



**LAND USE COMMITTEE**  
**NOVEMBER 6, 2017**  
**NOON**  
**COUNCIL CHAMBERS**

---

1. **AMENDMENT TO TITLE 15 LAND DIVISIONS AND TITLE 9 PUBLIC PEACE, SAFETY AND MORALS**  
*CHRISTY OSBORN, ASSOCIATE PLANNER*  
(STAFF REPORT ATTACHED)



**LAND USE COMMITTEE**  
November 6, 2017

**SUBJECT:** Development Code Audit Update for Title 15, Land Division and Title 9, Public Peace, Safety, and Morals

---

**RECOMMENDATION:** Brief the Land Use Committee on the draft updates to proposed revisions to Title 15, Land Division and Title 9, specifically Chapter 9.44, Controlled Substances, and Chapter 9.48, Unfair Housing. No further action is requested at this time.

---

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

**ORIGINATED BY:** Community and Economic Development Department

**ATTACHMENTS:**

1. Title 15 LMC – Land Divisions
2. Chapter 9.44 LMC – Controlled Substances
3. Chapter 9.48 LMC – Unfair Housing

**FISCAL NOTE:** None

**PRIOR REVIEW:** None

---

**BACKGROUND:**

A planned audit of the zoning, land division and design review standards contained in the Lacey Municipal Code (LMC) began this year. The state Growth Management Act (GMA) requires counties and cities to periodically conduct a review of their comprehensive plan and development regulations to bring them up to date with any relevant changes in the GMA and to respond to changes in land use and population growth. An update to the comprehensive plan last year identified specific strategies to implement the goals and policies contained in the plan.

The Planning Commission held Worksessions on May 16 and June 20, 2017, to view proposed revisions to Title 15, Land Division in the Lacey Municipal Code (LMC). This title

regulates the division of land such as short plats, binding site plans, subdivisions, condominiums, and design standards applicable to land divisions and alterations. Land divisions are required to comply with state law established in Chapter 58.17 RCW, the Comprehensive Plan, and other city plans, policies, and standards.

The Planning Commission also held a Worksession on September 19, 2017 to discuss proposed revisions to Title 9 of the Lacey Municipal Code. Due to changes in state and federal law regarding marijuana and fair housing, amendments to Title 9 of the municipal code are necessary.

The Planning Commission conducted a public hearing on the draft revisions on October 17, 2017. Notice of the hearing was sent to public agencies, interested parties, and published in the Olympian. No written comments were received and no members of the public attended the hearing. At the conclusion of the hearing, the Planning Commission voted unanimously to recommend the draft revisions to Title 15, Chapter 9.44 and Chapter 9.48 to the City Council for adoption.

## **PROPOSED CHANGES**

Proposed changes to the Lacey Municipal Code are shown with strikeouts for language to be removed, language underlined is to be added, and comment notes in the right-hand column to detail intent where necessary.

### Title 15, Land Division

Review and comment from City development review staff were sought on the proposed changes to Title 15. Changes to state law and regulations were also reviewed to ensure consistency with the City's codes. The Planning Commission conducted two Worksessions to discuss proposed changes to Title 15. Comments received at the Planning Commission Worksessions and staff were incorporated into a revised draft Title 15.

Proposed changes to the land division code include the following:

- Implement goals and policies in comprehensive plan
- Identify redundancies, inconsistencies, and conflicting language with comprehensive plan intent and between chapters in the development code
- Ensure compliance with changes in state and federal law requirements, particularly 58.17RCW,Plats-Subdivisions-Dedications
- Address issues with implementation of development regulations

### Chapter 9.44 LMC – Controlled Substances

In 2012, provisions were added to Chapter 9.44 LMC and Title 16, Zoning to establish regulations and zoning controls for Medical Cannabis Collective Gardens. These regulations are no longer applicable due to subsequent changes to state law regarding the regulation of medical marijuana. Section 9.44.130 through Section 9.44.180 are proposed to be removed from Chapter 9.44 LMC. Additional regulations for collective gardens will be removed from Title 16, Zoning as part of the continuing audit of the development codes.

### Chapter 9.48 – Unfair Housing

As part of the Housing and Urban Corridors Committees Challenge Grant, Thurston Regional Planning Council (TRPC) evaluated the fair housing standards contained in Lacey Municipal Code for compliance with the Federal Fair Housing Act and the Washington Housing Policy Act. These laws were enacted to stop housing practices that discriminate against individuals based on their race, color, religion, sex, national origin, disability, or familial status.

TRPC's review of the city's regulations for fair housing for people with functional disabilities found that the City's regulations met federal and state law requirements, with the exception of providing additional flexibility for "reasonable accommodations" for persons with disabilities. An implementation strategy was included in the 2016 Comprehensive Plan to address this issue. A proposed amendment to Chapter 9.48 has been included that acknowledge that the city will provide equal opportunity to persons with disabilities with reasonable accommodations to use and enjoy a dwelling. Provisions will be added during the audit of the zoning code for provisions to grant reasonable accommodations to zoning and building standards to allow disabled individuals to build or utilize a home. The proposed reasonable accommodations process will be an administrative process. The proposed changes will be reviewed as part of the proposed revisions to Title 16, Zoning.

---

#### **ADVANTAGES:**

1. The proposed amendments to Title 15, Land Divisions, Chapter 9.44 Controlled Substances, and Chapter 9.48, Unfair Housing, are consistent with and implement the City of Lacey and Urban Growth Area Comprehensive Plan.
2. The proposed amendments implement changes to state law that have been adopted for RCW 58.17, Plats-Subdivisions-Dedications; the regulation of medical marijuana, and fair housing.

#### **DISADVANTAGES:**

1. None identified.

**TITLE 15**  
**LAND DIVISION<sup>1</sup>**

**Chapters:**

- 15.01 General Provisions**
- 15.02 Definitions**
- 15.04 Boundary Line Adjustments and Lot Consolidations**
- 15.05 Plat, Short Plat and Binding Site Plan Alterations and Vacations**
- 15.06 Binding Site Plans**
- 15.07 Condominium Development and Conversion**
- 15.08 Short Subdivision**
- 15.10 Subdivision**
- 15.12 Design Standards for Subdivisions, Short Subdivisions and Binding Site Plans**
- 15.14 Dedications-Plats, Short Plats and Binding Site Plans**
- 15.16 Improvements**
- 15.18 Repealed**
- 15.20 Land Division Fees, Variances, ~~Exceptions~~, and Enforcement**
- 15.22 Community Facilities**
- 15.28 Repealed**
- 15.32 Repealed**
- 15.36 Repealed**

---

<sup>1</sup> Editor's Note: LMC Title 15, was repealed and replaced by new chapters by Ord. 1235, §1, passed on January 13, 2005. LMC Title 15, as amended by Ord. 660, was readopted in its entirety by Ord. 744, passed March 28, 1985.

**CHAPTER 15.01**  
**GENERAL PROVISIONS**

Sections:

15.01.010	Title
15.01.020	Purpose <u>and intent</u>
<del>15.01.025</del>	<del>Authority</del>
15.01.030	<del>General</del> scope
15.01.040	Specific exemptions
<del>15.01.050</del>	<del>Regulations mandatory</del>
<del>15.01.055</del>	<del>Conformance with other regulations</del>
15.01.060	Concurrency for public facilities, utilities and roads
<del>15.01.0605</del>	<del>Land Divisions</del> Subdivisions adjacent to resource lands
15.01.070	Administration

**15.01.010 Title.**

This title shall be known as the city of Lacey Land Division Ordinance. (Ord. 1235 §1,2, 2005).

**15.01.020 Purpose and intent.**

It is the purpose and intent of this title to provide rules, regulations, requirements, and standards for the division, alteration, adjustment, and vacation of land within the city to ensure the following:

A. These regulations are for the purpose of regulating the division of land and to promote and protect the public health, safety, and general welfare, and aesthetics of the city in compliance with Chapter 58.17 RCW.

B. To provide for orderly growth, development, and the conservation, protection, and proper use of land to maintain and perpetuate environmental quality, and provide adequate open space, light, and air.

C. in accordance with established standards to provide for expeditious review of land divisions; to ensure land divisions conform to requirements of Chapter 58.17 RCW; to regulate the division of land in furtherance of the goals and objectives meet requirements of all of the elements of the City of Lacey & Lacey Urban Growth Area Comprehensive Plan, all elements of the Lacey Comprehensive Land Use Plan, including the city of Lacey and Thurston County Land Use Plan for the Lacey Urban Growth Area, the Housing Element, Utility Element, Capital Facilities Element, Economic Development Element, Transportation Element, the Environmental Protection and Resource Conservation Plan (Environmental Element)

D. and other city plans and policies; to meet zoning standards and other provisions of the Lacey Municipal Code and the Lacey Development Guidelines and Public Works Standards.

E. To facilitate adequate provision of potable water supplies, sewer, drainage, fire protection, parks and recreation areas, sites for schools and school grounds, and other public uses.

F. to promote the proper arrangement and provision of adequate streets or roads, lots, easements, pathways, trails, transit stops, and other private or public ways that assure safe walking conditions for students; providing for adequate and convenient provision of open spaces, utilities, recreation and access for service and emergency vehicles; providing for adequate provision of water, drainage, sewer and other public facilities;

G. to promote a coordination of development as land develops.

to conserve and restore natural beauty and other natural resources to maintain and perpetuate environmental quality;

H. to require uniform monumenting of land divisions and conveyance by accurate legal description.

I. , and I To adequately provide for land use, housing and commercial needs of the citizens of Lacey. (Ord. 1235 §1, 2, 2005).

**15.01.025 Authority**

This title is authorized pursuant to the authority delegated to the city of Lacey under Chapter 58.17 RCW, Plats – Subdivisions – Dedications.

**15.01.030 General Scope.**

A. This title shall apply to the division, alteration, adjustment, and vacation ~~or re-division~~ of land for sale, lease, transfer, or building development into two or more lots, tracts, or parcels by the means specifically provided for herein. ~~It shall also apply to boundary line adjustments, lot consolidations, binding site plans, condominium development, condominium conversions, plat alterations, plat vacations, and any other lot line alteration and/or re-division of land.~~ As part of the Lacey Municipal Code, this title recognizes and incorporates the standards, provisions, and regulations contained in other parts of the Lacey Municipal Code as it exists now or as it may hereafter be amended. As such, approvals granted pursuant to this title shall only occur in compliance with these ~~other~~ regulatory provisions, as well as with all elements of the City of Lacey & Lacey Urban Growth Area Comprehensive Land Use Plan, City of Lacey Development Guidelines and Public Works Standards, concurrency requirements and any other applicable laws and regulations. Where provisions of other official controls and regulations overlap or conflict with the provisions of this title, the more restrictive provisions shall govern.

B. Any survey, plat, short plat, replat or plan hereafter made of a proposed division, alteration, and vacation of land pursuant to this title or any part thereof shall be presented for approval and be recorded as prescribed by this title. No such map, plat, replat or plan shall be recorded or have any validity unless or until it is approved as may be required by this title. No person shall sell, lease, transfer or offer to sell, lease or transfer any lot, tract or parcel subject to the requirement of this title without first receiving approval hereunder and filing a map of the approved division with the Thurston County Auditor, provided, that if performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel of land is expressly conditioned on the recording of the plat containing the lot, tract, or parcel, the offer or agreement is not subject to RCW 58.17.200 or 58.17.300 and does not violate any provision of this title. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the plat is recorded.

C. All records and surveys in connection with any plat, short plat or binding site plan shall be in conformance with Chapter 58.09 RCW.

(Ord. 1369 §2, 2011; Ord. 1235 §1, 2, 2005).

**15.01.040 Specific exemptions.**

The subdivision and short subdivision provisions of this title shall not apply to the following:

- A. Cemeteries and other burial plots while used for that purpose;
- B. Divisions of land into lots or tracts each of which is forty acres or larger provided each lot created has legal access, and connectivity is provided to adjacent land pursuant to road grid requirements, or provision has otherwise been satisfied for future development and surrounding connectivity; provided further, that division of any amount of land zoned for nonresidential use shall either be accomplished through a plat, a short plat, or the binding site plan regulations pursuant to subsection F of this section and Chapter 15.06 LMC;
- C. Divisions made by testamentary provisions or the laws of descent. In order to be buildable, lots formed in this fashion must meet the requirements of all other ordinances including access, lot size, etc., in effect at the time of probate;
- D. A division for the purpose of lease when no residential structure other than manufactured homes (mobile homes) or travel trailers are permitted to be placed on the land and the land is to be developed as a manufactured or mobile home park or a recreational vehicle park; provided the city has approved a binding site plan pursuant to Chapter 15.06 LMC and a site plan has been approved pursuant to Chapter 16.84 LMC;

E. Contiguous lots: The transfer of ownership of contiguous platted or unplatted lots if:

1. The lots were legally created after June 9, 1937, or
2. The lots transferred and remaining lots are developed; provided, that transfers pursuant to this subsection shall not be effective until the proponent is issued a certificate of compliance from the community and economic development department. A certificate shall be issued when the owner or applicant shows that the lot conforms to the criteria of this subsection;

F. ~~Industrial and commercial site plans:~~ Divisions of land into lots or tracts classified for industrial or commercial use, provided the city has approved a binding site plan for such division pursuant to Chapter 15.06 LMC;

G. Divisions of land into lots or tracts pursuant to RCW 57.17.040(7); condominiums when a binding site plan has been approved pursuant to Chapter 15.06 and other provisions of this title;

G. ~~Boundary line adjustments:~~ An adjustment of boundary line(s) between platted or unplatted lots or both which does not create any additional lot, tract, parcel, site or division, nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site, and is approved pursuant to Chapter 15.04 LMC;

H. A division for the purpose of leasing land for facilities providing personal wireless services pursuant to RCW 58.17.040(8);

I. A division of land into lots or tracts of less than three acres for the purpose of providing sites for public and private electric utility facilities. ~~This subsection does not exempt a division of land from the zoning and permitting laws and regulations of the city. This subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers. New customers are defined as electric service locations not already in existence as of the date that electric facilities subject to the provisions of this subsection are planned and constructed. "Facilities" means unstaffed facilities used for the conveyance of the utility limited to well houses, pump houses, substations, lift stations and similar utility facilities;~~ provided, any remaining lot or lots are consistent with applicable zoning and land use plans; provided further, the division shall be surveyed and recorded and a record of survey filed in accordance with Chapter 58.09 RCW;

Commented [CO1]: Definition moved to definition section.

J. Divisions of land due to condemnation or sale under threat thereof, by any agency or division of government vested with the power of condemnation. (Ord. 1427 §2, 2013; Ord. 1369 §3, 2011; Ord. 1235 §1, 2, 2005).

**~~15.01.050 — Regulations mandatory;~~**

~~Any map, plat, replat or plan hereafter made of a proposed division of land pursuant to this title or any part thereof shall be presented for approval and be recorded as prescribed by this title. No such map, plat, replat or plan shall be recorded or have any validity unless or until it is approved as may be required by this title. No person shall sell, lease, transfer or offer to sell, lease or transfer any lot, tract or parcel subject to the requirement of this title without first receiving approval hereunder and filing a map of the approved division with the auditor, provided, that if performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel of land is expressly conditioned on the recording of the plat containing the lot, tract, or parcel, the offer or agreement is not subject to RCW 58.17.200 or 58.17.300 and does not violate any provision of this title. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the plat is recorded. (Ord. 1235 §1,2, 2005).~~

Commented [CO2]: This section moved to 15.01.030



**15.01.055 — Conformance with other regulations.**

~~A. — No subdivision, short subdivision, or binding site plan shall be approved unless it is found to be in conformance with all adopted and applicable city ordinances, plans and policies. The City of Lacey Comprehensive Land Use Plan shall guide the use of all land within the city's urban growth area boundary. The type and intensity of land use as shown in the Comprehensive Land Use Plan shall be used as a guide to determine the character of land division, which includes but is not limited to lot size and arrangement, type and extent of streets and roads, dedications, improvements, services, and other utilities and public facilities.~~

Commented [CO3]: Repetitive language, removed.

~~B. — All records and surveys in connection with any plat, short plat or binding site plan shall be in conformance with Chapter 58.09 RCW. (Ord. 1235 §1,2, 2005).~~

Commented [CO4]: This provision moved to 15.01.030

**15.01.060 Concurrency for public facilities, utilities and roads.**

Those public facilities and utilities required to be provided as a condition of approval shall be fully operational or shall have bonding or other financial security provided for concurrently with the use and occupancy of the development, pursuant to concurrency policies of the city. (Ord. 1235 §1, 2, 2005).

**15.01.065 Land divisionsSubdivisions adjacent to resource lands.**

~~A. — SubdivisionsAll short plats, binding site plans, and subdivisions within five hundred feet of designated resource lands shall contain a notice that a variety of commercial or operational activities may occur that are not compatible with residential development for certain periods of limited duration. If the designated resource area is a mineral extraction site, like a gravel pit, the notice should also state that activities may include such things as mining, mineral extraction, washing, crushing, stockpiling, blasting and transporting and recycling of minerals.~~ (Ord. 1235 §1, 2, 2005).

~~B. — Intent and purpose of notice: In Lacey there are no areas of designated "long term commercial significance". Nevertheless, there are designated areas of short term use including mineral extraction, agricultural and forestry. These areas are expected to be utilized throughout the foreseeable future, and might have conflicts with other land use planned within the urban growth area. As such, the statements described in Subsection A. are required to provide notice to perspective lot purchasers that are close to these areas for disclosure purposes, and also the protection of the short term resource activities established within the urban growth boundaries.~~

**15.01.070 Administration.**

~~A. — The director of the Lacey community and economic development department or designee, is vested with the duty of administering this title, and may prepare and require the use of such forms as are essential to the administration of this title. (Ord. 1235 §1, 2, 2005).~~

~~B. — Minimal interpretation. In their interpretation and application, the provisions of this title shall be held to be the minimum requirements.~~

~~C. — Severability. The provisions of this title are severable. If a section, sentence, clause, or phrase of this title is adjusted by a court of competent jurisdiction to be invalid, the decision shall not affect the remaining portions of this title.~~

## CHAPTER 15.02

### DEFINITIONS

#### Sections:

- 15.02.010 Construction
- 15.02.020 Definitions

#### **15.02.010 Construction.**

For the purpose of this title certain words and terms are defined in this chapter. When not inconsistent with the context, words used in the present tense shall include the future; the singular term shall include the plural and the plural the singular; the word "shall" is always mandatory and the word "may" denotes a use of discretion. (Ord. 1235 §1, 3, 2005).

#### **15.02.020 Definitions.**

- A. "Access panhandle" means a strip of land having a width narrower than that of the lot, tract or parcel to be served thereby and designed for the purpose of providing access to lot, tract or parcel being less in width than the minimum lot width allowed under the applicable zoning.
- B. "Alley" means a passage or way, meeting specifications of the Development Guidelines and Public Works Standards as shown in figure 4-5.1 of that document.
- C. "Auditor" means the auditor of Thurston County, Washington.
- D. "Bioretention" means engineered facilities that store and treat stormwater by passing it through a specified soil profile, and either retain or detain the treated stormwater for flow attenuation. Refer to the current City of Lacey Stormwater Design Manual for bioretention design standards.
- E. "Block" means a group of lots, tracts or parcels within well defined and fixed boundaries.
- F. "Buildable lot" means a lot meeting all of the requirements of size, shape, frontage, sanitation, etc., contained in this title and other ordinances of the city, for any specific type of development.
- G. "Building line" means a line on a plat indicating the limit beyond which any portion of a building, structure, septic tank, etc., may not be placed. This may be applied by the subdivider or required by the city when certain conditions exist which make special setbacks necessary.
- H. "Building review professional" means a licensed professional with academic training and field experience that makes him or her a recognized expert in review of buildings for compliance with building codes. The building review professional shall have specific experience with review of buildings for code compliance within the state of Washington.
- I. "Building site" means a parcel of land occupied or intended to be occupied by one main building and its accessory buildings, together with all of the required yards and open space and setbacks.
- J. "City" means the city of Lacey, Washington.
- K. City Officials. The word "council" means the Lacey city council. The word "planner" or "director" means the Lacey community & economic development department. The word "city engineer" means the engineer or director of public works of the city. "Health officer" means health officer of the Thurston County health department.
- L. "Comprehensive Land Use Plan" means a plan with a number of elements adopted by the city council under the state Growth Management Act (GMA) as a guide to the growth and improvement of the city, including modifications or ~~refinements which~~ refinements that may be made from time to time.
- M. "Concurrency" shall mean concurrent with development as defined in RCW 36.70A.070(6).

- N. “Condominium conversion” is a proposed conversion of an existing development or project with land use approvals but not yet constructed to a condominium form of ownership.
- O. “Condominium development” is a new development project proposing or declaring a condominium form of ownership with its initial land use permit(s) or land-use application(s).
- P. “County” means the county of Thurston, state of Washington.
- Q. “Cul-de-sac” means a local street open at one end only which should have a special turning area at the closed end. This turning area should be circular and have a radius appropriate to the types of vehicles expected.
- R. “Declaration of short subdivision” is a statement on the face of the short plat signed by all persons having any real interest in the land being subdivided and acknowledged before a notary that they signed the same as their free act and deed. The declaration shall as a minimum contain the elements of:
1. A legal description of the tract being divided;
  2. A survey map;
  3. Any restrictive covenants;
  4. A statement by the signatory that ~~they~~he is in fact the owner of the property being subdivided;
  5. An agreement by the signatory to indemnify the city for all costs or damages including attorney’s fees incurred by or charged against the city as a result of the signatory not being the owner of the property being subdivided; and
  6. A statement by the owner that the short subdivision is made with ~~their~~his \_\_\_ free consent.
- S. “Dedication” means the deliberate appropriation of land by an owner for any general and public uses, reserving to the owner no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.
- T. “Director” means the director of the city of Lacey community & economic development department or designee.
- T. “Easement” means a right granted by a property owner to specifically named parties or to the general public for the use of certain areas or strips of land for particular purposes. Where appropriate to the context, “easement” may also refer to the land covered by the grant. This may include pedestrian paths, bicycle paths, utility easements, drainage, open space, etc.
- U. “Final approval” means the final official action taken by the city on the proposed division of land or dedication or portion thereof as previously received preliminary approval.
- V. “Flooding” means the inundation of an area of land that is not usually under water.
- W. “Lacey coordinate system” means the ground scale coordinate system derived from the Washington Coordinate System NAD 83/91 south zone. Coordinate values for control points of the Lacey coordinate system are available from the city of Lacey public works department engineering division.
- X. “Land division” is a general term that refers to the division of land by means described in this chapter, including land divided through a plat, short plat or binding site plan.
- Y. “Lot” means a fractional part of divided land having fixed boundaries, being of sufficient area and dimensions to meet minimum zoning requirements for width and area. The term shall include tracts or parcels. The term shall not include land divided for purposes of financing or taxation.

- Z. “Low impact development (LID) facility” means distributed stormwater management practices, integrated into a project design that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration. LID facilities include, but are not limited to: bioretention, rain gardens, permeable paving, roof downspout controls, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, and water re-use.
- AA. “Low impact development (LID) principles” means land use management strategies that emphasize conservation, use of on-site natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff.
- BB. “Multiunit structure” means two or more units under the same ownership where the land has not been divided, i.e., duplex, triplex, quadraplex, apartment units, or in the case of commercial or industrial development a building with units designed to be rented or leased to two or more tenants.
- CC. “Native vegetation” means vegetation including trees, comprised of plant species that are either indigenous or naturalized to the Puget Sound region. Native vegetation does not include noxious weeds.
- DD. “Owner” means the owner of record, as determined by the records of the auditor; provided, that the owner under a real estate contract is the purchaser-vendee and the owner of mortgaged property is the mortgagor.
- EE. “Permeable paving” means pervious concrete, porous asphalt, permeable pavers or other forms of pervious or porous paving material intended to allow passage of water through the pavement section. It often includes an aggregate base that provides structural support and acts as a stormwater reservoir. Refer to the current City of Lacey Stormwater Design Manual for permeable paving design standards.
- FF. “Person” means every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.
- GG. “Plat” means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions or dedications.
- HH. “Plat, final” or “final short plat” means the final drawing of the subdivision or short subdivision and the dedication prepared for filing for record with the auditor and containing all elements and requirements set forth in Chapter 58.17 RCW and in this title adopted pursuant thereto.
- II. “Plat, preliminary” means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision consistent with the requirements of this title.
- JJ. “Plat, preliminary short” means a neat and approximate drawing of a proposed short subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a short subdivision consistent with the requirements of this title.
- KK. “Plat, short” means the map or representation of a short subdivision containing all of the pertinent information as required by this title.
- LL. “Preliminary approval” means the official action approving a proposed division of land when provision of improvements or fulfillment of conditions are to occur prior to final approval.
- MM. “Rain garden” means a non-engineered shallow, landscaped depression, with compost-amended native soils and adapted plants. The depression is designed to pond and temporarily store stormwater runoff from adjacent areas, and to allow stormwater to pass through the amended soil profile.
- NN. “Reserve strip” means a parcel of ground located usually at the edge of a subdivision or short subdivision for the purpose of restricting access from the end or side of a street.

OO. "Right-of-way" means the area between boundary lines of a dedicated street, alley or easement dedicated to or owned by the city for public use.

PP. "Roadway" means that portion of the street, including shoulders and bike lanes, for vehicular use.

QQ. Street. A street is a public way for purposes of travel and includes the entire area within the right-of-way. A street serves public transit, vehicular, pedestrian and bicycle traffic plus the accommodation of all utility facilities within the right-of-way.

RR. "Subdivider" means a person who undertakes the subdividing of a parcel of land, also referred to as the applicant.

SS. "Subdivision, short" means every division or resubdivision of contiguous land into nine or less lots, tracts, parcels, sites, or subdivisions for the purpose of transfer of ownership, sale, or lease.

TT. "Subdivision" or "subdivision, long" means the division or resubdivision of land into ten or more lots, tracts, parcels, sites or divisions, whether immediate or future, for the purpose of sale, lease or transfer of ownership.

UU. "Treasurer" means the treasurer of Thurston County, Washington.

VV. "Vacation" means a process pursuant to the requirements of RCW 58.17.212 of voiding a plat, short plat, binding site plan, or portion thereof, or any area designated or dedicated for public use.

WW. "Vegetated LID facility" means bioretention, rain gardens, dispersion, and vegetated roofs.

XX. "Vegetated roofs" (also known as ecoroofs and green roofs) means thin layers of engineered soil and vegetation constructed on top of conventional flat or sloped roofs. Refer to the City of Lacey Stormwater Design Manual for vegetated roof design standards. (Ord. 1496 §28, 2016; Ord. 1369 §5, 2011; Ord. 1235 §1, 3, 2005).

## CHAPTER 15.04

### BOUNDARY LINE ADJUSTMENTS AND LOT CONSOLIDATIONS

#### Sections:

- 15.04.010 Applicability
- 15.04.030 Criteria
- 15.04.040 Application
- 15.04.050 Review and approval
- 15.04.060 Final survey and recording

#### **15.04.010 Applicability.**

Every adjustment made for the purpose of adjusting boundary lines between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site shall proceed in compliance with this chapter. A consolidation of lots shall proceed through the same process as outlined for boundary line adjustments described in this chapter. Boundary line adjustments and lot consolidations may also be accomplished as part of a plat, ~~or~~ short plat, or binding site plan. (Ord. 1235 §4, 2005).

#### **15.04.030 Criteria.**

All boundary line adjustment requests shall be subject to the following limitations:

- A. A boundary line adjustment shall not result in the creation of any additional lots, sites, tracts, or parcels;
- B. A boundary line adjustment shall not result in the entire relocation of lots, sites, tracts, or parcels from one area to another;
- C. A boundary line adjustment shall not violate or be inconsistent with any conditions of approval for a previously filed plat, short plat, or binding site plan;
- D. No lot shall be reconfigured or adjusted which would render access for vehicles, utilities, fire protection, or existing easements impractical to serve their purpose;
- E. No adjustment shall be used to provide new frontage for a lot that will create an expectation of, or require, a new access right to said road. Provided nothing shall prohibit the city from granting an adjustment with a new access if the city determines it creates a better overall road geometric for the site consistent with city transportation plan goals and policies;
- F. Any lot or parcel that is a legally created lot of record shall be qualified for a boundary line adjustment;
- G. The adjustment does not result in a lot, tract or parcel smaller than the minimum lot size required by LMC Title 16, in effect at the time the application is filed, except as follows:  
  
Whenever any one or more lots involved in the proposed change are smaller than the allowable minimum size, the change may be approved so long as no resulting lot is smaller than the smallest of the existing lots and the adjustment does not increase the existing nonconformity in consideration of land use regulations and standards;
- H. The boundary line adjustment process shall not be used to adjust easements, utilities, or other non-property line features;
- I. A boundary line adjustment approved by the city of Lacey is not to be construed as a statement as to the lot's suitability for building purposes. (Ord. 1235 §4, 2005).

#### **15.04.040 Application.**

An applicant shall submit a complete boundary line adjustment application to the department of community & economic development. A complete application for the purposes of this chapter shall consist of the following:

A. A fully completed and signed (by those individuals or corporations holding any ownership or security interest) boundary line adjustment application form provided by the department of community & economic development that contains the following information:

1. The names, addresses, and telephone numbers of all persons holding interest in the land;
2. The existing and proposed legal descriptions of the affected lots prepared by a land surveyor licensed by the state of Washington or by a title company;
3. The assessor's tax parcel numbers;
4. A brief narrative description of the proposed boundary line adjustment;
5. A scale drawing prepared by a licensed land surveyor in accordance with WAC 332-130-050 of the existing and proposed boundary lines. Existing boundary lines shall be shown as dashed lines, and proposed boundary lines shown as solid lines. The drawing shall also include all lot measurements in feet, existing and proposed lot areas, location of all existing improvements such as buildings, roads, easements, and other pertinent features;
6. An access plan approved by the department of public works, if the boundary line adjustment changes existing access requirements;
7. A signed, dated, and notarized Statement of Declaration of Boundary Line Adjustment and Covenants.

B. Application fees.

C. A plat certificate issued within the preceding thirty days that includes confirmation that the title to the lands as described and shown on said boundary line adjustment is vested in the owners whose names appear on the plat certificate and includes any easements or restrictions affecting the property. (Ord. 1235 §4, 2005).

**15.04.050 Review and approval.**

A. Upon submittal and acceptance of a complete application, the assigned planner shall review the boundary line adjustment and determine if it contains sufficient information to furnish a basis for a decision in conformance with application and processing requirements of Chapter 1 of the Development Guidelines and Public Works Standards. The planner may refer the request to other departments that, in his/her judgment, may have information or comments that bear directly on the application. Referral agencies and departments, if any, shall have fourteen days to comment on the application. Their failure to respond within the referral period will be considered as having no comment on the application as submitted. (Ord. 1235 §4, 2005).

**15.04.060 Final survey and recording.**

A. A survey of the boundary line adjustment or lot consolidation and preparation of the adjustment or consolidation shall be made by or under the supervision of a registered land surveyor who shall certify on the boundary line adjustment that it is a true and correct representation of the lands actually surveyed. The survey shall include the monumenting of the new line and be in conformance with the drafting standards contained in LMC 15.06.090 and as otherwise required by law.

B. All boundary line adjustments and lot consolidations shall be filed for recording with the Thurston County Auditor and shall not be deemed formally approved until so filed. Conveyance of the property requires the recording of quitclaim deeds with the Thurston County Auditor.

**CHAPTER 15.05**

**PLAT, SHORT PLAT AND BINDING SITE PLAN ALTERATIONS AND VACATIONS**

Sections:

- 15.05.010 Applicability - alteration
- 15.05.020 Application - alteration
- 15.05.030 Review criteria and process - alteration
- 15.05.040 Applicability - vacation
- 15.05.050 Application - vacation
- 15.05.060 Review criteria and process - vacation

**15.05.010 Applicability - alteration.**

A. Every alteration or vacation of a subdivision, short subdivision or binding site plan or portion thereof, except as provided for in Chapter 15.04 LMC, shall proceed in compliance with this chapter. This process cannot be used to ~~created~~create additional lots, tracts, or parcels.

B. Easements established by a dedication are property rights that cannot be extinguished or altered without the approval of the easement owner or owners, unless the plat or other document creating the dedicated easement provides for an alternative method or methods to extinguish or alter the easement. (Ord. 1235 §1,5, 2005).

**15.05.020 Application - alteration.**

An applicant shall submit a complete alteration application to the department of community & economic development. A complete application for the purposes of this chapter shall consist of the following:

A. A fully completed, and signed alteration application form provided by the director that contains the information as required by this chapter.

B. Information that would be required for the submission of a final plat, short plat or binding site plan in compliance with this title, whichever is applicable, ~~provided the director may waive information requirements he/she deems unnecessary for adequate review of the specific alteration proposed.~~

Commented [CO5]: Requirements for the recording of a plat alteration have been changed.

C. Any other information deemed necessary by the director for the adequate review of the proposed alteration in conformance with the provisions of this title and all other applicable federal, state and local regulations.

D. Payment of all applicable review fees by the person requesting the alteration or vacation. (Ord. 1235 §1, 5, 2005).

E. If the alteration is subject to restrictive covenants that were filed at the time of approval of the division and the alteration would result in violation of a covenant, the application must be signed by all parties subject to the covenants. The agreement shall provide that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the land division or portion thereof.

**15.05.030 Review criteria and process - alteration.**

A. When a person is interested in alteration of any division of property or altering of any portion thereof, except as provided in RCW 58.17.040 and Chapter 15.04 LMC (boundary line adjustments and lot consolidations) that person shall submit an application to request the alteration. The application shall contain the signatures of the majority of persons having an ownership interest of the lots, tracts, or parcels, sites or divisions in the subject land division or portion to be altered. ~~If the land division is subject to protective covenants which were filed at the time of approval of the land division and the alteration would result in violation of the covenants, the application shall contain an agreement signed by all parties subject to the covenants. The agreement shall provide that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the land division or portion thereof.~~

Commented [CO6]: Relocated

B. An application submitted for a plat, or for a short plat or binding site plan that contains a public dedication, shall meet all requirements and standards provided for in RCW 58.17.215.



C. Public notice shall be given for alteration of plats, and for alteration of short plats and binding site plans that contain a public dedication, as provided in RCW 58.17.080 and 58.17.090. A public hearing shall be required if a person receiving notice requests a hearing within fourteen days of receiving notice or if the department determines that the public hearing is within the public interest. Where a public hearing is required or requested, the Hearings Examiner may approve, conditionally approve or deny the application for an alteration after determining the public use and interest will be served by the alteration of the land division. If a public hearing is not required or requested, the director may administratively approve, conditionally approve or deny the alteration after determining the public use and interest will be served by the alteration of the land division.

D. Alteration of a short subdivision or binding site plan or portion thereof that does not contain a public dedication may be administratively approved or denied by the director after determining that the public use and interest will be served by the alteration of the short subdivision or binding site plan.

E. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration.

F. If any land within the alteration contains a dedication to the general use of persons residing within the land division, such land may be altered and divided equitably between the adjacent properties, provided open space designated as a requirement of a plat, short plat, or binding site plan shall not be altered unless it is replaced as part of the alteration and meets the requirements of this title for the provision of open space.

G. If the alteration is approved, the applicant shall ~~prepare~~~~produce a revised drawing of the~~ final plat or final short plat or binding site plan, in compliance with the requirements of this title for a final plat, ~~or~~ short plat or binding site plan, whichever is applicable ~~and submit it to the department of community & economic development for review and required signatures. The final plat, short plat, or binding site plan shall be filed for record with the Thurston County Auditor in compliance with the filing requirements of this title for final plat, short plat, or binding site plan.~~ (Ord. 1235 §1, 5, 2005).

Commented [CO7]: Modified language to reflect changes in requirements to record alterations.

#### 15.05.040 Applicability - vacation.

A. Every vacation of a recorded short plat, or binding site plan, or portion thereof that involves a public dedication, or a plat or portion thereof, or any area designed or dedicated for public use shall proceed in compliance with this chapter. If the land division is subject to protective covenants which were filed at the time of approval of the land division and the vacation would result in violation of the covenants, the application shall contain an agreement signed by all parties subject to the covenants. The agreement shall provide that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the land division or portion thereof.

B. Vacations of streets or roads may be approved through this process only when the street or road vacation is proposed with the vacation of a land division, or portions thereof.

C. When a vacation is specifically for a road ~~or alley~~, the procedures for road, ~~or~~ street ~~or alley~~ vacation in Chapter 35.79 RCW, pursuant to Chapter 12.32 LMC, shall apply.

D. Vacations of streets or roads may not be made that are prohibited under RCW 35.79.035. (Ord. 1235 §1, 5, 2005).

#### 15.05.050 Application - vacation.

An applicant shall submit a complete vacation application to the ~~community development~~ director. A complete application for the purposes of this chapter shall consist of the following:

A. A fully completed, signed and notarized vacation application form provided by the department of community ~~& economic~~ development that contains the information as required by this chapter and signed by all parties having an ownership interest in that portion of the land division subject to the vacation;

B. Information that would be required pursuant to this title for a final plat, short plat or binding site plan, whichever is applicable, provided that such information is relevant to the vacation and necessary for adequate

review. The director may waive information requirements he/she deems unnecessary for review of the specific vacation proposed;

C. Any other information deemed necessary by the director for the review of the vacation in conformance with the provisions of this title and all other applicable federal, state and local regulations; and

D. Payment of all applicable review fees. (Ord. 1235 §1, 5, 2005).

**15.05.060 Review criteria and process - vacation.**

A. Vacation of a plat or portion thereof, or vacation of a short plat, or binding site plan that contains a public dedication, or any area designated or dedicated for public use shall follow the review procedures as outlined in RCW 58.17.212.

B. Applications following procedures and requirements of RCW 58.17.212 shall be subject to Hearings Examiner review. Public notice shall be provided as required in RCW 58.17.080 and 58.17.090. A public hearing by the Hearings Examiner shall be held and the Hearings Examiner may approve or deny the application for a vacation after determining the public use and interest will be served by the vacation of the land division.

C. Vacation of a short plat or binding site plan or portion thereof that does not contain a public dedication may be administratively approved or denied by the director after determining that the public use and interest will be served by the vacation of the short subdivision.

D. If any portion of the land contained in the land division was dedicated to the public for public use or benefit, such land, if not deeded to the city shall be deeded to the city unless findings are set forth that the public use would not be served in retaining title to those lands.

E. Title to the vacated property shall vest with the rightful owner in conformance with RCW 58.17.212. (Ord. 1235 §1, 5, 2005).

**CHAPTER 15.06**  
**BINDING SITE PLANS**

Sections:

- 15.06.010 Applicability
- 15.06.015 Applicability condominiums
- 15.06.020 Administration
- 15.06.030 Application
- 15.06.040 Preliminary binding site plan review
- 15.06.050 Review criteria and required findings
- 15.06.060 Final approval and recording
- 15.06.070 Final binding site plan permanent control monuments
- 15.06.080 Final survey of binding site plan and preparation of map
- 15.06.090 Final binding site plan drafting standards

**15.06.010 Applicability.**

A binding site plan may be performed as an alternate method of land division under the following circumstances:

- A. The division of land into two or more lots, parcels, or tracts located for the lease, sale, or transfer of lots in a commercial or industrial zoning district, or the lease of property for use by mobile homes or travel trailers.
- B. The division of land into lots or tracts when performed in accordance with Chapters 64.32 and 64.34 RCW and RCW 58.17.040(7). (Ord. 1235 §1, 6, 2005).

**15.06.015 Applicability Condominiums.**

A. General requirements. Every condominium in Lacey, as defined by Chapter 64.34 RCW is subject to the requirements of this chapter. In addition to the requirements of state law, the requirements of this chapter must be satisfied before the condominium can be approved by the City of Lacey and filed with Thurston County or the state. For condominiums in Lacey, this chapter provides both oversight to the requirements of state law and the implementation of additional local standards and requirements as provided for and authorized by state law.

B. Requirements for filing. No declaration to create a condominium shall be filed or recorded at Thurston County without first having the approval of the City of Lacey. The City shall work with the County Treasurer, Assessor and Auditor's offices to coordinate this requirement. (Ord. 1369 §3, 2011).

**15.06.020 Administration.**

The administration of this chapter is set forth within the provisions of this chapter and the Development Guidelines and Public Works Standards in Section 1C.040 (full administrative review). The director is vested with the duty of administering and interpreting the provisions of this title and with the authority to summarily approve, approve with conditions, disapprove, or return for modification all proposed binding site plans. Prior to the submission of a binding site plan application, the applicant shall arrange for a pre-application meeting as required and outlined in the Development Guidelines and Public Works Standards Section 1B.020. (Ord. 1235 §1, 6, 2005).

**15.06.030 Application.**

An applicant shall submit a complete binding site plan application to the department of community & economic development. A complete application for the purposes of this chapter shall consist of the following:

- A. Binding site plan application and supporting materials.
- B. Environmental checklist.
- C. Preliminary binding site plan.

1. The preliminary binding site plan shall show specifically and clearly all of the requested information in the application information on one or more maps, drawings or application forms. Specific items may be waived if it is the opinion of both the planner and city engineer they are not necessary.
  2. Accuracy for all data and information submitted on or with a binding site plan shall be the responsibility of the applicant. Any proposed binding site plan found to be inaccurate or misleading shall not be considered a complete application and shall be returned to the applicant with a letter stating the application is incomplete, pursuant to the requirements of the Development Guidelines and Public Works Standards Section 1B.040 and 1B.050.
- D. Scale and Size. The preliminary binding site plan shall be at a scale of not less than fifty feet to the inch, nor more than two hundred feet to the inch.
- E. General Information Required.
1. Proposed name of the binding site plan. This name shall not duplicate nor resemble the name of another land division in Thurston County and shall be approved by the Thurston County Auditor.
  2. The names and addresses of all landowners within the proposed binding site plan, the developer if other than the owners, the land surveyor and/or the professional registered engineer responsible for laying out the land division.
  3. The legal description of all lands included in the proposed binding site plan.
  4. The site plan scale, datum, north arrow and date.
  5. The boundary lines of the tract to be divided.
  6. Proposed and existing access and cross easements on site, adjacent to, and across the street.
- F. Existing Conditions.
1. A vicinity sketch indicating the boundary lines and names of adjacent subdivisions, streets and boundary lines of adjacent parcels, and the relationship of the proposed binding site plan to major highways, schools, parks, shopping centers and similar facilities.
  2. The location and direction of all watercourses, lakes and streams and the location of all areas subject to flooding. Watercourses and drainage ways shall be located within an easement which reserves to the city the right to enter such properties for the purpose of flood control or maintenance.
  3. Natural features such as rock outcroppings, marshes, wooded areas and trees and those natural features to be preserved in the land division.
  4. Existing uses on the property, including location of all existing structures to remain on the property after the binding site plan is developed.
  5. Existing zoning on the land to be divided and also on the surrounding land for a distance of three hundred feet.
  6. The location and size of all pertinent existing sewers, septic tank systems, water mains, wells, culverts, and other public or private underground installations within the subdivision and immediately adjacent thereto and elevations of sewers at points of probable connections.
  7. The location, widths and names of both unopened and open streets, easements and other access points including pedestrian, within or adjacent to the proposed development. The location of other important features such as the general outline of permanent buildings, water sources, power lines, telephone lines, railroads, city boundaries, section lines and section corners.

8. All parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved in the deeds for common use of the property owners in the land division with the purpose, conditions, or limitations of such dedications or reservations clearly indicated.

G. Proposed Plan of Partitioning.

1. The location, width, name and approximate grade and radii of curves of streets. The relationship of streets to any projected streets as shown ~~in~~ the Comprehensive ~~Land Use~~-Plan and the Transportation Plan.

2. Approximate centerline profiles with extensions for a reasonable distance beyond the limits of the proposed land division showing the finished grade of streets and the nature and extent of street construction.

3. A proposal for domestic water supply stating the source and preliminary distribution system layout.

4. Proposals for sewage disposal, storm water drainage and flood control.

5. If lot areas are to be substantially graded, a plan showing the nature of cuts and fills and information on the character of the soil.

6. Proposals for other improvements such as electric utilities and boat docks, pathways, recreation facilities, etc.

7. The layout of proposed street rights-of-way, alleys, street easements, utility easements, lots and blocks, and the approximate dimensions of each.

8. All parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved in the deeds for common use of the property owners in the binding site plan with the purpose, conditions, or limitation of such dedications or reservations clearly indicated.

H. Partial Development. If the proposed binding site plan pertains to only part of the tract owned or controlled by the applicant, a sketch showing the tentative layout for streets and contemplated land use in the undivided portion shall be submitted.

I. Additional Information. The applicant shall supply any additional information as may be required by the department of community development.

J. Wetland, habitat and other sensitive area information. A binding site plan application that involves wetlands, wetland buffer areas, habitat area or other ~~sensitive~~**critical** areas pursuant to Chapter 14.28, 14.33, 14.34, 14.36, or 14.37 LMC shall include all information required by these chapters for proper consideration of wetlands, habitat and other sensitive area issues during binding site plan review. (Ord. 1235 §1, 6, 2005).

**15.06.040 Preliminary binding site plan review.**

Binding site plans shall be subject to the procedures established in the Development Guidelines and Public Works Standards, application process, Section 1C.040, full administrative review. A preliminary and final review and approval process will be utilized that is similar to the subdivision process, except that it will be handled in an administrative capacity. (Ord. 1235 §1, 6, 2005).

**15.06.050 Review criteria and required findings.**

A. The proposed preliminary binding site plan shall be reviewed and approved only when the following criteria and findings are satisfied:

1. Compliance with the provisions of this title including Chapter 15.12 LMC, Design Standards.

2. Conformity with all applicable zoning requirements of LMC Title 16.

3. Conformance with the goals and policies contained in the Comprehensive ~~Land Use~~ Plan and all associated elements.

4. Consistency with applicable design standards of Chapter 14.23 LMC.
5. Compliance with the provisions of any applicable federal, state and local law.
6. Appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, access points, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and all other relevant requirements, including safe walking conditions for students who walk to and from school.
7. The public interest will be served by the binding site plan and dedications.

B. The director may disapprove a proposed binding site plan because of flood, inundation, or **sensitivecritical** area limitations. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final map. No binding site plan shall be approved covering any land situated in a flood control zone (floodway) as provided in Chapter 86.16 RCW without the prior written consent of the Washington State Department of Ecology unless a note and identification of this area is shown on the face of the final plat which prohibits the development of this area in any manner except as specifically approved by law. These areas cannot be included in the area calculated to meet the requirements for minimum lot area.

C. As a condition of approval, the director may require dedication of land to any public body, provisions of public improvements to serve the land division, and/or mitigation fees authorized by law.

D. Preliminary binding site plan approvals are valid for a period of five years. During that period the conditions of approval must be fulfilled or financial security provided for as required in Chapter 15.16 LMC. If the conditions attached to the preliminary binding site plan approval are not satisfied or appropriately bonded for, and the binding site plan is not filed for record within the required period, preliminary approval of the binding site plan shall become null and void. (Ord. 1235 §1, 6, 2005)

**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 **& economic** development:

- A. Certificate of title by a recognized title insurance company, dated not to exceed thirty days prior to submitting a plat for final approval, showing the names of all persons whose consent is necessary to dedicate roads, streets and other easements shown upon the map.
- B. Names, addresses, phone numbers, fax and email of the owner, land-divider, engineer, and surveyor.
- C. A copy of any deed restrictions applicable to the binding site plan.
- D. A copy of any dedication requiring separate documents.
- E. A certificate by the city engineer that the land-divider has complied with one of the following:
  1. All improvements have been installed in accordance with the requirements of these regulations and with the action of the director giving approval of the preliminary binding site plan.
  2. An agreement has been executed as provided for in LMC 15.16.020 to assure completion of required improvements.
- F. The date, scale, north arrow, legend, binding site plan number, controlling topography and existing features such as highways and railroads.
- G. Legal description of the tract boundaries.
- H. Reference points and lines of existing surveys identified, related to the plat as follows:

1. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the binding site plan.
  2. Adjoining corners of adjoining subdivisions.
  3. City or county boundary lines when crossing or adjacent to the land division.
  4. Section and donation land claim lines within and adjacent to the binding site plan.
  5. Whenever the county or city has established the centerline of a street adjacent to or within the proposed binding site plan, the location of this line and monuments found or reset.
  6. All other monuments found or established in making the survey of this binding site plan or required to be installed by provisions of this title.
- I. Mathematical boundary closures of the binding site plan showing the error of closure, if any.
- J. The mathematical lot closures and street centerline closures, and square footage of each parcel.
- K. The exact location and width of streets and easements intersecting the boundary of the tract and additional information required by the public works department.
- L. Tract, block, and lot boundary lines and street rights-of-way and centerlines with dimensions, bearings or deflection angles, radii, arcs, points of curvature, and tangent bearings. Tract boundaries, lot boundaries and street bearings shall be shown to the nearest second with basis of bearings. The basis of the bearings shall be the Lacey coordinate system. All distances shall be shown to the nearest one-hundredth foot.
- M. The width of the portion of streets being dedicated, the width of any existing right-of-way, and the width on each side of the centerline. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated.
- N. Easements denoted by fine dotted lines clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearings, and sufficient ties to locate the easement with respect to the binding site plan must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.
- O. Lot numbers beginning with number "1" and numbered consecutively without omission or duplication throughout the binding site plan. The numbers shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure. Lot numbers in an addition to a binding site plan of the same name shall be a continuation of the numbering in the original land division.
- P. Land parcels to be dedicated for any purpose, public or private, shall be distinguished from lots intended for sale.
- Q. The following certificates may be combined where appropriate:
1. A certificate signed and acknowledged by all parties with any record title interest in the land divided, consenting to the preparation and recording of the binding site plan.
  2. A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final map intended for any public use except those parcels which are intended for the exclusive use of the lot owners in the binding site plan, their licensees, visitors, tenants and servants.
  3. A certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and final map.
  4. Other certifications now or hereafter required by law.

- R. Lots containing one acre or more shall show net acreage to nearest hundredth.
- 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.
  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.
- T. Final application shall include information necessary for the administrator to determine whether all conditions of approval have been met.
- U. An approved binding site plan shall not be filed for record with the Thurston County auditor until the applicant has constructed or provided financial security for all improvements and satisfied all conditions as required by the director in the granting of preliminary approval.
- V. A binding site plan shall not be considered final until recorded with the Thurston County auditor. (Ord. 1480 §3, 2015; Ord. 1235 §1, 6, 2005).

**15.06.070 Final binding site plan permanent control monuments.**

Permanent control monuments shall be established at each and every controlling corner on the boundaries of the parcel of land being divided. The city shall determine the number and location of permanent control monuments within the binding site plan, if any. (Ord. 1235 §1, 6, 2005).

**15.06.080 Final survey of binding site plan and preparation of map.**

The survey of the proposed binding site plan and preparation of the binding site plan shall be made by or under the supervision of a registered land surveyor who shall certify on the binding site plan that it is a true and correct representation of the lands actually surveyed. (Ord. 1235 §1, 6, 2005).

**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. The perimeter of the 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 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. 1480 §4, 2015; Ord. 1369 §4, 2011; Ord. 1235 §1, 6, 2005).

**CHAPTER 15.07**

**CONDOMINIUM DEVELOPMENT AND CONVERSION**

Sections:

- 15.07.010 Purpose and intent
- 15.07.020 Applicability
- 15.07.025 Pre-submission conference required
- 15.07.029 Administration
- 15.07.030 Application
- 15.07.045 Minimum standards, development of condominium, conversions, dependent on development form
- 15.07.050 Conversion - inspection, repair, upgrades, warranty
- 15.07.055 Conversion - tenant assistance
- 15.07.057 Incentives for conservation and development of affordable housing resources
- 15.07.065 Review criteria and required findings
- 15.07.070 Final drafting standards for recording
- 15.07.073 Notice of resource lands
- 15.07.080 Recording

**15.07.010 Purpose and Intent.**

It is the purpose and intent of this chapter to provide requirements and standards for condominium development and conversion within the city to ensure the following

A. To satisfy the intent and promote opportunities described in the State Condominium Act Chapter 64.34 RCW.

B. To provide local oversight of requirements of the State Condominium Act Chapter 64.34 RCW;

C. To provide a City review and approval process for condominium conversions and the condominium form of housing ownership;

D. To provide standards for conversions to mitigate identified impacts and provide for the public health, safety, welfare, use and interest;

E. To promote the intent of GMA to provide a range of housing types including high density forms of housing;

F. To provide opportunities for home ownership with a variety of housing types including high density forms of housing;

G. To provide the residents of the City an opportunity for a variety of housing choices and opportunities;

H. To promote new and maintain existing affordable housing opportunities in a variety of housing types;

I. To provide minimum standards for inspections of condominium conversions to promote the public's health and safety;

J. To provide access to necessary services for residents of rental housing, mobile home parks, manufactured home parks and other forms of housing that may be impacted by condominium conversions;

K. To provide opportunities and incentives for development of a variety of housing types and forms to promote the City's various housing goals, policies and programs.

**15.07.020 Applicability.**

Every condominium and condominium conversion in Lacey, as defined by Chapter 64.34 RCW, is subject to the requirements of this chapter. In addition to the requirements of state law, the requirements of this chapter must be satisfied before the condominium development or conversion can be approved by the City of Lacey and filed with Thurston County or the state. For condominium development or conversions in Lacey, this chapter provides both

oversight to the requirements of state law and the implementation of additional local standards and requirements as provided for and authorized by state law.

**15.07.025 Pre-submission Conference Required.**

Before making an application for a condominium development or conversion, the applicant shall attend a pre-submission conference in accordance with Section 1B.020 of the City of Lacey Development Guidelines and Public Works Standards.

**15.07.029 Administration.**

A. Generally: The administration of this chapter is set forth within the provisions of this chapter, other sections of LMC Title 15 (Land Division Ordinance) and the Development Guidelines and Public Works Standards. The Director is vested with the duty of administering and interpreting the provisions of this title.

B. Review Process: The process for review of a condominium development or conversion will be the administrative binding site plan process described within Chapter 15.06 LMC.

**15.07.030 Application.**

An applicant shall submit a complete condominium development or conversion application to the ~~Department of Community & economic Development~~ department. A complete application for the purposes of this chapter shall consist of the application material required in LMC 15.06.030.

**15.07.045 Minimum Standards, Development of Condominium, Conversions, ~~Dependant~~Dependent on Development Form.**

A. Review of State Requirements: All standards, requirements, conditions and expectations of state law shall be satisfied as determined by the Director. No declaration to create a condominium within the ~~C~~city of Lacey shall be filed or recorded at Thurston County or the State of Washington without first having the approval of the ~~C~~city of Lacey. The City shall work with the County Treasurer, Assessor and Auditor's offices to coordinate this requirement.

B. General Application: The process and review applied to an application for condominium development or a conversion are described in LMC Title 15, specifically Chapters 15.06 and 15.12 LMC and as otherwise described in this Chapter.

C. Manufactured Home Park: New condominium development, in the form of a manufactured home park, shall be reviewed subject to the requirements and performance standards contained in Chapters 16.63 and 15.06 LMC as applicable.

D. Townhomes, Duplexes, Triplexes: New condominium development in the form of townhomes, duplex or triplex units shall be subject to the performance standards contained in Chapters 16.61 and 15.06 LMC as applicable.

E. Review of conversions: Review process and standards applied to a conversion from a previously approved land use form will generally follow the same process and standards applied to similar development forms under a different ownership type. Review, performance standards and conditions, if applicable, will be tailored to each project, based on site specific review to address unique circumstances and need. Provided, where this would include new physical improvements to infrastructure a full disclosure of deficiencies as identified in LMC 15.07.050(D) shall be sufficient, except as otherwise may be allowed under LMC 15.07.050.

F. Consistency with the Comprehensive ~~Land Use~~ Plan: New condominium development must be consistent with the provisions of the Comprehensive ~~Land Use~~ Plan. Based upon individual site evaluations and identified impacts, conditions may be applied to new development, to achieve goals and policies of the Plan.

G. Finding for Approval: Prior to approval, the Director or his/her designee shall make findings that adequate provisions have been made for roads, utilities, emergency access, the general public health safety and welfare and the application is consistent with the goals and policies of the Comprehensive Plan. Provided, in application to conversions, where this would include new physical improvements to infrastructure a full disclosure of deficiencies as identified in LMC 15.07.050(D) shall be sufficient.

H. Decision for best process: Where there is a question as to the most appropriate review process for a new condominium development or conversion, the Director shall be given latitude necessary to determine and apply the process that would most reflect the underlying land form.

I. Decision for applicable requirements and conditions: In application of conditions to a new condominium development or conversion, the Director shall be given latitude to apply requirements and conditions necessary to achieve the objectives and intent of this chapter and state condominium law.

**15.07.050 Conversion - Inspection, Repair, Upgrades, Warranty.**

A. Multiunit buildings: The conversion of an existing building(s) into a condominium shall comply with the provisions of RCW 64.34.440(6) regarding building code compliance, reports and repairs. Within 45 days of the determination of a complete application, the Building Official shall inspect the building (s) and within 14 days of inspection prepare an inspection report consisting of the following:

1. A list and summary of housing codes adopted by Lacey that are applicable regardless of whether the real property is owned as a condominium or other form of ownership.
2. A list of any violations of the International Building Code (IBC) or other applicable regulations.
3. Recommendation of corrections necessary prior to approval and recording of the final condominium.

The inspection by the Building Official does not apply to building(s) that have received a certificate of occupancy from the City of Lacey within the preceding 24 months.

B. Building Official Determination: The recommendations of the Building Official shall be incorporated into the preliminary approval of the application and, if necessary, incorporated into conditions of approval that are to be satisfied prior to final approval and recording of the condominium.

C. Contracting for services required under Chapter 64.55 RCW: The City may contract with one or more professionals that qualify as a Building Review Professional under the definition of this chapter. Said professional or professionals shall be responsible for providing the information and services required of a Building Review Professional described herein.

Individual applicants will be responsible for payment of the costs and fees of the designated Building Review Professional for projects necessitating work to be performed by the Building Review Professional that is required under Chapter 64.55 RCW. The City shall be responsible for billing and collecting costs and fees charged to the applicant and transferring said payment to the Building Protection Professional unless the City has opted for some other mechanism of providing for the costs and fees, such as inclusion of such costs and fees in the schedule of application fees.

D. Mitigation strategies for non-multiunit conversions: An audit of infrastructure and other urban standards, typically applied to establishment of other similar urban development in a different ownership form, will be reviewed and disclosure required of any improvements that would be necessary to bring said facilities up to current standards. Said findings will be incorporated into an information disclosure along with a reserve study as part of the governing documents (covenants, conditions and restrictions) where detail of maintenance responsibilities and anticipated expenses can be addressed and disclosed to future purchasers.

E. Structures under individual ownership exempted. Where there is already private ownership of separate structures, such as manufactured home parks, the standards required under LMC 15.07.050D shall apply only to infrastructure and improvements that were owned and maintained by the park owner that will need to be assumed and maintained by the new condominium association.

**15.07.055 Conversion - Tenant Assistance.**

A. Impacts of conversion and need for assistance for low income households: Conversion of rental units or mobile/manufactured home parks to a condominium form of ownership may have significant impact to tenants who rent apartment units or spaces within a mobile/manufacture home park. Apartment renters may not be able to meet expenses associated with moving and relocation. Mobile/manufactured home owners who rent spaces are of

particular concern, faced with significant challenges finding available space for location of their home in addition to significant relocation costs. Low income tenants are at particular risk of not being able to meet financial costs of displacement.

Pursuant to RCW 64.34.440 and 59.21.021, impacted individuals, with a household income below 80% of the median income of comparable sized household in the standard metropolitan statistical area, may qualify for assistance during conversion of apartment units or mobile/manufactured home parks.

B. Multiunit structures with existing tenants: The City hereby exercises the option provided under RCW 64.34.440 to require any conversion condominium to comply with the requirements of RCW 64.34.440(6) regarding tenant relocation assistance and the requirements of RCW 64.34.440(7) for enforcement. The ~~Lacey Community Development~~ Director or his/her designee shall work with the conversion applicant(s), housing authority, and other non profit housing organizations as necessary, to help coordinate the smooth transition of qualified tenants into replacement housing.

Guidelines implementing this requirement shall be developed administratively by the ~~C~~community & economic ~~D~~development ~~D~~epartment.

C. Manufactured home parks and similar land forms: Applications for the conversion of a manufactured home park, mobile home park or similar land form shall mitigate displacement impacts to low income tenants. To identify current impacts and provide appropriate assistance, the City will require the applicant of a manufactured or mobile home park conversion to provide an analysis of impacts.

1. Identifying impacts and need:
  - a. A current analysis (within 120 days of the application date) of the number of available spaces for location of these units within the City of Lacey and Thurston County;
  - b. A current analysis (within 120 days of the application date) of the relative cost of moving units from the subject site to replacement sites and applicability of the costs identified in Chapter 59.21 RCW;
  - c. Proposed alternative mitigation strategies if moving units are not possible. This may include:
    - (1) Discounts with financing on the purchase of lots once the residents' lots are converted to condominium ownership;
    - (2) Purchase of the manufactured or mobile home unit at fair market value;
    - (3) Other strategies that mitigate the impact of loss of the resident's housing or moving expenses.
2. Forms of mitigation: There are generally two forms of mitigation discussed in state law for low income tenants; future rents, RCW 64.34.440(6) and relocation expenses for mobile manufactured homes, RCW 59.21.021. Both of these forms of mitigation may be used in developing a mitigation plan.

Within Chapter 59.21 RCW the state has established a program for relocation of displaced low income mobile/manufactured home owners. However, this program may have limited funds, a backlog over a year and requires outlay of expenses that will later be reimbursed. Because of these limitations it is not a guaranteed mitigation alternative for low income homeowners

The state program for reimbursement of relocation expenses for mobile/manufactured homes should be a part of a mitigation strategy proposed by the applicant, as well as other strategies necessary to mitigate impacts.

Other mitigation actions shall include:

- a. Work with low income mobile/manufactured home owners to help tenants secure loans to cover relocation expenses;
- b. Coordinating work with the state and tenants to qualify for relocation assistance;

- c. Helping locate areas to move homes through studies completed as part of the mitigation plan.
- d. Relocation expenses for future rents as allowed under Chapter 64.34 RCW.

**15.07.057 Incentives for conservation and development of affordable housing resources.**

- A. Incentive programs for housing: A condominium conversion will be eligible for incentives that may be available to promote housing goals. Condominium conversions are encouraged to participate in these program(s) as they become available.
- B. Forecasted planning area housing resources: Housing incentives available to a conversion may be based upon the demographic needs of individual planning areas or other incentive criteria as established by the city; see Chapter 16.58 LMC.

**15.07.060 Preliminary and Final Review.**

Preliminary and final review of the Project Plan Drawing and application shall follow the same review procedures and shall have the same review requirements for submittals and process as described in Chapter 15.06 LMC (Binding Site Plans),

**15.07.065 Review Criteria and Required Findings.**

The criteria used to review the application shall be as follows:

- A. Conformance with Plans and implementing codes: To assure conformance of the proposed condominium development or conversion to the general purposes of this chapter, all elements of the Comprehensive ~~Land Use~~ Plan and implementing legislation including the Zoning Code (LMC Title 16), the Development Guidelines and Public Works Standards, and other applicable planning standards, specifications and policies adopted by the city council shall be considered and where appropriate, required as conditions of the conversion. Provided, where this would include new physical improvements to infrastructure a full disclosure of deficiencies as identified in LMC 15.07.050(D) shall be sufficient;
- B. Conformance with requirements for a binding site plan. All the requirements discussed and required for a binding site plan in LMC 15.06.050 shall be met. Provided, where this would include new physical improvements to infrastructure a full disclosure of deficiencies as identified in LMC 15.07.050(D) shall be sufficient;
- C. Provisions for Inspections and relocation assistance: Adequate provision shall be made for requirements of LMC 15.07.050 and 15.07.055;
- D. Findings: Consideration shall be given to all of the above items. Written findings of fact on each item considered shall be provided in the decision.

**15.07.070 Final drafting standards for recording.**

The final Plan drawing shall conform to the general requirements of LMC 15.06.090. Provided the 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".

**15.07.073 Notice of Resource Lands.**

- A. General requirement for notice: Any new condominium development or condominium conversion that is within five hundred feet of a designated resource area shall have a statement on the face of the project plan drawing stating that the subject property is near a designated natural resource area. This statement shall designate on which said areas commercial activities may occur that may not be compatible with residential development for certain periods of limited duration. If the designated resource area is a mineral extraction site, like a gravel pit, the notice should also state that activities may include such things as mining, mineral extraction, washing, crushing, stockpiling, blasting and transporting and recycling of minerals.
- B. Intent and purpose of notice: In the Lacey growth area there are no areas of designated "long term commercial significance". Nevertheless, there are designated areas of short term use including mineral extraction, agricultural and forestry. These areas are expected to be utilized throughout the foreseeable future, and might have conflicts with other land use planned within the urban growth area. As such, the statements described in Subsection A. are required

to provide notice to perspective lot purchasers that are close to these areas for disclosure purposes, and also the protection of the short term resource activities established within the urban growth boundaries.

**15.07.080 Recording.**

A. Requirements for recording: The form and composition of applications for all condominiums within the City of Lacey shall meet the requirements of this chapter, as well as requirements of the Thurston County Assessor and Thurston County Auditor's office.

B. Required form for City of Lacey approval: A form for the signature of the ~~Lacey Community Development~~ Director, or designee, has been developed to demonstrate review and approval from the City of Lacey. This form, with the required signature, shall be submitted to the County Assessor and County Auditor's office with application for all condominium approvals within the City of Lacey.

C. No condominium recorded without City of Lacey review and approval: No declaration to create a condominium within the City of Lacey shall be filed or recorded at Thurston County or the state of Washington without first having been reviewed and approved of the City of Lacey. (Ord. 1369 §1, 2011).

**CHAPTER 15.08**  
**SHORT SUBDIVISION**

Sections:

- 15.08.010 Applicability
- 15.08.020 Presubmission conferences
- 15.08.030 Minimum standards
- 15.08.040 Application
- 15.08.050 Preliminary and final maps
- 15.08.060 Identification marker posting
- 15.08.070 Posting of other data and markers
- 15.08.080 Time for preliminary action
- 15.08.090 Department action
- 15.08.100 Conditional approvals
- 15.08.110 Final approval and recording
- 15.08.120 Certificates
- 15.08.130 Certification
- 15.08.140 Treasurer's certification
- 15.08.150 Redivisions
- 15.08.160 Appeals
- 15.08.170 Revocation procedure

**15.08.010 Applicability.**

Every division of contiguous land for the purpose of lease, sale or development into two or more but less than ten lots within the incorporated area of the city shall proceed in compliance with this chapter. (Ord. 1235 §1, 7, 2005).

**15.08.020 Presubmission conferences.**

Before making an application for short subdivision approval, the applicant shall attend a presubmission conference in accordance with Section 1B.020 of the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1235 §1, 7, 2005).

**15.08.030 Minimum standards.**

Design standards shall be substantially the same as those for subdivisions as itemized in Chapter 15.12 LMC, Design Standards [and the City of Lacey Development Guidelines and Public Works Standards](#). (Ord. 1235 §1, 7, 2005).

**15.08.040 Application.**

An applicant shall submit a complete short subdivision application to the community development department. A complete application for the purposes of this chapter shall consist of the following:

- A. Short subdivision application, supporting materials and fees;
- B. Environmental checklist, unless exempt under WAC 197-11-800, [LMC 14.24.055](#), or LMC 14.24.060;
- C. A vicinity sketch clearly identifying the location of the property being short subdivided, the sketch having a scale of not less than three inches to the mile;
- D. Copies of restrictions, if any, presently encumbering the land;
- E. Copies of restrictions, if any, proposed to be imposed upon the use of the land. Such restrictions, if required by the city, must be recorded either prior to or simultaneously with the moment the short plat becomes effective;
- F. In any short subdivision where lots are served or to be served by a private street, the subdivider shall furnish copies of such further covenants or documents that will result in:



1. Each lot owner having access thereto having responsibility for maintenance of any private street contained within the short subdivision, and
  2. Such covenants or documents shall obligate any seller to give actual notice to any prospective purchaser of the method of maintenance of the private road, which notice shall be caused to be included in any deeds or contracts relating to such sale, and such covenants or documents shall be recorded either prior to or simultaneously with the short subdivision.
- G. Be accompanied by a plat certificate no more than thirty days old from a title company showing interest of the persons signing the declaration of short subdivision and showing restrictions encumbering the land;
- H. Each application for short plat including wetlands or wetland buffers as defined in Chapter 14.28 LMC shall include all informational requirements of said chapter. (Ord. 1235 §1, 7, 2005).

**15.08.050 Preliminary and final maps.**

A preliminary map of the proposed short plat shall be submitted for preliminary short plat approval. The preliminary map need not be based upon a survey and shall be of the following dimensions: eighteen inches by twenty-four inches. A final short plat map shall be prepared in accordance with the standards contained in WAC 332-130-050 and shall be done on the Lacey Coordinate System by or under the supervision of a registered land surveyor. The final and preliminary map shall contain the following information:

- A. A description of the boundaries of the tract, including the objects that fix the corners, the length and direction of the lines, and the area of the tract. Also included shall be a description of the lots, tracts or parcels together with the legal description of the private roads and easement therein, all prepared by or under the direction of a registered land surveyor. In addition, where it differs from the description of the short subdivision, a legal description of the contiguous land owned by the subdivider;
- B. The date, scale and north arrow;
- C. The boundary lines to scale of the tract to be subdivided and each lot contained therein;
- D. The number assigned to each lot;
- E. The location and widths of any easements and rights-of-way for public services or utilities within the area contained within the short subdivision;
- F. The boundaries of all lands reserved in the deeds for the common use of the property owners of the short subdivision;
- G. The location of permanent features outside the land to be subdivided which will have an impact upon the short subdivision, such as all existing or platted streets and roads adjacent to the short subdivision, watercourse, railroad rights-of-way, all utility rights-of-way, township lines and section lines;
- H. The location of existing houses and outbuildings, with notation as to type of structure, sufficiently accurate to ensure compliance with setback requirements;
- I. Short plat maps shall show the location of environmentally sensitive areas, including, but not limited to, wetlands, shorelines, and streams. All pertinent information shall be shown on the preliminary and final short plat maps. (Ord. 1235 §1, 7, 2005).

**15.08.060 Identification marker posting.**

The subdivider shall, for property location and identification purposes only, cause markers of a type approved by the community & economic development department to be placed upon each of the approximate road frontage corners of the subject land and maintain them thereon during the period extending from the time of application to the time of final action for the purpose of permitting field checks of the proposed short subdivision. (Ord. 1235 §1, 7, 2005).

**15.08.070 Posting of other data and markers.**

Where other data or where identification markers are found necessary by any relevant agency to assist it in identification of the property or specific portions of the property in making its determination, such data and markers shall be placed upon the land and maintained thereon during the period extending from the time of application to the time of final action for the purpose of permitting field checks by the applicable agencies. (Ord. 1235 §1, 7, 2005).

**15.08.080 Time for preliminary action.**

Preliminary short subdivisions shall be reviewed according to the full administrative review process and timelines outlined in Section 1C.040 of the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1235 §1, 7, 2005).

**15.08.090 Department action.**

A. The community & economic development department shall consider and review the proposed short subdivision with regard to:

1. Its conformance to the general purposes, goals and policies of the Comprehensive Land Use Plan and standards of the Zoning Code, LMC Title 16, and other implementing legislation developed under the state Growth Management Act;
2. Its conformance with the City of Lacey Development Guidelines and Public Works Standards and whether appropriate provisions are made for: drainage ways, streets, alleys, other public ways, water supplies and sanitary wastes;
3. Its conformance with the Environmental Protection and Resource Conservation Plan and implementing legislation in LMC Title 14 including wetland, habitat, flood plain, steep slopes and geological sensitive areas. The physical characteristics of the short subdivision site shall be considered and the short plat may be denied because of environmentally sensitive features pursuant to LMC Title 14. Construction of protective improvements as a condition of approval may be required;
4. All other relevant facts to determine whether the public use and interest will be served by the short subdivision.48

B. The community development department may:

1. Approve the preliminary short plat with or without conditions; or
2. Return the short plat to the applicant for correction or for applicant's construction of improvements in a manner consistent with the department findings; or
3. Disapprove the short subdivision and the short plat thereof; or
4. Submit the proposed short plat to the hearings examiner for consideration. (Ord. 1235 §1, 7, 2005).

**15.08.100 Conditional approvals.**

When the community development department's approval of the preliminary short plat requires the meeting of conditions, the approval of such short plat shall not be final until said conditions are met and all required improvements have been installed and approved. Provided financial security may be provided to guarantee provision of required improvements pursuant to Chapter 15.16 LMC. The applicant shall have one year following preliminary short plat approval to fulfill said conditions. Provided, however, if a written request for extension is filed with the community development department prior to the expiration of such time period and the applicant has attempted in good faith to fulfill such conditions, the community development department may grant an additional one year period for the fulfillment of such conditions. (Ord. 1235 §1, 7, 2005).

**15.08.110 Final approval and recording.**

When all of the requirements of preliminary approval have been fulfilled and the subdivider has provided all of the required documentation and certification, then written approval shall be inscribed upon the face of the short plat. (Ord. 1235 §1, 7, 2005).

**15.08.120 Certificates.**

The following declarations and certificates must be obtained prior to final approval of the short subdivision:

- A. A declaration of short subdivision shown on the face of the short plat; and
- B. Certification of approval by the community development department given when it finds the short plat serves a public use and interest and complies with all adopted recommendations for approval. (Ord. 1235 §1, 7, 2005).

**15.08.130 Certification.**

The director of the community & economic development department shall sign the short plat once it is determined the short plat conditions have been satisfied. The plat shall also contain the inscription of the surveyor that the map correctly represents a survey made by or under his supervision. If the short plat contains a private road, there shall also be inscribed on the face of the short plat the following language:

NOTICE: The City of Lacey has no responsibility to build, improve, maintain or otherwise service the private roads within or providing access to the property described in this short plat. (Ord. 1235 §1, 7, 2005).

**15.08.140 Treasurer's certification.**

No final short plat shall be filed with the auditor until the treasurer has certified that all taxes and assessments on the property as of the date of filing have been paid in accordance with RCW 58.17.160(4). (Ord. 1235 §1, 7, 2005).

**15.08.150 Redivisions.**

Land within a short subdivision, the short plat of which has been approved within five years immediately preceding, may not be further divided in any manner until a final plat thereof has been approved and filed for record pursuant to the regulations concerning the subdivision of property into ten or more lots, tracts or parcels. Provided, however, when a short plat contains fewer than nine lots nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of nine lots within the original short plat boundaries pursuant to RCW 58.17.060(1).

Where there have been no sales of any lots in a short subdivision, nothing contained in this section shall prohibit a subdivider from completely withdrawing the entire short plat and thereafter presenting a new application. (Ord. 1235 §1, 7, 2005).

**15.08.160 Appeals.**

Any decision of the community development department may be appealed in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1235 §1, 7, 2005).

**15.08.170 Revocation procedure.**

Prior to the revocation of any approved short plat, notice will be mailed to the subdivider at the address listed on the application form setting a date and time not less than fifteen days or more than thirty days after date of mailing where the matter will be considered by the city council. Issuance of or final approvals of any building permits may be withheld until action on the proposed revocation is completed. Appropriate administrative or legal action may be taken after the meeting date provided for herein. If it is determined that such is necessary to prevent imminent sales, legal action may be instituted without notice by the city. (Ord. 1235 §1, 7, 2005).

## CHAPTER 15.10

### SUBDIVISION

#### Sections:

- 15.10.010 Preliminary plat presubmission conference
- 15.10.020 Preliminary plat review process and time limit for action
- 15.10.030 Preliminary plats within flood plain
- 15.10.040 Preliminary plat specific submission requirements
- 15.10.050 Standards
- 15.10.060 Preliminary plat distribution
- 15.10.070 Preliminary plat hearing - notice procedure
- 15.10.080 Preliminary plat hearing - public record
- 15.10.090 Preliminary plat hearings examiner review procedure
- 15.10.100 Preliminary plat hearings examiner report to city council
- 15.10.110 Preliminary plat city council - procedure
- 15.10.120 Preliminary plat council record
- 15.10.130 Preliminary plat notice of final decision
- 15.10.140 Preliminary plat duration of approval
- 15.10.150 Preliminary plat alterations
- 15.10.160 Final plat submission
- 15.10.170 Final plat specific requirements.
- 15.10.180 Final plat permanent control monuments
- 15.10.190 Final plat survey of subdivision and preparation of plat
- 15.10.200 Final plat drafting standards
- 15.10.210 Final plat approval
- 15.10.220 Final plats within flood zone
- 15.10.230 Final plats containing private streets
- 15.10.240 Filing for record
- 15.10.250 Final plat filing by subdivider
- 15.10.260 Final plat composition

#### **15.10.010 Preliminary plat presubmission conference.**

Prior to the submission of an application for a preliminary plat, the applicant shall attend a presubmission meeting in accordance with Section 1B.020 of the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1235 §1, 8, 2005).

#### **15.10.020 Preliminary plat review process and time limit for action.**

Preliminary plats of any proposed subdivision shall be reviewed according to the quasi-judicial process and timelines outlined in Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1235 §1, 8, 2005).

#### **15.10.030 Preliminary plats within flood plain.**

No plat shall be approved covering any land situated in a flood control zone as provided in Chapter 86.16 RCW without the proper written approval of the Washington State Department of Ecology. (Ord. 1235 §1, 8, 2005).

#### **15.10.040 Preliminary plat specific submission requirements.**

An applicant shall submit a complete subdivision application through the department of community & economic development. A complete application for the purposes of this chapter shall consist of the following:

- A. Preliminary plat application and supporting materials.
- B. Environmental checklist.
- C. Preliminary plats.

1. The preliminary plat shall show specifically and clearly all of the following features and information on one or more maps, drawings or application forms. Specific items may be waived if in the opinion of both the assigned planner and city engineer they are not necessary.
  2. Accuracy for all data and information submitted on or with a preliminary plat shall be the responsibility of the applicant. Any proposed plat found to be inaccurate or misleading shall not be considered a complete application and shall be returned to the applicant with a letter stating the application is incomplete pursuant to the requirements of the Development Guidelines and Public Works Standards Section 1B.040 and 1B.050.
- D. Scale and Size. The preliminary plat shall be at a scale of not more than fifty feet to the inch, nor less than two hundred feet to the inch.
- E. General Information Required.
1. Proposed name of the subdivision. This name shall not duplicate nor resemble the name of another subdivision in Thurston County and shall be approved by the hearings examiner;
  2. The names and addresses of all landowners within the proposed subdivision, the developer if other than the owners, the land surveyor and/or the professional registered engineer responsible for laying out the plat;
  3. The legal description of all lands included in the proposed subdivision;
  4. The plat scale, datum, north arrow and date;
  5. The boundary lines of the tract to be divided.
- F. Existing Conditions.
1. A vicinity sketch indicating the boundary lines and names of adjacent subdivisions, streets and boundary lines of adjacent parcels, and the relationship of the proposed subdivision to major highways, schools, parks, shopping centers and similar facilities;
  2. Replats. If the plat constitutes a replat, the lots, blocks, streets, etc., of the original plat shall be shown with dotted lines in their proper positions in relation to the new arrangement of the plat; the new plat being so clearly shown in solid lines so as to avoid ambiguity, all as required by Chapter 58.12 RCW;
  3. The location and direction of all watercourses, lakes and streams and the location of all areas subject to flooding. Watercourses and drainage ways shall be located within an easement which reserves to the city the right to enter such properties for the purpose of flood control or maintenance;
  4. Natural features such as rock outcroppings, marshes, wooded areas;
  5. Existing uses on the property, including location of all existing structures to remain on the property after platting;
  6. Existing zoning on the land to be platted and also on the surrounding land for a distance of three hundred feet;
  7. The location and size of all pertinent existing sewers, water mains, culverts, and other public or private underground installations within the subdivision and immediately adjacent thereto and elevations of sewers at points of probable connections;
  8. The location, widths and names of both unopened and open streets, access points on both sides of the street, site distance information at proposed intersections, easements and other ways within or adjacent to the proposed development. The location of other important features such as the general outline of permanent buildings, water sources, power lines, telephone lines, railroads, city boundaries, section lines and section corners;

9. All parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved in the deeds for common use of the property owners in the subdivision with the purpose, conditions, or limitations of such dedications or reservations clearly indicated;

10. Trees and natural features which are to be preserved in the subdivision.

G. Proposed Plan of Partitioning.

1. The location, width, name and approximate grade and radii of curves of streets. The relationship of streets to any projected streets as shown on the Comprehensive Land Use Plan and the Transportation Plan.

2. Sites, if any, allocated for purposes other than single-family dwellings.

3. Approximate centerline profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction.

4. A proposal for domestic water supply stating the source and preliminary distribution system layout.

5. Proposals for sewage disposal, storm water drainage and flood control.

6. If lot areas are to be substantially graded, a plan showing the nature of cuts and fills and information on the character of the soil.

7. Proposals for other improvements such as electric utilities and boat docks, pathways, recreation facilities, etc.

8. The layout of proposed street rights-of-way, alleys, easements, lots and blocks, and the approximate dimensions of each.

9. All parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved in the deeds for common use of the property owners in the subdivision with the purpose, conditions, or limitation of such dedications or reservations clearly indicated.

10. Trees and natural features which are to be preserved in the subdivision.

H. Partial Development. If the proposed plat pertains to only part of the tract owned or controlled by the subdivider, a sketch showing the tentative layout for streets and contemplated land use in the unsubdivided portion shall be submitted.

I. Additional Information. The subdivider shall supply any additional information as may be required by the staff.

J. Wetland, Habitat and other sensitive area Information. A preliminary plat application that involves wetlands, wetland buffer areas, habitat area or other sensitive areas pursuant to Chapter 14.28, 14.33, 14.34, 14.36, or 14.37 LMC, shall include all information required by those chapters for proper consideration of wetlands, habitat, and other sensitive area issues during preliminary plat review. (Ord. 1235 §1, 8, 2005).

**15.10.050 Standards.**

Preliminary plats shall meet all of the design standards of Chapter 15.12 LMC. (Ord. 1235 §1, 8, 2005).

**15.10.060 Preliminary plat distribution.**

The assigned planner shall distribute copies of the preliminary plat and pertinent information to agencies and departments affected by the proposal or with review authority. Other departments and agencies may charge additional fees. (Ord. 1235 §1, 8, 2005).

**15.10.070 Preliminary plat hearing - notice procedure.**

Upon receipt of a preliminary plat and all required data, the planner shall set a date for public hearing before the hearings examiner. Notice of the date, time and place of the public hearing before the hearings examiner shall follow

the guidelines for quasi-judicial review in Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards, in addition to the following notifications:

- A. Notice to any town, city or county whose boundaries are adjacent to or within one mile of the proposed subdivision;
- B. Notice to the state Department of Transportation on every proposed subdivision located within three hundred feet of the right-of-way of a state highway;
- C. Notice to the state Department of Ecology, Division of Water Resources, if the land is situated in a floodplain or flood control zone as provided in Chapter 86.16 RCW;
- D. Notice to any city or town whose utilities are contemplated to be used by the proposed subdivision;
- E. Notice to other federal, state or local agencies as may be relevant to determine if the public use and interest may be served by the proposed subdivision. (Ord. 1235 §1, 8, 2005).

**15.10.080 Preliminary plat hearing - public record.**

All hearings shall be public. Records of the hearings examiner hearings on preliminary plats shall be kept by the community development department and shall be made available to the public upon request. (Ord. 1235 §1, 8, 2005).

**15.10.090 Preliminary plat hearings examiner review procedure.**

At the public hearing the hearings examiner shall consider all relevant evidence to determine whether to recommend that the preliminary plat be approved or disapproved by the city council. Any hearing may be continued at the discretion of the hearings examiner within the time limits allowed by law. The hearings examiner's obligation to review the preliminary plat shall be as follows:

- A. To assure conformance of the proposed subdivision to the general purposes of this chapter, all elements of the Comprehensive Land Use Plan and implementing legislation including the Zoning Code (LMC Title 16), the Development Guidelines and Public Works Standards, and other applicable planning standards, specifications and policies adopted by the city council shall be considered;
- B. To inquire into the public use and interest proposed to be served by the establishment of the subdivision and/or dedication, the examiner shall determine if appropriate provisions are made for, but not limited to, the following:
  - 1. Prevention of overcrowding. Consideration shall be given to designations of the Comprehensive Land Use Plan and Zoning Code, and the requirements of the Development Guidelines and Public Works Standards in consideration of the physical characteristics of the land in relation to the number of persons, buildings or sites proposed to be located thereon, and also to the availability of public facilities such as water, sewers, fire protection, streets, schools, parks, etc., if not adequately provided for within the subdivision.
  - 2. Conformance with the Transportation Plan and Development Guidelines and Public Works Standards to facilitate traffic circulation on the streets and highways. Proposed streets must be aligned or built in such a way as to best facilitate the movement of pedestrians and vehicles and reduce the possibility of crashes. Traffic calming techniques and other standards of the Development Guidelines and Public Works Standards will be required. Key pedestrian intersection improvements for pedestrians will be considered where so designated on the Comprehensive Land Use Plan Map.
  - 3. Meeting requirements of the Zoning Code (LMC Title 16) and Design Review (Chapter 14.23 LMC) to provide adequate light air and privacy by meeting setbacks, dimensional standards, yard areas and design principals. Assurance that the plat is arranged in such a way that all lots have adequate light, air, and opportunity for privacy.
  - 4. Satisfying principals, goals and policies of the Comprehensive Land Use Plan and Parks and Recreation Comprehensive Plan ~~for Outdoor Recreation~~ for proper arrangement and provision of easements and pathways and other bicycle-pedestrian paths, etc. Adequate provisions for pathways, sidewalks and other pedestrian

features connecting various parts of a subdivision shall be an emphasis of design. Goals and policies of the Comprehensive ~~Land Use~~ Plan for key pedestrian intersections and improvements shall be used when designing pedestrian movement and circulation. Consideration shall be given to key focus areas in every neighborhood, particularly considering local grade schools and open space, and how each subdivision relates to these areas and provides connectivity to key sites within each neighborhood. Provisions for trail systems in areas conducive to such (along creeks, rivers, scenic areas, etc.) shall also be considered.

5. Conformance with goals, policies and standards of the Parks and Recreation Comprehensive Plan ~~for Outdoor Recreation~~ and standards of this title for provision of adequate recreation and open space and buffers. Sufficient guaranteed open space and recreational areas shall be designed and provided to adequately serve the subdivision. Plans for connectivity between subdivisions and throughout neighborhood areas shall be provided to residents of the subdivision and shall be implemented in the design of each subdivision. This shall include trail systems, key pedestrian intersection concepts, sensitive area buffers and corridors with trails systems and other global circulation concepts (including more than just the local circulation of the individual subdivision) for the neighborhood and community.

C. To consider the physical characteristics of the proposed subdivision site. The hearings examiner may recommend disapproval because of flood, inundation or wetland or other sensitive area conditions pursuant to the standards of LMC Title 14. The examiner may recommend the construction of protective improvements be required as a condition of approval, with such improvements to be noted on the final plat in order to assure that:

1. All such proposals are consistent with the need to minimize flood damage;
2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided so as to reduce exposure to flood hazards;
4. Other purposes as described in the ~~City Environmental Protection and Resource Conservation Plan and~~ implementing legislation of LMC Title 14 are achieved.

The hearings examiner shall give due consideration to all of the above items. Written findings of fact on each item considered shall be submitted to the city council with the preliminary plat. (Ord. 1235 §1, 8, 2005).

#### **15.10.100 Preliminary plat hearings examiner report to city council.**

The hearings examiner shall prepare a recommendation to the city council according to the process outlined in Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards. The hearings examiner shall submit such written decision and findings of fact and recommendations to the city council. The hearings examiner may recommend that the proposed plat be approved, conditionally approved or disapproved. In the event that a decision cannot be reached by the hearings examiner, the preliminary plat shall be forwarded to the city council with no recommendation. (Ord. 1235 §1, 8, 2005).

#### **15.10.110 Preliminary plat city council--procedure.**

Upon receipt of the recommendations on any preliminary plat, the city council shall, at a public meeting held no longer than thirty days from the date of the hearings examiner's recommendation, adopt, reject or modify with findings the hearings examiner's recommendations.

After reviewing the written record and hearings examiner's report, the city council shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine if appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds, and shall consider all other relevant facts and determine whether the public interest will be served by the subdivision and dedication. If it finds that the proposed plat makes appropriate provisions for the public health, safety and general welfare and for such open spaces, drainage ways, streets, alleys, access points, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds and that the public use and interest will be served by the platting of such subdivision, then it shall be approved. If it finds the



proposed plat does not make such appropriate provisions or the public use and interest will not be served, then the city council may disapprove the proposed plat. (Ord. 1235 §1, 8, 2005).

**15.10.120 Preliminary plat council record.**

A record of all public meetings of the council shall be kept by the city clerk and shall be made available to the public upon request. (Ord. 1235 §1, 8, 2005).

**15.10.130 Preliminary plat notice of final decision.**

Upon approval, disapproval or modification of the preliminary plat by the council, the assigned planner shall so notify the applicant by mail pursuant to the notice requirements of the Development Guidelines and Public Works Standards Section 1C.070 within ten days of said action. The action of the council shall be noted on two copies of the preliminary plat, including reference to any attached documents describing conditions imposed by the council. The planner shall return one copy to the subdivider and retain one copy for the permanent file. (Ord. 1235 §1, 8, 2005).

**15.10.140 Preliminary plat duration of approval.**

A. Approval of the preliminary plat shall be effective for five years from the date of approval by the city council, during which time a final plat or plats may be submitted. During this time the terms and conditions upon which the preliminary approval was given will not be changed.

B. An applicant who files a written request with the community & economic development department at least thirty days before the expiration of this five-year period, shall be granted a one-year time extension by the ~~Director~~ ~~hearings examiner~~ upon showing that the applicant has attempted in good faith to submit the final plat within the five-year period.

C. An applicant who files a written request with the community & economic development department prior to the expiration of the one one-year time extension may be granted additional extension(s) for not more than one year at a time by the ~~Director~~ ~~hearings examiner~~. If this additional extension of time is approved, the preliminary plat shall be subject to all new and amended regulations, requirements, policies or standards which are adopted or in effect at the time the additional extension is granted.

D. Knowledge of the expiration date and initiation of a request for extension of approval time is the responsibility of the applicant. The city shall not be held accountable for notification, although it may notify an applicant of the date of expiration. All requests for an extension of time must be submitted prior to expiration of the preliminary plat or any prior extensions, whichever is applicable. (Ord. 1235 §1, 8, 2005).

**15.10.150 Preliminary plat alterations.**

Once the preliminary plat has been submitted it shall not be altered unless approved by both the assigned planner and city engineer. If the alteration is felt to be of a substantial nature by the planner and city engineer, then it shall be required that the plat be resubmitted in compliance with these regulations. (Ord. 1235 §1, 8, 2005).

**15.10.160 Final plat submission.**

Within five years after approval or within one year following extension of the preliminary plat, or as otherwise provided by law, the subdivider shall prepare a final plat in conformance with the preliminary plat (or portion thereof) as approved, and submit it to the department of community development. (Ord. 1235 §1, 8, 2005).

**15.10.170 Final plat specific requirements.**

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

- A. A certificate of title by a recognized title insurance company, dated not to exceed thirty days prior to submitting a plat for final approval, showing the names of all persons whose consent is necessary to dedicate roads, streets and other easements shown upon the map;
- B. Names, addresses, and phone numbers of the owner, subdivider, engineer, and/or surveyor;
- C. A copy of any deed restrictions applicable to the subdivision;

- D. A copy of any dedication requiring separate documents;
- E. A certificate by the city engineer that the subdivider has complied with one of the following:
  - 1. All improvements have been installed in accordance with the requirements of these regulations and with the action of the council giving conditional approval with approval of the preliminary plat;
  - 2. An agreement has been executed as provided for in LMC 15.20.020 to assure completion of required improvements.
- F. The date, scale, north arrow, legend, controlling topography and existing features such as highways and railroads. The basis for bearings shall be the Lacey Coordinate System;
- G. Legal description of the tract boundaries;
- H. Reference points and lines of existing surveys identified, related to the plat as follows:
  - 1. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision;
  - 2. Adjoining corners of adjoining subdivisions;
  - 3. City or county boundary lines when crossing or adjacent to the subdivision;
  - 4. Section and donation land claim lines within and adjacent to the plat;
  - 5. Whenever the county or a city has established the centerline of a street adjacent to or within the proposed subdivision, the location of this line and monuments found or reset;
  - 6. All other monuments found or established in making the survey of this subdivision or required to be installed by provisions of this title.
- I. Mathematical boundary closures of the subdivision showing the error of closure, if any;
- J. The mathematical lot closures and street centerline closures, and square footage of each parcel;
- K. The exact location and width of streets and easements intersecting the boundary of the tract;
- L. Tract, block, and lot boundary lines and street rights-of-way and centerlines, with dimensions, bearings or deflection angles, radii, arcs, points of curvature, and tangent bearings. Tract boundaries, lot boundaries and street bearings shall be shown to the nearest second with basis of bearings. All distances shall be shown to the nearest one-hundredth foot;
- M. The width of the portion of streets being dedicated, the width of any existing right-of-way, and the width on each side of the centerline. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated;
- N. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearings, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication;
- O. Lot numbers beginning with number "1" and numbered consecutively without omission or duplication throughout the plat. The numbers shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure. Lot numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision;

- P. Land parcels to be dedicated for any purpose, public or private, shall be distinguished from lots intended for sale;
- Q. The following certificates may be combined where appropriate:
1. A certificate signed and acknowledged by all parties with any record title interest in the land subdivided, consenting to the preparation and recording of the plat;
  2. A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final map intended for any public use except those parcels which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants;
  3. A certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and final map;
  4. Other certifications now or hereafter required by law.
- R. Lots containing one acre or more shall show net acreage to nearest hundredth, whenever possible;
- S. Each and every plat, or replat, 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 subdividing and platting of the land for which subdivision approval is sought shall examine and approve such plats on behalf of the city;
  2. Be accompanied by a complete survey of the section or sections in which the plat or replat is located, or as much thereof as may be necessary to properly orient the plat within such section or sections. The plat and section survey shall be submitted with complete field and computation notes showing the original or reestablished 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 plat shall accompany this data. The allowable error of closure shall not exceed one foot in five thousand feet;
  3. Be acknowledged by the person filing the plat 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 plat 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.
- T. Final application shall include information necessary to determine whether all conditions of approval have been met. (Ord. 1235 §1, 8, 2005).

**15.10.180 Final plat permanent control monuments.**

Permanent control monuments shall be established at each and every controlling corner on the boundaries of the parcel of land being subdivided. The city shall determine the number and location of permanent control monuments within the plat, if any. (Ord. 1235 §1, 8, 2005).

**15.10.190 Final plat survey of subdivision and preparation of plat.**

The survey of the proposed subdivision and preparation of the plat shall be done using the City of Lacey Coordinate System and shall be made by or under the supervision of a registered land surveyor who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. (Ord. 1235 §1, 8, 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 0.08 inches 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 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. 1480 §5, 2015; Ord. 1235 §1, 8, 2005).

**15.10.210 Final plat approval.**

- A. Upon receipt of the final plat and accompanying data, the staff of the community & economic development planning, engineering, 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.
- 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. 1480 §6, 2015; Ord. 1235 §1, 8, 2005).

**15.10.220 Final plats within flood zone.**

No plat shall be approved covering any land situated in a flood control zone as provided in Chapter 86.16 RCW without the proper written approval of the Washington State Department of Ecology. (Ord. 1235 §1, 8, 2005).

**15.10.230 Final plats containing private streets.**

If the plat contains a private road, there shall be inscribed on the face of the plat the following language:

“Notice: The City of Lacey has no responsibility to build, improve, maintain or otherwise service the private roads within or providing access to property described in this plat.” (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 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.

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. 1480 §7, 2015; Ord. 1235 §1, 8, 2005).

**15.10.250 Final plat filing by subdivider.**

Approval of the final plat shall be null and void if the plat is not recorded within thirty days after the date the last required signature has been obtained. (Ord. 1235 §1, 8, 2005).

**15.10.260 Final plat composition.**

- A. Dedication. The completed plat must contain a dedication which shall read as shown on Table 15T-01, or as approved by the planner.
- B. Acknowledgment. The completed plat must show an acknowledgment in the form as shown on Table 15T-02, or as approved by the planner.
- C. Certificate--Land Surveyor. The completed plat must show certificate from engineer or land surveyor who platted the property in the form as shown on Table 15T-03, or as approved by the planner.<sup>1</sup>
- D. Any plat that is within five hundred feet of a designated resource area shall have a statement on the face of the plat ~~in conformance with LMC 15.01.060, stating that the subject property is near a designated natural resource area on which commercial activities may occur that may not be compatible with residential development for certain periods of limited duration. If the designated resource area is a mineral extraction site, like a gravel pit, the notice should also state that activities may include such things as mining, mineral extraction, washing, crushing, stockpiling, blasting and transporting and recycling of minerals. In the Lacey growth area there are no areas of designated "long term commercial significance". Nevertheless, there are designated areas of short term use including mineral extraction, agricultural and forestry. These areas are expected to be utilized throughout the foreseeable future, and might have conflicts with other land use planned within the urban growth area. As such, the statements above are required to provide notice to perspective lot purchasers that are close to these areas for disclosure purposes, and also the protection of the short term resource activities established within the urban growth boundaries.~~ (Ord. 1480 §8 (part), 2015; Ord. 1235 §1, 8, 2005).

---

<sup>1</sup> Editor's Note: See *Table 15T-04* for an example of a final plat map.

## CHAPTER 15.12

### DESIGN STANDARDS FOR SUBDIVISIONS, SHORT SUBDIVISIONS AND BINDING SITE PLANS

#### Sections:

- 15.12.010 General standards
- 15.12.020 Streets
- 15.12.030 Water supply
- 15.12.040 Sewage disposal
- 15.12.050 Storm drainage
- 15.12.060 Fire protection standards
- 15.12.070 Utility standards
- 15.12.080 Lots
- 15.12.085 Community design
- 15.12.090 Pedestrian features
- 15.12.100 Blocks
- 15.12.110 Easements
- 15.12.120 Open space/park
- 15.12.130 Street lights

~~15.12.140 — Pedestrian and transit friendly improvements~~

#### 15.12.010 General Standards.

A. The design and development of a subdivision, short plat ~~or~~ binding site plan, or alteration thereof shall conform with the goals and policies of all of the elements of the City of Lacey Urban Growth Area Comprehensive Land Use Plan, and the standards and requirements of the Zoning Ordinance LMC Title 16, Development Guidelines and Public Works Standards, environmental legislation contained in LMC Title 14, design criteria of Chapter 14.23 LMC, and other regulations and resolutions adopted by the city council.

B. The design and development of subdivisions, short plats and binding site plans shall comply with the provisions contained in LMC Title 14 for designated critical areas, and, insofar as it is possible, preserve or enhance the natural terrain, natural drainage, trees and other natural vegetation.

C. Design standards for short subdivisions shall be substantially the same as those for subdivisions. Provided, residential short plats shall have no common open space requirements. In addition, short plats designed for infilling on parcels of record and with existing residential development shall meet the following minimum requirements:

1. Each newly created lot shall provide minimum street frontage as provided in the zoning district in which it is located. Private streets or drives shall not be used to provide access to new lots.
2. Each newly created lot shall be configured in a manner so that new residential construction will be oriented parallel to the fronting public road. Flag lots or other configurations that result in the placement of a structure behind an adjacent residential unit shall not be allowed.
3. Each new lot shall have sufficient area for the construction of a new residential structure meeting all requirements of the underlying zoning standards of LMC Title 16, and Design Review Standards of Chapter 14.23 LMC.

D. Design standards for commercial short plats and binding site plans shall be substantially the same as for commercial plats. (Ord. 1235 §1, 9, 2005).

#### 15.12.020 Streets.

A. Streets shall satisfy the goals and policies of the City Transportation Plan and the City of Lacey & Lacey Urban Growth Area Comprehensive Land Use Plan and meet City Development Guidelines and Public Works Standards.

- B. A modified grid pattern with alleys is encouraged.
- C. The alignment of major streets shall conform as nearly as possible with that shown on the Comprehensive ~~Land Use~~ Plan and associated Transportation Element (the City Transportation Plan) of the growth area.
- D. The layout of streets shall provide for the continuation of principal streets existing in adjoining subdivision or of their proper connections when adjoining property is not subdivided. The layout shall also provide for future connection of streets into areas which presently are not subdivided.
- E. The layout of streets should consider orientation to be able to take advantage of solar access opportunities for development of lots.
- F. Local residential streets which serve primarily to provide access to abutting property only shall be designed to discourage through traffic. A full range of traffic calming techniques may be required.
- G. Where a subdivision abuts or contains an existing or proposed arterial or collector street, the subdivision shall be required to provide a twenty foot buffer between the road and lot lines, designated as common property, with screen planting separated from the lots for protection of residential properties from noise, light and glare and to afford separation of through and local traffic.
- H. All streets within a subdivision shall either be dedicated to the public, or be private streets to be owned and maintained by an approved homeowners' association. Public and private streets shall be subject to the design and construction requirements of the City's Development Guidelines and Public Works Standards. (Ord. 1235 §1, 9, 2005).

**15.12.030 Water Supply**

All lots shall be served by the sanitary water system approved by the city of Lacey.

All water supply systems shall be designed and constructed according to all applicable provisions of LMC Title 14 and the City's Development Guidelines and Public Works Standards. (Ord. 1235 §1, 9, 2005).

**15.12.040 Sewage disposal.**

All lots shall be ~~provided with provisions for sanitary served sewer in conformance with by the sanitary sewer system of the city of Lacey or an approved septic tank system approved by the Thurston County Department of Health. All sanitary sewers shall be designed and constructed according to~~ all applicable provisions of Development Guidelines and Public Works Standards. (Ord. 1235, §1, 9, 2005).

**15.12.050 Storm drainage.**

All lots shall be provided with adequate provisions for storm drainage that is connected to the storm drainage system of the city or other on-site system as approved by the director of public works. All storm drainage systems shall be designed and constructed according to all applicable provisions of the Development Guidelines and Public Works Standards ~~and the Stormwater Design Manual, as amended.~~ (Ord. 1235 §1, 9, 2005).

**15.12.060 Fire protection standards.**

The land division shall meet all fire protection requirements pursuant to the Development Guidelines and Public Works Standards and LMC Title 14. (Ord. 1235 §1, 9, 2005).

**15.12.070 Utility Standards.**

- A. Utilities serving all land divisions shall be placed underground and shall be in conformance with the provisions contained in the Development Guidelines and Public Works Standards. If topographic constraints otherwise prohibit their placement underground, the public works director may waive this requirement.
- B. Where possible, utilities shall serve lots through alleys. If alleys are not available, easements may be required along the lot lines or through blocks where necessary for the extension of existing or planned utilities. Such easements shall have written approval from the utility purveyor prior to the acceptance of the final plat. (Ord. 1235 §1, 9, 2005).

**15.12.080 Lots.**

- A. Lot size, width, shape and orientation shall be appropriate for the location and contemplated use of the subdivision. Each lot shall contain a satisfactory building site and shall conform to requirements of the Zoning Code and Comprehensive ~~Land Use~~ Plan.
- B. Consideration should be given to orientation of lots that takes advantage of solar access.
- C. Each lot shall be provided with satisfactory access by means of a public street or by some other legally sufficient right-of-access which is permanent and inseparable from the lot served.
- D. Side lot lines shall be substantially at right angles or radial to street lines unless other factors considered in item G below suggest a different configuration has advantages.
- E. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. For such lots, there shall be a reserve strip designated alongside the lot lines abutting such a traffic arterial to which there shall be no right-of-access.

F. Modulation of front yard setbacks. To avoid long monotonous rows of homes, particularly where street grids are used, land divisions shall ~~may~~ integrate setback offsets. Setbacks may be adjusted on the plat sufficient to create desired design opportunities. At the request of the developer front yard setbacks may be increased on some lots and reduced on other lots, by up to thirty percent. ~~A minimum front yard setback of ten feet is required. In zoning districts where the minimum front yard setback is only ten feet, the front yard setbacks for those particular lots may be reduced up to thirty percent (down to seven feet, for example), but no porch projections into the front yard setback are permitted on such lots (preventing the scenario where porches could be within one foot of the sidewalk).~~ (See Table 15T-05 and 15T-06 for good and bad examples of front yard setback modulation.)

Commented [CO8]: Revisions to this subsection include to the design requirement to modulate front yard setbacks and requiring a minimum ten foot front yard setback. Ten foot minimum setback is required by the International Fire Code.

Other setback options can be considered by the director at the subdivision stage if requested by the developer to promote better design. Alternative setback concepts should create opportunities for such things as a more interesting streetscape, more privacy for lots, or be necessary to maximize solar orientation or other desired design outcomes that require flexibility from standard setbacks.

~~G. — Alternative lot configurations. Alternative lot configurations can be considered to maximize design opportunities for land divisions, as identified in LMC 14.23.072. Alternatives can consider functional and aesthetic components of design. Functional considerations include efficient access and utilization of open space and natural amenities, opportunities for privacy on individual lots, pedestrian connections, neighborhood focus points, micro-climate and solar access opportunities, safety issues and other considerations related to the functionality of the plat serving the physical needs of future residents. Aesthetic issues will include the look and feel of the streetscape and the land division's visual integration with adjacent development. (Ord. 1310 §11, 2008; Repealed Ord. 1310 §10, 2008; Ord. 1235 §1, 9, 2005.)~~

Commented [CO9]: Already addressed in the Planned Residential Development and variance provisions.

**15.12.085 Community design.**

- A. Development of Neighborhoods. Each new residential project shall be designed to be integrated with the surrounding neighborhood to ensure that it maintains the established character. Subdivisions in city expansion areas should be designed so that individual, separately developed projects work together to create distinct neighborhoods, instead of disjointed or isolated enclaves.
- B. Integration with Existing/Planned Open Space. New subdivisions adjacent to planned or existing parks or other public open spaces (e.g., creeks, riparian areas), or the landscaped grounds of schools or other public facilities should maximize visibility and pedestrian access to these areas through street configuration, pathways, and development orientation.
- C. Integration with Natural Amenities. Natural amenities (views, mature trees, creeks, rock outcrops, and other similar features) should be preserved and integrated with the development as an amenity to the maximum extent feasible and as required in the Zoning Code. Clustering of lots/units and adjusting roadway configuration to



integrate these features is encouraged as a means of achieving these goals. Public access and visibility to these natural amenities is encouraged. For example, trails along the perimeter of wetland buffers are an attractive option.

D. Edges and Fences.

1. "Gated communities," and other residential developments designed to appear as continuous walled-off areas, disconnected and isolated from the rest of the community, shall not be permitted. Design shall consider neighborhood focus points and opportunities to promote participation and integration into the surrounding neighborhood and the Lacey community. While walls and fences may be useful for security, sound attenuation and privacy, these objectives can often be met by creative design that controls the height and length of walls, develops breaks and variations in relief, and uses landscaping, along with natural topographical changes, for screening.
2. Encourage residential developments to face arterials (except for principal arterials) instead of backing up to them and walling off the street. Such lots along arterials could be designed with alleys to provide for garage access.
3. For fences along side yards at the end of a block, a three-foot planting strip with native and drought tolerant shrubs and groundcover is required to help screen the fence and add visual interest. Where more than one house backs up to a public right-of-way, planting strips at least ten feet wide with a combination of trees, and native and drought tolerant shrubs, and groundcover sufficient to screen the fence are required. Vegetated LID facilities can also be used to meet screening requirements. The required landscaped areas and fence location shall be noted on the plat.

E. Architectural Diversity. Subdivisions shall be designed to accommodate a variety of architectural treatments pursuant to LMC 14.23.072. (Ord. 1496 §29, 2016; Ord. 1310 §12, 2008.)

**15.12.090 Pedestrian features.**

- A. Adequate provisions for pathways, sidewalks and other pedestrian features connecting various parts of the land division shall be an emphasis of design. Goals and policies of the Comprehensive ~~Land Use~~ Plan for key pedestrian intersections and improvements, [Chapter 4 of the City of Lacey Development Guidelines and Public Works Standards](#), and applicable criteria of the design review Chapter 14.23 LMC shall be used when designing pedestrian movement and circulation.
- B. For residential land divisions, consideration shall be given to key focus areas in every neighborhood, particularly considering local grade schools, and how each land division relates to these areas and provides connectivity to key sites within each neighborhood. Particular emphasis shall be given to provision of sidewalks and other planning features that assure safe walking conditions for students who walk to and from school pursuant to RCW 58.17.060(2).
- C. For commercial land divisions, emphasis shall be connectivity with adjacent neighborhoods, commercial uses on site and providing a comfortable, safe and convenient pedestrian movement throughout the land division.
- D. The overall design of the land division shall emphasize the pedestrian and shall provide for pedestrian circulation within the public right-of-way. However, pedestrian corridors and walks shall be provided outside the public right-of-way where necessary to provide access and connectivity to key areas within or adjacent to the land division or neighborhood. The pedestrian corridor shall be wide enough to accommodate the anticipated use. Paved areas shall be minimized and permeable paving used where feasible. These areas shall be located where it is most convenient for pedestrians to provide circulation or access to schools, playgrounds, shopping centers, bus stops and other community facilities. Such areas shall be designed as common property and maintained by the home owners/lot owners association or dedicated to a public entity.
- E. Residential or commercial land divisions shall meet the pedestrian design requirements for the zone in which it is located pursuant to requirements of Chapter 14.23 LMC. (Ord. 1496 §30, 2016; Ord. 1235 §1, 9, 2005).

**15.12.100 Blocks.**

A. Blocks shall be consistent with the topography and the needs for convenient access, circulation, control and safety of street traffic, and type of land use proposed, but ordinarily, block lengths shall not exceed five hundred feet or be less than two hundred fifty feet.

B. Except for reverse frontage parcels, the width of blocks shall ordinarily be sufficient to allow for two tiers of lots of depths consistent with the type of land use proposed and an alley. The depth of lots will depend upon the zoning district the subdivision is in. (Ord. 1235 §1, 9, 2005).

**15.12.110 Easements.**

A. Easements for public utilities shall be provided in alleys or on front or side lot lines where necessary when alleys are not available. Such easements shall not be more than is required for normal provision of utilities and maintenance; normally ~~ten five~~ feet. Insofar as possible, the easements shall be continuous and aligned from block to block within the subdivision and with adjoining subdivisions.

Commented [CO10]: This standard has been changed to a 10 foot minimum.

B. Easements for unusual facilities such as high voltage electrical lines, shall be of such widths as is adequate for the purpose, including any necessary maintenance roads. (Ord. 1235 §1, 9, 2005).

**15.12.120 Open space/park.**

The minimum usable open space/park area for commercial/industrial land divisions of ten acres or more and all residential land divisions, ~~except short subdivisions~~, shall be ten percent of the total site. At least half of the open space within a residential development must be usable for active recreation. Open space shall meet the design criteria contained in LMC 14.23.088. (Ord. 1431 § 4, 2014; Ord. 1310 §14, 2008; Repealed Ord. 1310 §13, 2008; Ord. 1235 §1, 9, 2005).

**15.12.130 Street lights.**

A. Street lights within residential subdivisions shall be of a pedestrian scale, meeting requirements of the Development Guidelines and Public Works Standards and the intent of the Comprehensive ~~Land Use~~ Plan to provide a pedestrian emphasis in our residential neighborhoods. Street lights shall be of a design and shall be spaced according to the City's Development Guidelines and Public Works Standards.

B. In addition to, normal collector and arterial street lighting, street lights in commercial subdivisions and in commercial zones with a pedestrian emphasis shall provide pedestrian scale street lights for pedestrian areas. The design shall be consistent with the lighting standards for the specific commercial zone pursuant to the Development Guidelines and Public Works Standards, ~~local planning sub~~area plan or neighborhood plan, if any. (Ord. 1235 §1, 9, 2005).

~~**15.12.140 Pedestrian and transit friendly improvements.**~~

~~Each residential or commercial subdivision shall meet the pedestrian design requirements for the zone in which it is located pursuant to requirements of Chapter 14.23 LMC. (Ord. 1235 §1, 9, 2005).~~

Commented [CO11]: Provisions stated above.

## CHAPTER 15.14

### DEDICATIONS - PLATS, SHORT PLATS AND BINDING SITE PLANS

#### Sections:

- 15.14.010 Requirements
- 15.14.020 Shown on plat, short plat or binding site plan
- 15.14.030 Access to lots
- 15.14.040 Exemption - Conveyance to corporation
- 15.14.050 Exemption - corporate membership and responsibilities - conditions

#### 15.14.010 Requirements.

- A. All streets, highways and parcels of land shown on the final map and intended for any public use shall be offered for dedication for public use.
- B. Streets intended for future use as access to adjoining properties must be dedicated and constructed even though their immediate use is not required.
- C. Easements being dedicated shall be so indicated in the certificate of dedication and on the face of the plat, short plat, or binding site plan map.
- D. Every final plat, short plat, ~~or~~ binding site plan, or alteration thereof, map filed for record must contain a certificate giving a full and correct description of the lands divided and common areas delineated as they appear on the plat, short plat, or binding site plan, including a statement that the subdivision, short subdivision or binding site plan, has been made with the free consent and in accordance with the desires of the owner or owners. If the plat, short plat, or binding site plan, includes a dedication, the certificate shall also contain the dedication of all streets and other areas to the public, and individual or individuals, religious society or societies or to any corporation, public or private, as shown on the plat, short plat, or binding site plan and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided or homes established through a condominium form of ownership.
- E. Every plat, short plat and binding site plan, or alteration thereof, containing a dedication filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on said plat, short plat or binding site plan, is in the name of the owners signing the certificate.
- F. An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted, any such waiver is effective. Such waiver may be required by local authorities as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the plat, short plat or binding site plan. Any dedications, donation or grant as shown on the face of the plat, short plat or binding site plan shall be considered, to all intents and purposes, as a quit claim deed to the said donee or donees, grantee or grantees for his, her or their use for the purpose intended by the donors or grantors as aforesaid.
- G. All wetland and buffer areas shall be shown dedicated to the city of Lacey or other entity approved by the city of Lacey on the final plat, short plat or binding site plan map. (Ord. 1373 §1, 2011; Ord. 1235 §1, 10, 2005).

#### 15.14.020 Shown on plat, short plat or binding site plan.

All dedications of land shall be clearly and precisely indicated on the face of the plat, short plat or binding site plan. (Ord. 1235 §1, 10, 2005).

#### 15.14.030 Access to lots.

Convenient access to every lot shall be provided by a dedicated ~~public street~~road unless served by a private road approved in accordance with this title and the standards contained in the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1235 §1, 10, 2005).

**15.14.040 Exemption-Conveyance to corporation.**

A. If the council concludes that the public interest will be served thereby, the council may, in lieu of requiring the dedication of land in a land division for protective improvements, drainage ways, streets, alleys, sidewalks, parks, playgrounds, recreational, community or other general purposes, allow the land to be conveyed to a homeowner's association or ~~by other provisions deemed satisfactory by the city~~ ~~similar nonprofit corporation.~~

B. When park, playground, recreational, community or other general purpose areas are conveyed to a homeowner's association or similar nonprofit corporation, the following shall be placed on the face of the final plat:

1. "Community area(s) (as identified on the map) shall be designated as community open space to be owned and maintained in common for the benefit of all lot owners."
2. "The ownership interest in the community area(s) (as identified on the map) shall be stated in the deed to each lot."

C. A statement similar to the following shall be placed on the face of the final plat, short plat or binding site plan when park, playground, recreational, community or other general purpose areas have specific restrictive uses attached by the city council:

"Community area(s) (as identified on the map) shall be left in a substantially natural state. No clearing, grading, filling or construction shall occur within the tract(s) other than that specifically authorized by the City of Lacey and the (Name of land division) homeowners/lot owner's association." (Ord. 1235, §1, 10, 2005).

**15.14.050 Exemption - corporate membership and responsibilities - conditions.**

Any property owner creating a land division, condominium or condominium conversion, who wishes to make a conveyance as permitted by LMC 15.14.040 shall, at or prior to the time of filing a final plat, short plat or binding site plan for approval, supply the city with copies of the grantee organization's articles of incorporation, protective covenants, conditions and restrictions (CCR's), bylaws, rules and regulations, and collection and enforcement policies, (hereafter referred to as Governing Documents) ~~or by other provisions deemed satisfactory by the city~~ applicable to the land together with evidence of the conveyance or a binding commitment to convey. These Governing Documents shall satisfy the requirements of state law Chapter 64.38 or 64.34 RCW, whichever is applicable, and the requirements of this chapter.

Commented [CO12]: Included allowances for provisions to maintain common amenities in addition to home owners associations.

It is the intent of this section ~~in conformance with Chapter 64.38 RCW to Supplement Laws of 2011, Chapter 189- and to~~ provide standards for development of homeowner or lot owner associations to promote financial sustainability. The City shall require that the standards of this section be fulfilled prior to approval of the final land division or condominium application. However, home-owner and lot owner associations are self governing independent bodies and after control is transferred to resident owners, an association may change budgeting particulars according to procedures specified within its governing documents. The City does not review such decisions and will not be responsible or liable for an association's failure to maintain responsible financial procedures as described herein or any financial problems that result as a consequence.

Governing Documents shall contain at a minimum the following provisions:

- A. Mandatory membership: Membership in the lot or home-owners association will be mandatory for all lot or home owners;
- B. Power to levy fees/dues: The lot owners association shall have the power to levy fees and dues necessary to successfully maintain all common areas and improvements, including, but not limited to, utilities, shared parking facilities, open space, landscaped areas, fences, drainage infrastructure and ponds and streets;
- C. Assessments/fees assessed to every lot and home owner: Assessments shall apply to every lot or home owner within the land division or condominium that owns a home, or a lot(s) that has been developed with a building or remains undeveloped. Provided, owners of lots that are undeveloped shall be responsible for payment of dues commensurate with lower benefits realized by the lot owner. Benefits will not be as extensive for lot owners without a building accommodating active use as they will not have comparable drainage impacts or residents utilizing common recreation improvements. However, some benefits are realized on undeveloped lots simply from

maintenance of drainage infrastructure, attractive streetscapes and open space. Value shall be prorated to all lots based upon these benefits as determined by the developer of the land division or condominium and approved by the City of Lacey under the provisions of subsections D through E of this section.

D. Basis for setting fees/assessments "cost allocation study": The developer shall be required to obtain a full cost allocation study by a recognized professional (trained in development of budgeting documents and reserve studies) to determine the ongoing annual maintenance costs of the ~~lot owner's~~homeowner's association's community areas and community facilities including a reserve study to determine the replacement costs of the common facilities conveyed to the lot or homeowners association. The cost allocation study shall be used as the basis for the establishment of both an operating budget and capital replacement budget that will set the initial annual dues for the lot owner's or home-owner's association to adequately fund the maintenance of community areas and common facilities, and to fund a reserve for future replacement of common facilities.

A cost allocation study shall adhere to the provisions of item E. and be furnished prior to final plat, or any final land division or condominium approval. The conclusions of such study shall be incorporated into the governing documents, protective covenants, and articles of incorporation as appropriate.

E. Amount of fees/assessments established: The amount of the ~~initial~~initial annual fees or dues shall be subject to the approval of the city and established by the "cost allocation study", according to item D, and the itemization of a budget, prepared by a recognized professional, that includes at a minimum the following details and considerations:

- 1) The responsibility of the HOA in relationship to the maintenance of the various common facilities and areas.
- 2) The long term professional care and maintenance of all common open space areas shall be detailed and shall include such things as tree and vegetation care and maintenance.
- 3) The long term professional care and maintenance of planter strips and street trees within public right of way identified as the responsibility of the HOA. Professional care shall require work ~~preformed~~performed or supervised by an arborist certified by the International Society of Arboriculture.
- 4) Defined schedule of maintenance requirements for drainage areas and infrastructure based upon assumptions and example schedules and calculations provided in the City Drainage Manual; chapter 9 and appendix 9A currently existing at the time of this writing or as hereafter amended. This shall be developed as a guide for HOA drainage maintenance operations and shall detail expectations and costs for maintenance of the specific drainage facilities and areas of the land division, condominium or condominium conversion. This schedule shall be attached to the Governing Documents as an appendix.
- 5) Plats and other land divisions designed to provide maintenance of front yard areas shall include an appropriate schedule and budget reserves for professional maintenance of areas identified for this purpose.
- 6) Long term maintenance provisions and cost estimates shall include maintenance and repair of any common facilities, structures or improvements including such things as playground toys, recreation facilities, common fences, walls, common road areas that are not city right of way identified as the responsibility of the HOA, lighting, common private utilities and all other infrastructure, structures or facilities owned by the HOA.
- 7) Reserve contribution rate within the budget shall be based on a "full funding" method of reserve study funding calculation, as opposed to baseline and threshold funding methods, to ensure reserves for major components are attained and maintained at or near 100%.

F. Detailed budget: A budget incorporating operating budget and all of the proceeding HOA maintenance activities and responsibilities identified in subsections B through E of this section shall be included as an appendix to the Governing Documents to disclose the assumptions made for initial assessment requirements and provide a guide for HOA leadership to schedule and implement maintenance activities.

G. HOA assessment schedule established: Provisions shall be provided in the Governing Documents establishing a periodic assessment schedule and fees necessary to establish reserves to support expected maintenance

responsibilities based upon itemized responsibilities and costs identified through the requirements of subsections B through F of this section.

H. Assessment schedule stabilized during development period: Provisions shall be provided in the Governing Documents that the initial assessment and fee structure may not be reduced until the Declarant control ends and the developer turns the responsibility for running the association over to the owners and the owners control the HOA and have the HOA responsibilities identified in budget document(s).

I. Authority granted to Board of Directors for annual adjustment of assessments: Provisions shall be provided in the HOA documents enabling the HOA Board of Directors to accomplish periodic reserve studies (recommended at least once every four years for full reserve study and annual updates) to determine maintenance needs and to help set and raise assessments on an annual basis necessary to support identified maintenance needs. Provided, any special assessments not related to maintenance responsibilities may be subject to approval by a vote of the general HOA membership according to the procedures established in the HOA ~~G~~governing ~~D~~documents. The intent is to ensure the HOA Board of Directors responsible for maintenance activities always have the ability to levy fees to pay for maintenance costs and that the HOA has adequate reserves for the purpose.

J. Collection of attorney fees: Provisions shall be provided in the ~~G~~governing ~~D~~documents for the collection of attorney and third party fees extended in collecting delinquent assessments from lot and home owners.;

K. Shared parking: All agreements and requirements for shared parking shall be set forth.;

L. Governing ~~D~~documents subject to ~~C~~city approval: The ~~G~~governing ~~D~~documents applicable to the properties within the land division, condominium or condominium conversion shall be subject to approval of the city.

M. Content of ~~G~~governing ~~D~~documents consistent with GMA and Lacey Comprehensive ~~L~~and-~~U~~se Plan: The Governing Documents may have protective covenants that are more restrictive than ~~C~~city requirements pertaining to the use of land and activities permitted within the land division, condominium or condominium conversion. It is suggested that the governing documents do not contain language that will conflict with GMA strategies and concepts of Lacey's Comprehensive ~~L~~and-~~U~~se Plan for the development of neighborhoods.

N. Appropriate content: Governing ~~D~~documents should address items appropriate to ongoing maintenance of common areas and replacement cost of community facilities and use of common property or establishment of the desired character, look and feel and functionality of a development. Governing ~~D~~documents should not be used for purposes unrelated to the general intent and purpose of these legal instruments, such as requiring the collection of fees at closing of the sale of a home to reimburse a developer for expenses of development not related to future maintenance of common improvements, or loans to the association to reimburse ~~D~~declarant/developer for subsidizing the association related expenses during the development period.

O. Necessary conditions: The city may impose such other conditions as it deems appropriate to assure that the property and improvements will be adequately constructed and maintained.

The ~~C~~ommunity & ~~e~~conomic ~~D~~development ~~D~~epartment may develop suggested language related to the mandatory provisions contained within this section. The applicant may choose to utilize such language or to propose documents which, although not utilizing such language, contain provisions meeting the requirements of this section. (Ord. 1373 §3, 2011; Repealed, Ord. 1373 §2, 2011; Ord. 1235, §1, 10, 2005).

**CHAPTER 15.16  
IMPROVEMENTS**

Sections:

- 15.16.010 Agreement
- 15.16.020 Financial ~~guarantee~~security

**15.16.010 Agreement.**

~~Before council approval is certified on the final plat or before the director approves the short plat or binding site plan the subdivider shall install required improvements and repair existing streets and other public facilities damaged in the development of the project. Provided, however, with the prior approval of the city's director of public works, the subdivider may, in lieu of the installation and repair of portions of said improvements, execute and file with the city an agreement between the subdivider and the city specifying the period within which required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified, including any extensions of time authorized by the council, the city may complete the work and recover the full cost and expense thereof from the subdivider. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions. A final plat, short plat, binding site plan, or alteration thereof shall not be recorded and no building permit issued until all required improvements are completed and final approval is granted. Exceptions to this requirement may be granted with the approval of the Director of Public Works as provided for in 3.080(C)(1) of the City of Lacey Development Guidelines and Public Works Standards. In addition, the agreement must contain a provision whereby the subdivider will be responsible for the successful operation of all repairs to the improvements for a ~~two years~~one-year period following their installation and post with the city a maintenance bond in conformance with LMC 14.20.025 (Ord. 1324 §1, 2009; Ord. 1235 §1, 11, 2005).~~

**15.16.020 Financial ~~guarantee~~security.**

A. The subdivider shall file with the agreement to assure full and faithful performance ~~and maintenance~~ thereof a financial guarantee in conformance with Section 3.090 of the City of Lacey Development Guidelines and Public Works Standards, ~~one of the following:~~

- ~~1.— A surety bond executed by a surety company authorized to transact business in the state of Washington in a form approved by the city attorney;~~
- ~~2.— A personal bond approved by the city attorney cosigned by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement;~~
- 3.— Cash;
- ~~4.— Letter of credit approved by the city attorney from a financial institution stating that the money is held for the purposes of development of the stated project;~~
- ~~5.— Assignment of savings from a financial institution approved by the city attorney stating that the money is held for the purposes of development of the stated project.~~

~~B.— Such assurance of full and faithful performance shall be for a sum equal to one hundred fifty percent of the amount determined by the city engineer as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses.~~

C. If the subdivider fails to carry out provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, the city shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the city, the city shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the city, the subdivider shall be liable to the city for the difference. (Ord. 1235 §1, 11, 2005).

~~CHAPTER 15.18~~  
~~RESERVED FOR FUTURE USE~~

Commented [CO13]: Repealed chapters do not need to be included in



CHAPTER 15.20

LAND DIVISION FEES, VARIANCES, EXCEPTIONS AND ENFORCEMENT

Sections:

- 15.20.010 Fees
- 15.20.020 Variance - Determination
- 15.20.030 Variance - Land use hearings examiner action
- 15.20.040 Variance - council action
- 15.20.050 Restrictions on other permits
- ~~15.20.060 Enforcement~~

**15.20.010 Fees.**

The fees to be paid to the city at the time of submission of land divisions for approval shall be established by resolution of the city council. All fees paid shall be nonrefundable if substantial work has been accomplished in review or processing of the land division. If the time involved in the land division application has not been substantial, having only included normal checking of the application for completeness, and not having yet involved review of the land division or advertisements or notices for hearing, the director may authorize a pro-rated portion of the application fee returned, provided that all of the city's expenses have been fully paid. (Ord. 1235 §1, 12, 2005).

**15.20.020 Variance - Determination.**

~~A. The hearings examiner, council, upon recommendation of the land use hearing examiner, may grant conditional variances to the requirements of this title. Application for a variance to this title shall be made by petition by the subdivider, stating fully the necessity of the variance based on the criteria contained in LMC 16.90.005 and the specific requirements for which the variance is requested. Before a variance may be granted, it shall first be determined:~~

Commented [CO14]: Changed to make consistent with other variance processes.

~~A. That special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location, not applicable to other lands in the same district and that literal interpretation of the provisions of this title would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this title;~~

~~B. That the special conditions and circumstances do not result from the actions of the applicant;~~

~~C. That granting of the variance requested will not confer a special privilege to subject property that is denied other lands in the same district;~~

~~D. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated;~~

~~E. A finding shall further be made that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land;~~

~~F. A finding shall further be made that the granting of the variance will be in harmony with the general purpose and intent of this title and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare;~~

~~G. The fact that property may be utilized more profitably will not be an element of consideration;~~

~~H. Before granting any variance, appropriate conditions and safeguards may be prescribed that will ensure that the purpose and intent of this title shall not be violated. Violation of such conditions and safeguards when made part of the terms under which the variance is granted, shall be deemed a violation of this title and punishable under Chapter 1.12 LMC.~~

~~B. If a variance is in conjunction with a preliminary plat, binding site plan, or short subdivision, it shall be so stated in the public notice of hearing it shall proceed in accordance with Chapter 1B of the City of Lacey.~~

Development Guidelines and Public Works Standards. A separate hearing shall be held for all other requests for variances. (Ord. 1235 §1, 12, 2005).

**15.20.030 Variance - Land use hearings examiner action.**

~~The quasi-judicial review of a variance by the hearings examiner shall proceed in conformance with the requirements contained in LMC 16.90 and Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards. In recommending a variance, the land use hearing examiner shall make a written record of findings and shall specifically describe the variance and any conditions which the examiner may designate. The hearing examiner shall keep the findings on file as a matter of public record.~~ (Ord. 1235 §1, 12, 2005).

**15.20.040 Variance - council action.**

~~Upon receipt the recommendation of the land use hearing examiner.~~If a variance is processed in conjunction with a preliminary plat and upon receipt of the recommendation of the hearings examiner, the council shall act upon the variance in the same manner as authorized in LMC 15.10.110. (Ord. 1235 §1, 12, 2005).

**15.20.050 Restrictions on other permits.**

No building permit, ~~septic tank permit,~~ or other development permit shall be issued for any lot, tract, or parcel of land divided in violation of Chapter 58.17 RCW or this title unless the official authorized to issue such permit finds that the public interest shall not be adversely affected thereby. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice. (Ord. 1235 §1, 12, 2005).

**15.20.060 Enforcement**

Enforcement and penalties shall be applied pursuant to Chapter 14.17 LMC.

**CHAPTER 15.22**  
**COMMUNITY FACILITIES**

Sections:

- 15.22.010 Definitions
- 15.22.020 Purpose
- 15.22.030 ~~Site plan review~~Community facilities committee
- 15.22.040 Form of statement required on land divisions in community facilities districts
- 15.22.050 Existing land divisions and planned unit developments
- 15.22.060 Advisory committees
- 15.22.070 Service fees and charges
- 15.22.080 Lien for delinquent service fees and charges

**15.22.010 Definitions.**

The following words and phrases, when used in this chapter, have the meaning as set out in this section:

- A. “Community facility” or “community facilities” means stormwater control facilities or open space, park and recreation facilities, wetlands and wetland buffers, or any combination thereof;
- B. “Open space, park and recreation facilities” means any public facility, improvement, development, property or right or interest therein for public park, recreational, greenbelt, wetlands and wetland buffers, arboretum, athletic, historic, scenic viewpoint, aesthetic, ornamental or natural resource preservation purposes and shall include the surface land over interim common sewerage facilities;
- C. “Planned unit development” includes planned residential developments in accordance with Chapter 16.60 LMC and similar developments of a nonresidential nature;
- D. “Stormwater control facilities” means a constructed component of a stormwater drainage system designed or constructed to perform a particular function, or multiple functions. Stormwater control facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, bioretention, permeable pavement, and biofiltration swales. (Ord. 1496 §31, 2016; Ord. 1235 §1, 13, 2005).

**15.22.020 Purpose.**

- A. The city council finds that stormwater control facilities within subdivisions of the city must be adequately maintained and in some circumstances improved in order to protect property and persons within the subdivisions and also to protect property and persons outside of the subdivision from the effect of storm, flood or surplus storm and surface waters. The city currently requires the construction of adequate stormwater control facilities in accordance with the current City of Lacey Stormwater Design Manual. Private property owners or homeowners’ associations within subdivisions are required to perform ongoing maintenance of private stormwater control facilities or hire a contractor to perform required maintenance.
- B. The city council also finds that open space, park and recreation facilities within subdivisions of the city must be adequately maintained and operated in a manner which will be a benefit of residents within their subdivisions as well as all residents of the city to promote public health and safety. The city currently requires open space, park and recreation facilities to be set aside and constructed as part of subdivision approval by the city and such requirements are necessary in order to provide for the recreational development and leisure time activities of members of the community and to provide for the preservation of natural resources and aesthetic attributes of subdivisions, but existing means of maintenance of said facilities by private homeowners and homeowners’ associations may not be sufficient to accomplish this purpose.
- C. There is a need to have a process and mechanism for providing maintenance for community facilities in case of a home owners association’s inability or failure to properly maintain common facilities.

D. During the platting process and when setting up home owner associations every effort shall be made to provide home owner associations with the necessary authority, financial capability, and resources to promote each associations independence and success in proper maintenance of community facilities.

E. Provisions of the community facilities district should only be utilized when a home-owners association has failed its maintenance responsibilities and there is an inability on the part of the association to accomplish proper maintenance of community improvements.

F. Activation of a community facilities district shall be at the discretion of the city, and if activated the city shall collect fees necessary to pay for all costs of the district's maintenance responsibilities. (Ord. 1496 §32, 2016; Ord. 1235 §1, 13, 2005).

**15.22.030 Community facilities site plan review committee.**

~~As established in LMC 16.84.010(C) the site plan review committee shall serve the following functions related to community facilities: There is established within the city a community facilities committee consisting of the director of parks and recreation, the director of public works and the Lacey staff planner. The powers and functions of said committee shall be as follows:~~

A. The committee shall review the preliminary plat, short plat or binding site plan of each proposed land division and advise the ~~hearings examiner~~, city council, ~~site plan review committee~~ or appropriate approval authority as to whether the community facilities proposed in said land division are acceptable for inclusion within a community facilities district; what changes, if any, will be necessary to make the proposed facilities acceptable for inclusion; and any additional facilities which should be constructed or reserved within the subdivision for inclusion in a community facilities district;

~~B. The site plan review committee shall solicit comments from the appropriate city department with expertise regarding the proposed community facility during their review;~~

~~CB.~~ The committee shall review all applications from homeowners' associations or a majority of the lot owners in subdivisions which existed prior to July 8, 1979, for the inclusion of community facilities within said subdivisions in a community facilities district and recommend to the city council whether or not such facilities should be accepted by the city for inclusion in a community facilities district;

~~DE.~~ The committee shall, subject to the legislative policy of the city council and the administrative policy of the city manager, make all necessary decisions regarding existing community facilities districts, including, but not limited to, the frequency and amount of maintenance required for said facilities, the improvement or expansion of said facilities, and the recommended rates and charges to be paid by the property owners within said districts for the costs of such maintenance, operation and improvement. (-Ord. 1235 §1, 13, 2005).

**15.22.040 Form of statement required on land divisions in community facilities districts.**

All final plat, short plat or binding site plans filed after July 8, 1979, where the city council has required community facilities therein to be part of a community facilities district, shall contain on the face of the plat, short plat or binding site plan, in a manner which will bind all property owners and future property owners of land within the land division, a statement substantially as follows:

"All land area within the boundaries of this plat (or short plat or binding site plan whichever is applicable) is within a Community Facilities District of the City of Lacey and all saleable lots are subject to all service fees and charges which may be levied by the City of Lacey for the maintenance, operation and improvement of community facilities and for liens for any unpaid service fees or charges." (-Ord. 1235 §1, 13, 2005).

**15.22.050 Existing land divisions and planned unit developments.**

The city council may establish by ordinance a community facilities district within a land division or planned unit development which existed prior to July 8, 1979, after receiving recommendations from the ~~site plan review~~ ~~community facilities~~ committee and holding a public hearing upon application of a homeowners' association or other regularly constituted body representing the property owners within the affected area or upon the receipt of an application signed by the owners of more than fifty percent of the lots within a land division. (Ord. 1235 §1, 13, 2005).

Commented [CO15]: Will provide for review of facilities by departments with expertise when needed.5644

**15.22.060 Advisory committees.**

The property owners within a land division or planned unit development which contains a community facilities district may elect or appoint an advisory committee. The duty of such advisory committee shall be to advise the [site plan review community facilities](#) committee as to the wishes and needs of residents of the land division or planned unit development regarding maintenance, operation and improvement of community facilities within their subject area. (Ord. 1235 §1, 13, 2005).

**15.22.070 Service fees and charges.**

The city council shall fix service fee rates and charges for the furnishing of maintenance and operation services and for the making of improvements for all community facilities within each community facilities district after receiving recommendation of such fees and charges from the [site plan review community facilities](#) committee. In fixing rates and charges, the council may consider services furnished or to be furnished, benefits received or to be received, the improvements made or to be made, and in the case of stormwater control facilities, the water run-off characteristics of the land within the district and the cost to control said water after it leaves the district and any other matters which present a reasonable basis for setting rates or present a reasonable difference as grounds for distinction in setting the rates for one district in relationship to other districts. (Ord. 1235 §1, 13, 2005).

**15.22.080 Lien for delinquent service fees and charges.**

The city shall have a lien for delinquent service charges, including interest thereon, against any property against which they were levied pursuant to this chapter, which liens shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Such liens shall be effective and shall be enforced and foreclosed in the same manner as city charges for water and sewerage service. (Ord. 1235 §1, 13, 2005).

~~CHAPTER 15.32~~  
~~RESERVED FOR FUTURE USE~~

Commented [C016]: Repealed chapters do not need to be included in text of the chapter.

**CHAPTER 15.36**  
**RESERVED FOR FUTURE USE**

**CHAPTER 9.44**  
**CONTROLLED SUBSTANCES<sup>1</sup>**

Sections:

- 9.44.010 Definitions
- 9.44.020 Adoption of state statutes
- 9.44.030 Possession of marijuana
- 9.44.035 Use and display of marijuana
- 9.44.040 Use of drug paraphernalia
- 9.44.050 Law enforcement officers--Procedures to be followed
- 9.44.060 Legend drugs--Use restricted to licensed practitioners
- 9.44.070 Legend drugs--Label requirement
- 9.44.080 Steroids--Use restricted
- 9.44.090 Steroids--Unlawful possession
- 9.44.100 Legend drugs and steroids--Law enforcement procedures
- 9.44.110 Violation--Penalty
- 9.44.120 Unlawful Inhalation
- ~~9.44.130 Medical Marijuana~~
- ~~9.44.140 Processing Requirements for Medical Marijuana~~
- ~~9.44.150 Definitions~~
- ~~9.44.160 Zoning Regulations~~
- ~~9.44.170 Collective Garden Permit Required~~
- ~~9.44.180 Prohibition Against Other Methods of Medical Cannabis Dispensing, Delivery or Distribution~~

**9.44.010 Definitions.**

As used in this chapter, the terms set forth in RCW 69.41.010, 69.41.210, 69.41.300, 69.50.101, 69.50.102 and 69.51A.010 shall have the meanings set forth in said sections as now enacted or as may hereafter be amended by the Legislature. (Ord. 1335 §14, 2009; Ord. 910 §2 (part), 1991).

**9.44.020 Adoption of state statutes.**

A. Those certain schedules set forth in RCW 69.50.204 through 69.50.212, as the same exist or shall hereafter be amended either by action of the Legislature or by action of the State Board of Pharmacy as authorized in RCW 69.50.201 are hereby adopted by reference as part of this chapter.

B. Addition of medical conditions by the Washington State Medical Quality Assurance Commission and adoption of rules by the Washington State Department of Health as set forth in RCW 69.51A.070 through 69.51A.080 or by action of the Legislature or the appropriate state board or commission as authorized in the above mentioned statutes are hereby adopted by reference as part of this chapter. (Ord. 1335 §15, 2009; Ord. 910 §2 (part), 1991).

**9.44.030 Possession of marijuana.**

Any person who possesses forty grams or less of marijuana shall be guilty of a misdemeanor. However, the possession, by a person twenty-one years of age or older, of up to: one ounce of usable marijuana; sixteen ounces of marijuana-infused product in solid form; or seventy-two ounces of marijuana-infused product in liquid form is not a violation of this section. (Ord. 1408 §1, 2012; Ord. 910 §2 (part), 1991).

**9.44.035 Use and display of marijuana.**

It is unlawful to open a package containing marijuana, usable marijuana, or a marijuana-infused product, or consume marijuana, usable marijuana, or a marijuana-infused product, in view of the general public. A person who violates this section is subject to a civil fine of up to \$50.00, not including statutory assessments. City law enforcement personnel shall enforce this section by issuing a notice of infraction. Said infractions shall be processed, and fines paid, in the manner set forth in Chapter 46.63 RCW for the disposition of traffic infractions, with fines assessed and recovered to be paid to the city. (Ord. 1408 §2, 2012).

**Commented [CO1]:** Remove sections 9.44.130 – 9.44.180 adopted as part of Ordinance No. 1395 for Medical Cannabis Collective Gardens. These provisions are no longer applicable due to changes in state law. Changes will also be included in Title 16, Zoning.



**9.44.040 Use of drug paraphernalia.**

A. It is unlawful for any person to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance other than marijuana. Any person who violates this subsection is guilty of a misdemeanor.

B. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance other than marijuana. Any person who violates this subsection is guilty of a misdemeanor.

C. Any person eighteen years of age or over who violates subsection B of this section by delivering drug paraphernalia to a person under eighteen years of age who is at least three years his junior is guilty of a gross misdemeanor.

D. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this subsection is guilty of a misdemeanor. (Ord. 1408 §3, 2012; Ord. 910 §2 (part), 1991).

**9.44.050 Law enforcement officers--Procedures to be followed.**

All procedures to be followed by law enforcement officers in the enforcement of LMC 9.44.030 and 9.44.040 shall be in accordance with the requirements of Chapter 69.50 RCW. (Ord. 910 §2 (part), 1991).

**9.44.060 Legend drugs--Use restricted to licensed practitioners.**

It shall be unlawful for any person to sell, deliver, or possess any legend drug except upon the order or prescription of a physician under Chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under Chapter 18.57 RCW, a dentist under Chapter 18.32 RCW, a podiatric physician and surgeon under Chapter 18.22 RCW, a veterinarian under Chapter 18.92 RCW, a commissioned medical or dental officer in the United States Armed Forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the Veterans Administration in the discharge of his or her official duties, a registered nurse under Chapter 18.88 RCW when authorized by a board of nursing, an osteopathic physician assistant under Chapter 18.57A RCW when authorized by the committee of osteopathic examiners, a physician's assistant under Chapter 18.71A RCW when authorized by the board of medical examiners, a physician licensed to practice medicine and surgery or a physician licensed to practice osteopathy and surgery, a dentist licensed to practice dentistry, a podiatric physician or surgeon licensed to practice podiatric medicine and surgery, or a veterinarian licensed to practice veterinary medicine, in any province of Canada which shares a common border with the state of Washington or in any state of the United States; provided, however, that the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouseman, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment; provided further, that nothing in this chapter or Chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the Department of Social and Health Services from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health care practitioners. Violation of this section involving possession shall be deemed a misdemeanor. (Ord. 910 §2 (part), 1991).

**9.44.070 Legend drugs--Label requirement.**

There shall be affixed to every box, bottle, jar, tube or other container of a legend drug, which is dispensed by a practitioner authorized to prescribe legend drugs, a label bearing the name of the prescriber, complete directions for use, the name of the drug either by the brand or generic name and strength per unit dose, name of patient and date; provided, that the practitioner may omit the name and dosage of the drug if he determines that his patient should not have this information and that, if the drug dispensed is a trial sample in its original package and which is labeled in accordance with federal law or regulation, there need be set forth additionally only the name of the issuing practitioner and the name of the patient. Violation of this section shall be deemed a misdemeanor. (Ord. 910 §2 (part), 1991).

**9.44.080 Steroids--Use restricted.**

A. A practitioner shall not prescribe, administer, or dispense steroids, as defined in RCW 69.41.300, or any form of auto-transfusion for the purpose of manipulating hormones to increase muscle mass, strength, or weight, or for the purpose of enhancing athletic ability, without a medical necessity to do so.

B. A practitioner shall complete and maintain patient medical records which accurately reflect the prescribing, administering, or dispensing of any substance or drug described in this section or any form of auto-transfusion. Patient medical records shall indicate the diagnosis and purpose for which the substance, drug, or auto-transfusion is prescribed, administered, or dispensed and any additional information upon which the diagnosis is based.

C. Any practitioner who violates this section is guilty of a gross misdemeanor. (Ord. 910 §2 (part), 1991).

**9.44.090 Steroids--Unlawful possession.**

A person who possesses under two hundred tablets or eight 2cc bottles of steroids without a valid prescription is guilty of a gross misdemeanor. (Ord. 910 §2 (part), 1991).

**9.44.100 Legend drugs and steroids--Law enforcement procedures.**

All procedures to be followed by law enforcement officers in the investigation and enforcement of LMC 9.44.060 through 9.44.090 shall be in accordance with those procedures set forth in chapter 69.41 RCW. (Ord. 910 §2 (part), 1991).

**9.44.110 Violation--Penalty.**

A. A person who is convicted of a gross misdemeanor under this chapter shall be punished by a fine of not more than \$5,000.00 or by imprisonment for not more than three hundred sixty-five days or by both fine and imprisonment.

B. A person who is convicted of a misdemeanor under this chapter shall be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than ninety days or by both fine and imprisonment.

C. Any person convicted of a second or subsequent offense under this chapter may be imprisoned for a term up to twice the term otherwise authorized, fined an amount up to twice that otherwise authorized, or both. For purposes of this section, an offense is considered a second or subsequent offense, if, prior to his conviction of the offense, the offender has at any time been convicted under this chapter or under any statute of the United States or of any state relating to narcotic drugs, marijuana, depressant, stimulant, or hallucinogenic drugs.

D. A person who is convicted of a misdemeanor or violates any provision of LMC 9.44.030 and 9.44.040 shall be punished by imprisonment for not less than twenty-four consecutive hours, and by a fine of not less than \$250.00. On a second or subsequent conviction, the fine shall not be less than \$500.00. These fines shall be in addition to any other fine or penalty imposed. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to defendant's physical or mental well-being or that local jail facilities are in an overcrowded condition, the minimum term of imprisonment shall not be suspended or deferred. If the court finds such risk or overcrowding exists, it shall sentence the defendant to a minimum of forty hours of community service. If a minimum term of imprisonment is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred.

E. If a juvenile thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter or equivalent state law, the court shall notify the department of licensing within twenty-four hours after entry of the judgment.

If the conviction is for the juvenile's first violation of this chapter or Chapter 66.44, 69.41 or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or Chapter 66.44, 69.41 or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered. (Ord. 910 §2 (part), 1991).

**9.44.120 Unlawful inhalation.**

A. It is unlawful for any person to intentionally smell or inhale the fumes of any type of substance as defined in this section or to induce any other person to do so, for the purpose of causing a condition of, or inducing symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses of the nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes. This section does not apply to the inhalation of any anesthesia for medical or dental purposes.

B. No person may, for the purpose of violating subsection A of this section, use, or possess for the purpose of so using, any substance containing a solvent having the property of releasing toxic vapors or fumes.

C. No person may sell, offer to see, deliver, or give to any other person any container of a substance containing a solvent having the property of releasing toxic vapors or fumes, if he has knowledge that the product sold, offered for sale, delivered, or given will be used for the purpose set forth in subsection A of this section.

D. As used in this section, the phrase "substance containing a solvent having the property of releasing toxic vapors or fumes" shall mean and include any substance containing one or more of the following chemical compounds:

1. Acetone;
2. Amylacetate;
3. Benzol or benzene;
4. Butyl acetate;
5. Butyl alcohol;
6. Carbon tetrachloride;
7. Chloroform;
8. Cyclohexanone;
9. Ethanol or ethyl alcohol;
10. Ethyl acetate;
11. Hexane;
12. Isopropanol or isopropyl alcohol;
13. Isopropyl acetate;
14. Methyl "cellosolve" acetate;
15. Methyl ethyl ketone;
16. Methyl isobutyl ketone;
17. Toluol or toluene;
18. Trichloroethylene;
19. Tricresyl phosphate;
20. Xylol or xylene; or;

21. Any other solvent, material substance, chemical, or combination thereof, having the property of releasing toxic vapors.

E. Any person who violates this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or by both. (Ord. 1001 §11, 1994).

**9.44.130 Medical Marijuana.**

A. It shall be a misdemeanor to use or display medical marijuana in a manner or place which is open to the view of the general public.

B. Nothing in this chapter requires any accommodation of any on-site medical use of marijuana in any place of employment, in any school bus or on any school grounds, in any youth center, in any correctional facility, or in any public place as that term is defined in RCW 70.160.020.

C. No person shall be entitled to claim the affirmative defense provided in LMC 9.44.140 for engaging in the medical use of marijuana in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway. (Ord. 1335 §16, 2009).

**9.44.140 Processing Requirements for Medical Marijuana.**

A. If a law enforcement officer determines that marijuana is being possessed lawfully under the medical marijuana law, the officer may document the amount of marijuana, take a representative sample that is large enough to test, but not seize the marijuana. A law enforcement officer or agency shall not be held civilly liable for failure to seize marijuana in this circumstance.

B. If charged with a violation of state law relating to marijuana, any qualifying patient who is engaged in the medical use of marijuana, or any designated provider who assists a qualifying patient in the medical use of marijuana, will be deemed to have established an affirmative defense to such charges by proof of his or her compliance with the requirements provided in this chapter. Any person meeting the requirements appropriate to his or her status under this chapter shall be considered to have engaged in activities permitted by this chapter and shall not be penalized in any manner, or denied any right or privilege for such actions.

C. A qualifying patient, if eighteen years of age or older, or a designated provider shall:

1. Meet all the criteria for status as a qualifying patient or designated provider;
2. Possess no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty-day supply;
3. Present his or her valid documentation to any law enforcement official who questions the patient or provider regarding his or her medical use of marijuana.

D. A qualifying patient, if under eighteen years of age at the time he or she is alleged to have committed the offense, shall demonstrate compliance with subsection (C)(1)(3) of this section. However, any possession under subsection (C)(2) of this section, as well as any production, acquisition, and decision as to dosage and frequency of use, shall be the responsibility of the parent or legal guardian of the qualifying patient. (Ord. 1335 §17, 2009).

**9.44.150 — Definitions.**

~~For purposes of regulating medical cannabis collective gardens as authorized by state law and the ordinance codified in this section, the following definitions shall be used:~~

~~A. "Cannabis" means all parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For the purposes of LMC 9.44.150 through 9.44.180, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The term "cannabis" includes cannabis products and usable cannabis.~~

~~B. —“Cannabis products” means products that contain cannabis or cannabis extracts, have a measurable THC concentration greater than three tenths of one percent, and are intended for human consumption or application, including, but not limited to, edible products, tinctures, and lotions. The term “cannabis products” does not include usable cannabis. The definition of “cannabis products” as a measurement of THC concentration only applies to the provisions of LMC 9.44.150 through 9.44.180 and shall not be considered applicable to any criminal laws related to marijuana or cannabis.~~

~~C. —“Church” means a structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.~~

~~D. —“Collective garden” means those gardens authorized under Section 403 of ESSSB 5073, which means qualifying patients sharing responsibility for acquiring and supplying the resources required to produce and process cannabis for medical use such as, for example, a location for a collective garden; equipment, supplies, and labor necessary to plant, grow, and harvest cannabis; cannabis plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of cannabis plants.~~

~~E. —“Indoors” means within a fully enclosed and secure structure that complies with the International Building Code as adopted by Chapter 14.04 LMC, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as two-inch by four-inch or thicker studs overlain with three-eighths-inch or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.~~

~~F. —“Legal parcel” means a parcel of land for which one legal title exists.~~

~~G. —“Medical use of cannabis” means the manufacture, production, processing, possession, transportation, delivery, ingestion, application, or administration of cannabis for the exclusive benefit of a qualifying patient in the treatment of his or her terminal or debilitating medical condition.~~

~~H. —“Outdoors” means any location that is not “indoors” within a fully enclosed and secure structure as defined herein.~~

~~I. —“Person” means an individual or an entity.~~

~~J. —“Personally identifiable information” means any information that includes, but is not limited to, data that uniquely identify, distinguish, or trace a person’s identity, such as the person’s name, or address, either alone or when combined with other sources, that establish the person is a qualifying patient or designated provider.~~

~~K. —“Plant” means an organism having at least three distinguishable and distinct leaves, each leaf being at least three centimeters in diameter, and a readily observable root formation consisting of at least two separate and distinct roots, each being at least two centimeters in length. Multiple stalks emanating from the same root ball or root system shall be considered part of the same single plant.~~

~~L. —“Process” means to handle or process cannabis in preparation for medical use.~~

~~M. —“Produce” means to plant, grow, or harvest cannabis for medical use.~~

~~N. —“Qualifying patient” means a person who:~~

- ~~1. — Is a patient of a health care professional;~~
- ~~2. — Has been diagnosed by that health care professional as having a terminal or debilitating medical condition;~~
- ~~3. — Is a resident of the state of Washington at the time of such diagnosis;~~

~~4. — Has been advised by that health care professional about the risks and benefits of the medical use of cannabis;~~

~~5. — Has been advised by that health care professional that he or she may benefit from the medical use of cannabis; and~~

~~6. — Is otherwise in compliance with the terms and conditions established in Chapter 69.51A RCW.~~

~~The term “qualifying patient” does not include a person who is actively being supervised for a criminal conviction by a corrections agency or department that has determined that the terms of LMC 9.44.150 through 9.44.180 and Chapter 69.51A RCW are inconsistent with and contrary to his or her supervision and all related processes and procedures related to that supervision.~~

~~O. — “School” means an institution of learning for minors, whether public or private, offering regular course of instruction required by the Washington Education Code, or any child or day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher learning, including a community or junior college, college or university.~~

~~P. — “Terminal or debilitating medical condition” means:~~

~~1. — Cancer, human immunodeficiency virus (HIV), multiple sclerosis, epilepsy or other seizure disorder, or spasticity disorders; or~~

~~2. — Intractable pain, limited for the purpose of LMC 9.44.150 through 9.44.180 to mean pain unrelieved by standard medical treatments and medications; or~~

~~3. — Glaucoma, either acute or chronic, limited for the purpose of this chapter to mean increased intraocular pressure unrelieved by standard treatments and medications; or~~

~~4. — Crohn’s disease with debilitating symptoms unrelieved by standard treatments or medications; or~~

~~5. — Hepatitis C with debilitating nausea or intractable pain unrelieved by standard treatments or medications; or~~

~~6. — Diseases, including anorexia, which result in nausea, vomiting, cachexia, appetite loss, cramping, seizures, muscle spasms, or spasticity, when these symptoms are unrelieved by standard treatments or medications; or~~

~~7. — Any other medical condition duly approved by the Washington State Medical Quality Assurance Commission in consultation with the Board of Osteopathic Medicine and Surgery as directed in this chapter.~~

~~Q. — “THC concentration” means percent of tetrahydrocannabinol content per weight or volume of usable cannabis or cannabis product.~~

~~R. — “Usable cannabis” means dried flowers of the Cannabis plant having a THC concentration greater than three-tenths of one percent. Usable cannabis excludes stems, stalks, leaves, seeds, and roots. For purposes of this subsection, “dried” means containing less than fifteen percent moisture content by weight. The term “usable cannabis” does not include cannabis products.~~

~~S. — “Valid documentation” means:~~

~~1. — A statement signed and dated by a qualifying patient’s health care professional written on tamper-resistant paper, which states that, in the health care professional’s professional opinion, the patient may benefit from the medical use of cannabis;~~

~~2. — Proof of identity such as a Washington State driver’s license or identicard, as defined in RCW 46.20.035; and~~

~~3. — In the case of a designated provider, the signed and dated document valid for one year from the date of signature executed by the qualifying patient who has designated the provider.~~

~~T. — “Youth-oriented facility” means elementary school, middle school, high school, public park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors. This term shall not include a day care or preschool facility or bus stops. (Ord. 1395 §1 (part), 2012).~~

**~~9.44.160 — Zoning Regulations.~~**

~~All medical cannabis collective gardens shall be subject to the following zoning regulations:~~

**~~A. — Location and Distance Restrictions.~~**

- ~~1. — No collective garden shall be permitted outdoors;~~
- ~~2. — No collective garden shall be located within one thousand feet of schools and youth-oriented facilities, as measured from edge of property line to edge of property line;~~
- ~~3. — No collective garden shall be located within five hundred feet of another permitted collective garden;~~
- ~~4. — No collective garden shall be located in a manner that will allow the cannabis plants to be visible by the public.~~

~~B. — Ownership and Limitation on Numbers. No more than one collective garden may be located on a legal parcel of land, and the parcel must be owned or leased to one of the members of the collective garden. A qualifying patient cannot be a member of more than one collective garden, and must be a member of one collective garden for at least thirty days before transferring their membership to another collective garden. Each collective garden must maintain records of its membership demonstrating compliance with the provisions of this subsection. Such records shall be maintained and be subject to inspection by the city for no less than three years.~~

~~C. — Allowed Zones Districts. Medical cannabis collective gardens, as defined herein, shall be allowed in the agricultural, light industrial, industrial, general commercial, light industrial/commercial districts and central business districts 4 and 5 of the city and in no other locations. (Ord. 1395 §1 (part), 2012).~~

**~~9.44.170 — Collective Garden Permit Required.~~**

~~In order to site and operate a collective garden, the owner or lessee of the property must obtain approval from the city for a collective garden permit. This requires the submission of a complete application.~~

**~~A. — Collective Garden Land Use Permit Application.~~** ~~A complete application for a collective garden land use permit shall include:~~

- ~~1. — A statement acknowledging that the permit applied for will be issued in conformance with the laws of the state of Washington and LMC 9.44.150 through 9.44.180 and that such issuance does not confer upon the members of the collective garden immunity from prosecution under federal law;~~
- ~~2. — The location of the parcel where the collective garden will be located, by street address and tax parcel number;~~
- ~~3. — Either the owner of the property shall sign the application, or the person signing it must demonstrate that they have permission to sign the application on behalf of the owner;~~
- ~~4. — A statement describing the proposed security measures for the facility that shall be sufficient to ensure the safety of the members and protect the premises from theft;~~
- ~~5. — Payment of a fee which shall be established by resolution of the city council; provided, however, that prior to such action, the permit fee shall be \$100.00.~~

~~B. — Collective Garden Land Use Permit Procedure — Appeals.~~

~~1. — Upon receipt of a complete application, the city code enforcement officer or designee shall schedule with the applicant an inspection or inspections of the premises to ensure compliance with LMC 9.44.150 through 9.44.180. If the applicant is in compliance with LMC 9.44.150 through 9.44.180, the code enforcement officer or designee shall issue a collective garden land use permit.~~

~~2. — The issuance of a collective garden land use permit shall not be deemed as approval or permission from the city of Lacey to engage in any activity deemed illegal under any applicable law, nor shall it constitute a determination by the city that the manufacture, production, processing, possession, transportation, delivery, dispensing, application, or administration of and use of cannabis engaged in by the licensee or permittee is either legal or illegal under state or federal law.~~

~~3. — Appeal of the code enforcement officer's decision must be submitted to the city clerk in writing no later than ten business days following such officer's decision.~~

~~4. — Administrative appeals shall be heard by the community development director of the city whose decision upon such appeal shall be final. (Ord. 1395 §1 (part), 2012).~~

**9.44.180 — Prohibition Against Other Methods of Medical Cannabis Dispensing, Delivery or Distribution.** It shall be unlawful to dispense, deliver or distribute medical cannabis as such terms are defined in RCW 69.50.101 by any means other than one qualifying patient and one qualified provider in accordance with state law or through a collective medical cannabis garden as specified by state law and the regulations set forth in this chapter. Such prohibition includes the dispensing, delivery or distribution of medical cannabis by gift, sale or any other means whatsoever. (Ord. 1395 §1 (part), 2012).

---

<sup>1</sup> Prior ordinance history: Ord. 164. For statutory provisions regarding dangerous drugs, see Chapters 69.33 and 69.40 RCW.



**CHAPTER 9.48**  
**UNFAIR HOUSING PRACTICES<sup>1</sup>**

Sections:

- 9.48.010 Declaration of policy
- 9.48.020 Definitions
- 9.48.030 Unfair housing practices prohibited
- 9.48.040 Forbidden unfair housing practices designated
- 9.48.045 Reasonable Accommodations
- 9.48.050 Repealed
- 9.48.060 Enforcement proceedings
- 9.48.070 Exclusions
- 9.48.080 Penalty for violation

**9.48.010 Declaration of policy.**

It is hereby declared to be the policy of the city in the exercise of its police power for the public safety, public health, and general welfare, for the maintenance of business and good government and for the promotion of the city's trade, commerce and manufacturers, to assure equal opportunity to all persons to live in decent housing facilities regardless of the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person, or race, color, religion, ancestry or national origin, sex, marital status, families with children status or sexual orientation, and to that end to prohibit discrimination in housing by any person, including real estate brokers, real estate salesmen and agents, owners of real property and lending institutions, to forward the cause of brotherhood, and to secure a reduction of all tensions and discriminations because of the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person, or race, color, religion, ancestry or national origin, sex, marital status, families with children status or sexual orientation. (Ord. 1478 §1, 2015; Ord. 1050 §1, 1997; Ord. 383 §2, 1975; Ord. 89 §1, 1968).

**9.48.020 Definitions.**

Definitions as used in this chapter, unless additional meaning clearly appears from the context, shall have the meanings subscribed:

- A. "Dwelling" includes any building containing one or more dwelling units;
- B. "Dwelling unit" includes a suite of rooms for occupancy by one family containing space for living, sleeping, and preparation of food, and containing toilet and bathing facilities;
- C. "Housing accommodations" include any dwelling, or dwelling unit, rooming unit, rooming house, lot or parcel of land in the city which is used, intended to be used, or arranged or designed to be used as, or improved with, a residential structure for one or more human beings;
- D. "Lender" includes any bank, insurance company, savings or building and loan association, credit union, trust company, mortgage company, or other person engaged wholly or partly in the business of lending money for financing or acquisition, construction, repair, or maintenance of a housing accommodation;
- E. "Occupant" includes any person who has established residence or has the right to occupancy in a housing accommodation;
- F. "Owners" include persons who own, lease, sublease, rent, operate, manage, have charge of, control, or have the right of ownership, possession, management, charge, or control of the housing accommodation, on their own behalf or on behalf of another;
- G. "Person" includes one or more individuals, partnerships, or other organizations, trade or professional associations, corporations, legal representatives, trustees, trustees in bankruptcy, and receivers;
- H. "Person aggrieved" means any person against whom any alleged unfair housing practice has been committed;

- I. "Prospective borrower" includes any person who seeks to borrow money to finance the acquisition, construction, repair, or maintenance of a housing accommodation;
- J. "Prospective occupant" includes any person who seeks to purchase, lease, sublease or rent a housing accommodation;
- K. "Real estate agent, salesman, or employee" includes any person employed by or associated with a real estate broker to perform or assist in the performance of any or all of the functions of a real estate broker;
- L. "Real estate broker" includes any person who for a fee, commission, or other valuable consideration, lists for sale, sells, purchases, exchanges, leases or subleases, rents, or negotiates or offers or attempts to negotiate the sale, purchase, exchange, lease, sublease or rental of a housing accommodation of another, or holds himself out as engaged in the business of selling, purchasing, exchanging, listing, leasing, subleasing, or renting a housing accommodation of another, or collects the rental for the use of a housing accommodation of another;
- M. "Respondent" means any person who is alleged to have committed an unfair housing practice;
- N. "Rooming unit" includes one or more rooms within a dwelling unit or rooming house containing space for living and sleeping;
- O. "Unfair housing practice" means any act prohibited by this chapter. (Ord. 1478 §2, 2015; Ord. 1050 §2, 1997; Ord. 89 §2, 1968).

**9.48.030 Unfair housing practices prohibited.**

Unfair housing practices as hereinafter defined in the sale and offering for sale and in the rental and offering for rent of housing accommodations are contrary to the public peace, health, safety and general welfare and are hereby prohibited by the city in the exercise of its police power. (Ord. 89 §3, 1968).

**9.48.040 Forbidden unfair housing practices designated.**

A. No owner, lessee, sublessee, assignee, real estate broker, real estate salesman, managing agent of, or other person having the right to sell, rent, lease, sublease, assign, transfer or otherwise dispose of a housing accommodation shall refuse to sell, rent, lease, sublease, assign, transfer, or otherwise deny to, or withhold from any person or group of persons such housing accommodations, or segregate the use thereof, or represent that such housing accommodations are not available for inspection, when in fact they are so available, or expel or evict an occupant from a housing accommodation because of the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person, or the race, color, religion, ancestry or national origin, sex, marital status, families with children status or sexual orientation of such person or persons, or discriminate against or segregate any person because of the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person, or such person's race, color, religion, ancestry or national origin, sex, marital status, families with children status, sexual orientation, in the terms, conditions, or privileges of the sale, rental, lease, sublease, assignment, transfer, or other disposition of any such housing accommodations or in the furnishing of facilities or services in connection therewith.

B. A real estate broker, agent, salesman, or employee shall not, because of the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person, or race, color, religion, ancestry or national origin, sex, marital status, families with children status or sexual orientation of an occupant, purchaser, prospective occupant, or prospective purchaser:

1. Refuse or intentionally fail to list or discriminate in listing a housing accommodation for sale, rent, lease, or sublease;
2. Refuse or intentionally fail to show to a prospective occupant the housing accommodation listed for sale, rental, lease, or sublease;
3. Refuse or intentionally fail to accept and/or transmit to an owner any reasonable offer to purchase, lease, rent or sublease a housing accommodation;

4. Otherwise discriminate against an occupant, prospective occupant, purchaser, or prospective purchaser of a housing accommodation.
- C. No person, bank, banking organization, mortgage company, insurance company, or other financial institution or lender, or any agent or employee thereof, to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, or maintenance of any housing accommodation shall:
1. Discriminate against any person or group of persons because of the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person, or race, color, religion, ancestry or national origin, sex, marital status, families with children status or sexual orientation of such person or group of persons or of the prospective occupants or tenants of such real property in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions, or privileges of any such financial assistance or in the extension of services in connection therewith; or
  2. Use any form of application for such financial assistance or make any record of inquiry in connection with applications for such financial assistance which expresses, directly or indirectly, any limitation, specification, or discrimination, on the ground of the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person, or race, color, religion, ancestry or national origin, sex, marital status, families with children status or sexual orientation.
- D. An owner, person, real estate broker, agent, salesman, employee, or lender shall not:
1. Require any information, make, or keep any record, or use any form of application containing questions or entries concerning the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person, or race, color, religion, ancestry or national origin, sex, marital status, families with children status or sexual orientation in connection with the sale, rental, lease, or sublease of any housing accommodation;
  2. Publish, circulate, issue, or display, or cause to be published, circulated, issued, or displayed, any communication, notice, advertisement, or sign of any kind relating to the sale, rental, lease, sublease, assignment, transfer, or listing of a housing accommodation or accommodations which indicates any preference, limitation, specification, or discrimination based on the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person, or race, color, religion, ancestry or national origin, sex, marital status, families with children status or sexual orientation;
  3. Aid, abet, incite, compel, or coerce the doing of any act defined in this chapter as an unfair housing practice; or obstruct or discriminate against a person in any manner because he has complied or proposes to comply with the provisions of this chapter or has filed a complaint, testified, or assisted in any proceeding under this chapter, or any order issued thereunder; or attempt, either directly or indirectly, to commit any act defined in this chapter to be an unfair housing practice or apply any economic sanctions or deny any membership privileges because of compliance with the provisions of this chapter. (Ord. 1478 §3, 2015; Ord. 1050 §3, 1997; Ord. 383 §3, 1975; Ord. 89 §4, 1968).

**9.48.045 Reasonable Accommodations.**

The Federal Fair Housing Act (FFHA) requires that reasonable accommodations to afford persons with disabilities equal opportunity to use and enjoy a dwelling. Procedures are identified in Title 16 LMC that apply to dwellings occupied by persons with disabilities as defined in the Federal Fair Housing Act. The intent of these procedures is to determine if such accommodations are reasonably necessary in order to comply with such Act.

**9.48.050 Repealed.**

(Ord. 1478 §4, 2015; Ord. 1050 §4, 1997; Ord. 89 §5, 1968).

**9.48.060 Enforcement proceedings.**

All complaints or allegations of violations of this chapter shall be referred to the Washington State Human Rights Commission for such assistance as may be rendered by the commission; provided, however, that the referral of complaints or allegations to the commission shall not be deemed to be a waiver of the city's right or obligation to

**Commented [CO1]:** Compliance with the Federal Fair Housing Act was identified as part of the Housing and Urban Corridors Committees Challenge Grant by TRPC and included as an implementation strategy in the Comprehensive Plan. Procedures will be included in Title 16, Zoning.

prosecute an alleged violation pursuant to the terms of this chapter. (Ord. 1478 §5, 2015; Ord. 1050 §5, 1997; Ord. 518 §3, 1979; Ord. 89 §5, 1968).

**9.48.070 Exclusions.**

Nothing in this chapter shall:

- A. Apply to the renting, subrenting, leasing or subleasing of a single-family dwelling, wherein the owners or persons entitled to possession thereof normally maintain, or intend to maintain, their residences, homes or abodes;
- B. Be interpreted to prohibit any person from making a choice from among prospective purchasers or tenants of property on the basis of factors other than the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person, or race, color, religion, ancestry or national origin, sex, marital status, families with children status or sexual orientation;
- C. Make it an unfair practice or a denial of civil rights for any public or private educational institution to separate the sexes or give preference to or limit use of dormitories, residence halls, or other student housing to persons of one sex or to make distinctions on the base of marital or families with children status;
- D. Apply the provisions of this chapter prohibiting discrimination based on families with children status to housing for older persons as defined by the Federal Fair Housing Amendments Act of 1988, 42 U.S.C. Section 3607(B)(1) through (3) or authorize requirements for housing for older persons different than the requirements of such amendments;
- E. Require structural changes, modifications, or additions to make facilities accessible to a disabled person except as otherwise required by law. However, such exception shall not permit discrimination based on the presence of any sensory, mental, or physical disability or the use of a trained guide dog or service dog by a blind, deaf, or physically disabled person under the conditions or for the reasons set forth in RCW 49.60.222(2) as the same exists or may hereafter be amended. (Ord. 1478 §6, 2015; Ord. 1050 §6, 1997; Ord. 383 §4, 1975; Ord. 89 §7, 1968).

**9.48.080 Penalty for violation.**

Upon conviction of violation of this chapter, the guilty party, or parties, shall be subject to a fine of not more than \$500.00. (Ord. 1050 §7, 1997; Ord. 89 §8, 1968).

---

<sup>1</sup> For statutory provisions regarding discrimination in housing, see RCW 46.60.217.