

ORDINANCE NO. 1585

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY RELATED TO UPDATES TO THE SHORELINE MASTER PROGRAM, ADOPTING THE 2021 SHORELINE MASTER PROGRAM, AMENDING SECTIONS 14.26.010, 14.28.280, 16.19.040, AND 16.19.050, ALL OF THE LACEY MUNICIPAL CODE, AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, The Washington State Shoreline Management Act requires the City to review and revise its Shoreline Master Program (SMP) periodically; and

WHEREAS, City of Lacey staff have conducted a review of the City's SMP; and

WHEREAS, staff have identified potential revisions to the SMP that would keep it current with changes in State law and other applicable rules; and

WHEREAS, a joint public hearing and formal comment period with the Washington State Department of Ecology was held in October 2020, and public comments were received and considered; and

WHEREAS, staff has recommended revisions to the SMP; and

WHEREAS, the Washington State Department of Ecology has determined that the City's proposed revisions are consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines; and

WHEREAS, the City Council finds that the approval of such revisions will be in the public interest.

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

Section 1. That certain document entitled City of Lacey Shoreline Master Program, March 2021 is hereby adopted as the Shoreline Master Program for the City of Lacey.

Section 2. Section 14.26.010 of the Lacey Municipal Code is hereby amended as follows:

14.26.010 Adopted.

There is adopted and by this reference made a part of this chapter as though fully set forth herein, at length, those certain plans, rules and regulations known as the "City of Lacey Shoreline Master Program, ~~September~~ March, 2011-2021" as the master program for the regulation and development of the shorelines within the jurisdiction of the city, subject to the supplemental local ordinance contained within this code.

Section 3. Section 14.28.280 of the Lacey Municipal Code is hereby amended as follows:

14.28.280 Wetland buffers—Standard buffer zone widths.

A. Wetland buffer zones shall be required for all regulated activities adjacent to regulated wetlands. Any wetland created, restored or enhanced as compensation for approved wetland alterations shall also include the standard buffer required for the category of the created, restored, or enhanced wetland. All buffers shall be measured from the wetland boundary as surveyed in the field pursuant to the requirements of LMC 14.28.090.

B. The width of the wetland buffer zone shall be determined according to wetland category, the proposed land use and the wetland's identified functions and values.

~~Criteria for determination of the appropriate category of wetland and functions and values shall be as identified in the publication used by the Department of Ecology for wetland protection and impact mitigation; Wetlands in Washington State Volume 2—Protecting and Managing Wetlands Appendix 8 C. The specific strategy to be applied from this section shall be the “Modified Buffer Widths in Alternative 3 Using a Graduated Scale for the Habitat Functions (Alternative 3A).” This methodology shall be applied except when the community and economic development director, through consultation with the Department of Ecology, determines that another methodology better addresses best available science and/or the specific circumstances of the wetland and wetland protection needs.~~

C. Where an area of a wetland may be classified under more than one category, the category having the greatest buffer area shall apply. These buffer widths presume that buffer area is comprised of relatively intact native vegetation community adequate to protect the wetland functions at values at the time of the proposed activity. If the vegetation is not adequate, then the buffer width may need to be increased or planted to maintain the standard width. Buffer width required for points identified pursuant to the Department of Ecology wetland rating system. (See Table 14T-19).

1. For wetlands that score 6 or more points for habitat function, the following conditions must be maintained in order to use the standard buffers, as follows:

a. If an existing, relatively undisturbed vegetated corridor at least 100 feet wide exists between the on-site wetland and other Priority Habitats, as defined by the Washington State Department of Fish and Wildlife, and the off-site portion of the corridor is already protected via an existing conservation easement, critical areas regulations, or other legal requirement, the portion of the corridor on-site must also be protected by a similar legal protection. All other applicable criteria found in C.2 must also be met. The evaluation of presence or absence of the conditions described above must be completed as part of the critical areas report.

b. If no such corridor is present to protect, the standard buffers alone may be used with the other applicable criteria contained in this section. If an option for protection

of a corridor, as defined under (a) above, exists on the parcel, but is not provided, standard buffer widths must be increased by 33%.

2. The buffer widths in Table 14T-19 assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.

Points for Habitat from Wetland Rating Form	3	4	5	6	7	8	9
Alternative 3A High Intensity	80	100	140	180	220	260	300
Alternative 3A Low Intensity	60	75	105	135	165	195	225

a. Table 14T-19. Wetland Buffer Table.

Wetland Category and Type	Buffer Width (in feet) Based on Habitat Score		
	3-5 (Low)	6-7 (Medium)	8-9 (High)
<u>I: Estuarine and Coastal lagoons</u>	<u>150</u> (buffer width not based on habitat scores)		
<u>I: Bogs and Wetlands of High Conservation Value</u>		<u>190</u>	<u>225</u>
<u>I: All others</u>	<u>75</u>	<u>110</u>	<u>225</u>
<u>II: Estuarine and Coastal lagoons</u>	<u>110</u> (buffer width not based on habitat scores)		
<u>II: All</u>	<u>75</u>	<u>110</u>	<u>225</u>
<u>III: All</u>	<u>60</u>	<u>110</u>	<u>225</u>
<u>IV: All</u>		<u>40</u>	

b. Table 14T-68. Required measures to minimize impacts to wetlands (Measures are required, where applicable to a specific proposal. If not implemented, wetland buffers as indicated in Table 14T-69 will be used.

Disturbance	Required Measures to Minimize Impacts
<u>Lights</u>	<ul style="list-style-type: none"> • <u>Direct lights away from wetland</u>
<u>Noise</u>	<ul style="list-style-type: none"> • <u>Locate activity that generates noise away from wetland</u> • <u>If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source</u> • <u>For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining,</u>

Disturbance	Required Measures to Minimize Impacts
	<u>establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer</u>
<u>Toxic runoff</u>	<ul style="list-style-type: none"> • <u>Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered</u> • <u>Establish covenants limiting use of pesticides within 150 ft of wetland</u> • <u>Apply integrated pest management</u>
<u>Stormwater runoff</u>	<ul style="list-style-type: none"> • <u>Retrofit stormwater detention and treatment for roads and existing adjacent development</u> • <u>Prevent channelized flow from lawns that directly enters the buffer</u> • <u>Use Low Intensity Development techniques (per PSAT publication on LID techniques)</u>
<u>Change in water regime</u>	<ul style="list-style-type: none"> • <u>Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns</u>
<u>Pets and human disturbance</u>	<ul style="list-style-type: none"> • <u>Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion</u> • <u>Place wetland and its buffer in a separate tract or protect with a conservation easement</u>
<u>Dust</u>	<ul style="list-style-type: none"> • <u>Use best management practices to control dust</u>

c. Table 14T-69. The following wetland buffer requirements if habitat corridor is not provided per LMC 14.28.280.C(1) or minimization measures per LMC 14.28.280.C.2(b) are not implemented:

Wetland Category and Type	Buffer Width (in feet) Based on Habitat Score (if minimization measures are not met)		
	3- 5 (Low)	6-7 (Medium)	8-9 (High)
<u>I: Estuarine and Coastal Lagoons</u>	<u>200</u> (buffer width not based on habitat scores)		
<u>I: Bogs and Wetlands of High Conservation Value</u>		<u>250</u>	<u>300</u>
<u>I: All others</u>	<u>100</u>	<u>150</u>	<u>300</u>
<u>II: Estuarine and Coastal Lagoons</u>	<u>150</u> (buffer width not based on habitat scores)		
<u>II: All</u>	<u>100</u>	<u>150</u>	<u>300</u>
<u>III: All</u>	<u>80</u>	<u>150</u>	<u>300</u>
<u>IV: All</u>	<u>50</u>		

Section 4. Section 16.19.040 of the Lacey Municipal Code is hereby amended as follows:

16.19.040 Residential Form Permitted.

A. Land Form Generally:

Within the 200 foot shoreline jurisdiction, the form of urban residential development shall be designed to be compatible with the shoreline environment. The Shoreline Master Program, Chapter 17.63 17.26 LMC-Residential Development provides ~~residential requirements standards~~ for said development within the Shoreline Zone.

B. Innovative Concepts Encouraged:

Concepts that use unique or innovative designs to achieve the goals of Lacey's Shoreline Master Program are encouraged and will be allowed flexibility in meeting design standards to achieve this objective.

C. Housing Forms:

A range of housing options will be permitted for projects that are compatible with shoreline resources, meet GMA goals and provide a quality residential environment. To achieve urban density and environmental compatibility, this may include attached and compact housing forms and clustering concepts.

D. Compact Housing and Clustered Housing Forms Encouraged:

Compact housing forms that consolidate large areas of open space by reducing individual lot size and clustering units is encouraged. This provides the opportunity for a design that can achieve a higher level of compatibility with the shoreline environment and provide open space concepts for public and private use.

E. Clustering Housing Forms Encouraged:

Clustering of residential units may use an attached development concept or a compact detached form of housing. Housing forms that utilize compact low impact design to achieve the goals of Lacey's Shoreline Master Program for integration, compatibility with natural shoreline processes and environmental sensitivity are preferred. This can include condominium, townhome, courtyard, cottage designs and other innovative housing forms that accomplish the same objectives.

F. Design with Nature:

Design shall incorporate natural physical topographic profiles to work with the site's natural components, without impact to functions and values identified in the inventory, analysis and classification of the subject reach.

G. Least Impact:

For projects that include more than one residential unit, or a land division of property, design with least impact to the environment may require a clustering concept to minimize site

disturbance and impervious area. This will include common facilities that provide use of shoreline resources for residents and also minimize impact and physical alteration of shoreline area.

Section 5. Section 16.19.050 of the Lacey Municipal Code is hereby amended as follows:

16.19.050 Conformance with Shoreline Master Program Requirements.

All requirements of Chapter ~~17.63~~ 17.25 LMC Residential Development of the SMP shall be satisfied.

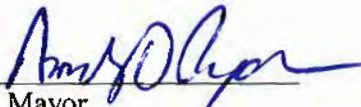
Section 6. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make corrections to this ordinance including, but not limited to, the corrections of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

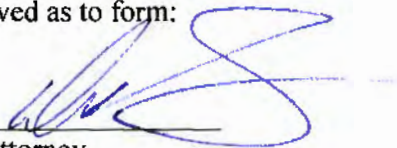
Section 8. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, at a regularly-called meeting thereof, held this 18th day of March, 2021.

CITY COUNCIL

By: 
Mayor

Approved as to form:


City Attorney

Attest:


City Clerk

SUMMARY FOR PUBLIC ATION
ORDINANCE NO 1585
CITY OF LACEY

The City Council of Lacey, Washington passed on arch 18, 2021, Ordinance No. 1585, entitled "AN ORDINANCE OF THE CITY OF LACEY RELATED TO UPDATES TO THE SHORELINE MASTER PROGRAM, ADOPTING THE 2021 SHORELINE MASTER PROGRAM, AMENDING SECTIONS 14.26.010, 14.28.280, 16.19.040, AND 16.19.050, ALL OF THE LACEY MUNICIPAL CODE, AND APPROVING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. The Ordinance adopts the 2021 City of Lacey Shoreline Master Program.
2. The Ordinance amends several sections of the Lacey Municipal Code as part of updates to the Shoreline Master Program.
3. The Ordinance approves this summary for Publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: March 22, 2021