

AGENDA
LACEY PLANNING COMMISSION MEETING
Tuesday, July 7, 2015 – 7:00 p.m.
Lacey City Hall Council Chambers, 420 College St. SE

Call to Order: 7:00 p.m.

- A. Roll Call
- B. Approval of Agenda & Consent Agenda Items*
Approval of the June 16, 2015, Planning Commission Meeting Minutes

*Items listed under the consent agenda are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

Public Comments: 7:01 p.m.

Commission Members Reports: 7:03 p.m.

Director's Report: 7:05 p.m.

New Business: 7:07 p.m.

Hawks Prairie Business District Code Amendments: Rick Walk, Community Development Director. The Planning Commission will be briefed on proposed amendments to Lacey Municipal Code 16.37 for the Hawks Prairie Business District related to ground floor residential uses, auto sales, and park and rides. No action on these amendments will be necessary as they will be packaged together with the 2015 Development Code items for public hearing at a future date.

SEPA Threshold Update: Christy Osborn, Associate Planner. The Planning Commission will be briefed on proposed amendments to Lacey Municipal Code 14.24 related to recent revisions permitted under the State Environmental Policy Act for flexible thresholds under WAC 197-11-800. No action on these amendments will be necessary as they will be packaged together with the 2015 Development Code items for public hearing at a future date.

Communications and Announcements: 8:55 p.m.

Next Meeting: July 21, 2015.

Adjournment: 9:00 p.m.

6/29/15

CITY OF LACEY PLANNING COMMISSION WORK SCHEDULE

**Planning Commission Meeting
July 7, 2015**

1. **Worksession:** HPBD Zoning Code Amendments
2. **Worksession:** SEPA Amendments

Packets due: July 2nd

**Planning Commission Meeting
July 21, 2015**

1. **Worksession:** Development Code Updates
2. **Worksession:** Economic Analysis

Packets due: July 16th

**Planning Commission Meeting
August 4, 2015**

1. **Public Hearing:** Development Code Updates (HPBD Amendments, SEPA Amendments, Development Code)

Packets due: July 30th

**Planning Commission Meeting
August 18, 2015**

1. **Worksession:** Land Use Element Chapter 3 Topic Sections: Commercial, Industrial

Packets due: August 13th

Pending items:

Housing Element

Industrial Square Footage

Woodland District FBC—Sept. 15

MINUTES

Lacey Planning Commission Meeting
Tuesday, June 16, 2015 – 7:00 p.m.
Lacey City Hall Council Chambers, 420 College Street SE

Meeting was called to order at 7:00 p.m. by Carolyn St. Claire.

Planning Commission members present: Carolyn St. Claire, Jason Gordon, Sharon Kophs, Carolyn Cox, Cathy Murcia, and Paul Enns. Staff present: Ryan Andrews, Christy Osborn, Martin Hoppe, Roger Schoessel, and Leah Bender.

Carolyn St. Claire noted a quorum present.

Paul Enns made a motion, seconded by Sharon Kophs, to approve the agenda for tonight's meeting. All were in favor, the motion carried. Paul Enns made a motion, seconded by Sharon Kophs, to approve the minutes of the June 2, 2015, meeting. All were in favor, the motion carried.

1. **Public Comments:** None.

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

- Sharon Kophs reported on her attendance at the last Council meeting. She noted that Council approved LMC 16.82 Development Agreements.
- Carolyn Cox attended the recent Homeowners Association Academy. She said it was very well attended and very informative. Ryan Andrews noted that due to the success of the Academy, it will most likely become an annual event.

3. **Director's Report:**

- Ryan Andrews noted that at the next Council meeting, street tree maintenance is on the agenda and it is expected that Council will discuss and come to a consensus on the issue. Planning Commissioners are welcome to attend.
- The last Form-based Code Tech Team meeting will be held on Wednesday, June 17. The draft code will be presented to the Planning Commission at a future meeting.

4. **Public Hearing:**

2016 Six-Year Transportation Improvement Plan:

- Martin Hoppe gave some background information and noted that the City is required to prepare an annual Transportation Improvement Program (TIP) and submit it to the Washington State Department of Transportation and Thurston Regional Planning Council by July 31.
- Martin pointed out that there are no new projects, and that three projects have been removed:
 - Willamette Drive/31st Avenue Roundabout and Golf Club Road Extension because funds have been fully obligated.
 - Ruddell Road Safety Improvements because the City did not receive the grant for the project.
- No public testimony was given.
- Public Hearing was closed at 7:12 p.m.
- **Carolyn Cox made a motion, seconded by Sharon Kophs, to forward the 2016 Six-Year TIP to Council. All were in favor, the motion carried.**

5. **Old Business:**

Environmental Element Goals and Policies Review:

- Christy Osborn informed Planning Commission that Goals, Policies, and Implementation Strategies have been added to the Environmental Protection and Resource Conservation Element.
- There was a discussion about mineral extraction sites. Christy explained that Department of Natural Resources conducts site visits periodically.
- It was suggested that the wording of the geologically sensitive areas section be changed from "should" to "shall" or "must."
- All agreed to move forward with the draft.

Carbon Reduction and Resiliency (CR2) Plan:

- Ryan Andrews presented a poster listing CR2 measures and asked Commissioners to review them and prioritize.

- Ryan announced that the Envision Lacey booth will be at the South Sound BBQ Festival on July 11 at Huntamer Park. Planning Commissioners are welcome to stop by and help staff in the booth. Ryan will distribute a schedule of events soon.
- Ryan gave a PowerPoint overview of the CR2 Plan.
- Ryan said the Envision Lacey website is up and running and contains links to the draft Land Use Plan, Utilities Element, and Environmental Element.

6. **Communications and Announcements:** None.

7. **Next meeting:** July 7, 2015.

8. **Adjournment:** 8:04 p.m.



PLANNING COMMISSION STAFF REPORT

July 7, 2015

SUBJECT: Amendments to Hawks Prairie Business District, LMC 16.37

RECOMMENDATION: Discuss the merits of amending LMC 16.37 based on information provided below.

TO: Lacey Planning Commission

STAFF CONTACTS: Rick Walk, Director of Community Development 

ATTACHMENT(S): 1992 Northeast Area Planning Element Study Area Map
1992 Northeast Area Planning Element Land Use Designation Map
LMC 16.37 (1994 version)
LMC 16.37 (1997 version)

**PRIOR COUNCIL/
COMMISSION/
COMMITTEE REVIEW:** None

INTRODUCTION:

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

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

Another key factor in the SEIS was creating a Town Center where residents and employees would not have to rely on the automobile for mobility. Having options to walk, bike, or use transit is

considered a strategy to reduce overall vehicular trips, especially commute trips to job markets located to the north on Interstate 5. As the Town Center develops, transit services will need to be developed to serve support future residents and employees. The SEIS identifies park and ride facilities as one of those facilities necessary to support future demand.

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

This report is intended to provide a history on the HPBD and start the discussion on whether amendments should be made to LMC 16.37 HPBD. The report is organized with a brief history on the 1992 Northeast Planning Area Element, 1994 ordinance, the 1997 ordinance, and concludes with a summary of options to consider for each of the three topics.

BACKGROUND:

1992 Plan

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

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

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

- Residential - high density: 20 units/acre maximum and minimum, limited to 10% of the zone.
- Medical facilities
- Hotels, motels, conference facilities
- Cultural, entertainment, recreation facilities
- Parks, playfields

- Public services
- Retail/commercial
- Financial
- Mass Transit
- Offices
- Corporate headquarters
- Open space/linkages

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

1994 ordinance

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

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

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

1997 ordinance

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

residential type uses. This sub-district is focused on the properties fronting Marvin Road NE. The remainder of the HPBD was designated HPBD-BC which would allow in addition to commercial/retail, the medical, office, and residential uses. The strategy of creating the HPBD-C was to preserve area with prime street frontage for retail development, which alleviated the concern that this area would be develop with office or residential uses and effectively prevent substantial retail development.

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

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

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

Planning Commission Discussion

Mentioned at the beginning of this report, through the work on the Gateway Town Center Master Plan and as development trends have changed over the last 25 years, Community Development Department has identified three topics related to the HPBD zoning district worth discussion and consideration by the Planning Commission. First, allowing ground floor residential. Second, considering park and rides as a permitted use, and finally whether auto sales should be considered as a listed permitted use within the District.

Ground Floor Residential: Traditionally in the City of Lacey, mixed-use development was viewed in terms of a building versus a district or specific site development. Meaning mixed use was promoted in building design where there would be ground floor commercial/office and upper story residential. We have experienced this in the Woodland District where ground floor of buildings used to be restricted to commercial use and residential restricted to upper floors. The City has since removed the restriction and focused on the district as whole to be mixed use with an integration of uses. This action was taken to provide more opportunity, flexibility, and proximity of uses to create a vibrant mixed-use district.

This same approach should be discussed for the Hawks Prairie Business District. Can we achieve the same land use vision of a dense mixed-use development with a mixture of housing ranging from urban style townhomes, multi-story multi-family buildings, and mixed use buildings? The Gateway Town Center SEIS does contemplate this question. The Town Center vision includes mixed-use buildings with residential on upper floors. The vision also looks at having standalone residential buildings that are located immediately adjacent or in one off locations from commercial and office uses.

The key is consistent and compatible design as well as strong connectivity between uses with pedestrian corridors. Having this flexibility can also resolve the challenges of mixed use buildings. These challenges include ground floor commercial activities that produce noise, odors, or light that can affect the interior of the upper floor residential or, being able to equitably share common area maintenance (CAM) costs between commercial and residential uses. If the ground floor commercial is vacant then does the residential portion pick up the CAM costs or vice versa. There are nuances of design and cost of mixing commercial and residential in a building that not all developers are willing to take the risk of managing.

Based on the above, is it worth considering removing the current language in LMC 16.37 restricting residential uses to upper floors of mixed use buildings. If so, should performance or design standards be developed that address the following items:

- If not in a mixed use building then allowed as part of a master plan
- Types of ground floor residential uses that would be allowed (i.e. single family-attached, duplexes, town homes, garden style apartments, urban apartments, etc)
- Level of connectivity to other uses in the district
- Maximum distance from other land uses
- Building and material design
- Any other elements that should be addressed?

Park and Ride: The park and ride topic is fairly straight forward. As the HPBD develops, transit will be a key feature to serve future residents, employees, and shoppers within the district. Transit facilities such as a bus transfer center are anticipated to be developed as some point. A transit center is necessary to link citizens to other parts of Lacey, Olympia, Tumwater as well as north to Pierce County. As ridership demand grows, park and rides will be necessary to support transit services. Instead of being strictly prohibited, park and ride facilities should be allowed provided they are not stand alone and isolated parking lots. Park and ride facilities should be integrated into other land uses within the district and jointly share parking facilities with other uses to reduce the overall footprint of paved parking areas. This approach would allow park and ride facilities to be integrated into future development and prevent the original concern of stand along parking areas without any development around them.

Based on the above, is it worth considering removing the current language in LMC 16.37 prohibiting park and ride facilities. If so, should performance or design standards be developed that address the following items:

- Facilities are not developed until such time as commercial and/or office and residential uses are substantially developed.
- Park and ride facilities are not exclusive but shared parking facilities with other uses.
- Park and ride facilities are integrated into a commercial/mixed use development site plan

Auto Sales: Auto sales is not specifically identified as either a permitted use or a prohibited use in the Hawks Prairie Zoning Chapter. The default language within the ordinance that would regulate this use is LMC 16.37.040.B. This language is in the prohibited use section and states:

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

The section list several example uses generally of an industrial nature, including “auto or truck storage or repair as a primary use” .

Auto sales or dealerships can easily meet two of the three criteria of the above quoted section. Auto sales can enhance the marketability of the Hawks Prairie Business District by being an anchor that draws shoppers into the area thereby creating more commercial opportunities. In addition, auto sales would not adversely impact the city’s economic development strategies. This particular use would actually enhance economic development opportunities for the City by expanding our retail base and would catalyze additional commercial activity and development.

The challenge for auto sales is meeting the first criteria, “...compatibility with the high aesthetic standards of the area...”. As a result, the City has traditionally discouraged auto sales based on the aesthetic issues associated with typical dealership design. Typical dealership design is the showroom building in the center of the site with vehicles displayed around the buildings. This design works well in a standard general commercial district but not in the HPBD where the focus is on integrated uses, buildings up at the streets, walkable blocks, and mix of uses. While the buildings may have good quality design it is ineffective because it is not adjacent to the street and interrupts the streetscape from being a walkable shopping district.

In theory however, if an auto dealership proposed a project that met the design standards of the HPBD it could be allowed under are existing ordinances. For example, if a project were proposed where the dealership buildings framed the street with showroom windows facing the sidewalk, vehicles and services bays located to the side and rear, created strong pedestrian connectivity and streetscape, etc., it could be a permitted use.

Since auto sales are not specifically addressed within LMC 16.37, is it worth considering adding design criteria in LMC 16.37 to establish minimum design guidelines and expectations for allowing auto sales within the district. Or should the ordinance not be amended and we use the existing design criteria to determine if a use not listed, such as auto sales, is allowed within the HPBD based on project design?

In either case, design standards should address the following elements:

- Specifically identify types of auto sales allowed. For example, new or used cars, campers, trailers, motorcycles, boats, etc. (note, Cabela's was allowed boat sales as an accessory use.)
- Showrooms have a minimum setback from the fronting street with showroom facing the street.
- Vehicle display located to the side and rear of showroom building.
- Service facilities located to the rear of the building.
- Maximum frontage width or distance between buildings along frontage.
- Building and site design materials.
- Integrated into surrounding development to the extent practicable.

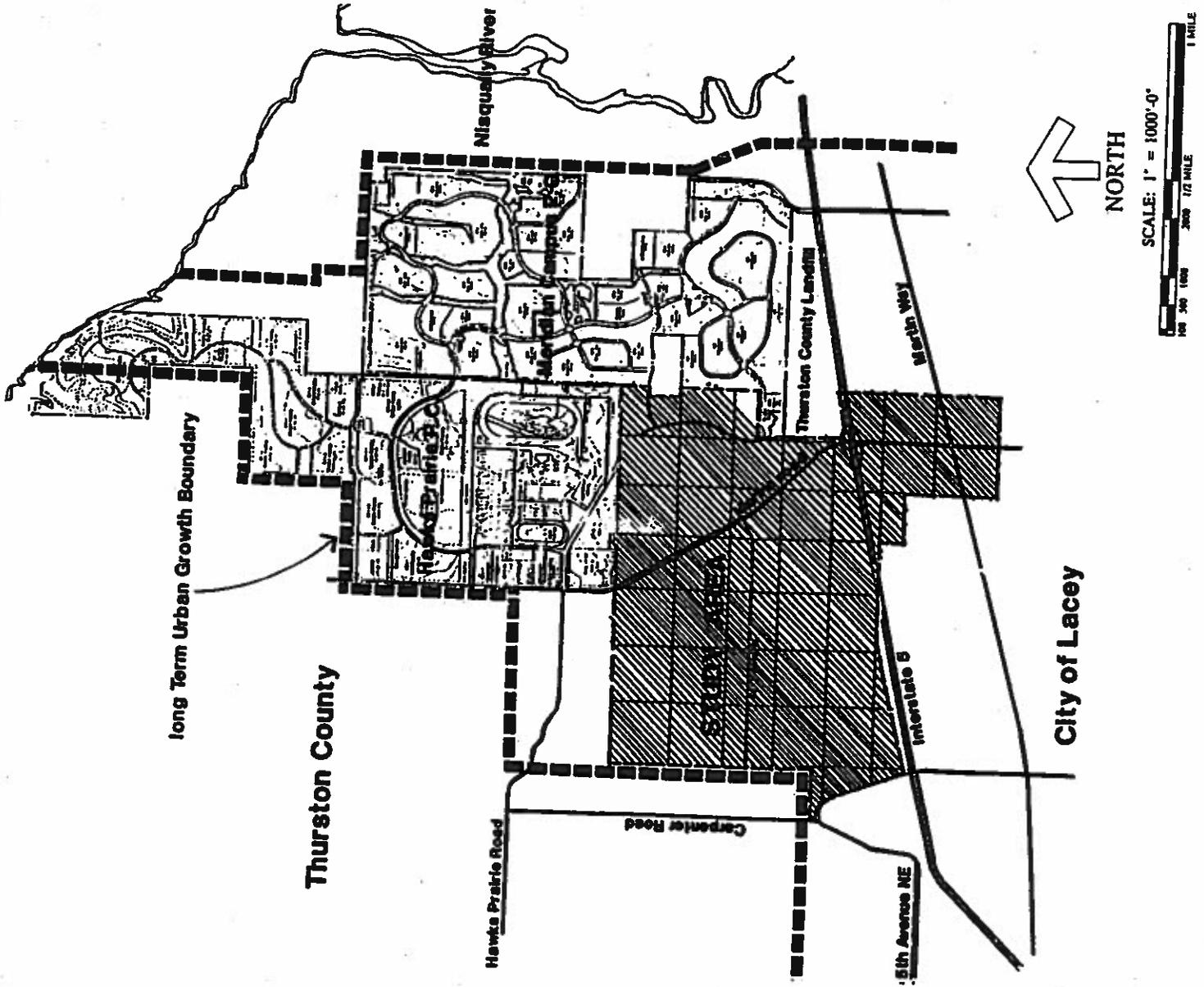
RECOMMENDATION:

This report is to introduce the need to consider amending LMC 16.37 to further address residential, park and ride and auto sale uses within the Hawks Prairie Business District. The Community Development Department recommends that continued discussions on this topic and that planning staff begin work on further developing performance standards to address this land use issues. Once completed, planning staff will submit the draft performance standards and amendment language to the Planning Commission for further discussion.

STUDY AREA
 Figure 3

Legend

- Long Term Urban Growth Boundary
- Lacey City Limits
- Northeast Planning Area



long Term Urban Growth Boundary

Thurston County

Hawk Prairie Road

Carpenter Road

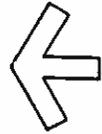
5th Avenue NE

Interstate 5

Thurston County Landfill

Martin Way

Nisqually River



NORTH

SCALE: 1" = 1000'-0"



Legend

- Hawks Prairie District
- General Commercial
- Public Facilities
- Community Park
- Business Park
- Light Industrial
- Residential
 - H.D.R.(20/Ac)
 - M.D.R.(12/Ac)
 - M.D.R.(8/Ac)
- Existing roads

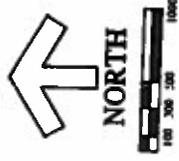
Proposed roads. Exact centerline location will be determined within swath shown on plan. Final r.o.w. may vary from 80' - 120'

Land use boundary that will be at the centerline of proposed road

Boundary of land use not abutting roadway

Road and trail open space linkage system located on public land and within r.o.w. s.

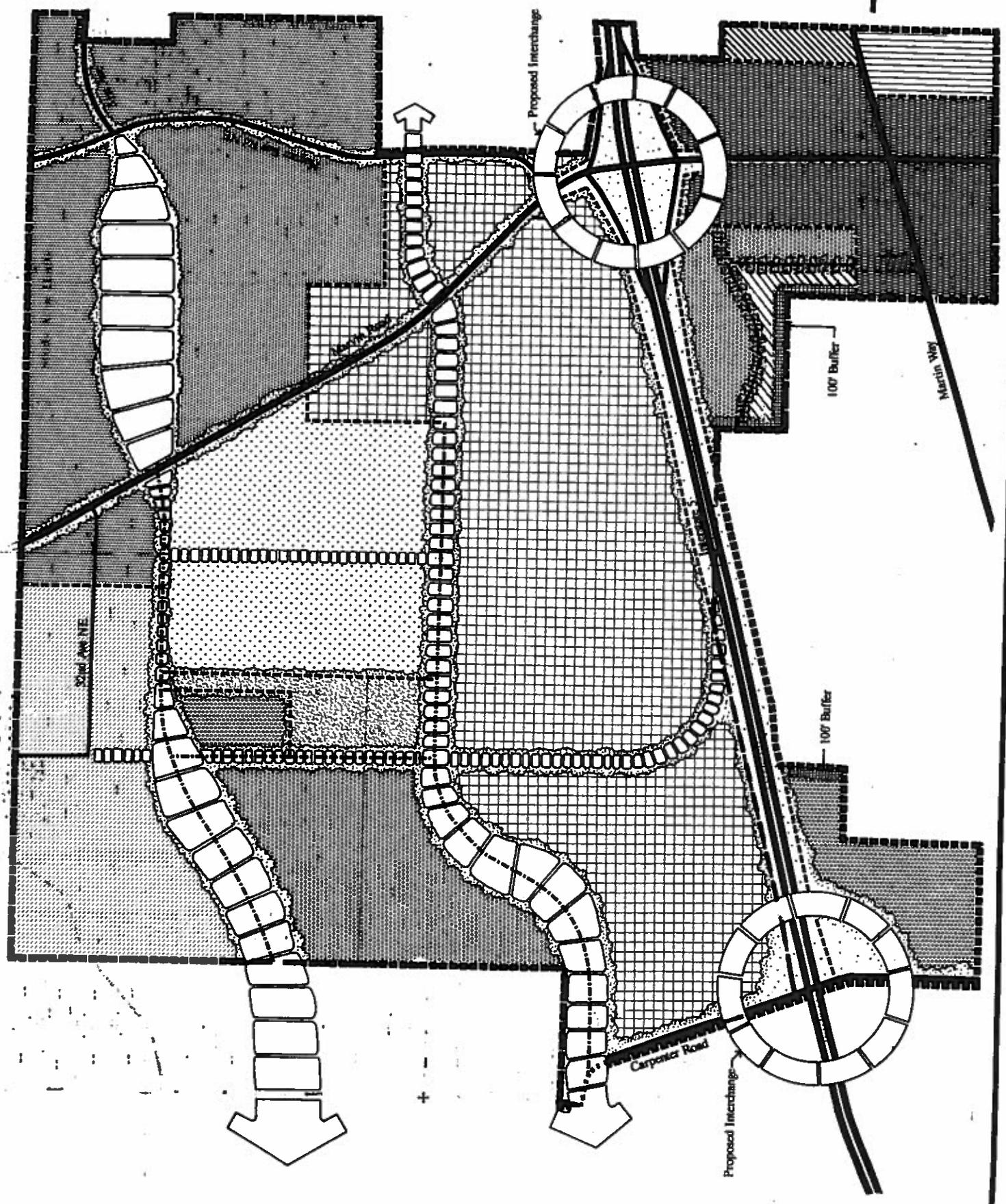
Planning Area Boundary



Lacey Comprehensive Plan
Northeast Planning Area Element
Fall 1991



PROPOSED LAND USE
Figure 11



ORDINANCE 989
CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, ADOPTING REGULATIONS NECESSARY TO CARRY OUT THE INTENT OF THE NORTHEAST AREA PLAN ELEMENT OF THE CITY'S COMPREHENSIVE PLAN BY ADDING A NEW CHAPTER 16.17 TO THE LACEY MUNICIPAL CODE RELATING TO THE INTERMEDIATE DENSITY RESIDENTIAL DISTRICT, ADDING A NEW CHAPTER 16.37 TO THE LACEY MUNICIPAL CODE RELATING TO THE HAWKS PRAIRIE BUSINESS DISTRICT, AMENDING THE CITY'S ZONING MAP TO PROVIDE FOR ZONE DISTRICTS WITHIN THE NORTHEAST AREA AND SPECIFYING THE LIMITATIONS RELATING TO USES WITHIN THAT PORTION OF SAID AREA DESIGNATED AS ZONE DISTRICT GENERAL COMMERCIAL LIMITED.

WHEREAS, the Council has previously, by passage of Resolution 701, added the Northeast Area Plan Element to the City's Comprehensive plan and has, on the date of passage of this ordinance, adopted a new resolution amending said Northeast Area Plan, and

WHEREAS, the Planning Commission of the City of Lacey has recommended, after public hearing, that in order to carry out the provisions of the Northeast Area Plan that new chapters be added to the Lacey Municipal Code, and

WHEREAS, as part of the process of determining the proper land use boundaries within the Northeast area, the Planning Commission has considered an application to zone or rezone a portion of said area as general commercial limited and it is necessary to set forth the limitations applying to said zone district, now, therefore,

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

Section 1. There is hereby added to the Lacey Municipal Code a new chapter, 16.17 entitled Intermediate Density Residential District (12/1) to read as follows:

Chapter 16.17
INTERMEDIATE-DENSITY
RESIDENTIAL DISTRICT (12/1)

Sections:

- 16.17.010 Intent
- 16.17.020 Permitted uses
- 16.17.030 Prohibited uses
- 16.17.035 Density
- 16.17.040 Environmental performance standards
- 16.17.050 Lot area
- 16.17.060 Off-street parking
- 16.17.070 Landscaping
- 16.17.080 Stormwater runoff
- 16.17.090 Open space for multi-family projects

16.17.010 Intent. It is the intent of this chapter to:

- A. Enhance the residential quality of the city by providing a high standard of development for residential areas of intermediate density;
- B. Guide residential development to those areas where:
 - 1. Public sewers are in place prior to residential building construction, or
 - 2. Where sewers can be extended, or
 - 3. Where new technology in the processing of domestic sewerage makes residential development in unsewered areas environmentally acceptable;
- C. Permit a higher density of development as a means of achieving more economical housing;
- D. Guide development of residential areas in such manner as to encourage and plan for the availability of public services and community facilities such

as utilities, police and fire protection, streets, schools, parks and recreation;

- E. Permit a mix of single-family and multi-family residential development which will not result in further deterioration of environmentally sensitive bodies of water;
- F. Guide development in such a manner as to provide protection between noncompatible uses.

16.17.020 Permitted uses.

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

- 1. Any residential use not exceeding twelve dwelling units per net acre;
- 2. Duplexes and other multi-family housing types, provided they do not exceed the density requirements of this district and comply with the setback requirements of Section 16.17.020;
- 3. Single-family structures on individual lots;
- 4. Planned residential development in which the dwelling unit density does not exceed the density of this district except for the density bonus permitted in PRD developments;
- 5. Housing for people with functional disabilities.

B. Other or related uses permitted:

- 1. Accessory buildings or structures clearly incidental to the residential use of the lot, such as buildings or structures for storage of personal property (including boats, recreational vehicles, etc.), or for the pursuit of avocational interests; or structures designed for and related to recreational needs of the residents of a residential complex;
- 2. Agricultural uses not involving retail sales on the premises;
- 3. Home occupations as provided in Chapter 16.69;
- 4. Special uses as provided in Chapter 16.66, subject to site plan review;

5. The keeping of common household animals or pets, provided that their keeping does not constitute a nuisance or hazard to the peace, health and welfare of the community in general and neighbors in particular;
6. Family day care homes as provided in Chapter 16.65.

16.17.030 Prohibited uses. Uses other than those identified or described in Section 16.17.020 are prohibited.

16.17.035 Density. Density exceeding two units per acre is only permitted with connection to public sewer.

16.17.040 Environmental performance standards.

- A. Permitted uses shall create no noise, emissions, odors or other nuisances which are demonstrably disruptive or disturbing to other residences in the area, or which are of a quality or quantity not normally associated with residential use.
- B. Agricultural uses shall be limited as follows:

On lots or parcels of one acre or more, poultry and/or livestock may be kept provided that the number of head of livestock shall not exceed one for each half acre of lot area, and not more than twenty birds or fowl per acre; and that barns or other structures for the housing or sheltering thereof be set back not less than thirty-five feet from all property lines.
- C. Special uses shall comply with the developmental standards described for such uses in Chapter 16.66.
- D. All uses shall comply with the applicable environmental performance standards of Chapter 16.57.
- E. Proposed developments shall be designed and proposed buildings shall be located so as to encourage and promote the use of mass transit and other forms of transportation alternatives to the single occupancy vehicle.

16.17.050 Lot area. The size and shape of lots shall be as follows provided they adhere to the density requirements:

- A. Minimum lot area, five thousand square feet for single-family.¹
- B. Minimum lot width, fifty feet.
- C. Minimum front yard:

On minor street, twenty-five feet.

On major street, thirty-five feet.

On flanking streets, fifteen feet.
- D. Minimum side yards:

Minimum on one side, eight feet.

Minimum total both sides, sixteen feet.
- E. Minimum rear yard, twenty-five feet.
- F. Maximum building area coverage, forty percent.
- G. Maximum development coverage, sixty percent.
- H. Maximum height:

Main building, thirty-five feet.

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

Front yard, twenty-five feet.

Side yard:

One side, five feet.

Total both sides, twelve feet.

Rear yard, five feet.

¹Lots not on city water and/or sewer are subject to health department regulations and approval, and these lot sizes may not be applicable.

16.17.060 Off-street parking. Off-street parking shall be provided in accordance with Chapter 16.72.

16.17.070 Landscaping. Landscaping is required for the purpose of minimizing surface water runoff and diversion, preventing erosion, and promoting the aesthetic character of the community.

Natural vegetation, ground cover, stands of trees or shrubs existing prior to development of the site may be acceptable to meet the landscaping requirement. Areas which have been cleared of vegetation or ground cover prior to or during construction, and which are not otherwise developed, shall be landscaped with trees, shrubs and suitable ground cover. Suitable materials for ground cover are those which permit rain water infiltration of the soil and may include sod, ivy, bark, noncompacted gravel and the like.

16.17.080 Stormwater runoff. All stormwater runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff retention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall moreover, comply with Chapter 15.36 of the Lacey Municipal Code pertaining to community facilities. Stormwater generated on site shall not cause pollution to any surface or ground waters, so as to violate local, state or federal standards governing the quality of such waters.

16.17.090 Open space for multi-family projects. For multi-family developments a minimum of twenty percent of the gross site area shall be set aside and utilized as open space area for use and enjoyment of future residents of the development. Such open space shall at a minimum meet the following standards:

A. Open space area must be designed to be attractive and usable for active as well as passive recreation opportunities. No use shall be allowed within open space that adversely affects the aesthetic appeal or usability of the open space.

B. For the purpose of calculation of the twenty percent requirement, open space shall be separate and distinct from buffers, required yard areas, setbacks, and other undeveloped portions of the site.

C. Open space area shall have convenient access for residences of the development and shall be consolidated to provide maximum access, visibility, usability, minimization of impacts to residential uses, and ease of maintenance.

D. Open space areas shall be designed and placed in consideration of existing and potential open space on adjacent parcels to provide consolidation or opportunities for future consolidation of neighborhood open space areas.

E. Existing trees and significant vegetation shall be maintained in open space areas unless an alternate landscaping plan for such areas is required or approved by the site plan review committee.

F. Cash or like value of land area and improvements may be donated to the city for open space purposes to fulfill open space requirements within that specific parks planning area. Acceptance will be at the discretion of the city.

Section 2. There is hereby added to the Lacey Municipal Code a new chapter, 16.37, entitled Hawks Prairie Business District to read as follows:

Sections:

- 16.37.010 Intent
- 16.37.020 Permitted Uses
- 16.37.030 Prohibited Uses
- 16.37.040 Special Uses
- 16.37.050 Environmental Performance Standards
- 16.37.060 Site Requirements
- 16.37.070 Evaluation Standards and Criteria
- 16.37.080 Separation of Uses, Transition Buffers
- 16.37.090 Mixed-Use Occupancies
- 16.37.100 Site Plan Requirements
- 16.37.110 Landscaping Requirements
- 16.37.120 Stormwater Runoff
- 16.37.130 Common Open Space

16.37.010 Intent.

It is the intent of this chapter to:

- A. Implement the goals and policies of the Northeast Area Element of the Comprehensive Plan as they relate to the area to be designated Hawks Prairie Business District.
- B. Encourage development of an integrated, planned community where people will want to live and work, by permitting residential and compatible business uses to develop in close proximity to each other, with strong functional and aesthetic links, through the implementation of strict performance standards.
- C. Assure that development is site sensitive and user efficient, furthers the mixed-use policies of the Northeast Area Element of the Comprehensive Plan, and provides the flexibility necessary to accommodate changing land use patterns and conditions.
- D. Assure that early development does not unnecessarily foreclose options for later projects and that new, different uses can be added without jeopardizing uses already established or planned.
- E. Encourage originality, flexibility, and innovation in site planning and development, including architecture, landscaping, and graphic design, as well as circulation and infrastructure systems.
- F. Assure that the natural and environmental characteristics and attributes of the district are preserved and enhanced.
- G. Encourage and promote the use of mass transit and other forms of transportation alternatives to the single occupancy vehicle.

16.37.020 Permitted Uses.

- A. Residential. High density residential, 20 units per net acre (minimum) including planned residential developments.
- B. Medical Facilities. Hospitals, medical dental and optometrist offices, health care centers, rehabilitation centers, medical research and development, convalescent and nursing home facilities, outpatient care facilities, small animal veterinary clinics.
- C. Hotels. Hotels and motels, convention center facilities, eating and drinking establishments, conference facilities, exhibition halls.
- D. Cultural, Entertainment and Recreation. Museums, art galleries, motion picture and legitimate theatres.
- E. Parks, Public and Private Leisure, and Open Space Areas. Aquariums, botanical gardens, zoos, golf courses, parks, playfields.
- F. Public Services. Libraries, museums, neighborhood community centers, day care facilities, public offices, higher education facilities, vocational/retraining schools, charitable and social service organizations, post office, employment center, economic development resources center, government agencies.
- G. Retail/Commercial. General merchandise, food and food service (no drive-in windows permitted), clothing and shoes, home furnishings, home appliances/music, building materials/garden, automotive supplies, hobby/special interest, gifts/speciality, jewelry and cosmetics, liquor, drugs, proprietaries, pharmacies, personal services, professional services, and convenience stores and service stations, subject to the provisions of Section 16.37.070.I of this Chapter.
- H. Financial. Banks, savings and loans, finance companies, brokerage, insurance, real estate.
- I. Mass Transit. High speed rail facilities, bus facilities, car pool facilities, shuttle facilities, i.e., helicopter.
- J. Offices. Corporate/regional and administrative offices, professional, scientific or control instrument research and development, bio-medical research and development, analytical instruments, photo and optical goods design and development, electrical equipment research and development and assembly, computer hardware/software development and assembly, scientific research and development, conference facilities.

16.37.030 Prohibited Uses.

Uses with physical and operational requirements generating substantial truck traffic, noise, odors, dust, glare, heat or vibration, or of a character not compatible with high aesthetic standards of the area. These shall include, but are not limited to: wholesale and distribution activities, motor freight terminals, auto or truck storage or repair, activities entailing movement of heavy equipment on and off the site except during construction, and machine shops.

16.37.040 Special Uses.

Special uses may be permitted as provided for in Chapter 16.66 of this title.

16.37.050 Environmental Performance Standards.

It shall be the responsibility of the operator and/or the proprietor of any permitted use to provide such reasonable evidence and technical data as the enforcing officer may require to demonstrate that the use or activity is or will be in compliance with the environmental performance standards of Chapter 16.57 of this title.

Failure of the enforcing officer to require such information shall not be construed as relieving the operator and/or the proprietor from compliance with the environmental performance standards of this title.

16.37.060 Site Requirements.

- A. Minimum District acreage, 50 (fifty) acres
- B. Minimum lot area:
 - 1. Residential. No parcel less than two (2) acres in size shall be developed with residential uses, except where contiguous to, or functionally part of, an already developed or planned residential area.
 - 2. Business/Commercial. No parcel less than ten (10) acres in size shall be developed with business/commercial uses, except where contiguous to, or functionally part of, an already developed or planned business/commercial area.
 - 3. When residential and nonresidential uses are developed on the same site, parcel size requirements may be waived by the Site Plan Review Committee where it is found that the intent of this Chapter otherwise can be met.
- C. Height Limitation. Building heights limited to eight (8) floors, excluding heating and air conditioning equipment.

16.37.070 Development Standards and Criteria.

- A. The landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and shall comply with all requirements of Chapter 14.32 of the City Code, "Tree and Vegetation Protection and Preservation."
- B. Proposed buildings shall be related harmoniously to the terrain and to other buildings in the vicinity that have a visual relationship to the proposed buildings.
- C. The distance between buildings shall be sufficient to provide adequate light and air.

- D. Proposed developments shall be designed and proposed buildings shall be located so as to encourage and promote the use of mass transit and other forms of transportation alternatives to the single occupancy vehicle.
- E. Special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.
- F. All permanent utility lines, pipes and conduits shall be located below ground, and all other utility facilities shall be landscaped and screened with sight-obscuring vegetation.
- G. The size, location, design, color, texture, lighting and materials of all signs shall not detract from the design of proposed buildings and structures and shall comply with Chapters 16.75 and 16.78 of this title.
- H. All parking areas and structures shall comply with Chapter 16.72 of this title, with the exception that the parking requirements for multi-family developments may be reduced to 1.5 spaces per dwelling unit if the applicant demonstrates a design encouraging the use of multimodal transportation options. The reduction shall be commensurate with the anticipated reduction of single-occupancy vehicle trips as approved by the Site Plan Review Committee.
- I. Site Area Standards. The following standards shall apply to Hawks Prairie District:
 - 1. Perimeter Street Setbacks. A minimum of fifty (50) foot setback shall be maintained between structures in a development and a perimeter street. No structure shall be erected closer than seventy-five (75) feet from the center line of such a street. A structure on a corner lot shall observe the minimum perimeter street setback on both roads.
 - 2. Access and On Site Circulation. The location, design and development of access and circulation corridors shall provide for continuous pedestrian and bicycle access along public, state, or private access roads and to primary uses within the developments.
- J. Standards for Convenience Stores and Service Stations. Convenience stores and service stations are permitted in the Hawks Prairie Business District, subject to the following standards:
 - 1. Must be sized and designed to provide services to the general area and not primarily for the traveling public.
 - 2. May only be located at the intersection of arterial and/or collector streets, and vehicular access must be provided from at least two arterial or collector streets.

3. On-premises signs must be monument type, no taller than six feet in height.

16.37.080 Separation of Uses, Transition Buffers.

To assure that different land uses are adequately separated (i.e., to protect the character of residential areas and at the same time minimize interference with business operations), the following transition buffers and setbacks shall be utilized:

1. Buffers Separating New Businesses from Prior Residential Uses. Where adjacent property is developed or planned for residential use, a business use must meet the following standards:
 - a. Setbacks of thirty-five (35) feet from any property line shared with a residential site.
 - b. Landscaping within required buffer areas to a minimum width of ten (10) feet unless existing natural vegetation forms a view-obscuring screen.
 - c. No parking shall occur within a required buffer.
2. Buffers Separating New Residential Uses from Prior Business Uses. Where adjacent property is developed or planned for business uses, a residential use must meet the following standards:
 - a. Setbacks from adjacent streets equal to those specified in Chapter 16.18.040 of this title and a thirty-five (35) foot setback from any property line shared with a business site.
 - b. Landscaping within required buffers as provided in Chapter 16.37.080.1.b above.

16.37.090 Mixed Use Occupancies.

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

- A. The nonresidential uses must have vehicular access via a business street or arterial and shall front directly on an adjacent sidewalk or pedestrian walkway, or on a front or side yard from which vehicles are excluded.
- B. Where business and residential portions of the building are located on different floors, business/commercial uses shall occupy the floors below the residential uses to preserve a residential atmosphere for the residents above.
- C. Business and residential portions of the building must be separated either by a soundproofed concrete or masonry wall or two framewalls at least two (2) feet apart, each insulated or otherwise soundproofed with the intervening space unoccupied except for utility lines, heating and air conditioning ducts, and

similar devices not producing noise or vibration or requiring regular access.

16.37.100 Site Plan Requirements.

All developments in the Hawks Prairie District shall require Site Plan review and approval pursuant to Chapter 16.84 of this title.

16.37.110 Landscaping Requirements.

All developments in the Hawks Prairie District shall be required to meet the requirements of Chapter 16.80 of this title.

16.37.120 Stormwater Runoff.

All stormwater runoff shall be retained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage properties. Systems designed for runoff retention and control shall comply with specifications provided by the City and shall be subject to its review and approval, and shall moreover comply with requirements of the "Drainage Design and Erosion Control Manual for ~~Thurston Region, Washington~~ *Lacey* as adopted by the City of Lacey. *embayor*

Stormwater generated on site shall not cause pollution to any surface or ground water so as to violate local, state or federal standards governing the quality of such waters.

16.37.130 Common Open Space.

There shall be set aside for common open space not less than:

- A. Ten percent (10%) of the total site acreage of each office, commercial or other such development.
- B. Twenty percent (20%) of each multi-family residential development.
- C. Thirty percent (30%) of each residential development developed as a planned residential development.

The location of the common open space shall be consistent with the declared function of the common open space. Where possible, the common open space shall be planned as a contiguous area located for the maximum benefit of the area it was designed to serve, preserving and where possible enhancing natural features.

Cash or like value of land area and improvements may be donated to the City of Lacey for open space purposes to fulfill open space requirements within that specific park planning area. Acceptance shall be at the discretion of the City.

Section 3. That certain zoning map entitled Zoning Map -- City of Lacey, adopted by section 16.09.020 of the Lacey Municipal Code is hereby amended to add those certain land use designations shown on Exhibit A attached hereto and made a part hereof.

Section 4. The limitations upon the general commercial limited district shown on Exhibit A incorporated by reference in section 3 of this ordinance, are as follows:

1. Consideration of restaurant proposals at the site will be limited to "high quality restaurants" as defined under category 831 of the ITE manual. These restaurants will need to meet the parameters discussed within the ITE Trip Generation Manual. The amount of employees shall range between 31 to 140, gross floor area shall range between 4,500 to 16,000, seating shall range between 161 to 488, and parking spaces shall range between 50 to 174.
2. No high turnover restaurants or fast food restaurants with or without a drive through window shall be considered for this site based on criteria established within the ITE Manual for these styles of restaurants.
3. All development proposals will be reviewed for compliance with ITE categories for restaurants.
4. One hotel/motel is permitted to be developed on a portion of the subject site as a commercial use.
5. The exclusive use of this property with the exception of one hotel/motel is limited to high quality restaurants that meet the ITE manual. No other commercial use will be permitted to be located in this zone.
6. No outside storage shall take place outside of the proposed restaurants and motel/hotel on this site as visibility is of concern on this property. However, temporary unloading of delivered goods can occur on these sites so long as they are properly stored inside the enclosed building within a 24 hour time period. This includes the shipping materials that the goods are delivered in such as crates, cardboard boxes, etc.
7. All signage for these establishments will be limited to wall signage on the building face that will be located adjacent to I-5. In keeping with Chapter 16.75.180.H of the Lacey Sign regulations, monument signs will be permitted along Quinalt Way NE based upon right-of-way frontage of each parcel.
8. The commercial designation of General Commercial shall be

limited to three years for these parcels. If at that time, none of the property is developed it shall revert back to its original zoning of High Density Residential. If a portion of the property is developed and in operation after three years have passed, then the zoning designation of General Commercial shall continue in perpetuity with the land.

9. Each proposed lot shall be required by the Department of Public Works to submit a traffic scoping letter to determine if a Traffic Impact Analysis will be required. Additionally, any site that generates traffic impacts shall participate to a proportionate degree in the required improvements to area streets and roads of identified projects as determined by prior traffic studies conducted within the Northeast Area. This participation shall be determined at a later date and implemented via the formation of a Local Improvement District (LID) assessing proportionate share of identified impacts. All applicants that develop on this property shall agree to sign a waiver of protest.
10. All required setback areas as stated in Chapter 16.27.060 of the City Zoning Code, whether they be front or side yards shall be landscaped. However, the setback areas, for this property shall be 50 percent landscaped. Additionally, all sites must meet the landscaping requirements of Chapter 16.80 and pedestrian access requirements of Chapter 16.24.120.E and 16.24.125.E.5. This shall include landscaping standards for parking lots, adjacent to structures, stormwater facilities, and within setback areas.

A pedestrian linkage shall be established between the hotel/motel and all of the proposed restaurant sites. The sidewalk shall meander in order to maintain any significant trees on any of the proposed parcels. The sidewalk shall be 6 feet in width along with a Type III landscaping directly adjacent to the path.

In regards to the rear yard area, a 15 foot vegetative buffer shall be maintained along the northern border of the subject property. This buffer area is currently sparsely populated with vegetation. However, interplanting this area with a combination of deciduous trees and conifers along with understory vegetation will provide for the required Type II landscaping in this area.

For the western portion of this property, which would abut a residential area, an additional 10 foot strip of landscaping will be required in addition to the setback area landscaping (Chapter 16.27.070). The landscaping in this vicinity shall provide for complete sight screening within a 3 year period with a minimum height at planting of 4 feet for evergreen tree species.

11. Tree preservation shall follow the requirements of Chapter

14.32 of the Tree Preservation and Protection Ordinance. When each pad site submits for Site Plan and Environmental Review, the Tree Protection Professional shall be required to do a tree evaluation of each proposal. After the Tree Protection Professional concludes his/her review, a report shall be submitted to the Landclearing Committee for final review and approval.

12. The restaurants and hotel/motel that locate in this vicinity shall provide necessary lighting for parking lots, entryways, and along pedestrian pathways. This lighting shall be activated by photo electric cells or timer.

Section 5. The summary of this Ordinance, which is attached hereto, is approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON,
this 10TH day of March, 1994.

CITY COUNCIL

By Jon W. Halverson
Mayor

Attest:

Approved as to form:

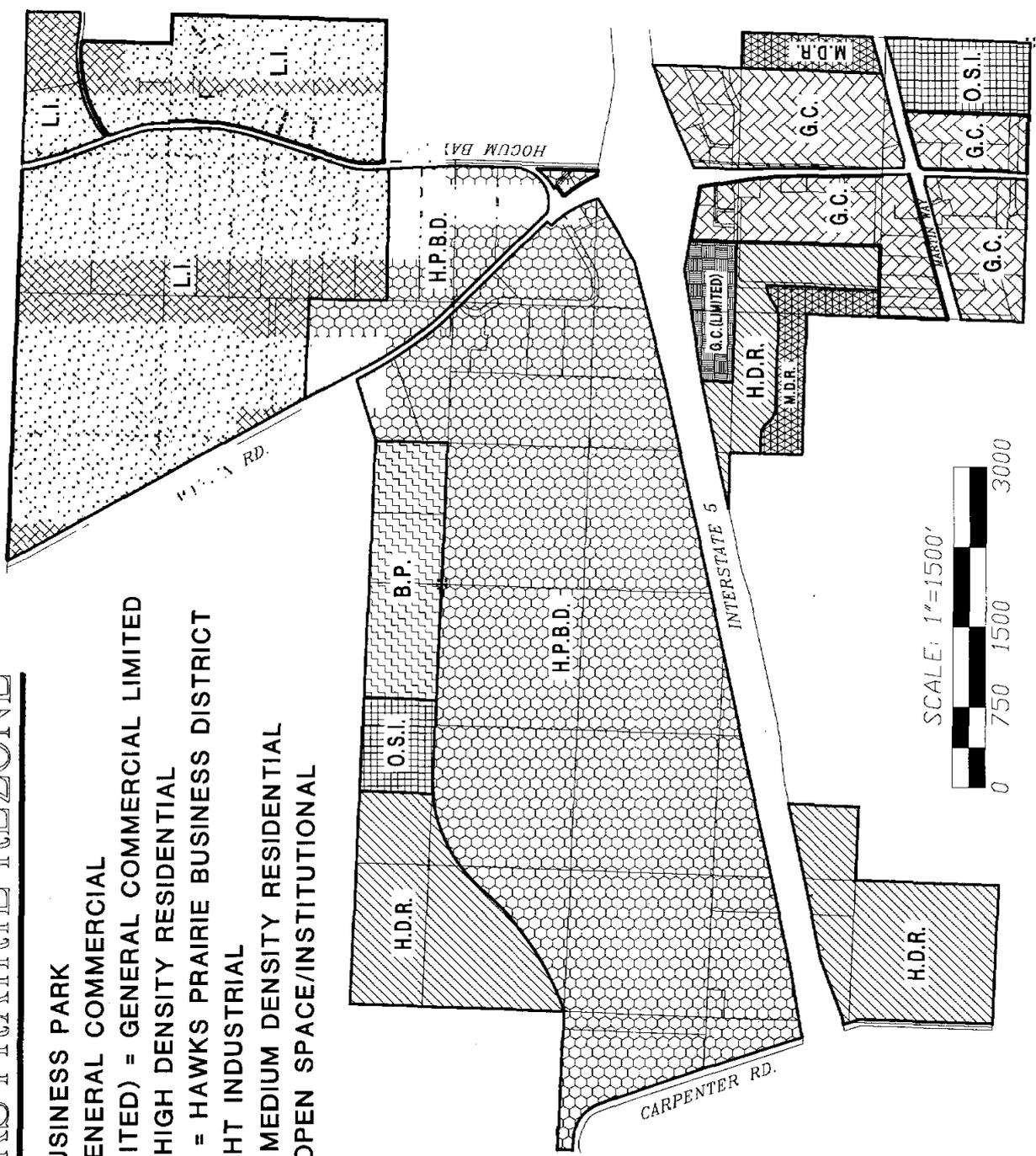
Charlotte In. Taylor
City Clerk

[Signature]
City Attorney

Published: March 14, 1994
Summary - on Monday

HAWKS PRAIRIE REZONE

- B.P. = BUSINESS PARK
- G.C. = GENERAL COMMERCIAL
- G.C. (LIMITED) = GENERAL COMMERCIAL LIMITED
- H.D.R. = HIGH DENSITY RESIDENTIAL
- H.P.B.D. = HAWKS PRAIRIE BUSINESS DISTRICT
- L.I. = LIGHT INDUSTRIAL
- M.D.R. = MEDIUM DENSITY RESIDENTIAL
- O.S.I. = OPEN SPACE/INSTITUTIONAL



SUMMARY FOR PUBLICATION

ORDINANCE 989

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on March 10, 1994, Ordinance No. 989 entitled "AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, ADOPTING REGULATIONS NECESSARY TO CARRY OUT THE INTENT OF THE NORTHEAST AREA PLAN ELEMENT OF THE CITY'S COMPREHENSIVE PLAN BY ADDING A NEW CHAPTER 16.17 TO THE LACEY MUNICIPAL CODE RELATING TO THE INTERMEDIATE DENSITY RESIDENTIAL DISTRICT, ADDING A NEW CHAPTER 16.37 TO THE LACEY MUNICIPAL CODE RELATING TO THE HAWKS PRAIRIE BUSINESS DISTRICT, AMENDING THE CITY'S ZONING MAP TO PROVIDE FOR ZONE DISTRICTS WITHIN THE NORTHEAST AREA AND SPECIFYING THE LIMITATIONS RELATING TO USES WITHIN THAT PORTION OF SAID AREA DESIGNATED AS ZONE DISTRICT GENERAL COMMERCIAL LIMITED".

A section by section summary of this Ordinance is as follows:

Section 1 adds a new chapter, 16.17, to the Lacey Municipal Code. This chapter is part of the City's zoning regulations and creates a zoning district entitled Intermediate-Density Residential District (12/1). Sections of the chapter declare its intent, set forth the permitted residential uses and other related uses within the District, specify the density of housing units within the District and specify environmental performance standards, offstreet parking, landscaping, stormwater runoff and open space for projects within areas zoned with this designation.

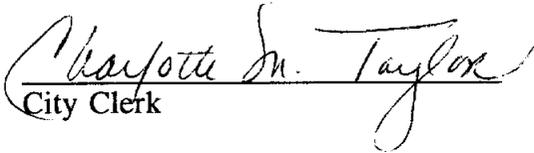
Section 2 adds a new chapter, 16.37, to the Lacey Municipal Code. This chapter creates a zoning district within the Northeast Area of the City entitled Hawks Prairie Business District. Sections of this chapter set forth the intent of this district, specify the permitted uses to include high density residential, 20 units per net acre minimum and the various commercial and business uses allowed within the district. The chapter further prohibits certain types of commercial uses and provides for special uses, environmental performance standards, site requirements, development standards and criteria, separation of uses and transition buffer requirements, special conditions for mixed use occupancies, site plan review requirements and landscaping, stormwater and common open space requirements for uses within such district.

Section 3 amends the City's Land Use Map to specify the zone districts within the Northeast Area.

Section 4 specifies the limitations upon that zone district contained within the Northeast Area which has been designated as general commercial limited.

Section 5 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.


City Clerk

Published: March 14, 1994.

Chapter 16.37 HAWKS PRAIRIE BUSINESS DISTRICT¹

Sections:

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

16.37.010 Intent.

It is the intent of this chapter to:

- A. Implement the goals and policies of the Northeast Area Element of the Comprehensive Plan as they relate to the area designated Hawks Prairie Business District.
- B. Encourage development of an integrated, planned community where people will want to live and work, by permitting residential and compatible business uses to develop in close proximity to each other, with strong functional and aesthetic links, through the implementation of strict performance standards.
- C. Assure that development is site sensitive, user efficient, and furthers the mixed-use policies of the Northeast Area Element of the Comprehensive Plan.
- D. Assure that early development does not unnecessarily foreclose options for later projects and that new uses can be added without jeopardizing uses already established or planned.
- E. Encourage originality, flexibility, and innovation in site planning and development, including architecture, landscaping, and graphic design, as well as circulation and infrastructure systems.
- F. Assure that the natural and environmental characteristics and attributes of the district are preserved and enhanced.

G. Encourage and facilitate the use of mass transit and other forms of transportation alternatives to the single occupancy vehicle.

H. Provide for development consistent with the vision represented on the conceptual Hawks Prairie Business District site plans. This vision is of an area with distinctive character which includes such things as focal points at intersections and special site planning and building design considerations, all of which create a distinctive place to gather. The conceptual Hawks Prairie Business District site plans, Tables [16T-67](#) through [16T-70](#), are intended to serve as a guide in fulfilling the intent and provisions of the Hawks Prairie Business District.

I. Preserve an adequate supply of commercial areas located to maximize future market potential and to ensure the city is able to provide services for the projected growth in the region. (Ord. 1139 §4, 2000; Ord. 1054 §2, 1997).

16.37.020 Permitted uses in the designated commercial area. 

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

A. Commercial

Apparel

Automotive supplies

Books and stationery

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

Department stores

Drug stores and pharmacies

Fabric stores

Florists

Food stores

General merchandise

Gifts/specialty

Hobby/special interest

Homes appliances/electronics

Home furnishings

Home improvement centers/garden supplies

Jewelry and cosmetics

Liquor

Personal services

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

Sporting goods and related stores.

B. Hotels and motels

C. Convention centers and conference facilities.

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

E. Cultural, entertainment and recreation.

Art galleries

Athletic facilities and health clubs

Bowling alleys

Cinemas

Libraries and museums

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

G. Financial institutions

Banks

Brokerages

Finance companies

Insurance and real estate offices

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

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

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

16.37.030 Permitted uses in the business/commercial area. 

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

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

B. Public services

Higher education facilities

Vocational schools

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

C. Mass transit

Bus transfer facilities.

D. Offices and manufacturing

Computer hardware and software development and assembly

Conference facilities

Corporate/regional/administrative offices

Daycare facilities

Electrical equipment research, development, and assembly

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

High-tech industry

Medical offices and clinics

Offices and manufacturing

Photo and optical goods design and development

Professional and business offices

Scientific research and development

Scientific, analytic or control instrument research and development

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

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

G. Medical facilities

H. Residential

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

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

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

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

16.37.040 Prohibited uses in all Hawks Prairie Business District areas. 

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

A. Uses with physical and operational requirements generating substantial:

Truck traffic

Dust

Glare

Heat or vibration

Noise

Odors

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

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

Auto or truck storage or repair as a primary use;

Cemeteries and crematoria;

Machine shops;

Motor freight terminals;

Park and ride lots;

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

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

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

16.37.050 Conditional uses. 

Conditional uses consistent with the intent of the Hawks Prairie Business District and its permitted uses may be permitted as provided for in Chapter [16.66](#) LMC. (Ord. 1192 §144, 2002; Ord. 1054 §2, 1997).

16.37.060 Site requirements. 

A. Street setbacks. Ten foot minimum setback for structures and parking lots in a development and any public street.

B. Minimum lot size. Lots must be of adequate size to accommodate the allowed uses within the zone and be consistent with the vision for the area. In no case shall new lots be created that are under three acres in size, unless divided simultaneously with a site plan review approval for development on the new parcel(s) under three acres being divided.

C. Minimum development size. No parcel less than ten acres in size shall be developed with business/commercial uses, except where contiguous to, or functionally part of, an already developed or planned business/commercial area. (Ord. 1054 §2, 1997).

16.37.070 Design standards. 

A. Relationship between buildings. Proposed buildings shall be related harmoniously to the terrain and to other buildings in the vicinity that have a visual relationship to the proposed buildings.

B. Interior circulation. Development proposals shall include the following components:

1. Location and number of access points to the public streets.
2. Sidewalks that provide continuous pedestrian and bicycle access along public, state, or private access roads and to primary uses within the development.

3. General interior circulation.
4. Separation of pedestrian and vehicular traffic, via strategically located, clearly defined pedestrian corridors through parking lots and other means of clearly differentiating pedestrian areas from vehicle areas. The number and location of pedestrian corridors shall be determined by the city based on the size and scale of the development.
5. Arrangement of parking areas that are safe and convenient and do not detract from the design of proposed buildings and structures and the neighboring properties.

C. Access. Connection to arterials shall be made at city determined locations. Full access to arterials may be restricted by the city where necessary to facilitate efficient traffic circulation.

D. Transit. Buildings shall be located so as to encourage and facilitate the use of transit and other forms of transportation alternatives to the single occupancy vehicle.

E. Signs. The size, location, design, color, texture, lighting and materials of all signs shall not detract from the design of proposed buildings and structures and shall comply with Chapter [16.75](#) LMC.

F. Parking. All parking areas and structures shall comply with the standards of Chapter [16.72](#) LMC.

G. Utilities. All permanent utility lines, pipes and conduits shall be located below ground, and all other utility facilities, except fire hydrants, shall be landscaped and screened with sight-obscuring vegetation.

H. Standards for convenience stores and service stations.

1. Must be sized and designed to be compatible with the Hawks Prairie Business District zone.
2. Convenience stores and service stations shall not be permitted on any parcel adjacent to an intersection.

3. Special attention must be given to assure compliance with the standards for the area. The site plan review committee may require revisions to the proposed layout in order to achieve such consistency.
4. Maximum front building setback shall be fifteen feet.
5. Signs must be consistent with the sign regulations contained in Chapter [16.75](#) LMC.
6. Buildings must be of an architectural style that is harmonious with and complementary to surrounding structures.

I. Standards for restaurants with drive through windows.

1. Buildings must be of an architectural style that is harmonious with and complementary to surrounding structures.
2. Drive through lanes and parking areas may not be located between the building and any public street.
3. Restaurants with drive through windows shall not be permitted on any parcel adjacent to an intersection.

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

1. The nonresidential uses must have vehicular access via a business street or arterial and shall front directly on an adjacent sidewalk or pedestrian walkway, or on a front or side yard from which vehicles are excluded.

2. Business/commercial uses shall occupy the floors below the residential uses to preserve a residential atmosphere for the residents above.

3. Business and residential portions of the building must be separated by a soundproofed concrete or wood floor, insulated or otherwise soundproofed with the intervening space unoccupied except for utility lines, heating and air conditioning ducts, and similar devices not producing noise or vibration or requiring regular access.

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

16.37.080 Site plan requirements. 

A. All developments in the Hawks Prairie Business District shall require site plan review and approval pursuant to Chapter [16.84](#) LMC.

B. Development proposals contiguous to undeveloped parcels shall show conceptually how the adjacent property may be developed in relationship to the lot or parcel proposed for development. The plan should generally indicate how open space, parking, driveways, walkways, etc., will relate or connect to adjacent parcels.

C. The site plan review committee may require changes in proposed development plans in order to ensure consistency with the vision and intent of the Hawks Prairie Business District as set forth in this chapter and Tables [16T-67](#) through [16T-70](#) and incorporated herein. (Ord. 1220 §39, 2004; Ord. 1054 §2, 1997).

16.37.090 Landscaping requirements. 

All developments in the Hawks Prairie Business District shall be required to meet the requirements of Chapter [16.80](#) LMC. (Ord. 1054 §2, 1997).

16.37.100 Stormwater runoff. 

All stormwater runoff shall be retained and disposed of in accordance with the Drainage Design and Erosion Control Manual for the Thurston Region as adopted by Lacey. It is the intent of this district to

manage stormwater in regional or shared facilities wherever possible, provided topographic and geologic conditions allow. Such systems shall be centrally located and designed to function as an amenity to the area in a manner consistent with the conceptual development plans set forth in Tables [16T-67](#) through [16T-70](#). Systems designed for runoff retention and control shall be subject to review and approval by the city.

Stormwater generated on site shall not cause pollution to any surface or ground water so as to violate local, state or federal standards governing the quality of such waters. (Ord. 1054 §2, 1997).

16.37.110 Common open space. 

A. There shall be set aside for common open space not less than ten percent of the total site acreage of each office, commercial or other such development. It is the intent of this district that open spaces shall be designed to be consolidated and contiguous in large commonly dedicated areas wherever possible. Open space shall be located and designed to be useable for the recreation and enjoyment of the patrons, employees, and residents of the Hawks Prairie Business District.

B. The common open space shall be planned as a contiguous area located for the maximum benefit of the area it was designed to serve, preserving and where possible enhancing natural features.

C. Acceptance of open space areas proposed to be dedicated to the city shall be at the city's discretion. (Ord. 1054 §2, 1997).

16.37.120 Environmental performance standards. 

A. It shall be the responsibility of the operator and/or the proprietor of any permitted use to provide such reasonable evidence and technical data as the enforcing officer may require to demonstrate that the use or activity is or will be in compliance with the environmental performance standards of Chapter [16.57](#) LMC.

B. Failure of the enforcing officer to require such information shall not be construed as relieving the operator and/or the proprietor from compliance with Chapter [16.57](#) LMC, environmental performance standards. (Ord. 1054 §2, 1997).



PLANNING COMMISSION STAFF REPORT

July 7, 2015

SUBJECT: Work Session on Possible Amendments to the Environmental Policy Chapter of the LMC related to recent revisions permitted under the State Environmental Policy Act.

RECOMMENDATION: Hold a work session to discuss possible amendments to the City's environmental policy regulations (SEPA) including flexible thresholds for categorical exemptions.

TO: Lacey Planning Commission

STAFF CONTACTS: Rick Walk, Community Development Director *RW*
Christy Osborn, Associate Planner *CO*

ATTACHMENT(S): LMC Chapter 14.24 - Environmental Policy

**PRIOR COUNCIL/
COMMISSION/
COMMITTEE REVIEW:** None

BACKGROUND:

The 2012 legislature enacted a number of amendments to Chapter 43.21C RCW, the State Environmental Policy Act (SEPA) and directed Department of Ecology (DOE) to amend the SEPA rules contained in Chapter 197-11 WAC to address issues such as increasing categorical exemptions for certain minor projects and separate optional thresholds for categorical exemptions. The SEPA legislation was intended to reduce redundancy in the environmental permitting process and better reflect enhanced local land-use planning and development regulations enacted through the implementation of the Growth Management Act (GMA).

SEPA applies to certain decisions by every state and local agency within the state, including proposals for project actions such as construction projects; and non-project actions such as an agency decision on a policy, plan, or program. The lead agency is responsible for identifying and evaluating the potentially adverse environmental impacts of a proposal. State statute and SEPA rules contain categorical exemptions for certain actions that are not deemed major actions that significantly affect the quality of the environment. These exempt actions do not require environmental review.

The DOE conducted two rounds of rule changes to implement the 2012 legislation. The first round of rule changes occurred in 2013 and the second round occurred in 2014. Many of these

changes are adopted into the municipal code by reference. Other changes will require amending the Environmental Policy chapter.

SUMMARY OF CHANGES TO SEPA RULES-WAC 197-11:

The following provides a summary of SEPA rule changes:

- **Planned Actions:** The types of development that may qualify as a planned action has been expanded to include essential public facilities that are associated with residential, office, school, commercial, recreational, service, or industrial development.
- **Infill Development:** Expands the application of the infill exemption from residential and mixed use to residential, mixed use, and commercial up to 65,000 square feet (not including retail businesses) to accommodate infill development identified in the goals and policies of the Comprehensive Plan. These provisions can be limited to certain geographic locations in the City. This provision requires amendment of the municipal code.
- **Non-Project Actions Exempt from SEPA Review:** New categorical exemptions are established for certain nonproject actions including amendments to development regulations that are consistent with comprehensive plans, shoreline master programs that do not change environmental standards.
- **Environmental Checklist:** Provides local jurisdictions the flexibility of pre-answering questions on the SEPA Checklist provided to project applicants where questions on the checklist are adequately covered by local ordinances, development regulations, land use plans, or other legal authority. A new section was also added to the checklist to ensure consideration of potential impacts to agricultural lands of long-term commercial significance.
- **Flexible Exemption Thresholds:** Increased flexible thresholds that local governments may adopt to exempt minor new construction projects from SEPA review. Adoption of the increased thresholds requires a documentation process, public comment, and specific protections of historic and cultural resources. This provision requires amendment of the municipal code.
- **Other Changes:** Expanded use of the National Environmental Policy Act for SEPA projects; expanded exemptions for tank removal, solar energy projects, special districts, siting of wireless facilities, and other clarifications and technical corrections.

CITY OF LACEY SEPA PROVISIONS

The city's provisions for SEPA are contained in Chapter 14.24 LMC, Environmental Policy. Sections of the chapter have been revised as amendments to SEPA rules have occurred. The most recent amendment to the Environmental Policy chapter was completed in 2010 which eliminated legislative appeals of SEPA decisions. The flexible thresholds for categorical exemptions were last amended in 1996 to exempt the following:

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

DISCUSSION

Recent rule changes to the SEPA provides the City with the opportunity to review our local environmental provisions to make technical corrections, consider amendments to reduce redundancy in the environmental review process, and to better align our environmental requirements with our development regulations and Comprehensive Plan.

Prior to the adoption of development regulations and comprehensive plans in conformance with the requirements of the GMA, the SEPA process was widely used in the land use permitting process to mitigate environmental impacts for a range of issues. Twenty-five years after the adoption of the Act, local development regulations and plans have been amended to address many of these environmental impacts. For many projects, SEPA review has become more of a procedural process than a means to mitigate environmental impacts. There has been an on-going discussion at the state and local levels to recognize built and environmental protection measures provided in local development plans and regulations and amend the SEPA review process.

Flexible Threshold Levels

The revised flexible threshold levels for categorical exemptions in the incorporated and unincorporated urban growth area for fully planning GMA counties provides the maximum exemption levels for the following project types:

- **Single Family Residential:** 30 units;
- **Multifamily Residential:** 60 units;
- **Barn, loafing shed, farm equipment storage, produce storage, or packing structure:** 40,000 square feet
- **Office, school, commercial, recreational, service, storage building, parking facilities:** 30,000 square feet and 90 parking spaces;
- **Fill or excavation:** 1,000 cubic yards

These maximum threshold levels can be reduced and can be applied to certain geographic areas in the City. The City can also elect to adopt only a portion of these exemptions.

Current thresholds for dwelling units range from 12 to 20 units depending on zoning; and allow for up to 4,000 square feet and 40 parking spaces for office, school, commercial, recreational, service or storage buildings.

Potential issues that would need to be considered prior to adopting these thresholds include revising the method of collecting school and transportation impact fees other than SEPA. Examining whether the exemption level for single family development should be increased to encourage further single family development or if the exemption level only be increase for multifamily development. In addition, although the City currently provides the opportunity for the tribes and the Department of Archaeology and Historic Preservation to comment on development projects, the process should be codified in the development regulations to address procedural requirements.

Infill Development:

Consider the expansion of the infill exemption from residential and mixed use to residential, mixed use, and commercial up to 65,000 square feet (not including retail businesses) to accommodate infill development. Proposed amendments to the Comprehensive Plan identify infill and redevelopment as the primary means of development within the UGA for the next planning period. Infill development can be further encouraged and located in alignment with identified goals and policies of the Comprehensive Plan. This provision will requires amendment of the municipal code.

In order for the City to take advantage of many of the streamlining measures contained in the SEPA rules, our local SEPA ordinances must be revised and updated. Increasing flexible thresholds for categorical exemptions and infill development require demonstration that development regulations provide adequate protection of the natural and built environment. Documentation is required that these elements must be adequately addressed in adopted development regulations, and applicable state and federal regulations.

The finding requirements also must also demonstrate protection of cultural and historic resources, and a sixty day notice and comment period.

Environmentally Sensitive Areas

Section 14.24.180 LMC currently requires that activities normally categorically exempt and located in designated critical areas be removed as categorical exemptions and be required to go through the SEPA review process. The revised SEPA process and categorical exemptions are better aligned with current regulatory processes and are intended to not reduce the protection of these resources. Current critical areas regulations and development standards address impacts in these areas. Discussion of possible amendments to this section is warranted.

SEPA Checklist:

The City currently uses the standard SEPA checklist for project review. The revised SEPA rules allow for the adoption of a modified checklist provided to project applicants where the questions on the checklist can be pre-answered by the City when they are adequately covered by local ordinances, development regulations, land use plans, or other legal authority. Changes to the checklist would allow for improved alignment with current development regulations.

RECOMMENDATION:

The Planning Commission is requested to provide input on possible revisions to Chapter 14.24, Environmental Protection in the Lacey Municipal Code including allowances to increase flexible thresholds. Planning staff will then prepare proposed amendments to Chapter 14.24 for review by the Planning Commission.

CHAPTER 14.24
ENVIRONMENTAL POLICY¹

Sections:

- 14.24.010 Authority
- 14.24.020 Adoption by reference
- 14.24.030 Additional definitions
- 14.24.035 Compliance with Chapter 36.70B RCW.
- 14.24.040 Repealed
- 14.24.050 Additional timing considerations
- 14.24.060 Flexible thresholds for categorical exemptions
- 14.24.070 Use of exemptions
- 14.24.080 Lead agency determination and responsibilities
- 14.24.090 Environmental checklist
- 14.24.100 Mitigated DNS
- 14.24.105 Optional DNS Process
- 14.24.110 Preparation of EIS--Additional considerations
- 14.24.120 Additional elements to be covered in an EIS
- 14.24.130 Public notice
- 14.24.140 Role of the responsible official
- 14.24.150 Designation of responsible official
- 14.24.160 Substantive authority
- 14.24.170 Appeals
- 14.24.180 Environmentally sensitive areas
- 14.24.190 Responsibility of agencies--SEPA public information
- 14.24.200 Fees
- 14.24.210 Notice--Statute of limitations
- 14.24.220 Severability

14.24.010 Authority.

The city adopts the ordinance codified in this chapter under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA Rules, WAC 197-11-904. (Ord. 701 §2 (part), 1984).

14.24.020 Adoption by reference.

The city adopts the following sections or subsections of Chapter 197-11 WAC by reference.

197-11-040 Definitions

197-11-050 Lead Agency

197-11-055 Timing of the SEPA Process

197-11-060 Content of Environmental Review

197-11-070 Limitations on Action During SEPA Process

- 197-11-080 Incomplete or Unavailable Information
- 197-11-090 Supporting Documents
- 197-11-100 Information Required of Applicants
- 197-11-158 GMA project review - Reliance on existing plans, law, and regulations
- 197-11-164 Planned actions - Definition and criteria
- 197-11-168 Ordinances or resolutions designating planned actions - Procedures for adoption
- 197-11-172 Planned actions - Project review
- 197-11-210 SEPA/GMA integration
- 197-11-220 SEPA/GMA definitions
- 197-11-228 Overall SEPA/GMA integration procedures
- 197-11-230 Timing of an integrated GMA/SEPA process
- 197-11-232 SEPA/GMA integration procedures for preliminary planning, environmental analysis and expanded scoping
- 197-11-235 Documents
- 197-11-238 Monitoring
- 197-11-250 SEPA/Model Toxics Control Act integration
- 197-11-253 SEPA lead agency for MTCA actions
- 197-11-256 Preliminary evaluation

- 197-11-259 Determination of nonsignificance for MTCA remedial action
- 197-11-262 Determination of significance and EIS for MTCA remedial actions
- 197-11-265 Early scoping for MTCA remedial actions
- 197-11-268 MTCA interim actions
- 197-11-300 Purpose of this Part
- 197-11-305 Categorical Exemptions
- 197-11-310 Threshold Determination Required
- 197-11-315 Environmental Checklist
- 197-11-330 Threshold Determination Process
- 197-11-335 Additional Information
- 197-11-340 Determination of Nonsignificance (DNS)
- 197-11-350 Mitigated DNS
- 197-11-355 Optional DNS process
- 197-11-360 Determination of Significance (DS)/Initiation of Scoping
- 197-11-390 Effect of Threshold Determination
- 197-11-400 Purpose of EIS
- 197-11-402 General Requirements

- 197-11-405 EIS Types
- 197-11-406 EIS Timing
- 197-11-408 Scoping
- 197-11-410 Expanded Scoping
- 197-11-420 EIS Preparation
- 197-11-425 Style and Size
- 197-11-430 Format
- 197-11-435 Cover Letter or Memo
- 197-11-440 EIS Contents
- 197-11-442 Contents of EIS on Nonproject Proposals
- 197-11-443 EIS Contents When Prior Nonproject EIS
- 197-11-444 Elements of the Environment
- 197-11-448 Relationship of EIS to Other Considerations
- 197-11-450 Cost-Benefit Analysis
- 197-11-455 Issuance of DEIS
- 197-11-460 Issuance of FEIS
- 197-11-500 Purpose of this Part

- 197-11-502 Inviting comment
- 197-11-504 Availability and Cost of Environmental Documents
- 197-11-508 SEPA Register
- 197-11-510 Public Notice
- 197-11-535 Public Hearing and Meetings
- 197-11-545 Effect of No Comment
- 197-11-550 Specificity of Comments
- 197-11-560 FEIS Response to Comments
- 197-11-570 Consulted Agency Costs to Assist Lead Agency
- 197-11-600 When to Use Existing Environmental Documents
- 197-11-610 Use of NEPA Documents
- 197-11-620 Supplemental Environmental Impact Statement--Procedures
- 197-11-625 Addenda--Procedures
- 197-11-630 Adoption--Procedures
- 197-11-635 Incorporation by Reference--Procedures
- 197-11-640 Combining Documents
- 197-11-650 Purpose of this Part

- 197-11-655 Implementation
- 197-11-660 Substantive Authority and Mitigation
- 197-11-680 Appeals
- 197-11-700 Definitions
- 197-11-702 Act
- 197-11-704 Action
- 197-11-706 Addendum
- 197-11-708 Adoption
- 197-11-710 Affected Tribe
- 197-11-712 Affecting
- 197-11-714 Agency
- 197-11-716 Applicant
- 197-11-718 Built Environment
- 197-11-720 Categorical Exemptions
- 197-11-721 Closed Record Appeal
- 197-11-722 Consolidated Appeal
- 197-11-724 Consulted Agency

- 197-11-726 Cost-Benefit Analysis
- 197-11-728 County/City
- 197-11-730 Decisionmaker
- 197-11-732 Department
- 197-11-734 Determination of Nonsignificance (DNS)
- 197-11-736 Determination of Significance (DS)
- 197-11-738 EIS
- 197-11-740 Environment
- 197-11-742 Environmental Checklist
- 197-11-744 Environmental Document
- 197-11-746 Environmental Review
- 197-11-748 Environmentally Sensitive Area
- 197-11-750 Expanded Scoping
- 197-11-752 Impacts
- 197-11-754 Incorporation by Reference
- 197-11-756 Lands Covered by Water
- 197-11-758 Lead Agency

- 197-11-760 License
- 197-11-762 Local Agency
- 197-11-764 Major Action
- 197-11-766 Mitigated DNS
- 197-11-768 Mitigation
- 197-11-770 Natural Environment
- 197-11-772 NEPA
- 197-11-774 Nonproject
- 197-11-775 Open Record Hearing
- 197-11-776 Phased Review
- 197-11-778 Preparation
- 197-11-780 Private Project
- 197-11-782 Probable
- 197-11-784 Proposal
- 197-11-786 Reasonable Alternative
- 197-11-788 Responsible Official
- 197-11-790 SEPA

- 197-11-792 Scope
- 197-11-793 Scoping
- 197-11-794 Significant
- 197-11-796 State Agency
- 197-11-797 Threshold Determination
- 197-11-799 Underlying Governmental Action
- 197-11-800 Categorical Exemptions
- 197-11-880 Emergencies
- 197-11-890 Petitioning DOE to Change Exemptions
- 197-11-900 Purpose of this Part
- 197-11-902 Agency SEPA Policies
- 197-11-904 Agency SEPA Procedures
- 197-11-906 Content and Consistency of Agency Procedures
- 197-11-908 Critical Areas
- 197-11-910 Designation of Responsible Official
- 197-11-912 Procedures of Consulted Agencies
- 197-11-914 SEPA Fees and Costs

- 197-11-916 Application to Ongoing Actions
- 197-11-917 Relationship to Chapter 197-10 Washington Administrative Code
- 197-11-918 Lack of Agency Procedures
- 197-11-920 Agencies with Environmental Expertise
- 197-11-922 Lead Agency Rules
- 197-11-924 Determining the Lead Agency
- 197-11-926 Lead Agency for Governmental Proposals
- 197-11-928 Lead Agency for Public and Private Proposals
- 197-11-930 Lead Agency for Private Projects with One Agency with Jurisdiction
- 197-11-932 Lead Agency for Private Projects Requiring Licenses from more than one Agency, when One of the Agencies is a County/City
- 197-11-934 Lead Agency for Private Projects Requiring Licenses from a Local Agency, not a County/City, and one or more State Agencies
- 197-11-936 Lead Agency for Private Projects Requiring Licenses from more than one State Agency
- 197-11-938 Lead Agencies for Specific Proposals
- 197-11-940 Transfer of Lead Agency Status to a State Agency
- 197-11-942 Agreements on Lead Agency Status
- 197-11-944 Agreements on Division of Lead Agency Duties

197-11-946	DOE Resolution of Lead Agency Disputes
197-11-948	Assumption of Lead Agency Status
197-11-950	Severability
197-11-955	Effective Date
197-11-960	Environmental Checklist
197-11-965	Adoption Notice
197-11-970	Determination of Nonsignificance (DNS)
197-11-980	Determination of Significance and Scoping Notice (DS)
197-11-985	Notice of Assumption of Lead Agency Status
197-11-990	Notice of Action (Ord. 1098 §8(A), 1999; Ord. 701 §2 (part), 1984).

14.24.030 Additional definitions.

In addition to those definitions contained within WAC 197-11-700 through 197-11-799, when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

- A. “Department” means any division, subdivision or organizational unit of the city established by ordinance, rule or order.
- B. “SEPA rules” means Chapter 197-11 WAC adopted by the department of ecology.
- C. “Ordinance” means the ordinance, resolution, or other procedure used by the city to adopt regulatory requirements.
- D. “Early notice” means the city’s response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant’s proposal (mitigated Determination of Nonsignificance (DNS) procedures).
- E. “Environmental assessment” means a detailed technical report on one or more elements of the environment as listed in the environmental checklist where that report is prepared by person(s) with expertise in that particular field. Environmental assessments may include, but are not limited to, geotechnical reports, hydrological reports, and traffic studies.
- F. “Responsible Official” means the director of community development or designee. (Ord. 1192, §15, 2002; Ord. 701 §2 (part) 1984).

14.24.035 Compliance with Chapter 36.70B RCW.

It is the intent of Lacey to comply with permit consolidation, timing and notification requirements of Chapter 1 of the City of Lacey Development Guidelines and Public Works Standards, Chapter 36.70B RCW and other sections of Chapter 36.70B RCW that have application to local environmental policy. (Ord. 1192, §16, 2002; Ord. 1035 §16, 1996).

14.24.040 Repealed

(Ord. 1192 §17, 2002; Ord. 1098 §8(B), 1999; Ord. 701 §2 (part), 1984).

14.24.050 Additional timing considerations.

A. The DNS or final EIS for the proposal shall accompany the city's staff recommendation to any appropriate advisory body, such as the planning commission.

B. If the city's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the city conduct environmental review prior to submission of the detailed plans and specifications. Applicants are advised that submission of the detailed plans and specifications may trigger application of WAC 197-11-340(3) pertaining to the withdrawal of determinations of nonsignificance. (Ord. 701 §2 (part), 1984).

14.24.060 Flexible thresholds for categorical exemptions.

The city establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(b) based on local conditions:

A. For residential dwelling units in WAC 197-11-800(1)(b)(i) the following exempt levels shall apply:

1. Moderate-density residential district: up to twelve dwelling units;
2. High-density residential district: up to twenty dwelling units.

B. For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800(1)(b)(iii): up to forty parking spaces. (Ord. 1035 §17, 1996; Ord. 701 §2 (part), 1984).

14.24.070 Use of exemptions.

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

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

14.24.080 Lead agency determination and responsibilities.

A. When the city is not the lead agency for a proposal, all departments of the city shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No city department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the city may conduct supplemental environmental review under WAC 197-11-600.

B. If the city or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making determination, or the city must petition the department of ecology for a lead agency determination under WAC 197-11-946 within the fifteen-day time period. Any such petition on behalf of the city may be initiated by the responsible official.

C. Departments of the city are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944; provided, that the responsible official and any department that will incur responsibilities as a result of such agreement must approve the agreement.

D. The department making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal (that is: which agencies require nonexempt licenses). (Ord. 701 §2 (part), 1984).

14.24.090 Environmental checklist.

A. A completed environmental checklist (or a copy), in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this chapter; except, a checklist is not needed if the city and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The city shall use the environmental checklist to determine the lead agency.

B. For private proposals, the city will require the applicant to complete the environmental checklist, providing assistance as necessary. For city proposals, the department initiating the proposal shall complete the environmental checklist for that proposal. (Ord. 701 §2 (part), 1984).

14.24.100 Mitigated DNS.

A. As provided in this section and in WAC 197-11-350, the responsible official may issue a determination of nonsignificance (DNS) based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

B. An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:

1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency;
2. Precede the city's actual threshold determination for the proposal.

C. The responsible official should respond to the request for early notice within fifteen working days. The response shall:

1. Be written;
2. State whether the city currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that are leading the city to consider a DS;
3. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

D. As much as possible, the city should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

E. When an applicant submits a changed or clarified proposal, along with a revised environmental checklist, the city shall base its threshold determination on the changed or clarified proposal and should make the determination within fifteen days of receiving the changed or clarified proposal:

1. If the city indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the city shall issue and circulate a determination of nonsignificance under WAC 197-11-340(2).
2. If the city indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city shall make the threshold determination, issuing a DNS or DS as appropriate.
3. The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot stormwater retention pond at Y location" are adequate.

4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

F. A mitigated DNS issued under WAC 197-11-340(2), requires a fourteen-day comment period and public notice. However, a mitigated DNS may be issued under WAC 197-11-340(1) if intended only to minimize adverse impacts and not to eliminate the requirements for an EIS.

G. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the city.

H. If the city's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the city should evaluate the threshold determination to assure consistency with WAC 197-11-340(3)(a) (withdrawal of DNS).

I. The city's written response under LMC 14.24.100(C) shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the city to consider the clarifications or changes in its threshold determination. (Ord. 1098 §8(C), 1999; Ord. 701 §2 (part), 1984).

14.24.105 Optional DNS Process

A. Pursuant to RCW 36.70B.060 if the city has a reasonable basis for determining significant adverse environmental impacts are unlikely, it may use a single integrated comment period to obtain comments on the notice of application and the likely threshold determination for the proposal. If this process is used, a second comment period will typically not be required when the DNS is issued. (Refer to subsection D of this section.)

B. If the city uses the optional process specified in subsection D of this section, the city shall:

1. State on the first page of the notice of application that it expects to issue a DNS for the proposal and that:
 - a. The optional DNS process is being used;
 - b. This may be the only opportunity to comment on the environmental impacts of the proposal;
 - c. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and
 - d. A copy of the subsequent threshold determination for the specific proposal may be obtained upon request. (In addition, the City may choose to maintain a general mailing list for threshold determination distribution.)
2. List in the notice of application the conditions being considered to mitigate environmental impacts, if a mitigated DNS is expected;
3. Comply with the requirements for a notice of application and public notice in RCW 36.70B.110; and
4. Send the notice of application and environmental checklist to:
 - a. Agencies with jurisdiction, the Department of Ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of the implementation of the proposal; and
 - b. Anyone requesting a copy of the environmental checklist for the specific proposal. (In addition, the city may choose to maintain a general mailing list for checklist distribution.)

C. If the city indicates on the notice of application that a DNS is likely, and agency with jurisdiction may assume lead agency status during the comment period on the notice of application. (WAC 197-11-948)

- D. The responsible official shall consider timely comments on the notice of application and either:
1. Issue a DNS or mitigated DNS with no comment period using the procedures in subsection E of this section.
 2. Issue a DNS or mitigated DNS with a comment period using the procedures in subsection E of this section, if the lead agency determines a comment period is necessary;
 3. Issue a DS; or
 4. Require additional information or studies prior to making a threshold determination.

E. If a DNS or mitigated DNS is issued under subsection (D)(1) of this section, the city shall send a copy of the DNS or mitigated DNS to the Department of Ecology, agencies with jurisdiction, those who commented, and anyone requesting a copy. A copy of the environmental checklist need not be recirculated. (Ord 1098 §9, 1999).

14.24.110 Preparation of EIS--Additional considerations.

A. Draft and final EIS and SEISs shall be prepared under the direction of the responsible official. Before the city issues an EIS, the responsible official shall be satisfied that it complies with this chapter and Chapter 197-11 WAC.

B. The draft and final EIS or SEIS shall be prepared by city staff, the applicant, or by a consultant selected by the city or the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the city will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the city's procedure for EIS preparation, including approval of the draft and final EIS prior to distribution.

C. The city may require an applicant to provide information the city does not possess, including specific investigations; however, the applicant is not required to supply information that is not required under this chapter or that is being requested from another agency. (This does not apply to information the city may request under another ordinance or statute.) (Ord. 701 §2 (part), 1984).

14.24.120 Additional elements to be covered in an EIS.

When an EIS is otherwise to be prepared, the responsible official may determine that the EIS should address the following element as it pertains to the effect of the action upon the community:

Cost-benefit Analysis. The determination must be based upon the responsible official's judgment that there exists a reasonable probability that more than a moderate adverse impact (of the additional element) will result if the action is approved. The additional element does not add to the criteria for threshold determination or perform any other function or purpose under this chapter. (Ord. 701 §2 (part), 1984).

14.24.130 Public notice.

A. Whenever the city issues a Determination of Nonsignificance under WAC 197-11-340(2) or a Determination of Significance under WAC 197-11-360(3), the city shall give public notice as follows:

1. If public notice is required for a nonexempt license, and the public notice will be issued prior to the expiration of the comment deadline for a Determination of Significance or Determination of Nonsignificance, the notice shall state whether a Determination of Significance or Determination of Nonsignificance has been issued and when comments are due.
2. If no public notice is required for the permit or approval, or if the notice otherwise required for a nonexempt license will not be issued prior to the expiration of the comment deadline for a Determination of Significance or Determination of Nonsignificance, the city shall give notice of the Determination of Nonsignificance or Determination of Significance by:
 - a. Posting the property, for site-specific proposals;
 - b. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered and are listed on agency mailing lists;

- c. Notifying the news media;
- d. Publish a legal notice in the city paper of record.

3. Whenever the city issues a Determination of Significance under WAC 197-11-360(3), the city shall state the scoping procedure for the proposal in the Determination of Significance as required in WAC 197-11-408.

B. Whenever the city issues a draft Environmental Impact Statement under WAC 197-11-455(5) or a supplemental Environmental Impact Statement under WAC 197-11-620, notice of the availability of those documents shall be given by indicating the availability of the Draft Environmental Impact Statement in any public notice required for a nonexempt license.

C. Whenever possible, the city shall integrate the public notice required under this section with existing notice procedures for city's nonexempt permit(s) or approval(s) required for the proposal as outlined in Chapter 1 of the City of Lacey Development Guidelines and Public Works Standards.

D. The city may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense. (Ord. 1192 §18, 2002; Ord. 701 §2 (part), 1984).

14.24.140 Role of the responsible official.

A. The responsible official shall be responsible for preparation of written comments for the city in response to a consultation request prior to a threshold determination, participation in scoping, or reviewing a draft Environmental Impact Statement.

B. The responsible official shall be responsible for the city's compliance with WAC 197-11-550 whenever the city is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city. (Ord. 1192 §19, 2002; Ord. 701 §2 (part), 1984).

14.24.150 Designation of responsible official.

For all proposals for which the city is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required Environmental Impact Statement, and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules that were adopted by reference in WAC 173-806-020 (Ord. 1192 §20, 2002; Ord. 701 §2 (part), 1984).

14.24.160 Substantive authority.

A. The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the city.

B. The city may attach conditions to a permit or approval for a proposal so long as:

1. Such conditions are necessary to mitigate specific probably significant adverse environmental impacts identified in environmental documents prepared pursuant to this chapter;
2. Such conditions are in writing;
3. The mitigation measures included in such conditions are reasonable and capable of being accomplished;
4. The city has considered whether other local, state or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts;
5. Such conditions are based on one or more policies in subsection D of this section and cited in the license or other decision document.

C. The city may deny a permit or approval for a proposal on the basis of SEPA so long as:

1. A finding is made that approving the proposal would result in probably significant adverse environmental impacts that are identified in a final EIS or final supplemental EIS prepared pursuant to this chapter;

2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact;
3. The denial is based on one or more policies identified in subsection D of this section and identified in writing in the decision document.

D. The city designates and adopts by reference the following policies as the basis for the city's exercise of authority pursuant to this section:

1. The city shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:
 - a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
 - b. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
 - c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
 - d. Preserve important historic, cultural, and natural aspects of our national heritage;
 - e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
 - f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities;
 - g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
2. The city recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.
3. The city adopts by reference the policies in the following codes, ordinances and plans:
 - a. Lacey zoning ordinance;
 - b. Lacey Comprehensive Plan;
 - c. Lacey platting and subdivision ordinance;
 - d. Lacey six-year street plan;
 - e. Shoreline master program for the Thurston region;
 - f. Thurston Regional Transportation Plan;
 - g. The City of Lacey Buildings and Construction Code as set forth in Chapters 14.02 through 14.20 LMC;
 - h. Lacey bikeway plan;
 - i. The City's Traffic Mitigation and Concurrency Regulations as set forth in Chapter 14.21 LMC;
 - j. The city of Lacey's environmental regulations as set forth in Chapters 14.26 (Shoreline Master Program), 14.28 (Wetlands Protection), 14.30 (Removal of Top Soil), 14.31 (Drainage Discharge), 14.32 (Tree and Vegetation Protection and Preservation), 14.33 (Habitat Conservation Areas Protection), 14.34

(Flood Hazard Prevention), 14.36 (Critical Aquifer Recharge Areas Protection), and 14.37 LMC (Geologically Sensitive Areas Protection);

k. City of Lacey Development Guidelines and Public Works Standards as adopted by the Chapter 12.28 LMC;

l. The Capital Improvement Plan of the North Thurston Public Schools and means for mitigating impacts upon such plan;

m. The transportation plans of Thurston County, the City of Olympia and the City of Tumwater, and allowed means of mitigating impacts of development upon such plans;

n. The City's requirements for the undergrounding of communication facilities as set forth in Chapter 12.22 LMC.

o. The City of Lacey 2010 Stormwater Design Manual.

4. The city establishes the following additional policies: The city may apply any mitigation conditions necessary to properly mitigate identified adverse environmental impacts associated with license or permit applications. In implementation of this policy for each individual license application the city shall review all of the elements of the environment listed in WAC 197-11-444 and shall attempt to apply conditions as appropriate to mitigate identified adverse environmental impacts under all elements of the environment. Mitigation conditions may include but shall not be limited to: timing and scheduling of construction and operation, modification of site design, project design or location, modification of the physical environment, installation of physical and vegetative improvements, mitigation of pollution sources, installation of pollution abatement equipment or safety equipment or improvements, providing of or upgrading of on- and off-site infrastructure improvements, preservation or protection of specified habitat and species of flora and fauna, provision for buffers and open spaces, layout and design of open space including centralization and consolidation, provision of safe and attractive pedestrian improvements, provision of bus stop improvements to Intercity Transit and North Thurston School District Standards, site restoration and improvements after surface mining or mineral extraction or other activity, provision for lot owners or homeowners maintenance associations, and requiring of conditions identified in a wetlands mitigation plan or report for protection of wetlands or wetland buffers.

E. The legislative appeals authorized by RCW 43.21C.060 are eliminated from this chapter. (Ord. 1342 §2, 2010; Ord. 1220 §1, 2004; Ord. 1208 §55, 2003; Ord. 912 §2, 1991; Ord. 875 §17, 1990; Ord. 701 §2 (part), 1984).

14.24.170 Appeals.

A. The city establishes the following administrative appeal procedures under RCW 43.21C.075, WAC 197-11-680 and Chapter 36.70B RCW:

1. Any agency or person who may be aggrieved by an action may appeal the city's procedural compliance with Chapter 197-11 WAC for conditioning or denial of an action. All such appeals shall be consolidated with and held at the same time as the hearing required for the underlying governmental action.

2. For any appeal under this subsection, the city shall provide a record of the appeal proceeding which consists of:

a. Findings and conclusions;

b. Testimony under oath;

c. A taped or written transcript.

3. The procedural determination by the city's responsible official shall carry substantial weight in any appeal proceeding.

4. Appeals shall follow the procedures found within Section 1D.050 of the City of Lacey Development Guidelines and Public Works Standards.

B. The city shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance established a time limit for commencing judicial appeal. (Ord. 1192 §21, 2002; Ord. 1035 §18, 1996; Ord. 701 §2 (part), 1984).

14.24.180 Environmentally sensitive areas.

A. Those areas in the city of Lacey that are considered environmentally sensitive areas designated or described pursuant to Chapter 16.54 LMC and are further described or designated under Chapters 14.28, 14.33, 14.34, 14.36, and 14.37 LMC and maps contained in the city Environmental Protection and Resource Conservation Plan.

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

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

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

14.24.190 Responsibility of agencies--SEPA public information.

The city shall retain all documents required by the SEPA rules Chapter 197-11 WAC and make them available in accordance with Chapter 42.17 RCW. (Ord. 701 §2 (part), 1984).

14.24.200 Fees.

A. The fees required to be paid by the proponent of a proposal for actions by the city in accordance with the provisions of this chapter for the filing of an environmental checklist or environmental assessment and the processing of an environmental impact statement shall be established by resolution of the city council. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of the fee has been made.

B. Environmental Impact Statement. The city shall require the applicant to post a cash deposit for the amount of the estimated total cost of the review prior to initiation of review; however, this is not necessary until after the scoping process is completed. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected for review of the EIS which remain after incurred costs are paid.

C. No fee shall be collected by the city for performing its duties as a consulted agency.

D. The SEPA public information center of the city is authorized to charge periodic fees for the service of mailing registers and register updates. Such fees shall be reasonably related to the costs of reproduction and mailing of registers and updates.

E. The city may charge any person for copies of any documents prepared pursuant to the requirements of this chapter and for mailing thereof, in a manner provided by Chapter 42.17 RCW.

F. The city may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter relating to the applicant's proposal. (Ord. 701 §2 (part), 1984).

14.24.210 Notice--Statute of limitations.

A. The city, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.

B. The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the city clerk, applicant or proponent pursuant to RCW 43.21C.080. (Ord. 701 §2 (part), 1984).

14.24.220 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected. (Ord. 701 §2 (part), 1984).

¹ Editor's Note: Chapter 14.24 LMC was readopted in its entirety by Ord. 741, passed March 28, 1985.