** None.

2. **Commission Member's Report:**

- Carolyn Cox reported on her attendance at the last Council meeting. She said the Hicks Lake Management District was discussed.
- Sharon Kophs noted that Planning Commission has been invited to make a presentation at the October 15 Lacey Lions Club Breakfast. She said she referred the invitation to Ryan Andrews.
- Mike Beehler reported on his attendance at the 50th Anniversary Advisory Committee. He said a presentation will be made at the September 17 Council meeting. The celebration is slated for December 15, 2016, which is the anniversary of when the City was created.

3. **Director's Report:**

- Rick Walk noted that interviews will take place tomorrow for Planning Commission applicants.
- Rick said that at the last Council meeting, Councilman Gadman reported that Intercity Transit is in the process of researching alternate vehicles and looking at how to better serve the underserved areas of the city.

4. **Public Hearing:**

2015 Development Code Amendments:

- Rick briefly went over the items that will be considered: Updates to LMC 14.24, Revision to LMC 16.37, Private-applicant initiated amendment to LMC 16.40, and Municipal housekeeping amendments.
- Christy Osborn gave some background information on the updates to LMC 14.24 related to recent revisions permitted under the State Environmental Policy Act for flexible thresholds under WAC 197-11-180.
- Christy went over the changes that were made at the suggestion of Planning Commission which included removing the exemption of an agricultural structure up to 40,000 square feet; the existing exemption level of 10,000 square feet would remain.
- Changes to the environmental policy chapter include reference citations, categorical exemptions with flexible thresholds – Section 14.24.055, flexible threshold levels for categorical exemptions - Section 14.24.060, and environmentally sensitive areas.
- Amendments also included addressing the protection of cultural and historic resources and raising categorical exemption levels.
- Christy noted some comments that staff received from the Lacey Historical Commission regarding concerns about cultural resources.
- Rick went over the revisions to LMC 16.37 for the Hawks Prairie Business District related to ground floor residential uses, auto sales, and park and rides. The proposed amendments will allow these uses with specific design standards.
- Rick went over the private-applicant initiated amendment to LMC 16.40 to eliminate the 500,000 square foot building cap and gave some history on the topic.
- Rick distributed written comments staff received from John Matykowski, who was unable to attend tonight's hearing but wished to offer testimony. Mr. Matykowski is in favor of the building cap amendment but asked that

the City consider changing the policy related to equipment back-up signals, as the current noise from back-up beepers is a nuisance for the surrounding neighbors. Staff researched the matter and found that as it is an OSHA requirement it is exempt from noise standards, and is difficult to enforce.

- Rick briefed Planning Commission on the LMC Housekeeping updates and noted that none of the updates are affected by the Comp Plan.
- The housekeeping amendments include no longer requiring Health Department signature and not requiring copies of the plat on Mylar for final plats, setback requirements for swimming pools on residential lots, fencing standards have been consolidated in one area and barbed wire use has been clarified, residential front setbacks have been amended, the definition for multifamily has been clarified, and maintenance bond requirements for landscaping has been clarified.
- No public testimony was given. Public Hearing was closed at 7:55 p.m.
- **Carolyn Cox made a motion, seconded by Carolyn St. Claire, to refer LMC 14.24 amendments, including suggested changes by the Lacey Historical Commission, to Council. All were in favor. The motion carried.**
- **Carolyn St. Claire made a motion, seconded Paul Enns, to refer LMC 16.37 amendments to Council. All were in favor. The motion carried.**
- **Paul Enns made a motion, seconded by Jason Gordon, to refer LMC 16.40 amendments to Council. All were in favor. The motion carried.**
- **Carolyn St. Claire made a motion, seconded by Sharon Kophs, to refer the municipal code housekeeping amendments to Council. All were in favor. The motion carried.**

5. **New Business:**

Presentation of Market Analysis:

- Rick Walk gave some background information and introduced Stephen Wahlstrom from Wahlstrom and Associates.
- Stephen Wahlstrom gave a PowerPoint presentation that outlined the Lacey Community Market Study Final Report.
- Rick noted that the presentation will also be given at the Joint meeting and there will be an opportunity to ask questions and discuss further.

Economic Development Element:

- George Smith gave a PowerPoint presentation on the Draft Economic Development Element, which integrates the findings of the economic analysis and will be included with the June 2016 update requirement of the Comp Plan.

6. **Communications and Announcements:**

- Time did not allow for the discussion of the Draft Economic Development Element or the 2016 Land Use Element Update Chapter 3 Topic Sections, Commercial and Industrial Lands, so these items will be discussed at the October 6 meeting.
- Cathy Murcia asked if she should excuse herself from the worksessions regarding the Woodland District Form-Based Code. Rick said that she should just announce her involvement.
- Rick asked for a show of hands as to who will attend the Joint Worksession, five Commissioners said they will attend.

7. **Next meeting:** September 15, 2015.

8. **Adjournment:** 9:10 p.m.