

**AGENDA**  
LACEY PLANNING COMMISSION MEETING  
Tuesday, August 4, 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 July 7, 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.

**Old Business:** 7:07 p.m.

**2015 Development Code Amendments: Ryan Andrews, Planning Manager.** The Planning Commission will be briefed on the following proposed amendments to the Lacey Municipal Code related to the package of 2015 development code amendments. At the conclusion of the briefing, the Planning Commission is requested to schedule a public hearing to take testimony on the amendments for the next regular meeting on August 18.

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

**Communications and Announcements:** 8:55 p.m.

**Next Meeting:** August 18, 2015.

**Adjournment:** 9:00 p.m.

7/28/15

## CITY OF LACEY PLANNING COMMISSION WORK SCHEDULE

**Planning Commission Meeting  
August 4, 2015**

**1. Worksession:** Development Code Updates

**Packets due: July 30<sup>th</sup>**

**Planning Commission Meeting  
August 18, 2015**

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

**Packets due: August 13<sup>th</sup>**

**Planning Commission Meeting  
September 1, 2015**

**1. Worksession:** Economic Analysis  
**2. Worksession:** Economic Development Element  
**3. Worksession:** Land Use Element Chapter 3 Topic Sections: Commercial, Industrial

**Packets due: August 27<sup>th</sup>**

**Joint Worksession  
September 3, 2015**

**1.** 2015/2016 Planning Commission Work Program  
**2.** Economic Analysis  
**3.** Tour: SPSCC Woodland District Campus

**Packets due: August 19<sup>th</sup>**

7/28/15

**Planning Commission Meeting  
September 15, 2015**

**1. Worksession: Woodland District Form-Based Code**

**Packets due: September 10<sup>th</sup>**

**Pending items:**

Oct. 6—Woodland District Form-Based Code Public Hearing  
Housing Element  
Industrial Square Footage  
Update Meeting with Library Board

## MINUTES

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

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

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

Mike Beehler noted a quorum present.

**Sharon Kophs made a motion, seconded by Carolyn Cox, to approve the agenda for tonight's meeting. All were in favor, the motion carried. Carolyn St. Claire made a motion, seconded by Sharon Kophs, to approve the minutes of the June 16, 2015, meeting. All were in favor, the motion carried.**

1. **Public Comments:** None.

2. **Commission Member's Report:** None.

3. **Director's Report:**

- Rick Walk reported on the last Council meeting. He noted that the plastic bag ban was discussed and Council did not take any action but will discuss at the next meeting on the July 16, which is a Council on the Road meeting at Mountain View Elementary. Carolyn Cox asked if it would be a conflict of interest if she attended and spoke at Council meetings to voice her opinion. Rick said that if she does not represent herself as a Planning Commissioner it is not a conflict.
- Carolyn St. Claire informed everyone that she recently learned from the City Clerk that recordings of Council meetings are available on the website.
- Rick displayed the award the City recently received for the implementation of the Woodland District Strategic Plan.
- Rick announced that the Envision Lacey booth will be at the South Sound BBQ event Saturday, July 11, at Huntamer Park. Commissioners are welcome to stop by and help staff the booth.

4. **New Business:**

### **Hawks Prairie Business District Code Amendments:**

- Rick Walk gave some background information on the HPBD zoning and explained that as a result of the Gateway Town Center Supplemental Environmental Impact Statement, staff have reviewed the zoning chapter and recommended some amendments to the permitted uses to allow ground floor residential, park and ride lots, and auto sales within the district.
- Rick shared some photos of Northwest Landing in Dupont which showed some examples of mixed uses and ground floor residential.
- There was a discussion about adding standards and guidelines to the ordinance so that we promote density, a mix of residential and commercial, and attain quality without making the ordinance too restrictive.
- The proposed Exit 111 interchange was discussed. Rick noted that the project has been approved by the Department of Transportation and will be moving forward.
- Rick explained that park and ride lots were initially not allowed in order to prevent stand-alone facilities.
- If park and rides are allowed, design standards can be put in place to promote development near commercial centers so that commuters can frequent stores and restaurants before leaving the area.
- Rick noted that the Gateway project will coordinate with Intercity Transit.
- Rick shared some photo examples of auto sales in other areas similar to HPBD. He noted that with design criteria, such as placing the buildings close to the streets with showrooms facing the right-of-ways, architectural design and display and service bays located to the rear, the facilities can be designed to be more attractive.
- If auto sales are allowed, the possibility of auto malls will not be ruled out. All agreed that with maintaining clear design standards to meet the districts aesthetic intent, auto sales are a great source of revenue for communities.
- The Planning Commission supported the proposed amendments to the HPBD zone with direction to eliminate single family and duplex use; requiring a mix of development types in close proximity to each other; and careful consideration of design standards for the district.

**SEPA Threshold Update:**

- Christy Osborn gave some background information and explained that the 2012 legislature enacted amendments to Chapter 43.21C RCW, the State Environmental Policy Act (SEPA).
- The major changes to the SEPA rules pertain to planned actions, infill development, non-project actions, environmental checklist, and flexible exemption thresholds.
- Christy went over the proposed amended flexible threshold levels. Christy pointed out that the amendments are intended to reduce redundancy and do not make the SEPA any less stringent.
- The Planning Commission supported drafting amendments to the Environmental Chapter to include revised flexible thresholds for categorical exemptions, critical areas, and the SEPA checklist. Additional changes for infill development will be added after environmental review and adoption of the Comprehensive Plan in 2016.

5. **Communications and Announcements:** None.

6. **Next meeting:** July 21, 2015.

7. **Adjournment:** 8:55 p.m.



## PLANNING COMMISSION STAFF REPORT

August 4, 2015

**SUBJECT:** Work session on proposed amendments to the Environmental Policy Chapter of the LMC related to recent revisions permitted under the State Environmental Policy Act.

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

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**TO:** Lacey Planning Commission

**STAFF CONTACTS:** Ryan Andrews, Planning Manager *RA*  
Christy Osborn, Associate Planner *CO*

**ATTACHMENT(S):** LMC Chapter 14.24 - Environmental Policy  
LMC Chapter 15.53 - Historic Preservation  
Draft Inadvertent Archaeological and Historic Resources Discovery Plan  
Draft Environmental Documentation for Flexible Threshold Exemptions  
WAC 197-11-800

**PRIOR COUNCIL/  
COMMISSION/  
COMMITTEE REVIEW:**

The Planning Commission held a worksession on July 7, 2015.

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**BACKGROUND:**

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

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

Many of the rule changes are adopted into the municipal code by reference. Other changes require amending the Environmental Policy chapter. Changes included in the revised SEPA rules included Planned Actions, infill development, non-project actions, SEPA checklist, and flexible exemption thresholds.

### **CITY OF LACEY SEPA PROVISIONS**

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

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

### **DISCUSSION**

As discussed with the Planning Commission at the July 7<sup>th</sup> worksession, planning staff prepared proposed amendments to Chapter 14.24 for review by the Planning Commission. Planning staff reviewed our local environmental provisions and made technical corrections and aligned the environmental requirements with the development regulations and Comprehensive Plan. Proposed changes to the environmental policy chapter include the following:

- **Reference citations:** Sections of the Chapter 197-11 WAC that are adopted by reference by the city have been amended to reflect the correct section in the rule;
- **Categorical exemptions without flexible thresholds - Section 14.24.055:** A section was added to reflect changes in the WAC provisions that identify categorical exemptions with and without flexible threshold levels
- **Flexible Threshold Levels for categorical exemptions - Section 14.24.060:** Revised flexible threshold levels for categorical exemptions have been raised for multi-family residential structures up to 60 dwelling units; barns and accessory agricultural structures up to 40,000 in conjunction with farming a property; the construction of an office, school, commercial, recreational service or storage building up to 30,000 square feet and associated parking for up to 90 parking spaces; and landfill and excavation up to 1,000 cubic yards throughout the total lifetime of the fill or excavation.

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

- **Environmentally sensitive areas:** The requirement to not consider designated environmentally sensitive areas was removed from Section 14.24.180. Protections of these areas are addressed in the city's municipal code, critical area regulations, the Shoreline Master Program, and numerous state and federal laws.

Amendments to Chapter 15.53 are also included to address the protection of cultural and historic resources as required by state law in order to raise categorical exemption levels. The

adoption of a Standard Inadvertent Archaeological and Historic Resources Discovery Plan has also been recommended by the Washington State Department of Archaeology and Historic Preservation. A draft plan has been included for your review as well as a copy of the environmental documentation required to raise exemption levels.

**RECOMMENDATION:**

The Planning Commission is requested to review the suggested revisions to Chapter 14.24, Environmental Protection; Chapter 15.53, Historic Preservation; the Draft Inadvertent Archaeological and Historic Resources Discovery Plan; and environmental documentation to increase flexible threshold allowances under SEPA. The Planning Commission is also requested to set a public hearing on these matters on August 18, 2015 with the annual slate of development code amendments.

**CHAPTER 14.24**  
**ENVIRONMENTAL POLICY<sup>1</sup>**

Sections:

- 14.24.010 Authority
- 14.24.020 Adoption by reference
- 14.24.030 Additional definitions
- 14.24.035 Compliance with Chapter 36.70B RCW.
- 14.24.040 Repealed
- 14.24.050 Additional timing considerations
- 14.24.055 Categorical exemptions without flexible thresholds
- 14.24.060 Flexible thresholds for categorical exemptions
- 14.24.070 Use of exemptions
- 14.24.080 Lead agency determination and responsibilities
- 14.24.090 Environmental checklist
- 14.24.100 Mitigated DNS
- 14.24.105 Optional DNS Process
- 14.24.110 Preparation of EIS--Additional considerations
- 14.24.120 Additional elements to be covered in an EIS
- 14.24.130 Public notice
- 14.24.140 Role of the responsible official
- 14.24.150 Designation of responsible official
- 14.24.160 Substantive authority
- 14.24.170 Appeals
- 14.24.180 Environmentally sensitive areas
- 14.24.190 Responsibility of agencies--SEPA public information
- 14.24.200 Fees
- 14.24.210 Notice--Statute of limitations
- 14.24.220 Severability

**Comment [CO1]:** Addition of a new section to distinguish categorical exemption provisions.

**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 as now existing or hereinafter amended, 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 [SEPA/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 [SEPA/GMA integration](#) documents
- 197-11-238 [SEPA/GMA integration](#) monitoring
- 197-11-250 SEPA/Model Toxics Control Act integration
- 197-11-253 SEPA lead agency for MTCA actions

**Comment [C02]:** Reference changes are in compliance with changes in WAC citations

- 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 Decision maker
- 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).

14.24.055 Categorical exemptions without flexible thresholds.

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

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

**14.24.060 Flexible thresholds for categorical exemptions.**

A. The city establishes the following exempt threshold levels for minor new construction under WAC 197-11-800(1)(d**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):

1. The construction or location of any multi-family residential structure up to sixty dwelling units;
2. The construction of a barn, loafing shed, farm equipment storage, produce storage or packing structure up to 40,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots;
3. The construction of an office, school, commercial, recreational service, or storage building up to 30,000 square feet and associated parking designed for up to ninety parking spaces;
4. Landfill or excavation up to 1,000 cubic yards throughout the total lifetime of the fill or excavation.

**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.

**Comment [C03]:** Changes to the WAC provisions for categorical exemptions have been identified with flexible thresholds and without flexible threshold allowances. Suggested revisions in the code reflect these changes.

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

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

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

~~B.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.

**Comment [CO4]:** Protections for environmentally sensitive areas are provided for in the Lacey Municipal Code, the Shoreline Master Program, and numerous state and federal laws.

- 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).

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

## Chapter 16.53

### **HISTORIC PRESERVATION & CULTURAL RESOURCES**

Sections:

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

**16.53.010 Title.**

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

**16.53.020 Definitions.**

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

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

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

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

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

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

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

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

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

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

- ~~H.~~ “Lacey’s Register of Historic Places” or “Register” is the local listing of properties provided for in LMC 16.53.030.
- ~~K.~~ “Lessee” is a person or persons who are other than owner(s) of record and who hold an interest in real or personal property under a lease agreement.
- ~~L.~~ “National Register of Historic Places” is the national listing of properties significant to our cultural history because of their documented importance to our history, architectural history, engineering, or cultural heritage.
- L. “Object” is a thing of functional, aesthetic, cultural, historical, or scientific value that may or may not be, by nature or design, movable yet related to a specific setting or environment.
- M. “Ordinary repair and maintenance” is work for which a permit issued by the city is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure or appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage; provided that all work is done in accordance with standards issued by Secretary of the Department of the Interior.
- N. “Owner” of property is the fee simple owner of record as exists on the Thurston County assessor’s records.
- O. “Prehistoric” means the time period before written record.
- P. “Significance” or “significant,” used in the context of historic significance, is the following: a property with local, state, or national significance is one which helps in the understanding of the history or pre-history of the local area, state, or nation (whichever is applicable) by illuminating the local, statewide, or nationwide impact of the events or persons associated with the property, or its architectural type or style in information potential. The local area can include the city of Lacey, Thurston County, or southwest Washington, or a modest geographical or cultural area, such as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.
- Q. A “site” is a place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupation or activities that may be marked by physical remains; or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may be the location of a ruined or now nonexistent building or structure, or the location itself possesses historic, cultural or archaeological significance.
- R. “State Register of Historic Places” is the state listing of properties significant to the community, state or nation, but which may or may not meet the criteria of the national register.
- S. “Structure” is a work made up of interdependent and interrelated parts in a definite pattern of organization. Generally constructed by man, it is often an architectural and/or engineering project.
- T. “UTM” (Universal Transverse Mercator) is a grid zone in metric measurement providing for an exact point of numerical reference. (Ord. 1370 §1, 2011; Ord. 796 §2, 1986).

**16.53.030 Register of historic places.**

A. Criteria for Determining Designation in the Register. Any building, structure, site, object, or district may be designated for inclusion in the Lacey Register of Historic Places if it is significantly associated with the history, architecture, archaeology, engineering, or cultural heritage of the community; has historical integrity; is at least fifty years old, or is of a lesser age and has exceptional importance; and if it falls in at least one of the following categories:

1. Is associated with events that have made a significant contribution to the broad patterns of national, state, or local history;

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

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

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

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

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

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

D. Effects of Listing on the Register.

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

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

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

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

**16.53.040 Review of changes to historic register properties.**

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

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

C. Review Process.

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

2. The owner or his/her agent (architect, contractor, lessee, etc.) shall apply to the commission for a review of proposed changes on a register property or within a register historic district, and request a Certificate of Appropriateness or, in the case of demolition, a waiver.

3. Each application for review of proposed changes shall be accompanied by such information as is required by the commission establishing in its rules for the proper review of the proposed project.

4. The commission shall meet with the applicant and review the proposed work according to the design review criteria established in the rules. The commission shall complete its review and make its recommendations within thirty (30) calendar days of the date of receipt of the application. Unless legally required, there shall be no notice, posting, or publication requirements for action on the application, but all such actions shall be made at regular meetings of the commission. The commission's recommendations shall be in writing and shall state the findings of fact and reasons relied upon in reaching its decision. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the permits granted. The Commission's recommendations and, if awarded, the Certificate of Appropriateness shall be transmitted to the building official. If the owner agrees to the commission's recommendations, a certificate of appropriateness shall be awarded by the commission according to standards established in rules of the commission.

5. A Waiver of the Certificate of Appropriateness is required before a permit may be issued to allow sole or partial demolition of a designated Lacey Register Historic property or in a Lacey Register Historic District. The owner or his/her agent shall apply to the commission for a review of the proposed demolition and request a waiver. The applicant shall meet with the commission in an attempt to find alternatives to demolition. These negotiations may last no longer than 45 calendar days from the initial meeting of the commission, unless either party requests an extension. If no request is made and no alternative to demolition has been agreed to, the commission shall act and advise the official in charge of issuing a demolition permit of the approval or denial of the waiver of a Certificate of Appropriateness. Conditions in the case of granting a demolition permit may include allowing the commission up to 45 additional calendar days to develop alternatives to demolition. When issuing a waiver the board may require the owner to mitigate the loss of the Lacey Historic Register property by means determined by the commission at the meeting. Any conditions agreed to by the applicant in this review process shall become conditions of approval of the permits granted. After the property is demolished, the commission shall initiate removal of the property from the register. (Ord. 1370 §3, 2011; Ord. 796 §6, 1986).

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

A. The class of properties eligible for special valuation shall be limited to properties listed on the Lacey Register of Historic Places or properties identified as contributing to Lacey Register Historic District.

B. Applications for special property tax valuation in connection with substantial improvement of historic properties, as defined in Chapter 84.26 RCW and Chapter 221, Laws of 1986, shall be submitted to the commission by the county assessor within ten days of filing.

C. The commission shall recommend to the city council applications for approval for special valuation if the property meets the criteria of Chapter 84.26 RCW and Chapter 221, Laws of 1986, and is not altered in a way which adversely affects those elements which contribute to its designation and the owner(s) enters into an agreement with the city of Lacey which requires the owner(s) for the ten year period of classification to:

1. Monitor the property for its continued qualification for special valuation;
2. Comply with rehabilitation plans and minimum standards of maintenance as defined in the agreement;
3. Make the historic aspects of the property accessible to public view one day a year, if the property is not visible from the public right-of-way;
4. Apply to the commission for recommended approval or denial of any demolition or alteration;
5. Comply with any other provisions in the original agreement as may be appropriate.

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

1. The Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of the Historic Properties in WAC 254-20-100 shall be used by the commission as minimum requirements for determining whether or not an historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.
  2. The historic preservation special valuation agreement in WAC 254-20-120 shall be used by the commission as the minimum agreement necessary to comply with the requirements of RCW 84.26.050(2).
- E. An application for classification as an eligible historic property shall be approved or denied by the Lacey city council before December 31st of the calendar year in which the application is made, is submitted by December 1st of the calendar year.
- F. The city shall notify the county assessor, county auditor, and the applicant of the approval or denial of the application.
- G. If the Lacey city council determines that the property qualifies as an eligible historic property, the city shall certify the fact in writing and shall file a copy of the certificate with the county assessor and auditor within ten days of the determination and no later than December 31st. The certificate shall state the facts upon which the approval is based.
- H. Any decision of the Lacey city council regarding application for classification as historic property, eligible for special valuation, may be appealed to superior court under RCW 34.05.510 through 34.05.598, in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the county board of equalization. (Ord. 1370 §4, 2011; Ord. 796 §8, 1986).

**16.53.060 Relationship of provisions to zoning.**

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

**16.53.070 Provisions not to affect Building or Fire Codes.**

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

**16.53.080 Inadvertent Discovery of Archaeological and Cultural Resources**

Building, grading, and land clearing permits shall include the following note: When an unanticipated discovery of protected cultural material (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) or human remains are discovered, the property owner or contractor will completely secure the location and contact the Washington State Department of Archaeology and Historic Preservation and other contacts as identified in the City of Lacey Standard Inadvertent Archaeological and Historic Resources Discovery Plan.

**Comment [CO1]:** Increasing flexible thresholds must demonstrate protection of cultural and historic resources.

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

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

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

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

**Figure 1: Shell Midden**



Figure 2: Example of Stone Tool



**Figure 3: Example of Stone Flake and Tools**



**Figure 4: Example of Hearth (Oven) Feature**



Figure 5: Example of Historic Artifacts from Debris Scatter



Figure 6: Example of Bottle from Historic Debris Dump



## Environmental Documentation for Flexible Categorical Exemption Levels – City, State, and Federal Regulations that Address Protection and Mitigation for Elements of the Environment Listed in WAC 197-11-444

SEPA Checklist Category	City of Lacey Regulation	State/Federal Regulation
<b>Earth</b>	LMC 14.30-Removal of Topsoil; 2014 Development Guidelines & Public Works Standards Chapter 2-Excavation and Grading; LMC 16.10-McAllister Springs Geologically Sensitive Area Residential District; LMC 14.37-Geologically Sensitive Areas Protection; LMC 16.57.050-Ground & Soil Contamination; LMC 15.01.065-Subdivisions Adjacent to Resource Lands	
<b>Air</b>	LMC 16.57.040- Emissions	Permitting and registration programs, Olympic Region Clean Air Agency (ORCAA); RCW 70.94 Washington Clean Air Act; Federal Clean Air Act
<b>Water</b>	LMC 14.26-Shoreline Master Program; LMC 14.28-Wetlands Protection; LMC 14.31-Zero Effect Drainage Discharge; LMC 14.34-Flood Hazard Protection LMC 14.36-Critical Aquifer Recharge Areas Protection; LMC 16.19-Shoreline Zoning; LMC 16.54-Environmentally Sensitive Areas Protected; LMC 14.34-Flood Hazard Prevention; LMC 16.10-McAllister Springs Geologically Sensitive Area Residential District	Hydraulic Project Approval (HPA), WDFW; 401 Water Quality Certification, DOE; Section 404 Permit; CoE; Section 10 Permit, CoE; National Pollution Discharge Elimination System Permit, DOE

<b>SEPA Checklist Category</b>	<b>City of Lacey Regulation</b>	<b>State/Federal Regulation</b>
Plants	LMC 14.26-Shoreline Master Program; LMC 14.28-Wetlands Protection; LMC 14.32-Tree & Vegetation Protection & Preservation; LMC 14.33-Habitat Conservation Areas Protected; LMC 16.80-Landscaping Standards; LMC 14.30-Removal of Topsoil; LMC 16.19-Shoreline Zoning; LMC 14.20-Street Trees; Urban Forest Management Plan	Priority Plants, DNR; Priority Habitats and Species, WDFW
<b>Animals</b>	LMC 14.33-Habitat Conservation Areas Protected; LMC 14.32-Tree & Vegetation Protection & Preservation; LMC 9.56.226-Harassment of Wildlife and Waterfowl	Endangered Species Act, Section 4,7,& 10 Regulations, USFWS; Priority Habitats and Species, WDFW
<b>Energy and Natural Resources</b>	LMC 16.45-Mineral Extraction District; LMC 14.09-Energy Code	Washington State Energy Code, International Building Code
<b>Environmental Health</b>	LMC 16.57.030-Noise; LMC 16.57.040-Emissions; LMC 14.38-Outside Construction Activities; LMC Title 13-Water and Sewage; 2014 Development Guidelines & Public Works Standards- Chapters 5, 6, 7, and 8; Thurston County Environmental Health Standards and Sanitary Code; LMC Title 8-Health and Welfare; 2009 Natural Hazards Mitigation Plan; 2013 Comprehensive Emergency Management Plan	Model Toxics Control Act, DOE; Underground Storage Tank Permit, DOE; Pipeline Safety Program, WUTC
<b>Land and Shoreline Use</b>	LMC 16.19-Shoreline Zoning; LMC 14.26-Shoreline Master Program; Chapter 16.21-	Shoreline Management Act, DOE

SEPA Checklist Category	City of Lacey Regulation	State/Federal Regulation
	Urban Agriculture; LMC Title 16-Zoning; LMC 16.54-Environmentally Sensitive Areas	
<b>Housing</b>	LMC Title 16-Residential Zones; LMC 9.48-Unfair Housing Practices; LMC 16.64-Homeless Encampments; LMC 14.14-Manufactured Home Standards; LMC 3.64-Multi-family Tax Exemption; LMC 15.07.055-Conversion-Tenant Assistance	
<b>Aesthetics</b>	LMC 15.12-Design Standards for Subdivisions; Short Subdivisions, and Binding Site Plans; LMC 14.23-Design Review; LMC 14.02 Residential Building Registration Program; LMC 14.12-Uniform Sign Code; LMC 14.16-Property Maintenance Code; 2014 Development Guidelines and Public Works Standards; LMC 16.80 Landscaping requirements; LMC 12.22-Underground Communication Facilities;	
<b>Light and Glare</b>	LMC 14.23-Design Review; LMC 15.12.130-Street Lights; 2014 Development Guidelines & Public Works Standards-Chapter 4 Transportation	
<b>Recreation</b>	LMC 15.12-Design Standards for Subdivisions, Short Subdivisions, and Binding Site Plans; LMC 14.23.088-Open Space; LMC 15.22-Community Facilities; 2010 Comprehensive Plan for	

SEPA Checklist Category	City of Lacey Regulation	State/Federal Regulation
	Outdoor Recreation	
<b>Historic and Cultural Preservation</b>	LMC 16.53-Historic Preservation; LMC 14.23.074-Design Criteria for Lacey Villas Historical Neighborhood; SMP 17.57.000-Historic & Archeological Goals & Policies and 17.57.020-Historic & Archeological Development Standards; Participating in the Certified Local Government Program (CLG); Participating in Data Sharing Agreements with DAHP; Proposing to adopt Standard Inadvertent Discovery Language	Section 106 Review, Dept. of Archaeology and Historic Preservation; Governor's Executive Order 05-05
<b>Transportation</b>	LMC Title 12-Streets and Sidewalks; LMC 14.20-Public Works Construction; LMC 14.21-Traffic Mitigation and Concurrency; LMC 10.10-Bicycles; LMC 10.14-Parking; LMC 10.40 Transit Tax; LMC 10.46-Commute Trip Reduction Plan; LMC 15.12.090-Pedestrian Features; LMC 15.12.140-Pedestrian and Transit Friendly Improvements; LMC 16.72-Off-Street Parking and Loading; 2015-2020 Transportation Improvement Plan; 2014 Development Guidelines and Public Works Standards; 2030 Transportation Plan	Americans with Disabilities Act Title II and the Rehabilitation Act Section 504; WSDOT Design Standards; American Association of State Highway and Transportation Officials (AASHTO) standards; Washington State Local Transportation Act, RCW 39.92
<b>Public Services</b>	LMC 12.28-Development Standards and Public Works Standards; City of Lacey 2015-2034 Capital Facilities Plan; LMC 14.07-International Fire	

SEPA Checklist Category	City of Lacey Regulation	State/Federal Regulation
	Code; LMC 15.01.060-Concurrency for Public Facilities, Utilities and Roads; LMC 15.12-Design Standards for Subdivisions, Short Subdivisions and Binding Site Plans; LMC 15.22-Community Facilities	
<b>Utilities</b>	LMC Title 13,-Water and Sewage (Sewer, Water, Reclaimed Water, Storm and Surface Water Utilities); LMC 8.04-Garbage and Refuse Storage and Disposal; LMC 15.12- Design Standards for Subdivisions, Short Subdivisions and Binding Site Plans; LMC 16.68-Wireless Communication Facilities; LMC 12.22-Underground Communication Facilities; 2013 Water System Comprehensive Plan; 2010 Water Rights Mitigation Plan; 2015 Water Shortage Response Plan; 2015 Wastewater Comprehensive Plan; 2010 Stormwater Design Manual; 2013 Stormwater Comprehensive Plan; 2014 Development Guidelines & Public Works Standards Chapters 5, 6, 7, and 8	



## PLANNING COMMISSION STAFF REPORT

August 4, 2015

**SUBJECT:** 2015 Zoning Text Amendments

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**RECOMMENDATION:** Call for a public hearing for August 18<sup>th</sup> to consider the slate of 2015 zoning text amendments.

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**TO:** Lacey Planning Commission

**STAFF CONTACTS:** Ryan Andrews, Planning Manager *RA*

**ATTACHMENT(S):**

1. Proposed Draft Amended Lacey Municipal Code Text
2. J & J Lacey LLC Zoning Text Amendment Application #15-184

**PRIOR COUNCIL/  
COMMISSION/  
COMMITTEE REVIEW:**

Planning Commission briefing July 7, 2015

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### BACKGROUND:

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

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

With these revisions, staff will provide a briefing to provide more information on the amendments. The full staff analysis will be presented at the Planning Commission public hearing scheduled for August 18<sup>th</sup>. The applicant of the private amendment to eliminate the maximum building square footage in the Light Industrial zoning district will also be available at the August 4<sup>th</sup> meeting to provide their insight and answer any questions.

## Hawks Prairie Business District Amendments LMC 16.37

On July 7<sup>th</sup>, the Planning Commission was briefed on proposed amendments to the Hawks Prairie Business District specifically related to allowing ground floor residential, considering park and rides as a permitted use, and whether specific design and performance standards should be established for auto sales within the District. At the July 7<sup>th</sup> briefing, staff provided background on planning efforts in the HPBD area specific to the 1992 Northeast Area Plan and the various iterations of the zoning standards that came as a result of the subarea plan. Also at the July 7<sup>th</sup> briefing, staff discussed that through the work on the Gateway Town Center Master Plan and as development trends have changed over the last 25 years, the Community Development Department has identified the three topics related to the HPBD zoning district worth discussion and consideration by the Planning Commission:

### **Ground floor residential:**

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

- If not in a mixed use building then allowed as part of a master plan.
- Types of ground floor residential uses that would be allowed (i.e. town homes, urban walk-up apartments, live/work units etc.)
- Level of connectivity to other uses in the district.
- Maximum distance from other land uses.
- Building and material design.
- Maximum density.

### **Park and ride lots:**

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

### **Auto sales:**

Auto sales are 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.

Standards have been drafted to address the design standards associated with new and used car dealerships to include:

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

#### J & J Lacey Request to Eliminate Building Square Footage Requirement, LMC 16.40

The City has received a private applicant request related to Lacey Municipal Code 16.40 in the Light Industrial zoning chapter to eliminate the maximum square footage requirement of 500,000 square feet. Prior to discussing the request, some history is needed on the building square footage requirement in the Light Industrial zone.

#### **History of Light Industrial building cap:**

In 2002, based on the availability of large parcels of land in Lacey, proximity to I-5, proximity to the Port of Tacoma, and major companies using distribution models requiring large warehouse/distribution facilities for merchandise, several large corporations were looking to locate distribution facilities in the Hawks Prairie area. The Target and Home Depot distribution facilities were also constructed around this time with Target at 2+million square feet and Home Depot at 750,000 square feet.

The Council had concerns that the bulk of Lacey's larger parcels with Light Industrial zoning would be absorbed by large distribution warehouse facilities that would have relatively low job

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

Once the 200,000 square foot building cap was put in place, light industrial warehouse development ceased in northeast Lacey until 2010 when a private applicant amendment was approved by the City Council to increase the building square footage cap to 500,000 square feet provided that certain design standards were met including: compatibility and notice requirements for adjacent residential properties, requiring a multiple building complex with no more than 75% of buildings greater than 200,000 square feet, and requiring design review.

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

#### **J & J Lacey request:**

The City has received a request by the owners of the Hawks Prairie 111 Corporate Park to eliminate the current 500,000 square foot building cap (see attached application materials). The application is to eliminate the 500,000 square foot cap but keep the remaining design standards as is i.e. compatibility requirements adjacent to residential, requiring multiple building complexes with no more than 75% of buildings greater than 200,000 square feet, and design review.

According to J&J Lacey, since Harbor Wholesale and Trader Joe's have located the city has not been able to compete for several distribution and manufacturing prospects that require sites that can accommodate buildings larger than 500,000 square feet and has provided a representative list of building users who have located elsewhere. Additionally, the applicant has provided a list of large users that have been interested in locating larger buildings for distribution warehouses.

As previously mentioned at the center of the last debates were two primary issues: job density and transportation impacts. These issues are important to consider when analyzing the request to eliminate the building square footage cap. J & J Lacey has submitted information related to job density throughout the northeast Lacey area. The data specifically shows that the average job density in the Meridian Campus area with smaller warehouses at 9.3 jobs per acre. The

Trader Joe's and Harbor Wholesale warehouses in the Hawks Prairie 111 Corporate Park average around 15.7 employees per acre. This shows that having larger buildings isn't always an indicator of low job density and shows that large buildings can generate as many or more jobs than small buildings. Additionally that data provided by J & J Lacey, shows that larger buildings and distribution warehouses generate less daily truck trips and less PM peak hour trips than regular warehouses. This data, coupled with the city's requirements for truck trip mitigation under the State Environmental Policy Act, ensure that the transportation system is in line to support these types of uses.

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

The Planning Commission is requested to review the application submitted by J & J Lacey LLC to eliminate the maximum square footage requirement for buildings in the Light Industrial zone. Staff will provide the background and J & J Lacey will be in attendance at the meeting to provide their insights and answer any questions. It is requested that the Planning Commission hear from staff on the history of the issue, consider the information presented by J & J Lacey LLC, and schedule the request for public hearing at the next meeting.

#### General Municipal Code Housekeeping Updates

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

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

The Planning Commission is requested to review and comment on the housekeeping amendments to move forward to a public hearing at the next regular meeting on August 18<sup>th</sup>.

#### **RECOMMENDATION:**

Staff will present to the Planning Commission the 2015 slate of zoning text amendments. The Planning Commission is requested to analyze and discuss the proposed amendments and provide

any comments or edits. At the conclusion of the discussion, the Planning Commission is requested to move the amendments forward to a public hearing scheduled for August 18<sup>th</sup>.

2015 Development Code Update  
7/28/15 Draft

~~9.20.050 Barbed wire and electric fences.~~

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

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

...

**14.23.074 Design Criteria For Lacey Villas Historical Neighborhood.**

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

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

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

...

**15.06.060 Final approval and recording.**

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

- S. Each and every binding site plan of any property filed for record shall:
  - 1. Contain a statement of approval from the city engineer or by a licensed engineer acting on behalf of the city as to the survey data, the layout of streets, alleys, and other rights-of-way, design of bridges, sewage and water systems, and

other structures. No engineer who is connected in any way with the binding site plan and dividing of the land for which binding site plan approval is sought shall examine and approve such binding site plan on behalf of the city.

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

Comment [RA3]: No longer applicable per city surveyor.

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

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

...

**15.06.090 Final binding site plan drafting standards.**

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

- A. The final binding site plan shall be clearly and legibly drawn in permanent black ink upon mylar or paper.
- B. The scale of the binding site plan shall be not less than one inch equals fifty feet nor greater than two hundred feet. Lettering ~~size shall be at least eight point font shall be at least three thirty seconds inch high.~~ The perimeter of the binding site plan being recorded shall be depicted with heavier lines wider than the remaining portion of the binding site plan.
- C. The size of each sheet shall be eighteen by twenty-four inches.
- D. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of three two inches on the left side, and one-half inch on each of the other three sides.
- E. If more than two sheets are used, an index of the entire binding site plan showing the arrangement of all sheets shall be included. Each shall be appropriately numbered.
- F. The binding site plan title and number, date, scale, and north arrow shall be shown on each appropriate sheet of the final binding site plan.
- G. When a condominium or condominium conversion is the subject of a site plan, the final Plan drawing shall have a title that is reflective of the subject, stating specifically the plan is either for a "condominium development" or a "condominium conversion." (Ord. 1369 §4, 2011; Ord. 1235 §1, 6, 2005).

Comment [RA4]: Updated requirements per city surveyor.

...

**15.10.200 Final plat drafting standards.**

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

- A. The final plat shall be clearly and legibly drawn in permanent black ink upon mylar or paper.
- B. The scale of the plat shall be not less than one inch equals two hundred feet. Lettering shall be at least .08 inch high. The perimeter of the plat or subdivision being recorded shall be depicted with heavier lines wider than the remaining portion of the plat or subdivision.
- C. The size of each sheet shall be eighteen by twenty-four inches.
- D. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of three two inches on the left side, and one-half inch on each of the other three sides.
- E. If more than two sheets are used, an index of the entire subdivision showing the arrangement of all sheets shall be included. Each shall be appropriately numbered.
- F. The plat title, date, scale and north arrow shall be shown on each appropriate sheet of the final plat.
- G. All signatures placed on the final plat shall be original signatures written in permanent black ink. (Ord. 1235 §1, 8, 2005).

Comment [RA5]: Updated requirement per city surveyor.

...

**15.10.210 Final plat approval.**

A. Upon receipt of the final plat and accompanying data, the staff of the planning, engineering, ~~health department~~ and other commenting departments and agencies shall review the final map and documents to determine that the plan conforms with the approved preliminary plat, and that there is compliance with provisions of the law and of this title.

The staff may make checks in the field to verify that the map is sufficiently correct on the ground, and may enter the property for this purpose.

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

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

**Comment [RA6]:** Health department approval is only necessary for those subdivisions with private wells and/or septic systems.

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

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

...  
**15.10.240 Filing for record.**

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

**Comment [RA7]:** City engineer no longer needs mylar copy per survey department.

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

...

**TABLE 15T-03**

**(Referred from LMC 15.10.260(C))**

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

1. \_\_\_\_\_  
Certificate--City Engineer.  
Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

\_\_\_\_\_  
City Engineer

2. Certificate--Health Officer.  
Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

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

\_\_\_\_\_  
Title

**Comment [RA8]:** Health Dept. approval only required for those projects with private wells and/or septic systems.

3. Certificate--Assessor.  
Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

\_\_\_\_\_  
Thurston County Assessor

4. Certificate--Treasurer.  
I hereby certify that all taxes on the land described hereon have been fully paid to and including the year \_\_\_\_\_.

\_\_\_\_\_  
Treasurer, Thurston County

5. Certificate--City Planner.  
Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

\_\_\_\_\_  
City Planner

6. Certificate--Mayor for Lacey City Council.  
Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

\_\_\_\_\_  
Lacey City Council

By \_\_\_\_\_

Mayor

Attest:

\_\_\_\_\_

City Clerk

7.

Certificate--County Auditor.

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

\_\_\_\_\_

Thurston County Auditor

\_\_\_\_\_

Deputy Auditor

...

**16.03.065 Residential swimming pools.**

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

**Comment [RA9]:** Added new section related to residential setbacks for swimming pools.

...

**16.03.070 Fencing standards.**

**A. Maximum height.**

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

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

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

**B. Chain link fencing:**

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

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

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

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

**Comment [RA10]:** Relocated from landscaping chapter 16.80.

**Comment [RA11]:** Clarified policy on use of barbed wire fencing.

...

**16.06.532 Multifamily.**

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

**Comment [RA12]:** Amend the definition of multi-family to remove duplexes to be consistent with SPR requirements and International Building Code definition.

...

**16.12.050 Lot area.**

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

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

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

C. Minimum front yard:

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

Garages facing the street, twenty feet.

On front yard flanking streets, ten feet.

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

**Comment [RA13]:** Changed LD 0-4 front setback for main structure consistent with Village Center design standards.

**CHANGE OR REPEAL TABLES TO REFLECT UPDATED FRONT SETBACK REQUIREMENT**

...

**16.13.050 Lot area.**

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

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

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

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

Garages facing the street, twenty feet.

On front yard flanking streets, ten feet.

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

**CHANGE OR REPEAL TABLES TO REFLECT UPDATED FRONT SETBACK REQUIREMENT**

...

**16.15.020 Types of uses permitted.**

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

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

B. Other or related uses permitted:

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

...

**16.15.050 Lot area.**

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

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

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

**Comment [RA14]:** Changed LD 3-6 front setback for main structure consistent with Village Center design standards.

**Comment [RA15]:** Changed to reflect minimum 50% multifamily use in Moderate Density Residential zone.

~~Sixteen feet.~~

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

Garages facing the street, twenty feet.

On front yard flanking streets, ten feet.

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

...

D. Other lot standards:

...

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

Front yard, ten feet.

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

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

**Comment [RA16]:** Changed MD front setback for main structure consistent with Village Center design standards.

**Comment [RA17]:** Changed in Moderate Density Residential zoning district to be consistent with other residential districts.

**CHANGE OR REPEAL TABLES TO REFLECT UPDATED FRONT SETBACK REQUIREMENT**

...

**16.18.020 Permitted uses.**

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

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

**Comment [RA18]:** Changed to reflect minimum 50% multifamily use in High Density Residential zone.

B. Other or related uses permitted:

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

...

**16.18.040 Lot area.**

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

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

~~Ten feet with a ten-foot minimum planter strip between the street and sidewalk. Fifteen feet with a planter strip less than ten feet wide between the street and sidewalk.~~

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

**Comment [RA19]:** Changed in High Density Residential zoning district to be consistent with other residential districts.

**CHANGE OR REPEAL TABLES TO REFLECT UPDATED FRONT SETBACK REQUIREMENT**

...

**16.25.090 Pedestrian circulation requirements.**

...

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

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

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

**Comment [RA20]:** 14.23.087(H) and Table 14T-16 have been replaced with other legislation but this reference still exists. Recommend that the reference be removed.

...

**Chapter 16.37  
HAWKS PRAIRIE BUSINESS DISTRICT<sup>1</sup>**

Sections:

[16.37.010 Intent](#)

[16.37.020 Permitted uses in the designated commercial area](#)

[16.37.030 Permitted uses in the business/retail area](#)

[16.37.040 Prohibited uses](#)

[16.37.050 Conditional uses](#)

[16.37.060 Site requirements](#)

[16.37.070 Design standards](#)

[16.37.080 Site plan requirements](#)

[16.37.090 Landscaping requirements](#)

[16.37.100 Stormwater runoff](#)

[16.37.110 Common open space](#)

[16.37.120 Environmental performance standards](#)

**16.37.010 Intent.**

It is the intent of this chapter to:

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

**16.37.020 Permitted uses in the designated commercial area.**

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

A. Commercial

Apparel

Automotive supplies

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

**Comment [RA21]:** Clarified that auto sales are allowed subject to design requirements.

Books and stationery

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

Department stores

Drug stores and pharmacies

Fabric stores

Florists

Food stores

General merchandise

Gifts/specialty

Hobby/special interest

Homes appliances/electronics

Home furnishings

Home improvement centers/garden supplies

Jewelry and cosmetics

Liquor

Personal services

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

Sporting goods and related stores.

B. Hotels and motels

C. Convention centers and conference facilities.

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

E. Cultural, entertainment and recreation.

Art galleries

Athletic facilities and health clubs

Bowling alleys

Cinemas

Libraries and museums

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

G. Financial institutions

Banks

Brokerages

Finance companies

Insurance and real estate offices

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

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

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

**16.37.030 Permitted uses in the business/commercial area.**

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

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

B. Public services

Higher education facilities

Vocational schools

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

C. Mass transit

Bus transfer facilities.

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

**Comment [RA22]:** Park and ride lots included as a permitted use provided that they are integrated into a commercial site plan and the parking is shared with other uses (can be used for commercial or other uses outside of typical commuting hours).

D. Offices and manufacturing

Computer hardware and software development and assembly

Conference facilities

Corporate/regional/administrative offices

Daycare facilities

Electrical equipment research, development, and assembly

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

High-tech industry

Medical offices and clinics

Offices and manufacturing

Photo and optical goods design and development

Professional and business offices

Scientific research and development

Scientific, analytic or control instrument research and development

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

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

G. Medical facilities

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

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

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

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.**

**Comment [RA23]:** New residential provisions allowing ground floor added to 16.37.070(L).

**Comment [RA24]:** Relocated to 16.37.070(L)

**Comment [RA25]:** Park and ride lots moved from prohibited to permitted use provided conditions are met.

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. Standards for auto sales.

1. A showroom building is required. Maximum front building setback shall be fifteen feet. Showroom windows and displays shall face the fronting street encompassing a minimum of 60% of the façade surface area.
2. Showroom building width shall be a minimum of 40% of the width of the parcel fronting the street.
3. Outdoor vehicle display shall be located at the side or rear of the showroom building.
4. Service facilities shall be located to the rear of the showroom building with bay doors oriented to the rear of the building. Any separate service buildings shall be located internal to or at the rear of the site.
5. Buildings must be of an architectural style that is harmonious with and complementary to surrounding structures in compliance with the Design Review Checklist for the Hawks Prairie Business District.

Comment [RA26]: New standards for auto sales

L. Standards for residential.

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

Comment [RA27]: New standards for first-floor residential uses.

2. Maximum residential density shall be calculated at 20 units per acre. No more than ten percent of a parcel shall be used to calculate the number of units permitted on that parcel.

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

**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).

...

**Chapter 16.40**  
**LIGHT INDUSTRIAL DISTRICT**

Sections:

[16.40.010 Intent](#)

[16.40.020 Permitted uses](#)

[16.40.030 Prohibited uses](#)

[16.40.040 Environmental performance standards](#)

[16.40.050 Site requirements](#)

[16.40.051 Master SPR requirement](#)

[16.40.052 Site of forty acres or more](#)

[16.40.060 Building allowance](#)

[16.40.070 Off-street parking](#)

[16.40.080 Landscaping](#)

[16.40.085 Refuse](#)

[16.40.090 Stormwater runoff](#)

[16.40.093 Design review](#)

**16.40.010 Intent.**

It is the intent of this chapter to:

- A. Provide for the development of areas in which certain types of light industrial activities may be located to promote job generation consistent with the Economic Development Element of the Lacey Comprehensive Land Use Plan;
- B. Implement the policies of the Comprehensive Land Use Plan for light industrial areas in the Hawks Prairie Planning Area.
- C. Protect light industrial areas from other uses which may interfere with the purpose and efficient functioning of said areas;
- D. Protect adjacent areas from adverse or damaging impact of any kind emanating or resulting from activities in the light industrial areas;
- E. Provide criteria for the location and standards for the development of said areas.
- F. Prohibit uses which are not primarily conducted indoors, involve hazardous materials, or involve truck terminals or cross dock facilities and result in significant heavy truck traffic. These uses are generally considered heavy industrial uses under this title and are not appropriate for this designation.

G. Recognize that an essential aspect of this zone is the need to create and maintain a quality of development that attracts further investment in the light industrial and surrounding zone districts. Consequently, the site activities and structures should be regulated within this zone including a design review element.

H. Use design review to ensure that development is of a scale and look that is complementary to the rest of the zone and the surrounding area.

I. Meet Lacey's goals for diversification of its industrial base and expansion of its employment base. (Ord. 1348 §1, 2010; Ord. 1264 §8, 2006; Ord. 758 §1 (part), 1985).

**16.40.020 Permitted uses.**

A. Permitted Uses: Uses allowed within this zone are limited to those necessary for a healthy and vibrant employment zone that promote manufacturing activity and job generation. A use must meet the intent of the zone as stated in LMC [16.40.010](#) to be permitted. Types of uses that may be permitted in the light industrial district, subject to satisfying the intent of the zone, may include:

1. Light industrial activities involving the manufacture, assembly, repair, servicing of goods or products which can be performed with minimal adverse impact on, and pose no special hazard to, the environment and the community.

Such goods or products may include, but are not limited to:

- a. Mechanical, automotive, marine and contractors' or builders' equipment and supplies;
- b. Electrical and electronic equipment or products;

2. Light industrial activities involving the assembly of manufactured products and processing of materials.

Such products may include, but are not limited to:

- a. Sheet metal, cans, cable;
- b. Cloth, paper;
- c. Commercial bakery goods;
- d. Cosmetics;
- e. Dairy products, and other agricultural commodity and processing, except slaughtering, and except where such activities generate nuisance characteristics likely to impact surrounding properties;
- f. Scientific, medical and precision instruments and equipment;

3. Other uses:

- a. Warehousing and distribution facilities and storage of equipment, commodities and products;
- b. Laundry and dry cleaning plants;
- c. Mineral extraction subject to Chapter 16.45 LMC;
- d. Living or residential quarters as an accessory use such as guards' quarters in large establishments where such quarters are customarily provided for security and/or insurability of the premises;
- e. Firemen's sleeping quarters in fire houses;
- f. Urban agricultural uses as provided for and limited under Chapter 16.21 LMC;
- g. Medical cannabis collective gardens pursuant to the terms of LMC 9.44.140 through 9.44.180;

4. Accessory uses clearly subordinate to, and an integral part of, the primary use of the property (e.g., plant cafeteria, recreation area);
5. Mail carrier services that predominantly utilize smaller trucks, such as U.S. Mail facilities, United Parcel Service, Federal Express and other similar services;
6. Buildings in existence prior to January 1, 2010, that have a footprint larger than five hundred thousand square feet shall be considered in compliance with this section based upon mitigation under previous approvals.

B. Similar Uses: Similar or related uses permitted, and criteria for determination of similarity or relatedness as follows:

1. Uses similar to, or related to, or compatible with those listed or described in subsection A of this section are permitted upon a finding by the enforcing officer and/or the site plan review committee that a proposed use does not conflict with the intent of this chapter or the policies of the Comprehensive Land Use Plan;
2. The criteria for such finding of similarity, etc., shall include but not be limited to the following:
  - a. The proposed use is appropriate in this area;
  - b. The development standards for permitted uses can be met by the proposed use;
  - c. The public need is served by the proposed use;
  - d. The use meets expectations of the Comprehensive Land Use Plan, Transportation Plan, and Economic Development Element.

C. Conditional Uses Permitted:

1. Conditional uses may be considered as provided for in Chapter 16.66 LMC.
2. For a conditional use to be approved it shall be demonstrated that the use would meet the goals of the Comprehensive Land Use Plan, the Transportation Plan, the Economic Development Element, and would promote job generation or other significant benefits to the Lacey community.
3. As a conditional use the city may consider administrative offices or other facilities of governmental institutions. However, before the city approves such use, it must be demonstrated the use is complementary to adjacent light industrial uses, enhances the marketability of the light industrial zone and will not adversely impact the city's economic development strategies for the zone.

D. On-site hazardous waste treatment and storage facilities as an accessory use: On-site hazardous waste treatment and storage facilities may be permitted as an accessory use to any activity generating hazardous waste and lawfully allowed in this zone; provided, that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210. (Ord. 1395 §6, 2012; Ord. 1368 §36, 2011; Ord. 1348 §2, 2010; Ord. 1264 §9, 2006; Ord. 1220 §42, 2004; Ord. 1992 §146, 2002; Ord. 1066 §2, 1997; Ord. 835 §10, 1988; Ord. 758 §1 (part), 1985).

#### 16.40.030 Prohibited uses.

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

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

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

**Comment [RA28]:** Eliminate buildings greater than 500,000 square feet from prohibited uses.

**EB.** Examples of prohibited uses are:

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

**16.40.040 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 LMC. In addition, any outside storage must have sight-obscuring screening around the storage area. All stored materials shall not exceed the height of the screening.

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. (Ord. 758 §1 (part), 1985).

**16.40.050 Site requirements.**

Minimum site requirements shall be as follows:

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

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

**Comment [RA29]:** Eliminate maximum size requirement for buildings.

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

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

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

**16.40.051 Master SPR requirement.**

When multiple buildings are located on a single parcel a master site plan shall be required. The master site plan will be reviewed through the site plan review requirements of Chapter 16.84 LMC. The review shall consider requirements similar to the city land division standards in Chapter 15.12 LMC, landscaping requirements of Chapter 16.80 LMC

and design review requirements of LMC 14.23.083. The site plan review committee shall determine whether the standards referenced are appropriate for development of the project being reviewed. (Ord. 1264 §12, 2006).

**16.40.052 Sites of forty acres or more.**

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

- A. The site consists of a parcel or contiguous parcels totaling a minimum of forty acres.
- B. The master plan shall provide for a multiple-building complex consisting of three or more buildings.
- C. Truck access to the site shall be from a city of Lacey street. Methods to discourage and/or restrict truck traffic from traveling through residential areas shall be incorporated into the site design and/or project approval. Methods to restrict truck access may include, but are not limited to, median controls, signage, driveway design, and internal circulation. All methods are subject to approval by the city of Lacey community development and public works departments.
- D. When adjacent to a residential zone, a one-hundred-foot natural treed buffer tract shall be established meeting the city of Lacey tree tract standards established in LMC 14.32.064 and 14.32.065 at the time of building construction.
- E. Buildings shall be consistent with the city of Lacey industrial design review standards contained in LMC 14.23.083.
- F. Construction pads for buildings with a footprint greater than two hundred thousand square feet shall be limited to seventy-five percent of the buildable area of the site in order to provide a variety of building sizes throughout a multiple-building complex.
- G. When a site is adjacent to a residential zone, the applicant shall be encouraged to meet with the adjacent homeowners' association or neighborhood group to provide project and contact information to the residents. (Ord. 1397 §1, 2012; Ord. 1380, §1, 2012; Ord. 1348 §5, 2010).

**16.40.060 Building allowance.**

Maximum building allowance shall be as follows:

- A. Development coverage, seventy percent of site;
- B. Maximum building coverage, forty percent. (Ord. 1024 §44, 1995; Ord. 758 §1 (part), 1985).

**16.40.070 Off-street parking.**

Off-street parking shall be provided in accordance with Chapter 16.72 LMC. (Ord. 758 §1 (part), 1985).

**16.40.080 Landscaping.**

- A. All applicable requirements of Chapter 16.80 LMC shall be satisfied.
- B. Adjacent Areas. Parcels or lots which share a common boundary with properties in a residential or open space/institutional district shall be required to landscape the rear 35 feet of the required setback area.

The exterior edge(s) of the common boundaries shall be densely planted with site screening vegetation having a minimum height of four feet at the time of planting. The landscaping plan shall provide a mix of vegetative species that at maturity will provide an effective height, canopy and buffer between the two different land uses. Requirements of LMC 16.80.050(B) for a type one landscaping shall be satisfied. (Ord. 1264 §13, 2006; Ord. 1098 §16(A), 1999; Repealed Ord. 1098 §15, 1999; Ord. 1044 §20, 1996; Ord. 758 §1 (part), 1985).

**Comment [RA30]:** Master site plan requirement is still required for sites of 40 acres or more, however, there is no maximum building square footage limit as long as the rest of section .052 is met (three or more buildings, access requirements, buildings larger than 200k limited to 75% of a complex, residential compatibility, etc.).

**16.40.085 Refuse.**

- A. Refuse container screening shall be required and be of a material and design compatible with the overall architectural theme of the associated structure, shall be at least as high as the refuse container, and shall in no case be less than six feet high.
- B. No refuse container shall be permitted between a street and the front of a building.
- C. Refuse collection areas shall be designed to contain all refuse generated on site and deposited between collections. Deposited refuse shall not be visible from outside the refuse enclosure. (Ord. 1098 §16(B), 1999).

**16.40.090 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 15.22 LMC pertaining to community facilities. Where wetlands are adjacent to the site, low impact development techniques and drainage strategies shall be considered. (Ord. 1264 §14, 2006; Ord. 758 §1 (part), 1985).

**16.40.093 Design review.**

All industrial buildings and uses shall comply with applicable design review standards of LMC Title 14. Design review should promote the development of an attractive and functional light industrial site, and contribute to the city's economic development by promoting healthy, vibrant and attractive industrial areas that will attract additional private investment. (Ord. 1264 §15, 2006).

...

**16.80.080 Maintenance of plant materials.**

- A. The property owner shall replace any unhealthy or dead plant materials in conformance with the approved landscape development proposal and shall maintain all landscape material.
- B. Unless entirely landscaped with significant trees preserved under LMC 16.80.040, all areas where new landscaping is being required shall be provided with irrigation systems designed by a licensed landscape architect, Washington-certified nurseryperson, Washington-certified landscaper or professional engineer. Said irrigation systems shall be designed, installed and operated to maintain the plant materials to the standards detailed in subsection A of this section.
- C. The city shall require a maintenance assurance device ~~for a period of one year from the completion of planting in order~~ to insure compliance with the requirements of this chapter. The value of a maintenance assurance device must equal at least ~~one hundred~~ twenty percent of the replacement cost of the landscape materials, and shall be utilized by the city to perform any necessary maintenance, and to reimburse the city for documented administrative costs associated with action on the device. The maintenance assurance shall be for a minimum period of one year from the completion of planting; however for Type 1 landscaping, the period shall be three years. The Community Development Director may adjust the period of maintenance assurances on a case-by-case basis.
- D. The city may accept, as an alternative to a maintenance assurance device, a contractual agreement or bond between the owner/developer and a licensed landscape architect, Washington- certified nurseryperson, or Washington- certified landscaper, along with a rider or endorsement specifically identifying the city as a party to the agreement for purposes of enforcement. Nothing in this alternative shall be interpreted to in any way modify the conditions of subsection B of this section.
- E. If a maintenance assurance device or evidence of a similar device is required under subsections B and C of this section, the property owner shall provide the city with an irrevocable notarized agreement granting the city and its agents the right to enter the property and perform any necessary work.

**Comment [RA31]:** Make consistent with current policy.

**Comment [RA32]:** Longer maintenance bond requirements for buffer plantings associated with Type 1 landscaping.

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

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

...

~~16.80.110 Fencing standards.~~

~~A. Maximum height.~~

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

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

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

~~B. Chain link fencing:~~

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

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

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

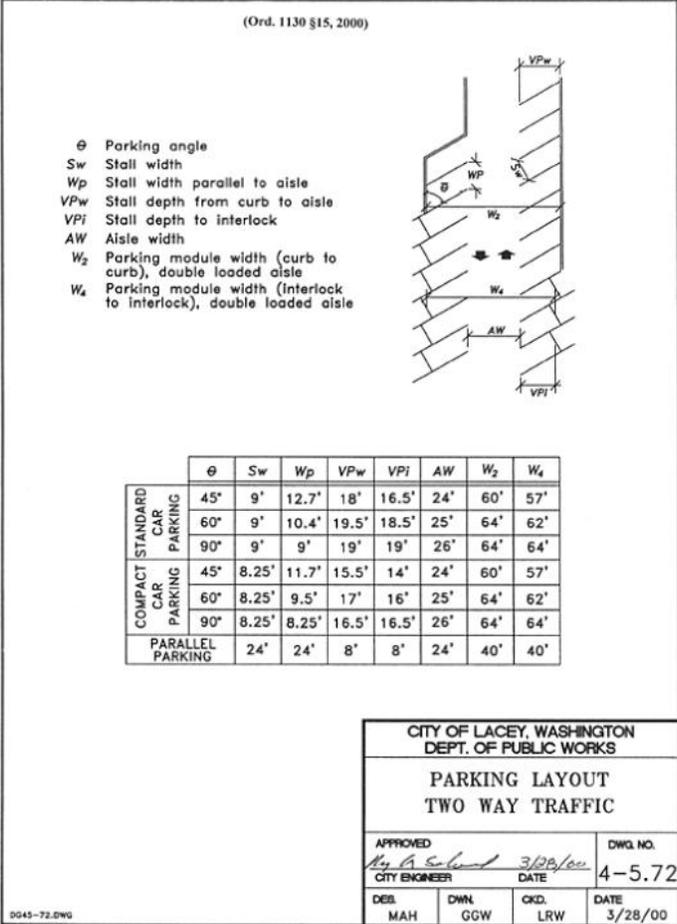
~~C. Prohibited material. Barbed wire, razor wire, electric and other dangerous fences are prohibited.~~

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

...

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

**Comment [RA33]:** Section on fencing moved to General Provisions (LMC 16.03) from landscaping chapter.





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

**OFFICIAL USE ONLY**

Case Number: \_\_\_\_\_

Date Received: \_\_\_\_\_

By: \_\_\_\_\_

Related Case Numbers:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**ZONING TEXT AMENDMENT  
 APPLICATION**

**SECTION I**

**APPLICANT NAME:** J & J Lacey LLC

**MAILING ADDRESS:** 2001 Western Avenue, Suite 330

**CITY, STATE, ZIP:** Seattle, WA 98121

**TELEPHONE:** (206) 728-1130

**REPRESENTATIVE NAME: \*** Loren Davis

**MAILING ADDRESS:** Same as above.

**CITY, STATE, ZIP:** Same as above.

**TELEPHONE:** (206) 999-5177

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

**SECTION II**

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

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

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

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

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

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

**C. TEXT CHANGE REQUESTED**

**CURRENT ZONING LANGUAGE**

**16.40.030 Prohibited uses.**

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

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

**16.40.052 Sites of forty acres or more.**

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

**REQUESTED NEW ZONING LANGUAGE:**

**16.40.030 Prohibited uses.**

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

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

**16.40.052 Sites of forty acres or more.**

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

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

**The proposed amendment only affects the City of Lacey**

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

**No**

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

**NO**

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

**DEVELOPED: \_\_\_\_\_ 649 \_\_\_\_\_ UNDEVELOPED: \_\_\_\_\_ 539 \_\_\_\_\_**

**WHAT ZONES ARE LOCATED ADJACENT TO THESE AREAS?**

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

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

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

**EXPLAIN HOW THE AMENDMENT IS CONSISTENT WITH THE FOLLOWING:**

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

**SUPPLEMENTAL INFORMATION**

**THIS APPLICATION MUST BE ACCOMPANIED BY THE FOLLOWING INFORMATION:**

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



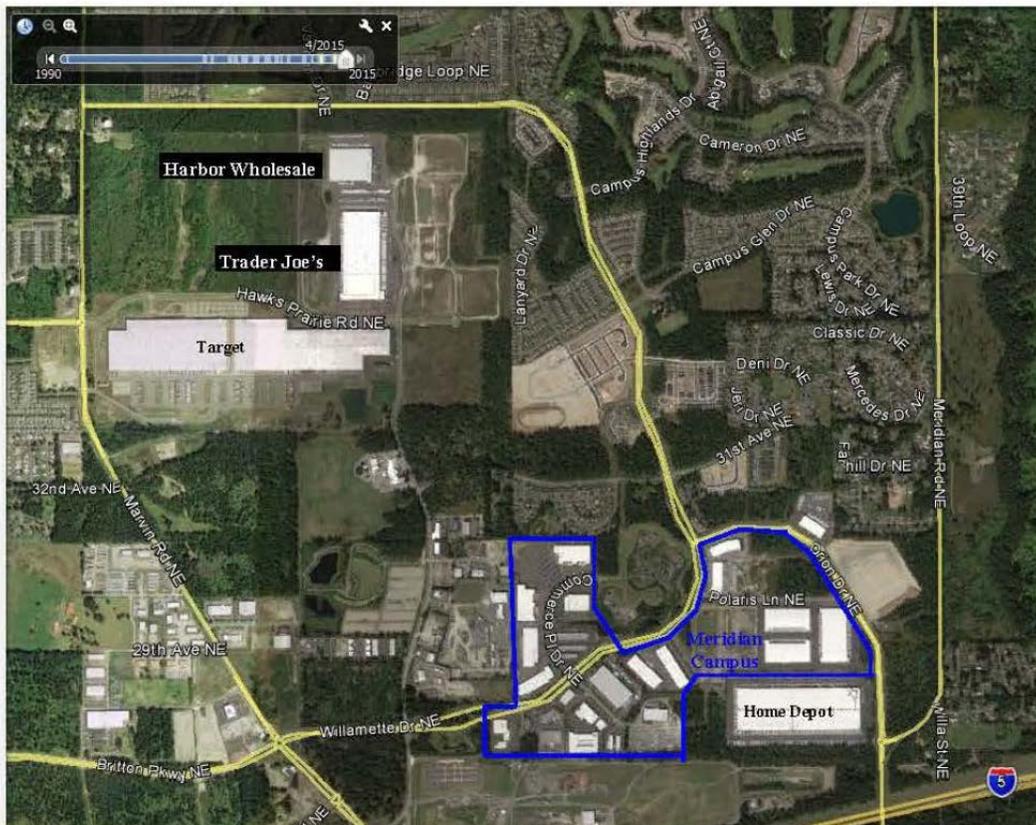
# Exhibit 1

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

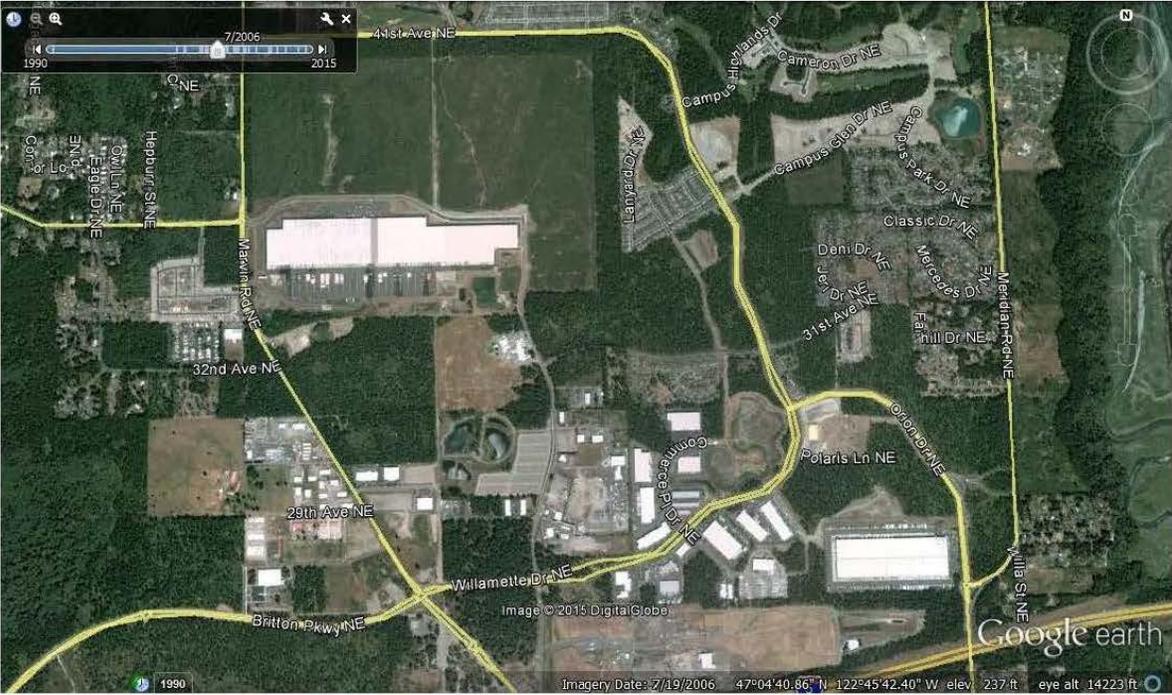
## 2015 Job Density Meridian Campus Light Industrial Zone Area vs.

### High Cube Warehouses Built between 2010 and 2015

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



# Light Industrial Zone 7-2006



# Meridian Campus 7 - 2006

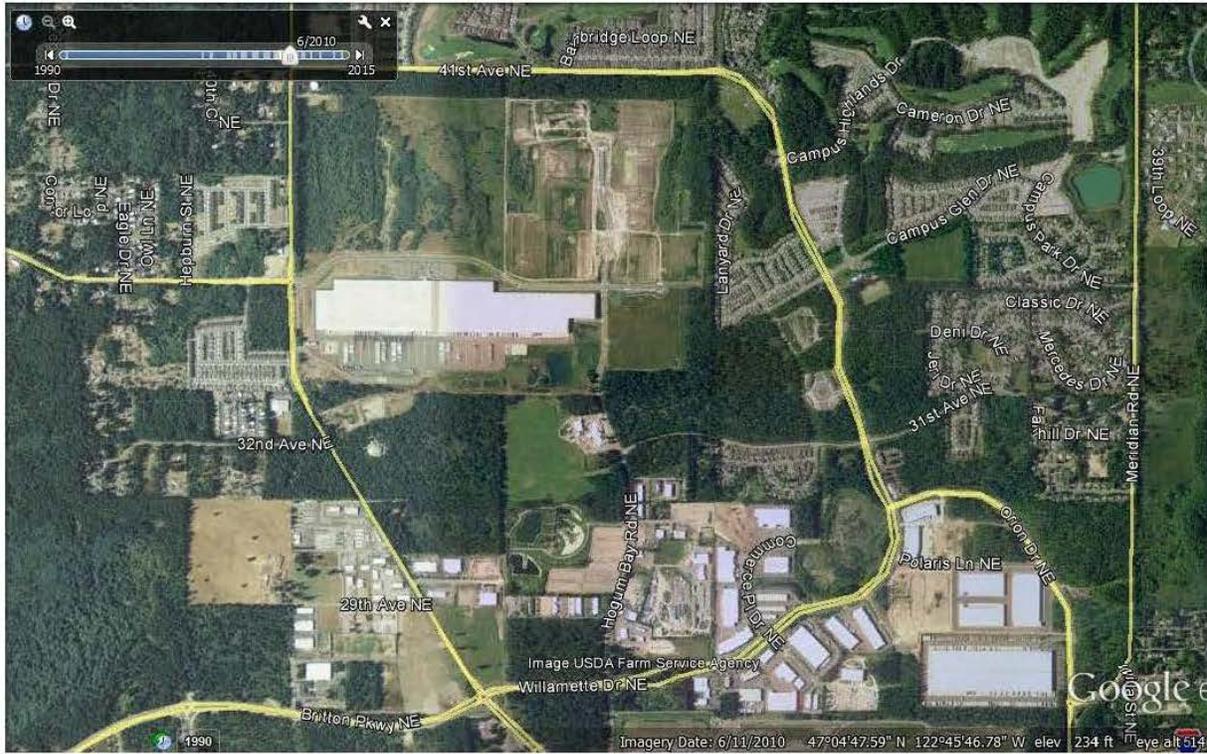


## 2015 Job Density Meridian Campus Light Industrial Zone Area Buildings Built Through 2006

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

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

# Light Industrial Zone 2007 - 2010



# Meridian Campus 2007 - 2010



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

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

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

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

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

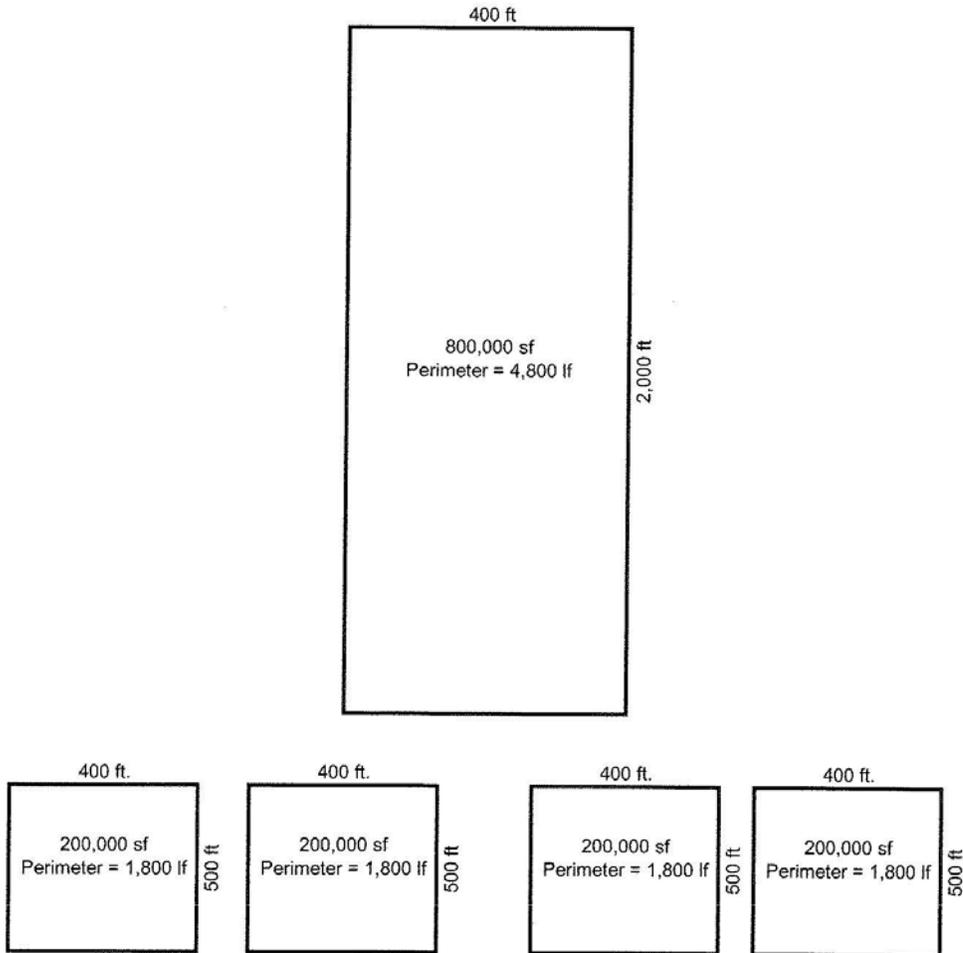
<b>Users</b>	<b>Approximate Total Area (SF)</b>	<b>Final Location</b>	<b>Reported # of Jobs</b>
Kimberly-Clark Worldwide	520,000 sf expandable to 650,000 sf	<b>Kent</b>	n/a
Macy's	530,000 sf	<b>Tukwila</b>	n/a
James Hardie Building Products	600,000 sf w/ possible expansion	<b>Frederickson</b>	200
Amazon.com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

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

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

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

### Building Perimeters



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

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

## High-Cube Warehouses Generate Less Truck Trips Than Regular Warehouses

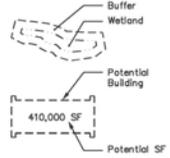
ITE Land Use Code:		110	120	130		140	150	152		
Land Use Name:		(General Light Industrial)	(General Heavy Industrial)	(Industrial Park)	Average Light Industrial and Industrial/Park Areas	(Manufacturing)	(Warehousing)	(High-Cube Warehouse)	Average High-Cube and Warehousing	3-way average: High-Cube, Warehouse,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

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

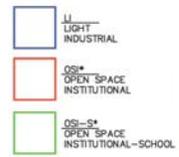
# Potential Building Sizes of the Remaining Undeveloped Land in the Lacey Light Industrial Zone



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



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



TEUTSCH PARTNERS  
 Real Estate Services

**Summary**

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