



CITY COUNCIL
ANDY RYDER
Mayor

CYNTHIA PRATT
Deputy Mayor

LENNY GREENSTEIN
MICHAEL STEADMAN
CAROLYN COX
ED KUNKEL
MALCOLM MILLER

CITY MANAGER
SCOTT SPENCE

LACEY CITY COUNCIL AGENDA

JULY 9, 2020

4:00 P.M.

REMOTE ATTENDANCE

To comply with Governor Inslee's [Proclamation 20-28](#), the City Council meeting will be conducted remotely, not in-person. You may view the Council meeting by watching live through video streaming on [Live Meetings](#), [YouTube](#), [Facebook](#), or Thurston Community Media, Channel 3 with your local cable provider.

The public may also listen to the meeting via telephone by dialing toll-free:

(888) 788-0099 or (877) 853-5247 - when prompted enter Webinar ID **414 847 991**
press # (participant ID not required)

CALL TO ORDER:

- 1. PLEDGE OF ALLEGIANCE**
- 2. APPROVAL OF AGENDA & CONSENT AGENDA ITEMS***
 - A. [Council Worksession minutes of June 18, 2020.](#)
 - B. [Council Meeting minutes of June 25, 2020.](#)
 - C. [A motion to approve payment of claims, wages, and transfers for June 18, 2020 through July 1, 2020.](#)

**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.*

- 3. PUBLIC RECOGNITIONS AND PRESENTATIONS:**
- 4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA****

**** Persons wishing to provide public comment on items NOT on the agenda must preregister to speak at https://us02web.zoom.us/webinar/register/WN_SBbGDylITY6keBBK6q1knq. Instructions and access details will be provided once registration is complete. Registration closes at 3:00 p.m. on July 9, 2020.**

Public comments may also be submitted by email to publiccomment@ci.lacey.wa.us. The commenting period will close at 12:00 p.m. on July 9, 2020. Comments will be provided to the City Council electronically prior to the meeting. Comments will not be addressed during the Council meeting; however, comments received will be added to the official record.

5. PUBLIC HEARING:

- A. [LFD 3 Mullen Road Annexation Project No. 19-333 \(Ryan Andrews\)](#)

HOW TO TESTIFY AT THE PUBLIC HEARING

Persons wishing to provide oral testimony on the Annexation of Mullen Road must preregister to speak at https://us02web.zoom.us/webinar/register/WN_SBbGDyIYTY6keBBK6g1kng. Instructions and access details will be provided once registration is complete. Registration closes at 3:00 p.m. on July 9, 2020.

Persons wishing to provide written testimony on the Annexation of Mullen Road may send their comments to cityclerk@ci.lacey.wa.us no later than 12:00 p.m. on July 13, 2020. Written testimony will be provided to the City Council and made part of the public record.

For more information, please contact Ryan Andrews, Planning Manager, at (360) 491-5642.

6. PROCLAMATIONS:

7. REFERRAL FROM PLANNING COMMISSION:

8. REFERRAL FROM HEARINGS EXAMINER:

9. RESOLUTIONS:

- A. [Six-Year Transportation Improvement Plan \(Martin Hoppe\)](#)

10. ORDINANCES:

- A. [LMC 16.12 and 16.13 Setback Amendments for ADU's \(Ryan Andrews\)](#)

11. MAYOR'S REPORT:

12. CITY MANAGER'S REPORT:

- A. [Approval of LOTT Reclaimed Water Agreements \(Peter Brooks\)](#)
B. [Annual Transportation Benefit District Report \(Aubrey Collier\)](#)

13. STANDING GENERAL COMMITTEE:

- A. [Finance Committee \(06.23.2020\)](#)
B. [General Government & Public Safety Committee \(06.23.2020\)](#)
C. [Land Use \(06.23.2020\)](#)

14. OTHER BUSINESS:

15. BOARDS, COMMISSIONS AND COMMITTEE REPORTS:

- A. [Mayor Andy Ryder:](#)
1. Mayors' Forum
2. Thurston Chamber Shared Legislative Committee
3. Transportation Policy Board (TPB)
B. [Deputy Mayor Cynthia Pratt:](#)
1. Joint Animal Services Commission (JASCOM)
2. LOTT Clean Water Alliance

3. Olympic Region Clean Air Agency (ORCAA)

C. Councilmember Carolyn Cox:

1. Regional Housing Council
2. Health & Human Services Council (HHSC)
3. Intercity Transit (IT)

D. Councilmember Lenny Greenstein:

1. Emergency Medical Services (EMS)
2. TCOMM911
3. Thurston County Law & Justice

E. Councilmember Malcolm Miller:

1. Thurston Regional Planning Council (TRPC)
2. Thurston Thrives
3. Lodging Tax Advisory Committee (LTAC)
4. Thurston County Coalition Against Trafficking (TCCAT)

F. Councilmember Michael Steadman:

1. Community Action Council
2. Solid Waste Advisory Committee (SWAC)

G. Councilmember Ed Kunkel:

1. Olympia-Lacey-Tumwater Visitor & Convention Bureau (VCB)
2. Lacey South Sound Chamber
3. Economic Development Council (EDC)

16. **ADJOURN**

MINUTES OF THE LACEY CITY COUNCIL WORKSESSION

JUNE 18, 2020

7:00 P.M. – 8:08 P.M.

REMOTE ONLY

COUNCIL PRESENT: MAYOR RYDER, DEPUTY MAYOR PRATT, COUNCILMEMBERS
GREENSTEIN, STEADMAN, COX, KUNKEL, MILLER

STAFF PRESENT: S. SPENCE, J. BURBIDGE, S. EGGER, D. SCHNEIDER,
R. ARMADA, R. WALK, T. WOO, P. EDMONDS

ACTION: APPROVE THE WORKSESSION AGENDA

MOTION: MOTION MADE, SECONDED AND CARRIED BY COUNCILMEMBER
GREENSTEIN AND DEPUTY MAYOR PRATT

CARES ACT FUNDING

STAFF: SCOTT SPENCE, CITY MANAGER

RICK WALK, COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR

ACTION: MOTION MADE, SECONDED AND CARRIED BY DEPUTY MAYOR PRATT AND
COUNCILMEMBER STEADMAN TO AUTHORIZE THE CITY MANAGER TO
SIGN THE WASHINGTON STATE DEPARTMENT OF COMMERCE CONTRACT
TO RECEIVE CORONAVIRUS RELIEF FUNDS.

MOTION MADE, SECONDED AND CARRIED BY COUNCILMEMBER
GREENSTEIN AND DEPUTY MAYOR PRATT TO (1) SEEK CARES ACT
FUNDING REIMBURSEMENT FOR FUNDS PREVIOUSLY GRANTED TO EDC
(\$70,000) AND UNITED WAY (\$50,000); (2) FUND \$10,000 TO
HOMELESS BACKPACKS; AND (3) SPLIT THE REMAINING BALANCE OF
\$408,100 50/50 BETWEEN ECONOMIC RECOVERY AND SOCIAL
SERVICES IN AMOUNTS AGREED UPON AT A FUTURE COUNCIL MEETING.

The U.S. Treasury, under the Coronavirus Aid, Relief and Economic Security Action (CARES Act), distributed federal stimulus funding to the States. On April 27, 2020, Governor Inslee awarded \$300 million of the CARES Act funds to local governments. The amount the City of Lacey received under this reimbursable grant program totals \$1,538,100.

These funds may only be used for costs incurred by local governments in response to the COVID-19 public health emergency during the period March 1, 2020, thru October 31, 2020. Six categories eligible for Coronavirus Relief Funds include:

1. Medical expenses.
2. Public Health Expenses.
3. Payroll Expenses.
4. Expenses of actions to facilitate compliance with COVID-19 related public health measures.
5. Expenses associated with the provision of economic support.
6. Any other COVID-19 related expenses.

In order to receive the funds from Department of Commerce, the City of Lacey will need to enter into an interagency agreement. As the City incurs expenses related to COVID-19, within the above-described cost categories, requests for reimbursement can be submitted to the State. Reimbursement requests must meet the following:

1. The expense is connected to COVID-19 emergency.
2. The expense is “necessary.”
3. The expense is not filling a short fall in government revenues.
4. The expense is not funded thru another budget line item, allotment or allocation, as of March 27, 2020.
5. The expense would not exist without COVID-19, or would be for a “substantially different purpose.”
6. The City must review the expense and determine the expenditure is addressing an immediate impact.

After the contract is signed, the City will immediately submit a reimbursement request for the \$1 million used for the Small Business Stabilization Grant Program. The Lacey grant program provided immediate relief and support to small business impacted by the COVID-19 pandemic and would meet the above criteria.

To date, the City received the following funding requests:

- Homeless Backpack – \$10,000
- United Way – minimum of \$250,000
- Thurston Strong – 25% of total funds (\$1,538,100) = \$384,525

For the remaining Lacey grant allocation of \$538,100, Council agreed to seek reimbursement for funds granted to the Thurston Economic Development Council for

\$70,000 and United Way of Thursday Council for \$50,000, and fund 10,000 to Homeless Backpacks.

Council also agreed to split the remaining balance of \$408,100 50/50 for economic recovery and social services. However, prior to funding, Council requested additional information on program plans.

Council directed staff to request fully developed program plans from the social service and economic recovery agencies, and will consider the funding allocation at a future Council meeting.

COMMUNITY BASED COMMITTEE ON HOMELESSNESS

STAFF: SCOTT SPENCE, CITY MANAGER
RICK WALK, CIVIL COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR
ACTION: INFORMATION ONLY

The application deadline for the 30 member Community Based Committee on Homelessness is June 22, 2020. Staff will distribute applications to Council on June 23 for review and consideration at a Worksession on June 25 following the Council meeting.

Council will select the first 16 by majority vote, which will include six representatives from organizations such as North Thurston Public Schools, faith-based community, and a non-profit agency. Each Councilmember will then have the opportunity to select two applicants.

There was Council consensus to consider a future budget amendment for the project facilitator.

PUBLIC ACCESS TO CITY FACILITIES

STAFF: SCOTT SPENCE, CITY MANAGER
ACTION: INFORMATION ONLY

Thurston County has applied for Phase 3 to the Governor's phased program. Once in Phase 3, social gatherings can occur with 50 people or less, and government offices may open to the public.

Staff prepared a “Safe Start” plan, which includes safety measures already implemented as well as specific and clear direction for all City employees and the public to prevent the spread of COVID-19.

Once in Phase 3, City facilities will begin to open to the public in a staged manner, with a variety of services offered to the public by appointment only.

At the request of Mayor Ryder, Council will discuss changing Council meeting times at the June 25 Council meeting.

MINUTES OF A REGULAR MEETING OF THE
LACEY CITY COUNCIL HELD THURSDAY,
JUNE 25, 2020, REMOTE ATTENDANCE

CALL TO ORDER: Mayor Ryder called the meeting to order at 4:00 p.m.

PLEDGE OF ALLEGIANCE: Mayor Ryder led the Pledge of Allegiance.

COUNCIL PRESENT: A. Ryder, C. Pratt, L. Greenstein, C. Cox, E. Kunkel, M. Miller

COUNCIL EXCUSED: S. Steadman

STAFF PRESENT: S. Spence, J. Burbidge, S. Egger, D. Schneider, R. Walk, T. Woo, S. Schelling, K. Adams, P. Edmonds

APPROVAL OF AGENDA
AND CONSENT AGENDA: Consent Agenda Items:
A. Council Meeting Minutes of June 11, 2020.
B. A motion to approve payment of claims, wages and transfers for June 4, 2020, through June 17, 2020.

COUNCILMEMBER GREENSTEIN MOVED TO APPROVE THE CONSENT AGENDA AND AGENDA. DEPUTY MAYOR PRATT SECONDED. MOTION CARRIED.

REFERRAL FROM
HEARINGS EXAMINER: Sarah Schelling, Associate Planner, presented Council with Conditional Use Permit and Wetland Development Permit Applications for Hawks Prairie Sister Standpipe Reservoir Project #19-194.

Council discussed incorporating art on the City's public facilities. Council will discuss options at a future meeting.

COUNCILMEMBER GREENSTEIN MOVED TO APPROVE THE HEARINGS EXAMINER RECOMMENDATION FOR CONDITIONAL USE PERMIT AND WETLAND DEVELOPMENT PERMIT APPLICATIONS FOR HAWKS PRAIRIE SISTER STANDPIPE RESERVOIR PROJECT #19-194. DEPUTY MAYOR PRATT SECONDED. MOTION CARRIED.

RESOLUTIONS:

Dave Schneider, City Attorney, presented Council with Resolution No. 1094 extending the provisions of Resolution No. 1085 declaring an emergency in the City of Lacey regarding the outbreak of novel coronavirus (COVID-19) in Thurston County.

The proposed resolution extends the emergency declaration until July 24, 2020. Council discussed amending the resolution to extend the date to January 1, 2021. Council could terminate sooner or extend further by formal action.

COUNCILMEMBER GREENSTEIN MOVED TO APPROVE RESOLUTION 1094, AS AMENDED, EXTENDING THE PROVISIONS OF RESOLUTION 1085 DECLARING AN EMERGENCY IN THE CITY OF LACEY REGARDING COVID-19 UNTIL JANUARY 1, 2021. MAYOR RYDER SECONDED. MOTION CARRIED.

Staff will provide a monthly update to Council on the suspensions listed in Resolution 1094.

MAYOR'S REPORT:

Kelly Adams, Management Analyst, presented Council with the Lacey Youth Council Policy. If approved, the policies will be incorporated into the Council Policies and Procedures Manual.

DEPUTY MAYOR PRATT MOVED TO APPROVE THE LACEY YOUTH COUNCIL POLICY
COUNCILMEMBER COX SECONDED. MOTION CARRIED.

Mayor Ryder recommended the appointment of Robin Vazquez as Planning Commissioner.

MAYOR RYDER MOVED TO APPOINT ROBIN VAZQUEZ AS PLANNING COMMISSIONER.
COUNCILMEMBER GREENSTEIN SECONDED.

Council agreed to postpone consideration of the appointment of Robin Vazquez until the July 2 Worksession to allow time for Council to review the application.

MOTION FAILED.

Council discussed amending the Council and Worksession meeting schedule, with consideration for public participation.

Staff will research the option of holding the meetings on Tuesdays, and moving the Council meetings to the 1st and 3rd Tuesday or Thursday, and Worksessions to the 2nd and 4th Tuesday or Thursday.

Staff will provide a recommendation for Council consideration at the July 2 Worksession.

The July 2, 2020, Worksession is scheduled for 4:00 p.m. The meeting could be held both in-person and remote if Governor Inslee does not extend Proclamation 20-28.5 regarding the Open Public Meetings Act.

There was Council consensus to prepare for an in-person and remote meeting unless the Governor extends the proclamation. Council will notify staff whether they will attend in person.

CITY MANAGER'S REPORT: Scott Spence, City Manager, provided an update to the reopening of City facilities under the Governor's Phase 3 Safe Start Plan. City Hall will be open from 10:00 am to 5:00 pm Monday, Wednesday, and Friday for two weeks beginning Monday, June 29, 2020. Many City services will be provided by appointment only.

BOARDS & COMMISSIONS

Mayor's Forum

Mayor Ryder reported they have continued to meet remotely on the first Friday of every month.

Thurston Regional Planning Council

Mayor Ryder reported the board approved the funding recommendations for the 2022-2025 Federal Transportation Projects.

Transportation Policy Board

Mayor Ryder reported the board received many public comments opposing the 2025 Regional Transportation Plan.

Joint Animal Services Commission

Deputy Mayor Pratt reported on several items:

- Approved amended assessment for the budget
- Approved 2020 budget
- Update on reopening the facility
- Update on Reserve Policy

Regional Housing Council

Councilmember Cox reported an Interlocal Agreement is currently being drafted, and collaborating on housing policies and resources for low and moderate income housing.

Health & Human Services Commission

Councilmember Cox reported a partial list of 2021 funding recipients was approved.

Intercity Transit

Councilmember Cox noted bus service has resumed with service levels at approximately 35% of the normal volume.

TCOMM911

Councilmember Greenstein reported the board's discussions have focused on the new radio system.

Emergency Medical Services

Councilmember Greenstein reported most discussions have been centered on the budget.

Transportation Regional Planning Council

Councilmember Miller reported the legislature is looking for a site for a commercial airport, and a committee is reviewing the feasibility of Thurston County as a potential site.

Thurston County Coalition Against Trafficking

Councilmember Miller reported the annual fundraising race has been converted to a virtual race.

Olympia-Lacey-Tumwater Visitor & Convention Bureau

Councilmember Kunkel reported the board has been focused on the budget.

Economic Development Council

Councilmember Kunkel noted the Council's primary focus has been to assist local businesses during the pandemic.

Mayor Ryder adjourned to a Worksession 5:40 p.m.

WORKSESSION

Community Based Committee on Homelessness Selection

Council discussed different methods to select the 30-member committee. Six members will be selected to represent the business community, homeowners association, faith-based community, non-profit agency, and the homeless population. Council will make the final selection of committee members at the July 2, 2020, Worksession.

Councilmembers will each create a list of their top 30 applicants and provide to staff by June 30 at 5:00 p.m. Staff will create a summary for Council review and consideration at the July 2 Worksession.

Meeting adjourned at 6:15 p.m.

MAYOR: _____

ATTESTED BY CITY CLERK: _____

DATE APPROVED: _____



LACEY CITY COUNCIL MEETING July 9, 2020

SUBJECT: Disbursement Approval

RECOMMENDATION: By motion, approve payment of claims, wages, and transfers.

STAFF CONTACT: Troy Woo, Finance Director 

ORIGINATED BY: Troy Woo, Finance Department

BACKGROUND:

The action requested of the City Council is by motion to approve payment of claims, wages and transfers for 6/18/2020 through 7/1/2020. The disbursements consist of the following:

Checks:	<u>Week of</u>	<u>Beg. Check No.</u>	<u>End. Check No.</u>	<u>Amount</u>
	6/19/2020	251812	251882	201,742.22
	6/26/2020	251883	251985	248,776.26
	*6/30/2020	251986	251989	1,573.06
	7/2/2020	251990	252057	827,665.63

Electronic Transfers:	<u>Week of</u>	<u>Amount</u>
	6/5/2020	12,908.98
	6/17/2020	53.10
	6/17/2020	4,066.07
	6/17/2020	120.61
	6/17/2020	16.45
	6/17/2020	179.18
	6/18/2020	306.00
	6/19/2020	76,308.92
	6/23/2020	294.00
	6/24/2020	156.00
	6/25/2020	89,543.81
	6/26/2020	171,891.02
	*6/30/2020	1,429,820.05
	*6/30/2020	34,523.99
	7/2/2020	88,799.61

* Disbursements for employee out-of-pocket deductions and employee benefits.

Payroll:

Month Ended:
*6/30/2020

Wages
1,465,232.72

Significant Disbursements:

<u>Vendor</u>	<u>Amount</u>	<u>Description</u>
Puget Sound Energy, Inc.	\$ 68,172.86	Utilities
Econ. Dev. Council	\$ 70,000.00	Thurston Econ. Recovery
Active Construction, Inc.	\$ 504,290.26	College Street and 22 nd Roundabout
Columbia Ford	\$ 285,669.75	Vehicle Replacements

* Disbursements for employee out-of-pocket deductions and employee benefits.



LACEY CITY COUNCIL MEETING

July 9, 2020

SUBJECT: LFD 3 Mullen Road Annexation Project No. 19-333

RECOMMENDATION: Conduct a public hearing on the LFD 3 Mullen Road Annexation.

STAFF CONTACT: Scott Spence, City Manager *SS*
Rick Walk, Community and Economic Development Director *RW*
Ryan Andrews, Planning Manager *RA*

ORIGINATED BY: Community and Economic Development Department

ATTACHMENTS:

1. [Annexation Petition](#)
2. [Overview Map](#)
3. [Existing Zoning](#)
4. [Aerial Photo](#)

FISCAL NOTE: None.

PRIOR REVIEW: January 6, 2020 Utilities Committee Meeting
February 13, 2020 City Council Meeting

BACKGROUND:

The City has received a petition for annexation filed by Lacey Fire District 3, the City of Lacey, and Timberline Baptist Church using the 60 percent petition method (RCW 35A.14.120). The Thurston County Assessor's office has verified that the signatures represent not less than 60 percent of the assessed valuation for general taxation of the property for which the annexation has been petitioned (RCW 35A.01.040).

Prior to approval of the annexation, a public hearing is required to be held by the City Council. Notice of the public hearing has been published in The Olympian and posted in three public places in the proposed annexation area.

Procedurally, the annexation is required to be sent to the Thurston County Boundary Review Board (BRB) for their review after the hearing has been held.

Proposed Annexation Area

The area proposed for annexation is located in the Lakes Planning Area and within the Lacey Urban Growth Area north of Mullen Road SE, east of Timberline High School, west of Rumac Street SE, and south of the Southlake subdivision. The area includes approximately 67 acres in five separate tax parcels. The LFD 3 parcel is 8.4 acres in size and contains fire station number 33. The City of Lacey owns a large portion of the proposed annexation area with a 32.35-acre parcel designated as the Mullen Habitat Reserve. The three remaining parcels include an existing single-family residence west of station 33, the Timberline Baptist Church to the east of station 33, and a 20.06-acre undeveloped parcel to the north of station 33. The LFD 3, City of Lacey, and Timberline Baptist Church parcels are exempt from the payment of property taxes

The area proposed to be annexed is largely undeveloped except for the LFD 3, Timberline Baptist Church, and private residence along Mullen Road. Most of the remaining property is designated as critical area and contains a large wetland complex that connects from the south end of Hicks Lake to the north end of Pattison Lake. Upon development of any of these properties, an applicant will be required to submit a wetland delineation and report and comply with the appropriate provisions related to wetland protection.

All properties are zoned Low Density Residential 0-4. The purpose of the Low Density Residential 0-4 zone is to provide a single family residential designation with an appropriate lower density and larger lot size for development adjacent to environmentally sensitive areas. If the annexation is approved, critical areas will be designated with an Open Space Institutional zoning in keeping with the city's policies on designation and protection of critical areas. Additionally, the floodplain associated with Hicks Lake would need to be designated as "Natural" shoreline per the City of Lacey Shoreline Master Program.

The area proposed for annexation includes five parcels located immediately south and east of the existing Lacey city limits. The southerly limit of the boundary would be extended to the northern boundary of the Mullen Road right-of-way. The configuration is a logical extension of the city limits and would not create any islands or illogical boundaries. Annexation policies with Thurston County require the City to take responsibility for approximately 1,330 feet of centerline roadway. With the Mullen Road project, this equates to approximately 30% of the construction area. The proposed annexation, however, will not include Mullen Road right-of-way. Initial communications with Thurston County indicate that they would support the annexation moving forward without the requirement to annex the associated Mullen Road right-of-way. This mutual understanding is based on the fact that inclusion of the right-of way would require a substantial increase to the City in cost sharing the Mullen Road improvement project;

the parcels included within the proposed annexation area generate minimal property tax revenue and would not offset the costs associated with this road improvement in any reasonable timeframe.

The properties are located within the City of Lacey's water service area and are served by an existing 12-inch waterline located in Mullen Road. The line is adequate to serve the existing and future development of the properties within the proposed annexation area.

City of Lacey sewer service in the area is relatively limited but is available nearby with the nearest point of connection to an existing 6-inch line along Mullen Road to the west of station 33 and to the east at Rumac Street SE. With the reconstruction of Mullen Road, the City is funding the design and construction of the sewer line in this area to fill in the gap in the utility. Additionally, upon development and/or redevelopment of the properties within the annexation area, sewer service would be required to be connected.

Process

Procedurally, the next step is for the City Council to conduct a public hearing to accept testimony on the proposed annexation. Additionally, the annexation application is required to be sent to the Thurston County Boundary Review Board. Once the public hearing has been held and the Boundary Review Board process has been concluded, the City Council can take final action on the annexation through passage of an ordinance approving the annexation.

ADVANTAGES:

1. Conducting the public hearing will allow members of the public to provide testimony on the proposed annexation and will meet the procedural requirement.
2. The annexation is consistent with the City's regulations for extension of utility services to properties contiguous to City boundaries.

DISADVANTAGES:

1. None identified.

PETITION FOR ANNEXATION
60 PERCENT PETITION METHOD
RCW 35A.14.120

TO: THE HONORABLE CITY COUNCIL of the City of Lacey, State of Washington:

The undersigned, being property owner(s) and representing at least 60% of the assessed value of property herein depicted on Exhibit A and described on exhibit B, do hereby petition to annex this property to the City of Lacey pursuant to RCW 35A.14.120 and under the following terms and conditions.

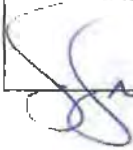
1. Adoption of Low Density 0 - 4 comprehensive plan and zoning designation;
2. Assumption of a pro rata share of the City's bonded indebtedness.

Signature(s) of property owners:

WARNING

EVERY PERSON WHO SIGNS THIS PETITION WITH ANY OTHER THAN HIS/HER TRUE NAME, OR WHO KNOWINGLY SIGNS MORE THAN ONE OF THESE PETITIONS, OR SIGNS A PETITION SEEKING AN ELECTION WHEN HE/SHE IS NOT A LEGAL VOTER, OR SIGNS A PETITION WHEN HE/SHE IS OTHERWISE NOT QUALIFIED TO SIGN, OR WHO MAKES HEREIN ANY FALSE STATEMENT, SHALL BE GUILTY OF A MISDEMEANOR.

NOTE: EACH PAGE WITH A SIGNITURE MUST CONTAIN ALL OF THE ABOVE INFORMATION

<u>Property Owner</u>	<u>Date</u>	<u>Address</u>	<u>Acreage</u>	<u>Parcel No</u>	<u>Assessor Value</u>
Phone contact + no concerns	3/5/20	6436 Mullen Rd. SE	1.28	11834220000	457,700
Steve Bush, Fire Chief	3/4/20	6500 Mullen Rd. SE	8.4	11834220101	1,787,400
	3/11/20	6628 Mullen Rd. SE	3.88	11834240100 11834240101	139,400 (Taxable) 1,020,700 (Exempt)
Letter sent with no response	3/5/20	6512 Mullen Rd. SE	20.06	11834220102	56,200
	3/17/20	6700 Mullen Rd. SE	31.85	11834210000	241,500

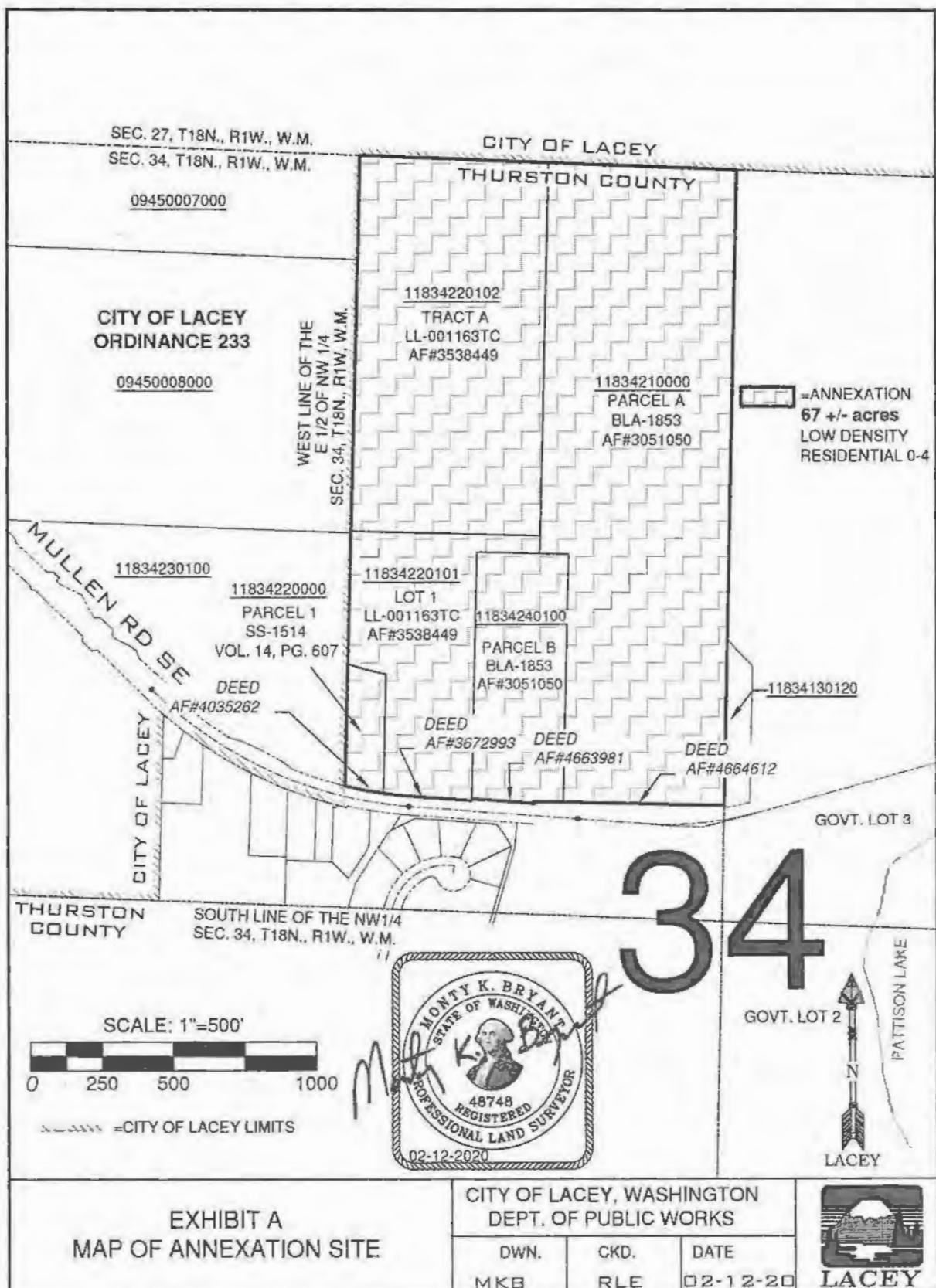


EXHIBIT "B"
ANNEXATION LEGAL DESCRIPTION

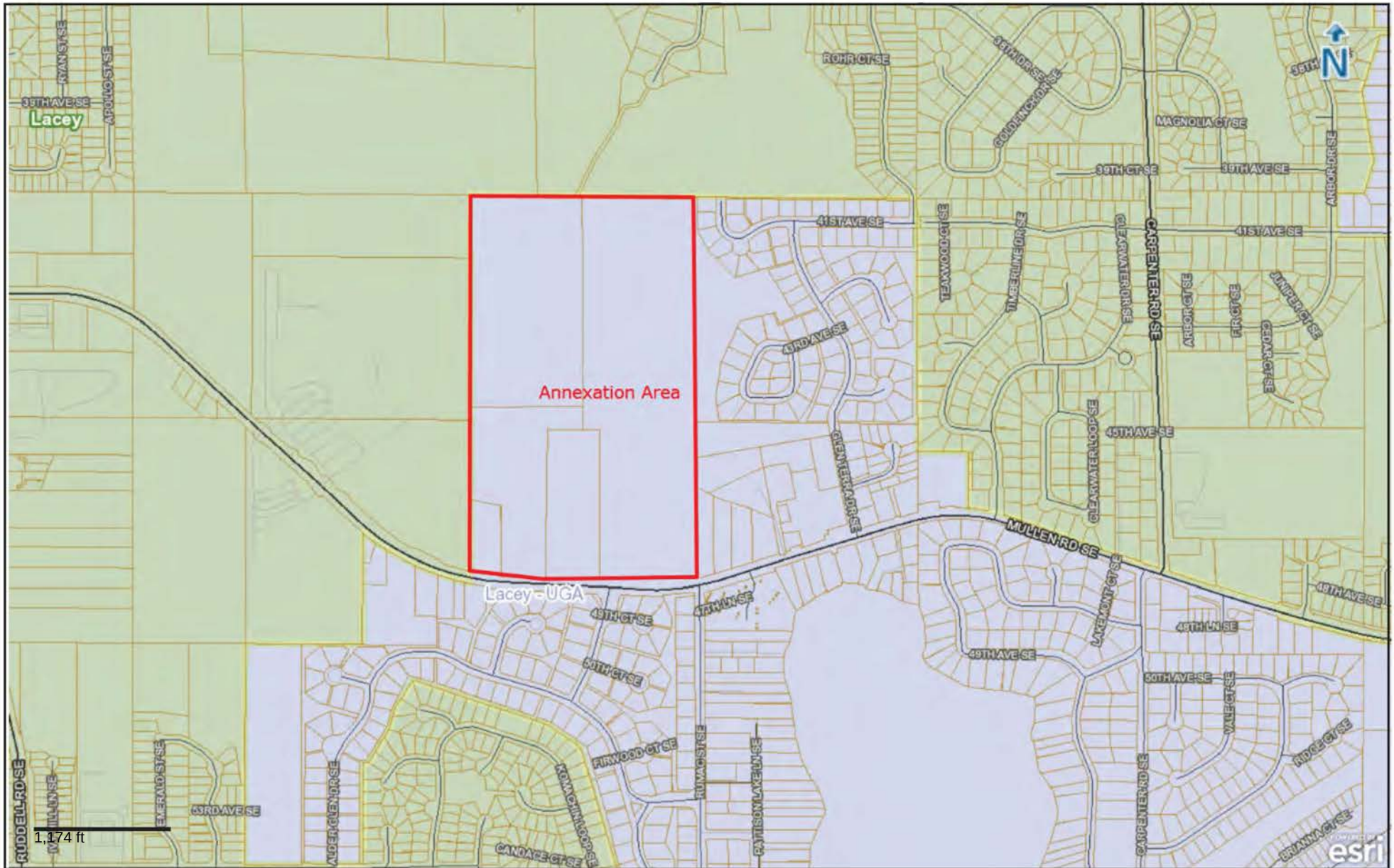
That portion of the East half of the Northwest Quarter of Section 34, Township 18 North,
Range 1 West, W.M., lying north of Mullen Road Southeast.

Containing 67 +/- acres.

See Exhibit "A" attached hereto and by this reference made apart hereof.



LFD 3 Mullen Road Annexation Map



The City of Lacey uses the most current and complete data available. However, GIS data and product accuracy may vary. GIS data and products may be developed from sources of differing accuracy, accurate only at certain scales, based on modeling or interpretation, incomplete while being created or revised, etc. The City of Lacey reserves the right to correct, update, modify, or replace, GIS products without notification. The City of Lacey cannot assure the accuracy, completeness, reliability, or suitability of this information for any particular purpose. Using GIS data for purposes other than those for which they were created may yield inaccurate or misleading results. The recipient may neither assert any proprietary rights to this information nor represent it to anyone as other than City Government-produced information. The City of Lacey shall not be liable for any activity involving this information with respect to lost profits, lost savings or any other consequential damages.



LFD 3 Mullen Road Annexation Zoning



The City of Lacey uses the most current and complete data available. However, GIS data and product accuracy may vary. GIS data and products may be developed from sources of differing accuracy, accurate only at certain scales, based on modeling or interpretation, incomplete while being created or revised, etc. The City of Lacey reserves the right to correct, update, modify, or replace, GIS products without notification. The City of Lacey cannot assure the accuracy, completeness, reliability, or suitability of this information for any particular purpose. Using GIS data for purposes other than those for which they were created may yield inaccurate or misleading results. The recipient may neither assert any proprietary rights to this information nor represent it to anyone as other than City Government-produced information. The City of Lacey shall not be liable for any activity involving this information with respect to lost profits, lost savings or any other consequential damages.



LFD 3 Mullen Road Annexation Aerial Photo



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City Council Meeting July 09, 2020

SUBJECT: Six-Year Transportation Improvement Plan

RECOMMENDATION: Recommend approval of the proposed 2021 Six-Year Transportation Improvement Program (TIP) and the Transportation Improvement Mitigation List.

STAFF CONTACT: Scott Spence, City Manager *SS*
Scott Egger, Director of Public Works *SE*
Roger Schoessel, City Engineer *RAS*
Martin Hoppe, Transportation Manager

ORIGINATED BY: Public Works Department

ATTACHMENTS:

1. [Resolution No. 1095](#)
2. [TIP Summary Sheet](#)
3. [Draft Mitigation List](#)
4. [TIP Forms](#)

FISCAL NOTE: The Six-Year Transportation Improvement Plan does not immediately obligate the City to fund the identified traffic improvement projects listed. Projects listed are future improvements that will ultimately be paid with a portion, or a combination, of fuel taxes, Real-Estate Excise Taxes, traffic mitigation paid by development, and state and federal transportation grants.

PRIOR REVIEW: The Planning Commission held a hearing on May 19, 2020.

BACKGROUND:

The City is required to prepare an annual Transportation Improvement Plan (TIP) and submit it to the Washington State Department of Transportation (WSDOT) and Thurston Regional Planning Council (TRPC) by July 31 each year.

The primary purpose of the TIP is to track the Federal Transportation and State Transportation Improvement Board funds. The funds shown do not obligate the City to any specific amount of matching dollars. All projects on the TIP are consistent with the

Transportation Comprehensive Plan. Three projects are recommended to be added and one project is recommended to be removed. The Planning Commission held a hearing on May 19, 2020, and recommended approval.

The Transportation Mitigation List is also updated with the TIP. This year, no project changes are recommended to the list. The yearly inflation rate will increase based on the Engineering News July 1st publication.

ADVANTAGES:

1. The TIP will allow the City to comply with state regulations.

DISADVANTAGES:

1. None anticipated.

RESOLUTION 1095

CITY OF LACEY

A RESOLUTION ADOPTING THE 2021-2026 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) FOR THE CITY OF LACEY AND ADOPTING A REVISED TRANSPORTATION IMPROVEMENT MITIGATION LIST.

WHEREAS, under the requirements of RCW 35.77.010 it is necessary that the City of Lacey adopt a Six-Year Comprehensive Transportation Improvement Program and review said program annually, and

WHEREAS, the City of Lacey has heretofore adopted a Six-Year Comprehensive Transportation Improvement Program and has revised said program annually, and

WHEREAS, the Public Works Director, the Transportation Committee of the Lacey City Council and the City's Planning Commission have studied the City streets of Lacey and have presented a proposed revised and extended Six-Year Comprehensive Transportation Improvement Program and the Planning Commission has held a public hearing on said proposal on behalf of the City Council; and

WHEREAS, in conjunction with such study, the City's Transportation Improvement Mitigation List has been reviewed and changes to such list proposed, and

WHEREAS, it is in the best interest of the City of Lacey and its citizens that the proposed transportation program be adopted as the Six-Year Comprehensive Transportation Improvement Program of the City of Lacey and that the City's Transportation Improvement Mitigation List be modified as proposed, NOW, THEREFORE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, that the document entitled 2021-2026 Transportation Improvement Program (TIP), attached hereto and made a part hereof, is hereby adopted as the Six-Year Comprehensive Transportation Improvement Program of the City of Lacey and a copy of said plan together with a copy of this Resolution shall be filed with the Department of Transportation of the State of Washington;

BE IT FURTHER RESOLVED that the attached 2020-2021 Transportation Improvement Mitigation List be adopted as the current Transportation Improvement Mitigation List designated as Table 14T-15 in Section 14.21.026 of the Lacey Municipal Code.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON,
this ____ day of _____, 2020.

CITY COUNCIL

By _____
Mayor

Attest:

Approved as to form:

City Clerk

City Attorney

2021 SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM SUMMARY

Current Process	LACEY STIP ID	PROJECT TITLE	2021 Total Project Cost
Planned	11-005	College Street Extension NE	\$ 3,533,000
Planned	11-010	Carpenter Rd Capacity and Safety Improvements Pacific to Shady Lane	\$ 4,711,000
Planned	11-013	Marvin Road from Britton Parkway to Columbia Drive	\$ 16,640,000
Planned	11-014	Martin Way / I-5 Interchange Improvements	\$ 45,600,000
Planned	11-015	Carpenter Road Widening from Martin Way to Britton Parkway	\$ 20,452,000
Planned	11-016	Rainier Road from Yelm Hwy to City Limits (near Beckonridge)	\$ 3,062,000
Planned	11-018	Britton Parkway -- Phase II	\$ 2,500,000
Planned	11-020	Sleater-Kinney at 14th Ave Improvements	\$ 940,000
Planned	11-021	College Street Corridor Improvements	\$ 40,000,000
Planned	11-024	Yelm Highway Improvements from Ruddell Rd to Amtrak Bridge	\$ 5,300,000
Planned	11-025	Martin Way East Roadway Improvements	\$ 5,500,000
Planned	11-026	Lacey Hawks Prairie Business District (LHPBD) Commercial Corridors	\$ 11,000,000
Planned	14-001	Willamette Drive / Campus Glen Drive Roundabout	\$ 1,700,000
Right of Way	19-001	College St Corridor -- Phase 3 (College St and 16th Ave Roundabout)	\$ 2,000,000
Right of Way	19-002	Electric Vehicle Charging Stations	\$ 1,000
Pending Grant	20-001	College St Corridor -- Phase 4 (College St and 29th Roundabout)	\$ 1,709,419
Pending Grant	20-002	Citywide Signal ITS Detection Upgrades	\$ 345,000
Pending Grant	20-003	Willamette Dr and Campus Glen Dr Roundabout	\$ 250,000
Total TIP Costs			\$ 165,243,419

Projects to be Removed

Funded	11-017	Britton Parkway and Carpenter Road Intersection Improvements	\$ 1,500,000
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Indicates Changes

2019/2020 TRANSPORTATION IMPROVEMENT MITIGATION LIST

Table 14T-15
Referred from 14.21.026,.040B(2)

b Capped or a/b d e = (b-d) f = (0.90)e Varies by Type										
Account Number	Project	2019-2020 Project Cost	2020-2021 Project Cost	Consistent Denominator	Cost per Trip	Existing Volume	Remaining Volume	Mitigated Volume 90%	Collection	% of Total
COMPLETED PROJECTS										
102-0000-224.50-03	45th Avenue and College Street Improvements	\$ 1,312,994	\$ 1,330,063	3500	\$ 380.02	1,645	1,855	1,670	\$ 634,440	48%
102-0000-224.50-50	Marvin Road and Britton Parkway Intersection Improvements	\$ 410,369	\$ 415,704	4000	\$ 103.93	595	3,405	3,065	\$ 318,481	77%
102-0000-224.50-43	Golf Club Road Extension	\$ 609,992	\$ 617,922	3500	\$ 176.55	-	3,500	3,150	\$ 556,130	90%
102-0000-224.50-44	Martin Way / Hoh Street Intersection Improvements	\$ 813,324	\$ 823,897	3500	\$ 235.40	1,352	2,148	1,933	\$ 455,073	55%
102-0000-224.50-45	Willamette Drive / 31st Ave Intersection Improvements	\$ 1,016,655	\$ 1,029,871	3500	\$ 294.25	1,034	2,466	2,219	\$ 653,056	63%
FIXED-COMPLETED PROJECTS										
102-0000-224.50-29	Mullen Road Capacity/Safety Improvements East of Ruddell	\$ 6,969,945	\$ 7,060,554	4000	\$ 1,296.97	1,138	2,862	2,576	\$ 4,546,644	64%
102-0000-224.50-42	6th Avenue / Sleater Kinney Improvements	\$ 4,598,571	\$ 4,658,352	3500	\$ 1,296.97	2,319	1,181	1,063	\$ 1,414,675	30%
FIXED PROJECTS										
102-0000-224.50-38	Carpenter Rd from Martin Way to Britton Parkway	\$ 20,173,760	\$ 20,436,019	4000	\$ 1,296.97	295	3,705	3,335	\$ 17,035,976	83%
102-0000-224.50-49	College Street Reconstruction -- Lacey Blvd to 37th Ave	\$ 39,725,936	\$ 40,242,373	5000	\$ 1,296.97	2,000	3,000	2,700	\$ 21,730,882	54%
102-0000-224.50-39	Marvin Road-- Britton to Columbia Drive NE	\$ 16,414,756	\$ 16,628,148	5000	\$ 1,296.97	580	4,420	3,978	\$ 13,229,355	80%
102-0000-224.50-41	Yelm Highway Improvements Ruddell Road to East City Limits	\$ 5,227,459	\$ 5,295,416	4000	\$ 1,296.97	1,277	2,723	2,451	\$ 3,244,369	61%
102-0000-224.50-46	Hogum Bay Road Improvements	\$ 8,927,646	\$ 9,043,706	3500	\$ 1,296.97	530	2,970	2,673	\$ 6,906,807	76%
102-0000-224.50-51	31st Avenue Extension Hogum Bay to Marvin Road	\$ 5,471,585	\$ 5,542,716	4000	\$ 1,296.97	580	3,420	3,078	\$ 4,265,120	77%
102-0000-224.50-33	Martin Way & I-5 Interchange Improvements	\$ 45,013,709	\$ 45,598,888	6000	\$ 1,296.97	3,515	2,485	2,237	\$ 16,996,985	37%
ACTIVE PROJECTS										
102-0000-224.50-23	Sleater-Kinney at 14th Ave Improvements	\$ 924,086	\$ 936,099	3500	\$ 267.46	1,448	2,052	1,847	\$ 493,939	53%
102-0000-224.50-25	College Street Extension NE	\$ 3,484,973	\$ 3,530,278	3500	\$ 1,008.65	1,017	2,483	2,235	\$ 2,254,032	64%
102-0000-224.50-28	Carpenter Road Capacity /Safety Improvements Pacific to Shady Lane	\$ 4,646,630	\$ 4,707,037	4000	\$ 1,176.76	1,521	2,479	2,231	\$ 2,625,467	56%
102-0000-224.50-40	Rainier Road from Yelm Hwy to City Limits (near Beckonridge)	\$ 3,020,310	\$ 3,059,574	4000	\$ 764.89	774	3,226	2,903	\$ 2,220,792	73%
102-0000-224.50-47	Carpenter Rd/Mullen Rd Intersection Improvements	\$ 1,183,493	\$ 1,198,878	3500	\$ 342.54	1,212	2,288	2,059	\$ 705,351	59%
102-0000-224.50-52	Britton Parkway and Carpenter Road Intersection Improvements	\$ 1,500,000	\$ 1,519,500	4000	\$ 379.88	412	3,588	3,229	\$ 1,226,692	81%
102-0000-224.50-58	Willamette Drive / Campus Glen Drive Roundabout	\$ 1,723,462	\$ 1,745,867	3500	\$ 498.82	386	3,114	2,803	\$ 1,397,991	80%

Year	ENR Construction Index	Residential Cap	Resolution
2018-2019	3.0%	\$ 1,982	Resolution 1061 Passed 7-12-2018
2019-2020	1.6%	\$ 2,013	Resolution 1077 Passed 7-11-2019
2020-2021	1.3%	\$ 2,040	Resolution 1095 Passed 7-09-2020

Six Year Transportation Improvement Program

From 2021 to 2026

Agency: Lacey

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
14	105	College St NE Extension College St NE Martin Way to 15th Ave NE Extend College Street from 6th Ave to 15th Ave NE with 3-lane roadway with bike lanes and sidewalks. Rechannelize and rehabilitate both 6th Ave and College St to correlate.	Lacey11005					01	C G O P S T W	0.500	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2024		0	TIB	3,180,000	2,420,000	5,600,000
Totals				0		3,180,000	2,420,000	5,600,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	0	500,000	1,500,000
Totals	0	0	0	500,000	1,500,000

Six Year Transportation Improvement Program
From 2021 to 2026

Agency: Lacey

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
16	110	Carpenter Road Capacity and Safety Improvements Carpenter Road SE Pacific Ave SE to Shady Lane Widen roadway to taper from 5-lane section to 3-lane section with bike lanes and sidewalks. Realign 14th Ave.	Lacey11010					21	C G O P T	1.000	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2022		0	TIB	3,000,000	1,340,000	4,340,000
Totals				0		3,000,000	1,340,000	4,340,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	500,000	500,000	500,000	0	0
Totals	500,000	500,000	500,000	0	0

Six Year Transportation Improvement Program
From 2021 to 2026

Agency: Lacey

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
16	113	Marvin Road from Britton Parkway to Columbia Drive Marvin Road NE Britton Parkway to Columbia Drive NE Widen Marvin Road from 2 lanes to 5 lanes to Hawks Prairie Rd then transition to 3 lane section, with bike lanes and sidewalks.	Lacey11013					03	C G O P S T W	2.150	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2023		0	TIB	10,000,000	5,535,000	15,535,000
Totals				0		10,000,000	5,535,000	15,535,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	5,000,000	0	0
Totals	0	0	5,000,000	0	0

Six Year Transportation Improvement Program
From 2021 to 2026

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County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
12	114	Martin Way / I-5 Interchange Improvements Interstate 5 MP109 to MP 109 Construct interchange per approved IJR.	Lacey11014					03	C G O P S T W	2.000	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2025	Discretionary -IMD	32,000,000	WSDOT	10,000,000	600,000	42,600,000
Totals				32,000,000		10,000,000	600,000	42,600,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	0	0	1,000,000
Totals	0	0	0	0	1,000,000

Six Year Transportation Improvement Program

From 2021 to 2026

Agency: Lacey

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
14	115	Carpenter Road Widening from Martin Way to Britton Parkway Carpenter Road Martin Way to Britton Parkway Widen roadway to 5 lanes with auxiliary turn lanes, bike lanes, sidewalks, and other urban amenities.	Lacey11015					03	C G O P S T W	1.300	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2025	Discretionary	9,100,000	TIB	5,000,000	5,000,000	19,100,000
Totals				9,100,000		5,000,000	5,000,000	19,100,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	0	0	1,000,000
Totals	0	0	0	0	1,000,000

Six Year Transportation Improvement Program

From 2021 to 2026

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Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
16	116	Rainier Rd from Yelm Hwy to City Limits (near Beckonridge) Rainier Road SE Yelm Highway to South City Limits Improve tapers and storage at intersection, adds bike lanes and sidewalks.	Lacey11016					21		0.250	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2023		0	TPP	1,858,000	1,000,000	2,858,000
Totals				0		1,858,000	1,000,000	2,858,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	0	100,000	100,000
Totals	0	0	0	100,000	100,000

Six Year Transportation Improvement Program

From 2021 to 2026

Agency: Lacey

County: Thurston

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Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
16	117	Britton Parkway and Carpenter Road Intersection Improvements Britton Parkway Carpenter Road to Carpenter Road Intersection traffic control device.	Lacey11017					21	C G O P T	0.100	CE	No

Funding							
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Total Funds
P	ALL	2021		0		0	1,500,000
Totals				0		0	1,500,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	1,000,000	500,000	0	0	0
Totals	1,000,000	500,000	0	0	0

Six Year Transportation Improvement Program

From 2021 to 2026

Agency: Lacey

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
16	118	Britton Parkway -- Phase II Britton Parkway Gateway Blvd to Carpenter Road Widen remaining portion of Britton Parkway to 4 lane boulevard.	Lacey11018					03		1.000	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2021		0	TIB	1,500,000	1,000,000	2,500,000
Totals				0		1,500,000	1,000,000	2,500,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	0	100,000	100,000
Totals	0	0	0	100,000	100,000

Six Year Transportation Improvement Program

From 2021 to 2026

Agency: Lacey

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	120	Sleater Kinney at 14th Ave Improvements Sleater Kinney Road 14th Ave SE to 14th Ave SE Traffic control device, probably roundabout.	Lacey11020					21		0.100	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2025	STP(U)	500,000		0	375,000	875,000
Totals				500,000		0	375,000	875,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	0	0	100,000
Totals	0	0	0	0	100,000

Six Year Transportation Improvement Program
From 2021 to 2026

Agency: Lacey

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
14	121	College Street Corridor Improvements College St SE Lacey Blvd to 37th Ave SE Construct remaining portions of College St Corridor. Anticipated to be 4-6 phases	Lacey11021					21	C G O P T W	2.000	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2024		0		0	40,000,000	40,000,000
Totals				0		0	40,000,000	40,000,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	0	500,000	1,000,000
Totals	0	0	0	500,000	1,000,000

Six Year Transportation Improvement Program

From 2021 to 2026

Agency: Lacey

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
14	124	Yelm Hwy Improvements from Ruddell Rd to Amtrak Bridge Yelm Highway SE Compton Blvd to Ruddell Road Widen east side for additional northbound lane, bike lane, sidewalk and other urban amenities.	Lacey11024					03	C G O P S T W	1.000	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2025	STP(U)	2,500,000		0	2,500,000	5,000,000
Totals				2,500,000		0	2,500,000	5,000,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	0	0	500,000
Totals	0	0	0	0	500,000



Six Year Transportation Improvement Program From 2021 to 2026

Agency: Lacey

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
14	125	Martin Way East Roadway Improvements Martin Way Galaxy Drive to River Ridge Drive Access management, bike lanes, sidewalks, and other urban amenities.	Lacey11025					21	C G O P S T	1.300	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2023		0		0	5,500,000	5,500,000
Totals				0		0	5,500,000	5,500,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	500,000	500,000	500,000
Totals	0	0	500,000	500,000	500,000

Six Year Transportation Improvement Program
From 2021 to 2026

Agency: Lacey

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	126	Lacey Hawks Prairie Business District (LHPBD) Commercial Corridors Several LHPBD to LHPBD Construct new corridors within LHPBD	Lacey11026					01	C G O P S T W	5.000	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2025		0	OTHER	11,000,000	0	11,000,000
Totals				0		11,000,000	0	11,000,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	0	0	1,000,000
Totals	0	0	0	0	1,000,000

Six Year Transportation Improvement Program
From 2021 to 2026

Agency: Lacey

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
16	401	Willamette Dr / Campus Glen Dr Roundabout Willamette Drive Campus Glen Drive NE to Campus Glen Drive NE Construct Roundabout	Lacey14001					21	P W	0.250	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2024		0		0	1,510,000	1,510,000
Totals				0		0	1,510,000	1,510,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	0	500,000	500,000
Totals	0	0	0	500,000	500,000

Six Year Transportation Improvement Program
From 2021 to 2026

Agency: Lacey

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
14	901	College Street Corridor Improvements Phase 3 College St 18th Avenue to Lacey Blvd Per the 2009 College Street Corridor Study, this project will widen the roadway to include a planted center median, auxiliary left turn lanes, sidewalks, with typical urban amenities. This includes a traffic control roundabout at 16th Avenue SE.	Lacey19001					04	C G O P S T W	0.400	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	RW	2024	STP(US)	2,000,000		0	312,139	2,312,139
Totals				2,000,000		0	312,139	2,312,139

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
RW	0	0	0	1,000,000	1,000,000
Totals	0	0	0	1,000,000	1,000,000

Six Year Transportation Improvement Program

From 2021 to 2026

Agency: Lacey

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
00	902	/ 0643(007) Electric Vehicle Charging Stations Varies various to various Partnered with North Thurston Public Schools. This project will install electric vehicle charging stations at public facilities.	Lacey19002					44	P	0.000	CE	Yes

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
S	RW	2021	CMAQ	865		0	135	1,000
S	CN	2022	CMAQ	259,500		0	40,500	300,000
Totals				260,365		0	40,635	301,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
RW	1,000	0	0	0	0
CN	0	300,000	0	0	0
Totals	1,000	300,000	0	0	0

Six Year Transportation Improvement Program

From 2021 to 2026

Agency: Lacey

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
03	2001	College Street Corridor Improvements Phase 4 College St 37th Ave to 25th Ave Per the 2009 College Street Corridor Study, this project will widen the roadway to include a planted center median, auxiliary left turn lanes, sidewalks, with typical urban amenities. This includes a traffic control roundabout at 29th Avenue SE.	Lacey20001					04	C G O P S T W	0.800	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
S	PE	2021	STP(US)	1,478,648		0	230,771	1,709,419
Totals				1,478,648		0	230,771	1,709,419

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	500,000	500,000	500,000	209,419	0
Totals	500,000	500,000	500,000	209,419	0

Six Year Transportation Improvement Program
From 2021 to 2026

Agency: Lacey

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
04	2002	Willamette Dr and Campus Glen Dr Roundabout Willamette Dr NE Campus Glen Dr to Campus Glen Dr Roundabout	Lacey20002					21	C G O P S T W	0.250	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
S	PE	2021	STP(US)	216,250		0	33,750	250,000
Totals				216,250		0	33,750	250,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	100,000	150,000	0	0	0
Totals	100,000	150,000	0	0	0

Six Year Transportation Improvement Program
From 2021 to 2026

Agency: Lacey

County: Thurston

MPO/RTPO: TRPC

Y Inside

N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
03	2003	Citywide Signal ITS Detection Upgrade Citywide to Replace detection systems at multiple intersections	Lacey20003					21		0.000		No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
S	CN	2021	CMAQ	298,425		0	46,575	345,000
Totals				298,425		0	46,575	345,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
CN	200,000	145,000	0	0	0
Totals	200,000	145,000	0	0	0

	Federal Funds		State Funds	Local Funds	Total Funds
Grand Totals for Lacey	48,353,688		45,538,000	68,943,870	162,835,558



LACEY CITY COUNCIL MEETING July 9, 2020

SUBJECT: LMC 16.12 and 16.13 Setback Amendments for ADU's

RECOMMENDATION: Adopt an ordinance amending the setbacks for Accessory Dwelling Units within the Low Density Residential zones.

STAFF CONTACT: Scott Spence, City Manager *SS*
Rick Walk, Community and Economic Development Director *RW*
Ryan Andrews, Planning Manager *RA*

ORIGINATED BY: Community and Economic Development Department

ATTACHMENTS: 1. [Ordinance No. 1568](#)
2. [Planning Commission Record: Minutes and Public Hearing Written Comments](#)

FISCAL NOTE: None.

PRIOR REVIEW: City Council Land Use Committee June 23, 2020
City Council Land Use Committee November 26, 2019

BACKGROUND:

A high priority action item identified in the City of Lacey's Affordable Housing Strategy is the reduction in lot sizes and widths in the existing Low Density 0-4 zoning district. Doing this will effectively increase density minimums in existing neighborhoods and will ultimately increase the diversity of housing stock in the zone.

To accomplish this, the Planning Commission conducted a nine-month process to evaluate and involve the public in proposed amendments to the Low Density Zones. The Planning Commission is recommending approval of an amendment to consolidate two existing zoning districts (Low Density 0-4 and Low Density 3-6) into one zone. Because of the timing related to the COVID pandemic, the amendments were scheduled to be brought to the City Council for consideration in spring but have since been put on hold.

One part of the amendments that has broad support and could move forward at this time are regulations related to revisions to rear and side yard setback requirements for accessory dwelling units (ADU's). The proposed amendments would address setback requirements to allow additional flexibility for ADU's to be placed in rear yards. The

Community and Economic Development Department currently has a program for pre-approved detached ADU plans that could benefit from the additional space that the flexibility in the setbacks could provide. Plans are also in development for additional pre-approved ADU plans that would allow for two larger units including one that would be two stories.

Under current regulations, minimum setbacks for ADU's are as follows in Low Density Residential Zones: front: 16 feet, side: 5 feet, rear: 20 feet. The amendments would reduce minimum rear setbacks in both zones to five feet for single story ADU's. For multi-story ADU's, ten feet would be required for side and rear setbacks to address privacy concerns for taller structures placed in rear yards. All accessory dwelling units are required to obtain design review approval where aesthetic and privacy concerns are addressed. Under the City's pre-approved ADU program, the units have already been pre-approved for design review.

PUBLIC HEARING AND PLANNING COMMISSION RECOMMENDATION:

The Planning Commission conducted a public hearing on the suite of draft amendments on October 15th. Notice of the public hearing was mailed directly to over 2,300 property owners that own property greater than 10,000 square feet in size, are within the existing LD 0-4 zone, and are adjacent or connected to sewer. The full text of the written comments that were received are included as attachment 2. No comments were received in opposition of the amendments related to accessory dwelling units.

After over nine months of consideration, at their meeting on December 17, 2019, the Planning Commission voted 6 to 2 to recommend approval of Low Density zone consolidation and associated amendments to the City Council. The Planning Commission weighed the public testimony received, the information received throughout the process, and developed an extensive record that supports the amendments.

ADVANTAGES:

1. Adopting the Planning Commission recommendation for amendments related to setbacks for accessory dwelling units will help support the City's pre-approved ADU program, will ensure that the City can continue to accommodate population growth, and will diversify housing stock.
2. Adopting the Planning Commission recommendation will achieve a high priority action item identified in the City's Affordable Housing Strategy.

DISADVANTAGES:

1. No specific disadvantages have been identified.

ORDINANCE NO. 1568

CITY OF LACEY

AN ORDINANCE RELATED TO SETBACK REQUIREMENTS FOR ACCESSORY DWELLING UNITS, AMENDING SECTIONS 16.12.050 AND 16.13.050 OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, the City of Lacey's Affordable Housing Strategy identifies reduction in lot sizes and widths in the existing Low Density zones as a high-priority action item; and

WHEREAS, the Planning Commission conducted a nine-month process to evaluate and involve the public in proposed amendments to the Low Density Zones; and

WHEREAS, the Planning Commission conducted a public hearing on October 15, 2019, and received no comments in opposition to the proposed amendments; and

WHEREAS, the Planning Commission voted on December 17, 2019 to recommend approval of Low Density zone consolidation and associated amendments to the City Council; and

WHEREAS, Because of the timing related to the COVID-19 pandemic the amendment to consolidate the Low Density zones has been put on hold; and

WHEREAS, the City Council has reviewed the proposed amendments related to setback requirements for accessory dwelling units and finds the proposed amendments to be in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, AS FOLLOWS:

Section 1. Section 16.12.050 of the Lacey Municipal Code is hereby amended as follows:

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:

Sixteen feet.

Garages facing the street, twenty feet.

On front yard flanking streets, ten feet.

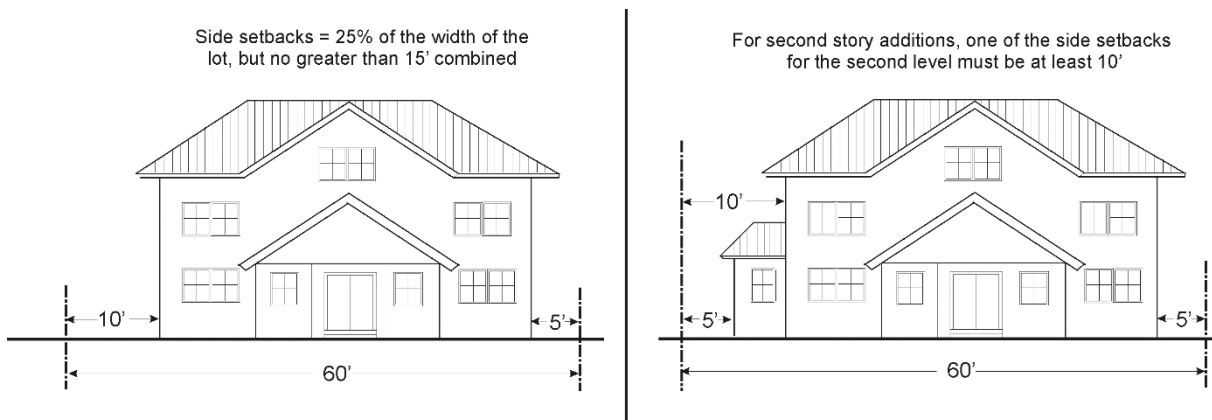
Unenclosed porches may project up to six feet into the front yard, provided the porches are at least forty-eight square feet in area with no dimension less than six feet.

D. Minimum side yards:

Minimum on one side, five feet.

Minimum total both sides, ten feet for single-story structures; fifteen feet or no greater than twenty-five percent of the lot width (as measured along the front lot line) for two-story structures. (See Table 16T-72.)

Table 16T-72



Minimum side yards for two-story homes in the Low Density Residential (0-4) District.

E. Minimum rear yard, twenty feet, provided garages may be within three feet of the rear yard line alley easement or paved surface when adjacent to an alley.

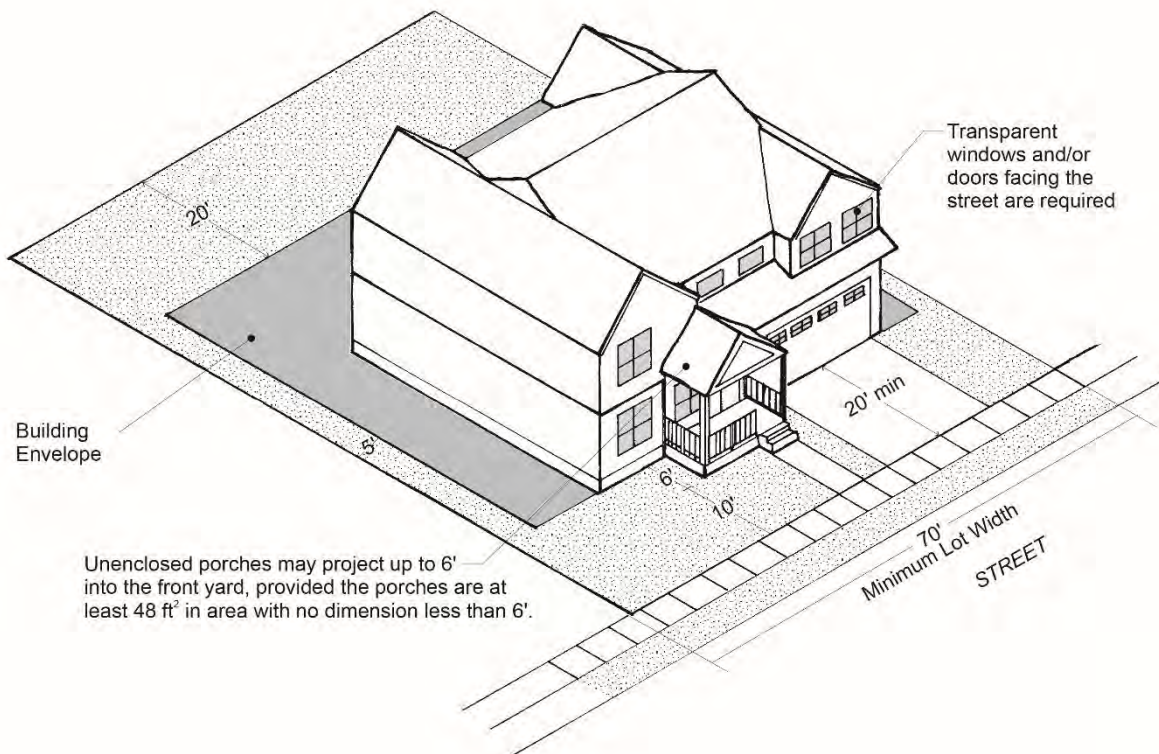
F. Minimum usable open space:

Where alleys are utilized, lots shall provide a contiguous open space equivalent to ten percent of the lot size. Specific open space requirements:

Shall feature minimum dimensions of twenty feet on all sides. For example, a sixty-five-hundred-square-foot lot would require a contiguous open space of at least six hundred fifty square feet, or approximately twenty by thirty-three feet in area.

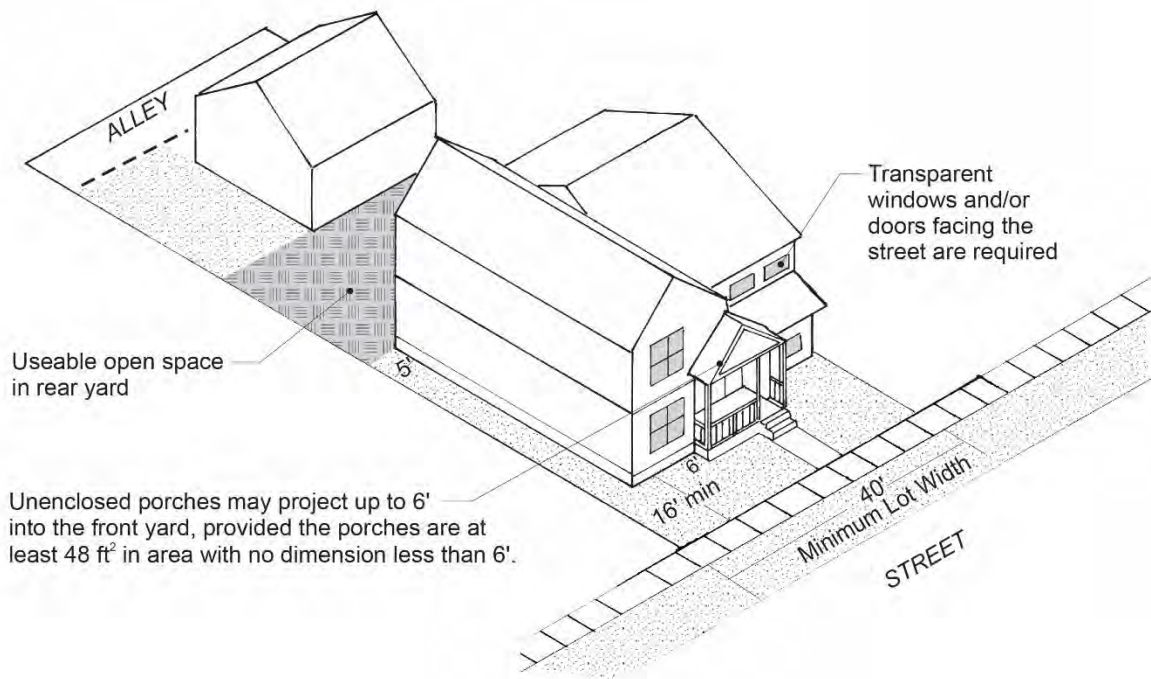
Such open space shall not be located within the front yard. (See Tables 16T-73 and 16T-74.)

Table 16T-73



Minimum standards for front-loaded lots in the Low Density Residential (0-4) District.

Table 16T-74



Minimum standards for alley-loaded lots in the Low Density Residential (0-4) District.

G. Maximum building coverage, forty percent. Undeveloped lots vested prior to May 15, 2008, shall be exempted from this standard provided they meet minimum usable open space requirements herein.

H. Maximum development coverage, fifty-five percent. Side and rear yard patios are exempt from development coverage restrictions provided the paving material used is considered a pervious pavement by the city of Lacey's public works department.

I. Maximum height of buildings:

Main building and accessory dwelling, twenty-five feet; thirty-five feet where the roof pitch is at least four feet vertical to twelve feet horizontal.

Accessory building, shall be limited to the height of the primary building, provided structures over sixteen feet in height shall require design review. Design shall demonstrate a compatibility with the primary structure and shall not dominate the site visually.

An additional two feet in height is permitted for structures with green roofs occupying at least fifty percent of the area of the roof.

J. 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, twenty feet.

Side yard, five feet.

Rear yard, three feet.

K. Accessory dwelling units: All attached accessory dwelling units shall comply with the setback requirements contained in this chapter; provided, however, minimum setbacks for single story detached accessory dwelling units shall be as follows:

Front yard, sixteen feet.

Side yard, five feet.

Rear yard, five feet.

Front yard flanking streets, ten feet.

If the detached accessory dwelling unit is more than a single story, minimum setbacks shall be as follows:

Front yard, sixteen feet.

Side yard, ten feet.

Rear yard, ten feet.

Front yard flanking streets, ten feet.

Section 2. Section 16.13.050 of the Lacey Municipal Code is hereby amended as follows:

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:

Sixteen feet.

In addition, setbacks are 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, provided the porches are at least forty-eight square feet in area with no dimension less than six feet.

4. Minimum side yards:

Minimum on one side, five feet.

Minimum total both sides, ten feet.

5. Alternative lot configurations may be approved provided they comply with all of the following:

- a. Other applicable standards in this chapter.
- b. Design criteria in LMC 14.23.072, particularly LMC 14.23.072(L).

c. The design results in a superior land division layout considering its functionality and character with particular consideration given to privacy for individual lots, pedestrian access and convenience, and the design of public and/or private open space opportunities and natural features.

6. Minimum rear yard, twenty feet provided garages may be within three feet of the rear yard line, alley easement or paved surface when adjacent to an alley.

B. Lots intended for attached single-family development shall be reviewed and approved through a subdivision, townhouse, or PRD process where the concept is identified and the project is reviewed and approved subject to design requirements of LMC 14.23.080.

C. Development of lots not on sewer. Areas without sewer must be developed in a manner that maintains long term potential to achieve minimum required densities and efficient provision of sewer once sewer becomes available. Areas developing without sewer must meet the following requirements:

1. The health department must review and approve plans for alternative sewage disposal.
2. Lots must be clustered in a configuration that results in urban size lots with one large reserve lot for future development.
3. Clustered lots must be between five thousand and ten thousand eight hundred ninety square feet.
4. Excluding the reserve parcel, clustered lots must meet density requirements of LMC 16.13.035.
5. Subdivisions and short subdivisions must have a statement on the face of the plat or short plat that when sewer becomes available to the area clustered lots shall hook up to

sewer at each lot owner's expense. Such requirement shall also be provided for in protective covenants.

D. Other lot standards:

1. Minimum usable open space:

Where alleys are utilized, lots shall provide a contiguous open space equivalent to ten percent of the lot size. Specific open space requirements:

Shall feature minimum dimensions of fifteen feet on all sides, provided one side may be reduced to ten feet by the site plan review committee if it determines the space is designed with features that make it more inviting, private and usable. Design for reduction of the minimum dimension must include at least two of the following techniques:

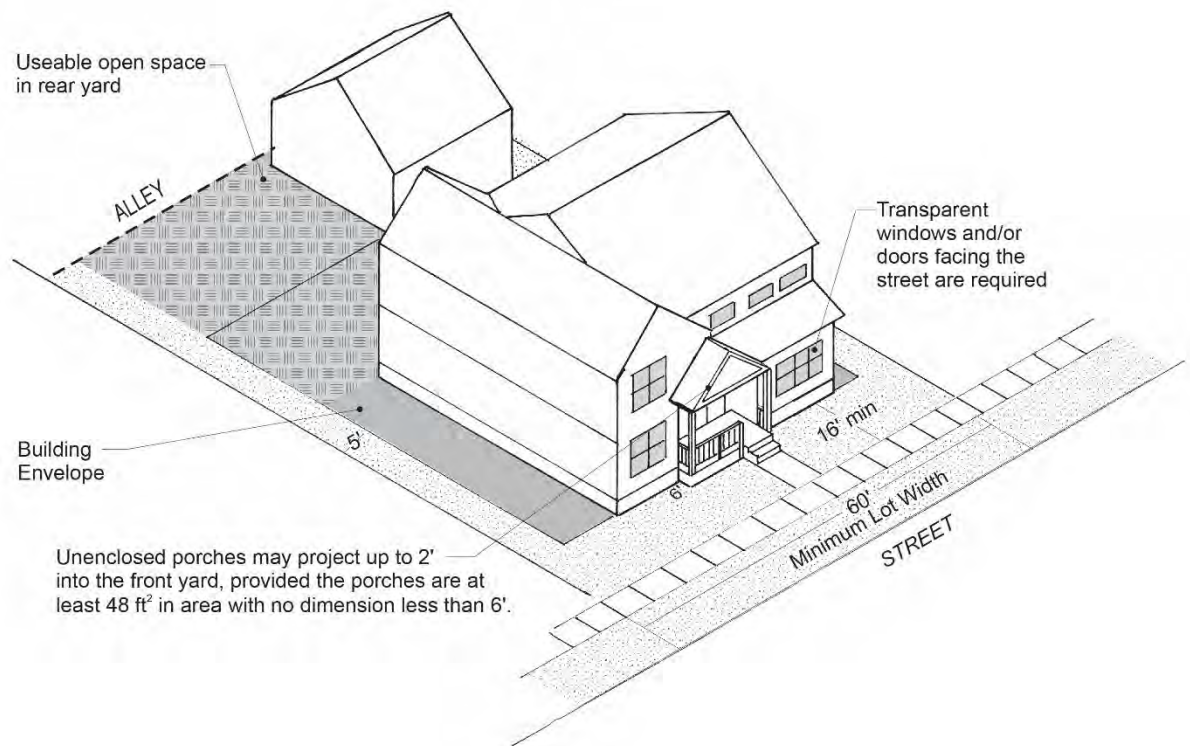
- a. A pergola or other architectural feature with landscaping;
- b. An improved patio area with features for associated use such as sitting or barbeque;
- c. Other design features and improvements that add to the usability, privacy and desirability of the private space.

As an example, a forty-five-hundred-square-foot lot would require a contiguous open space of at least four hundred fifty square feet, or approximately fifteen feet by thirty feet in area for a standard dimension, or ten feet by forty-five feet if the dimension is reduced and design features added.

Such open space shall not be located within the front yard.

For duplexes and triplexes, each dwelling unit must have direct access to its own usable open space. (See Tables 16T-75 and 16T-76.)

Table 16T-75



Minimum standards for alley-loaded lots in the Low Density Residential (3-6) District.

2. Maximum building area coverage, fifty percent. Undeveloped lots vested prior to May 15, 2008, shall be exempted from this standard provided they meet minimum usable open space requirements herein.

3. Maximum development coverage, sixty-five percent. Side and rear yard patios are exempt from development coverage restrictions provided the paving material used is considered a pervious pavement by the city of Lacey's public works department.

4. Maximum height:

Main building and accessory dwelling, twenty-five feet; thirty-five feet where the roof pitch is at least four feet vertical to twelve feet horizontal.

Townhouses, thirty feet; thirty-five feet where the roof pitch is at least four feet vertical to twelve feet horizontal.

Accessory building, shall be limited to the height of the primary building, provided structures over sixteen feet in height shall require design review. Design shall demonstrate a compatibility with the primary structure and shall not dominate the site visually.

An additional two feet in height is permitted for structures with green roofs occupying at least fifty percent of the area of the roof.

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, fifteen feet.

Side yard, five feet.

Rear yard, three feet.

6. Accessory dwelling units: All attached accessory dwelling units shall comply with the setback requirements contained in this chapter; provided, however, minimum setbacks for single story detached accessory dwelling units shall be as follows:

Front yard, sixteen feet.

Side yard, five feet.

Rear yard, five feet.

Front yard flanking streets, ten feet.

If the detached accessory dwelling unit is more than a single story, minimum setbacks shall be as follows:

Front yard, sixteen feet.

Side yard, ten feet.

Rear yard, ten feet.

Front yard flanking streets, ten feet.

Section 3. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON, at a regularly-called meeting thereof, held this ____ day of ____
_____, 2020.

CITY COUNCIL

By: _____
Mayor

Approved as to form:

City Attorney

Attest:

City Clerk

SUMMARY FOR PUBLICATION
ORDINANCE NO 1568
CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on July 9, 2020, “AN ORDINANCE RELATED TO SETBACK REQUIREMENTS FOR ACCESSORY DWELLING UNITS, AMENDING SECTIONS 16.12.050 AND 16.13.050 OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.”

The main points of the Ordinance are described as follows:

1. The Ordinance amends section 16.12.050 of the Lacey Municipal Code related to setback requirements for detached accessory dwelling units.
2. The Ordinance amends section 16.13.050 of the Lacey Municipal Code related to setback requirements for detached accessory dwelling units.
3. The Ordinance approves this Summary for Publication.

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

Published: July 13, 2020

MINUTES

Lacey Planning Commission Meeting
Tuesday, December 17, 2019 – 7:00 p.m.
Lacey City Hall Council Chambers, 420 College Street SE

Meeting was called to order at 7:00 p.m. by Paul Enns.

Planning Commission members present: Paul Enns, Mark Mininger, Shaunesy Behrens, David Lousteau, Eddie Bishop, Sharon Kophs, Peg Evans-Brown, and Daphne Retzlaff. Staff present: Jessica Brandt, Ryan Andrews, Rick Walk, Scott Egger, and Leah Bender.

Paul Enns noted a quorum present.

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

David Lousteau made a motion, seconded by Daphne Retzlaff, to approve the December 3 meeting minutes. All were in favor, the motion carried.

1. **Public Comments:** None.

2. **Commission Members Reports:**

- Shaunesy Behrens reported on her attendance at the last Council meeting.
- David Lousteau reported on his attendance at the last Council meeting and his recent meeting with the Mayor.

3. **Director's Report:** None.

4. **Public Hearing:**

Development Guideline Amendment for Annexation Requirements:

- Jessica Brandt went over the current requirements and the proposed exceptions.
- There was a brief discussion.
- **Eddie Bishop made a motion, seconded by David Lousteau, to refer amended section 3.135 of the Development Guidelines and Public Works Standards to Council for adoption. All were in favor, the motion carried.**

5. **Old Business:**

Low Density Residential Zone Consolidation:

- Ryan Andrews gave some background information and went over the major changes.
- Ryan noted that he researched duplex and triplex developments in the City and found very few over the last several years.
- Ryan listed the main concerns resulting from the public hearing and asked Planning Commission to discuss each.
 - o Pace of change: It was decided that this topic would be discussed last.
 - o Neighborhood compatibility: Ryan pointed out the existing design review standards that require compatibility.
 - o Traffic and parking: a suggestion was made to require 2 parking spaces per unit for triplexes (instead of 1.5 per unit). Frontage improvements and deferrals were discussed.
 - o Trees: Ryan noted that current tree regulations address this concern and suggested possible additional requirements when the tree regulations are amended as part of the 2020 work program.
- Ryan presented a slide show of examples of duplex and triplex developments in Lacey, and suggested additional amendments that would require that duplexes and triplexes resemble single-family homes and that front façades not be dominated by garages.
- There was a discussion regarding the effect of increased density on septic systems, the environment, and traffic demands on arterials.
- Patricia Williams addressed Planning Commission and suggested leaving LD Residential 0-4 as is and focus development on the LD 3-6 zone. She also expressed her concerns that affordable housing has still not been addressed.
- Commissioners shared their opinions regarding the advantages and disadvantages of the proposed amendments.
- **Eddie Bishop made a motion, seconded by David Lousteau, to refer amended Chapter 16.13 to Council with additional amendments to require 2 parking spaces per triplex unit, privacy standards that apply to**

single-family residential added to LMC 14.23.073 to also apply to duplexes and triplexes, and the frontage improvement requirements currently required for triplexes also be applied to duplexes. Six were in favor, two were opposed, the motion carried.

6. **New Business:**

Nomination and Election of Officers for 2020.

- Paul Enns nominated Sharon Kophs for Chair. Peg Evans-Brown seconded the nomination. All were in favor. Sharon Kophs was elected Chair.
- Mark Mininger nominated Peg Evans-Brown for Vice-chair. Eddie Bishop and Peg Evans-Brown nominated David Wasson for Vice-chair. All voted in favor of electing David Wasson as Vice-chair.

7. **Communications and Announcements:**

- Paul Enns spoke favorably about his time with the Planning Commission.
- Planning Commissioners thanked Paul for his years of service on the Commission.
- Mark Mininger suggested a future meeting with the Mayor or a Council member to address their expectations of Planning Commission. Rick said he will set something up.
- Ryan noted that emergency housing is on the agenda for the next Council worksession on Thursday.

8. **Next meeting:** January 7, 2020.

9. **Adjournment:** 9:05 p.m.

MINUTES

Lacey Planning Commission Meeting
Tuesday, November 19, 2019 – 7:00 p.m.
Lacey City Hall Council Chambers, 420 College Street SE

Meeting was called to order at 7:00 p.m. by Paul Enns.

Planning Commission members present: Paul Enns, David Wasson, Mark Mininger, Peg Evans-Brown, Shaunesy Behrens, David Lousteau, Eddie Bishop, Sharon Kophs, and Daphne Retzlaff. Staff present: Jessica Brandt, Ryan Andrews, Rick Walk and Leah Bender.

Paul Enns noted a quorum present.

David Wasson made a motion, seconded by Eddie Bishop, to approve the agenda for tonight's meeting. All were in favor, the motion carried.

Peg Evans-Brown made a motion, seconded by David Lousteau, to approve the November 5 meeting minutes. All were in favor, the motion carried.

1. **Public Comments:** None.
2. **Commission Members Reports:**
 - Peg Evans-Brown reported on her attendance at a League of Women Voters seminar.
3. **Director's Report:**
 - Jessica Brandt gave an update on the ADU permit program.
 - Ryan Andrews gave an update on the Joint Comp Plan update.
 - Rick Walk gave an update on the Regional Housing Council and discussed grant opportunities made possible by the recent passage of House Bill 1923.

Old Business:

Low Density Residential Zone Consolidation:

- Ryan gave some background information and went over the main changes that would take effect if the zones are consolidated.
- Ryan went over the concerns that were raised at the public hearing. Ryan shared information on research Staff has done in response to those concerns.
- There were discussions regarding past and projected population growth, the impact on the city if nothing is done to accommodate the growth in population and the zoning is not amended, the feasibility of the zone consolidation if the expected outcome is minimal, and the fact that adding rental opportunities by allowing more duplexes and triplexes does not address homelessness or affordable housing.
- Ryan noted that Staff's recommendation is for Planning Commission to refer the draft amendments to Council with an added amendment that would require sidewalks for new duplexes or require signature of a deferral agreement in lieu of sidewalk installation as is currently required for triplexes.
- There was a discussion regarding how the amended zoning meets the goals of the Comp Plan and Affordable Housing Strategy to promote affordable housing by increasing density and encouraging diversity of housing stock.
- The members of the public addressed Planning Commission with concerns regarding the lack of public notification, allowing townhomes, sidewalks, infill, infrastructure, areas of the city affected by the zoning change, and HOA covenants.
- Commissioners discussed their thoughts and concerns, and decided to discuss at a future worksession.

4. **Communications and Announcements:** None.

5. **Next meeting:** December 3, 2019.

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

MINUTES

Lacey Planning Commission Meeting
Tuesday, October 15, 2019 – 7:00 p.m.
Lacey City Hall Council Chambers, 420 College Street SE

Meeting was called to order at 7:00 p.m. by Paul Enns.

Planning Commission members present: Paul Enns, David Wasson, Mark Mininger, Sharon Kophs, Peg Evans-Brown, Shaunesy Behrens, David Lousteau, and Daphne Retzlaff. Staff present: Jessica Brandt, Ryan Andrews, and Leah Bender.

Paul Enns noted a quorum present.

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

David Lousteau made a motion, seconded by Sharon Kophs, to approve the meeting minutes of September 17, 2019. All were in favor, the motion carried.

1. **Public Comments:** None.

2. **Commission Members Reports:**

- Mark Mininger reported on his attendance at the last Council meeting.
- Sharon Kophs reported on her attendance at the last Council meeting.
- David Lousteau noted he received some negative feedback from a citizen who was a resident in the Lacey City Hall parking lot regarding the way the city handled the removal of the residents.
- David Wasson reported on his attendance at the last Council meeting.

3. **Director's Report:**

- Ryan Andrews reported that Lacey MakerSpace will have a Grand Opening Event from 4 to 6 p.m. tomorrow.
- Ryan also noted that there will be a Community Meeting on the Main Street Permitted Parking Area from 6:30 to 8 p.m. tomorrow in the Lacey Council Chambers.

4. **Public Hearing:**

Low Density Residential Zone Consolidation:

- Paul Enns went over the Planning Commission's role and public hearing procedures.
- Ryan gave a presentation with some background information and factors that helped shape the proposed amendments, such as the Housing Element goals, Affordable Housing Strategy Actions and Initiatives, and the need for affordable housing and an aid in the prevention of homelessness.
- Ryan shared examples of different types of multi-family dwellings and the ways they can be designed so they will blend with the surrounding neighborhood.
- Paul opened the hearing to public testimony.
- Randy Todd is not in favor of the amended zoning and feels it will have a negative impact on quality of life and property values. He stated that he doesn't want to see neighborhoods change as a result of more rental units.
- Chris McAnnally is not in favor of the amended zoning and feels it will cause problems with street parking, increased traffic, and lower property values.
- Bill Orton is not in favor of the amended zoning and agreed with previous speakers, and feels it would increase property taxes. He was concerned that the amendments would lead to more AirB&B uses and ultimately contribute to human trafficking.

- Robert Anderson is not in favor of the amended zoning and suggested it be applied to new developments and not to existing neighborhoods.
- Roger Prengel is not in favor of the amended zoning and feels it is unfair to residents in the affected areas. He stated that he believed that the amendments would favor developers. He noted there is a social aspect that needs to be considered and hopes the city will not force the issue.
- Donna Armitage is not in favor of the amended zoning and feels it is unfair and will negatively impact traffic, schools, and roads. She also noted that the newer multi-family developments are being built too close to the street and does not think the city should have allowed that.
- Jeff Brostrum is not in favor of the amended zoning and feels it will have a drastic effect on existing neighborhoods. He felt that instead of focusing on existing neighborhoods, additional density should have been required in the Hawks Prairie area 5 to 10 years ago.
- Charles Main is not in favor of the amended zoning and feels it is a breach of trust, is unfair, and will be detrimental to existing neighborhoods.
- Catherine Murray is not in favor of the amended zoning and feels increased zoning and required removal of trees will have negative impact as it did to her when a neighboring subdivision was developed, and that the city should have done a better job of notifying the public about the hearing.
- Patricia Williams is not in favor of the amended zoning and feels that the photos of multi-family examples provided in the presentation will do nothing to help homelessness.
- Ed Hinkle is not in favor of the amended zoning. He said he purchased his home because of the large lots in the neighborhood and increased zoning will change that. He said he feels that lower rent will not help homelessness.
- Shar Yates is not in favor of the amended zoning and feels that increased density will not help homelessness.
- William Allinger is not in favor of the amended zoning and does not want to see increased population like as was his experience in LA County.
- George Whitney is in favor of the amended zoning. He said he owns income property in Lacey and would like to convert duplexes to townhomes as a way to provide affordable housing which would benefit the community and assist first-time home buyers.
- Rick Trenner is not in favor of the amended zoning and hopes Planning Commission will take into account all the negative feedback from the public. He feels the amendments cater to developers and that the city did a poor job of notifying the public about the hearing.
- Bruce Bentson is not in favor of the amended zoning and hopes Planning Commission listens to the public comments.
- Amber Huffstickler noted there is a lack of representation of the younger generation of residents and would like to hear from a better balance of people who will still be living in the city 30 years from now.
- Benjamin Brotman would like to see more affordable housing available for the younger generation of residents and thanked Planning Commission for their efforts in finding a solution.
- Paul closed the public hearing and asked Commissioners for questions and discussions.
- David Lousteau said he would like to see how other areas have been affected by this type of zoning change with regard to property values and property taxes. David asked who Planning Commission is here to serve – existing residents, future tenants, or developers; and feels the Commission's duty is to serve existing residents first.
- Sharon Kophs explained that Lacey is out of buildable land and that something needs to be done to provide affordable housing, and that the issue isn't only about homelessness or social problems but is also about land use and how to provide for the community as there is not enough affordable housing to accommodate population growth.
- Mark Mininger noted that the vast majority of public comments came from people who purchased their homes for a reason and it is unfair to change the zoning and cause a negative impact on existing residents.
- Peg Evans-Brown would like to see data regarding traffic and parking from other jurisdictions that have mixed density zones.

- Daphne Retzlaff asked for clarification on existing zoning and proposed amended zoning. Ryan explained that the number of units allowed applies to units per acre, not units per lot. Ryan also went over past zoning changes that have affected lot size and density and explained that it is market and economy driven.
- Shaunesy Behrens expressed concerns that if nothing is done now we will look back and regret it.
- Paul Enns noted that a current pressing issue is how to accommodate the growing population and that Planning Commission has to look at long term needs and balancing property owner rights. Paul suggested continuing the discussion at a future worksession before making a recommendation to Council. Paul said he appreciated all the public comments and their adherence to the structure of the public hearing.
- **Sharon Kophs made a motion, seconded by David Wasson, to continue the discussion of the Low Density Residential Zone Consolidation to a future worksession. All were in favor, the motion carried.**

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

6. **Next meeting:** November 5, 2019.

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

Ryan Andrews

From: Plamen Hristov <plamen.m.hristov@gmail.com>
Sent: Friday, October 11, 2019 10:15 AM
To: Ryan Andrews
Subject: Publc Hearing on Proposed Amendments to Residential Zoning

External Email Warning! Use caution before clicking links or opening attachments.

To Whom It May Concern,

I have received the Public Hearing on Proposed Amendments to Residential Zoning for Lacey and just wanted to drop a line that I fully support the initiative.

Keep up the good work!

--

Regards,
Plamen Hristov
Owner of 4104 Carpenter Rd SE Lacey, WA

Ryan Andrews

From: nibler-keogh@comcast.net
Sent: Monday, October 14, 2019 9:38 AM
To: Ryan Andrews
Subject: Re: proposed amendments to residential zoning

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The "notice of proposed amendments to residential zoning" that we received states that this change would both consolidate the current 0-4 and 3-6 zones and allow for new maximum development uses in these zones. The specific uses noted were splitting lots to allow for two single family homes on lots at/above 10,000 sq. ft., or allowing the development of 2 townhouses or a duplex or a triplex on such lots.

I'm frankly confused because, with the exception of triplexes, this type of development appears to already have been done in the 0-4 zone. I live in such a zone at 5110 39th Ave SE and, when I look at the zoning map for Lacey on the city's website, the zoning for most of the area surrounding our home is 0-4. However, on Quail Dr SE, due south of us, there are 30 duplexes (60 units) in an area that on the zoning map is colored 0-4 and which shows that designation when one clicks on the map. Further, on Southwick Ct SE (south of Mullen and west of Ruddell), there is another cluster of duplexes in an area also designated 0-4 on the city zoning map. In both of these cases the development density significantly exceeds 0-4 units per acre; in fact, in both of these cases the development density is at or above 8 units per acre for a significant number of units.

So what exactly is being changed here? And, why have developments of this density level occurred in zoning areas nominally designated 0-4? I'm not trying to argue that they should not (that occurred much too long ago to worry about) but I am trying to understand the applicable zoning provisions and wondering whether these developments were allowed under some other accommodation used to increase density that would now be ignored under the newly proposed zoning changes.

Jim Keogh
5110 39th Ave SE
Lacey, WA 98503
360-754-2334

Ryan Andrews

From: Joceile Moore <jace1257@gmail.com>
Sent: Monday, October 14, 2019 10:01 PM
To: Ryan Andrews
Subject: Upzoning feedback

[Warning! External Email]

Dear Ryan Andrews:

I am very disturbed about the City of Lacey's upzoning process. I live on Pattison Lake Drive SE. At the end of our road is a beautiful wooded area that could be subjected to intensive housing if proposed zoning is approved. Additionally, I am very disturbed about housing that decimates our Douglas Fir and other evergreen tree populations. Very tall Douglas Firs were removed at the first curve of Pattison Lake Drive two years ago with promises to replant. The replanted trees have not been robust with several of them dying and being removed. The others remain at a stunted ten feet.

This destruction of our evergreen tree resource contributes to global warming, is destructive to our air quality, and loss of environment for woodland creatures. It appears that new housing always comes at a loss of trees. New housing is ugly and few builders made an effort to restore trees that are bulldozed down because it is easier and more profitable to disregard this resource.

The City of Lacey is a beautiful area. I moved here in 2003 from Olympia. However, the constant destruction of our evergreen tree environment encourages me to do my walking and enjoyment of the outside elsewhere. Please take action to stop building houses with so much density. There is no substitute for the loss of these great trees that sustain us in multiple ways and define our community.

I would like the City of Lacey to slow down their upzoning process and open the discussion to the wider public. These upzoning proposals are far too broad and must be considered for their impact on individual neighborhoods. There is a lack of evidence that upzoning increases affordable housing. It appears to me that it just makes builders and developers richer leaving members of the community poorer on many levels.

Thank you.

Joceile Moore
5628 Pattison Lake Drive SE
Lacey, WA. 98513
360-951-9017

Ryan Andrews

From: David Pond <dpond@reflectingpond.com>
Sent: Thursday, October 10, 2019 1:29 PM
To: Ryan Andrews
Subject: Zoning

External Email Warning! Use caution before clicking links or opening attachments.

Dear Mr Andrews,

I would like the City of Lacey to slow down their upzoning process and open the discussion to the wider public. These upzoning proposals are far too broad and must be considered for their impact on individual neighborhoods. There is a lack of evidence that upzoning increases affordable housing.

I am very concerned about the higher density traffic on the small roads in this neighborhood and would also like to speak for the life of every tree.

Thanks for your consideration.

David & Laura Pond

Ryan Andrews

From: Charles Main <clmainard@gmail.com>
Sent: Sunday, October 13, 2019 5:16 PM
To: Ryan Andrews
Subject: Proposed amendments to residential zoning
Attachments: City of Lacey.docx

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Mr Andrews:

I am attaching a copy of my letter (Word doc) addressed to you and cc:'d to City Council regarding the proposed amendments to residential zoning that is being discussed Tuesday evening (10-15-19 at city hall. I will also drop off printed copy to desk at city hall on Monday the 14th.

I plan on attending that meeting.

regards Charles Main
8445 31st Ave NE, Lacey 98516
360-789-8209

City of Lacey
Community and Economic Development Department
420 College St .S.E.

10/14/19

Attn: Ryan Andrews
City Planning Manager

I am writing to you with regards to the recent notice that we received that proposes to “amend” by consolidating the two types of existing “Low Density” zoning districts to a higher density.

The City of Lacey Community and Economic Development Departments “Mission Statement” reads:

“The Department’s mission is to enrich the quality of lives in Lacey for all our lives by providing to the public timely and accurate assistance and participation in the development and implementation of the Community’s Plan and Development Codes in order to ensure a diversified economy providing family jobs, goods and services; safe, well designed and attractive neighborhoods; the highest quality of development and construction in the City; and the protection of our environmental resources and natural beauty.”

What you are requesting is to “infill” existing properties on the backs of those who bought their home or property based upon the zoning that was in place at time of purchase. The only thing that appears to be getting “enriched” (as stated in Mission Statement) are the pocket books of the Developers of the property being addressed and the tax base of the City of Lacey, not the owners who own the property next to a “amended/rezoned” single family piece of property. The remaining majority of us who bought specifically in the current single family zoned area, did so wanting to live in a less congested environment than what a “denser” single family” zoned property would bring.

Denser zoning does nothing to enrich the quality of lives in our neighborhoods or to make them safe, attractive, or protect our resources or natural beauty as stated in the Departments Mission Statement. What it does do is; add more vehicle, traffic, noise, crowding. When the property is built out to its existing zoned density, then owners/developers need to accept that the area is built out to its original accepted zoning and build new housing in areas that are still vacant.

My vote is “NO” to rezoning/amending current low density residential zoning.

Charles L. Main
8445 31st Avenue NE
Lacey, WA 98516
Ph # 360-789-8209

Cc: Lacey City Council

Ryan Andrews

From: DIANNA EVANS <diannaevans04@comcast.net>
Sent: Wednesday, October 09, 2019 3:22 PM
To: Ryan Andrews
Subject: Comment Lacey Upzoning

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I would like the City of Lacey to slow down their upzoning process and open the discussion to the wider public. These upzoning proposals are far too broad and must be considered for their impact on individual neighborhoods. There is a lack of evidence that upzoning increases affordable housing.

Thank you for your consideration of my suggestion.

Dianna Evans

Ryan Andrews

From: Patricia Williams <trishwilliams1952@comcast.net>
Sent: Monday, October 14, 2019 7:54 AM
To: Ryan Andrews
Subject: Letter to Lacey Planners Regarding Zoning
Attachments: Letter to Lacey Planners Regarding Zoning.pdf

[Warning! External Email]

Ryan,

Attached please find our letter to the Lacey Planning Commission regarding the public hearing on the proposed amendments to residential zoning. Could you send me a quick "got it" email so I know it was received?

Thanks,

Trish Williams & Katy Murray

Patricia Williams
Catherine Murray
5645 Pattison Lake Dr. SE
Lacey, WA 98513

Lacey Planning Commission
420 College Street
Lacey, WA 98503
October 14, 2019

Dear Planning Commissioners,

First we would like to say that we are alarmed at the very limited notice for the public hearing on the proposed amendments to residential zoning. This is a controversial issue with broad impacts. All our residents should be included in the process from the very beginning. We realize this is an important subject that many cities are grappling with in order to provide more diverse and affordable housing. The outcome so far in cities that have tried this approach is not persuasive.

The proposed amendments are sweeping changes. If we are understanding them correctly, they upzone all land in low density 2-4 per acre to 3-6 per acre, a 50% increase in density. Some properties could double or triple their density with duplexes and triplexes.

We understand the city planners feel that neighborhood covenants, lot size, required street frontage and sewers will limit building. Those seem to us to be restrictions that hard to quantify, as well as easily changeable criteria.

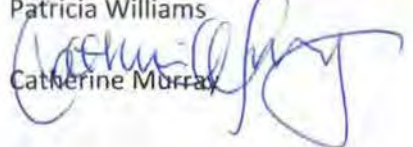
When prospective buyers are considering purchasing a new home, the first things evaluated are the neighbors and the neighborhood; they would never expect that a neighbor could tear down his house and build a triplex. And similarly, if you have invested your life savings in your dream house and have lived there for years, you would not expect the zoning to increase by half, or double or triple.

Here on the edge of the urban growth boundary we are still very rural. We have huge trees, plentiful wildlife, no sidewalks or streetlights, and are relatively far from services. Many of us have been here for thirty, forty, fifty years. A 50% increase in our zoning would change what we have invested our lives in. Three to six per acre is a zoning intensity not compatible with our rural neighborhood.

After the trees were cut for the Lakepointe development we had the Inaugural day storm (1993). During that storm, twenty-seven trees blew down southeast of that development. We had lived here twenty-five years by then, (over forty years now) with no trees blown down. Our property is adjacent to one of the few undeveloped parcels in the city limits. As it is now zoned, development of 4 houses per acre would require significant loss of trees. We fear 6 per acre would leave few of the large trees, making our other large trees in this neighborhood very vulnerable.

We urge and request the city planners to take a much slower, more thoughtful approach to the housing problem.

Sincerely,


Patricia Williams

Catherine Murray

Ryan Andrews

From: Jeanie Levinson <jeaniekl122@gmail.com>
Sent: Saturday, October 12, 2019 12:00 PM
To: Ryan Andrews
Cc: trishwilliams1952@comcast.net
Subject: Proposed Amendments to Residential Zoning

External Email Warning! Use caution before clicking links or opening attachments.

Dear Mr. Andrews,

After taking care of, for 10+ years, my mother who had Alzheimer's, I looked to move out of Southern California to a state I had always dreamed about, the state of Washington. At the age of 66 years old I decided to make the move, not knowing anyone in Washington, no friends, no family and no relatives. When I started looking at properties and houses, one of the most important things to me was that I have an area that was up against a green forest. Living in a desert area (San Diego) of Southern California, my dream was always to live in a forested area. When I spoke to my realtor about the house on 57th Court (before I purchased it) I asked him if the greenbelt behind my house could ever be developed and he said no, a very firm no, that is why and one of the main reasons I bought this house, because of the beautiful Pacific Northwest greenbelt behind my backyard. Now I find out that this gorgeous belt of fir trees could be gone forever to apartments and houses; just like the over building that's happened in southern California. Please do not make Lacey another overcrowded, over built city with no regards as to what makes Washington state so unique and so beautiful. If I had known that this beautiful greenbelt behind my house could be destroyed I would have never moved here, I would have never moved to this part of Lacey. One of my greatest pleasures is watching the eagles and ospreys soaring overhead, and landing in the magnificent fir trees. Please do not destroy what makes my neighborhood so unique, please do not over populate what is basically a very small area with apartments and townhomes and more houses. Destroying this greenbelt destroys the quiet and peaceful enjoyment of our homes. It brings Lacey one step closer to the overcrowding, over built, noisy, over populated, dry, brown conditions of San Diego and Los Angeles. Washington has always prided itself on being the polar opposite of California, with what you are proposing with this zone change, Lacey is on its way to being exactly like San Diego and Los Angeles.

Thank you,

Jeanie Levinson

360-488-3109

jeaniekl122@gmail.com

Ryan Andrews

From: Diane Peck <dianepeck1961@gmail.com>
Sent: Thursday, October 10, 2019 7:59 PM
To: Ryan Andrews
Subject: Proposed Up zoning Near Pattison Lake

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Dear Mr. Andrews,

I am very concerned for the zoning in my neighborhood that would increase the number of people, cars, pollution, and reduction of our trees left in the area.

My husband and I bought property on Pattison Lake 23 years ago and was hoping for some serenity. We have lived in our home for 22 years. Our address is: 5038 Rumac St. SE, Olympia, WA. I walk my dog at least 3 miles daily. Since I walk so much I see a lot and experience a lot.

One of my major concerns is the vast amount of traffic that comes through the neighborhood. I must say that the majority of people drive between 30 –40 miles per hour in a 25 mph zone. I have nearly been struck by fast moving cars, while crossing the small streets with my 20 lb. dog (in a 25 mph zone). I have seen a car going way too fast nearly strike a small child on his bicycle. Adding extensive housing will only add significantly to this problem. (I would like my over \$900 monthly in property taxes to go to speed bumps!) My husband, an avid bicyclist, was struck in the Horizon Pointe neighborhood just about 1.5 miles from our house by a car December 26th last year. He will never walk without a limp, he can no longer run (was a marathon runner) and now needs an additional surgery to replace his hip (now that Harborview reconstructed his hip socket). He had the right of way in a 25mph neighborhood when he was struck by a car who saw him but was in a big hurry! The signs that light up and show how fast you are driving have been a JOKE. They have been placed at areas that are natural slow down points (the corner of 57th Ave and Rumac St SE where the arterial turns 90 degrees and placed going north on Rumac St Se right at the yield sign where it meets Pattison Lake Dr.) The cars slow down at these turns or streets where they must yield, so they don't show the speeding that actually goes on. Placing these speed signs is not rocket science, but whoever placed those signs is really incompetent. They can call me next time they need to study the traffic and get an ACCURATE measurement.

I also get great satisfaction in being able to walk my dog in some green belts and wooded areas near my home. When I am on the streets, it is stressful with the careless cars. Also lower income housing seems to produce less responsible property owners. They tend to let things go, more often than higher level housing. I also have experienced getting attacked by aggressive dogs. They have poor fencing that the home owners seem to fail to pay to fix and their dogs escape. My dog was nearly killed by 2 German Sheppard's 4 years ago and a Pit Bull injured me trying to get my dog out of my arms about 2 years ago. I have walked my dog in Indian Summer neighborhood and have NEVER seen or been accosted by a dog off a leash. Much higher standards there.

The impact of additional cars, and people will impact traffic, wait times at grocery stores, other business' in the area, add more pollution and take down trees in our neighborhood.

Thank you,

Diane Peck
Color Consulting & Design by Diane
360-789-4754

Ryan Andrews

From: CHRIS TUNICK <tunick5201@comcast.net>
Sent: Friday, October 11, 2019 8:05 AM
To: Ryan Andrews
Subject: Proposed Zoning Amendments

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I would like the City of Lacey to slow down their upzoning process and open the discussion to the wider public. These upzoning proposals are far too broad and must be considered for their impact on individual neighborhoods. There is a lack of evidence that upzoning increases affordable housing.

Chris Tunick

Rumac Street SE

October 15, 2019

TRANSMITTED VIA ELECTRONIC MAIL ONLY TO: randrews@co.lacey.wa.us

City of Lacey Planning Commission
Lacey City Hall
420 College Street NE
Lacey, WA 98503

RE: Support of proposed Low Density Zone Consolidation

Dear Planning Commission Members:

On behalf of Olympia Master Builders, I am expressing our organization's support for the proposed amendment to consolidate the two existing Low Density Residential zones (LD 0-4, LMC 16.12 and LD 3-6, LMC 16.13) into a single zone allowing up to six units per acre.

As you know, Olympia Master Builders' mission is dedicated to supporting housing affordability for all economic segments of society. The complexity of a jurisdiction's zoning code directly affects the competitiveness of builders and remodelers, which in turn informs the cost of housing. As such, we advocate for zoning standards that increase simplicity and allow for maximum flexibility in siting new homes.

The proposed Low Density Zone Consolidation represents a robust and mindful step in refining the City of Lacey's zoning code to allow easier home construction, improved urban density and increased housing capacity to benefit all of Lacey's citizens.

Thank you for the opportunity to provide these comments. If you wish to correspond with us further on this issue, please feel free to contact myself or Executive Officer, Angela White, at angela@omb.org or 360-754-0912.

Sincerely,



Erin Hall
Government Affairs Director

- Olympia Master Builders -
BUILDING STRONG COMMUNITIES,
ONE HOME AT A TIME.

www.omb.org

Ryan Andrews

From: Sonya Wohletz <sonyawohletz@gmail.com>
Sent: Tuesday, October 08, 2019 2:25 PM
To: Ryan Andrews
Subject: Slow down your upzoning process, please!

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I would like the City of Lacey to slow down their upzoning process and open the discussion to the wider public. These upzoning proposals are far too broad and must be considered for their impact on individual neighborhoods. There is a lack of evidence that upzoning increases affordable housing.

We love our neighborhood the way it is--we have many trees and the area is not too densely populated. This policy disregards our needs as a community, and it is not going to achieve anything positive. Please let us live in our neighborhoods in peace.

Ryan Andrews

From: Ronnie Hacken <ronnela@gmail.com>
Sent: Wednesday, October 09, 2019 9:11 AM
To: Ryan Andrews
Subject: zoning process

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I would like the City of Lacey to slow down their upzoning process and open the discussion to the wider public. These upcoming proposals are far too broad and must be considered for their impact on individual neighborhoods. There is a lack of evidence that upzoning increases affordable housing. But there is plenty of evidence that upzoning reduces trees, especially large, mature trees. And developers who promise to replant frequently don't. Lacey is becoming a NOT tree city.

Ronnie Hacken

Ryan Andrews

From: PENELOPE A HANES <penelope.hanes@comcast.net>
Sent: Tuesday, October 08, 2019 7:33 PM
To: Ryan Andrews
Subject: zoning

I would like the City of Lacey to slow down their upzoning process and open the discussion to the wider public. These upzoning proposals are far too broad and must be considered for their impact on individual neighborhoods. There is a lack of evidence that upzoning increases affordable housing.

Penelope Hanes

Pattison Lk Dr. SE. 45 year resident

Ryan Andrews

From: Jennifer Ganey <jennifer.ganey@gmail.com>
Sent: Friday, October 04, 2019 12:48 PM
To: Ryan Andrews
Subject: proposed rezoning

Please do NOT make these zoning changes. The city of Lacey continues to allow more and more homes to be built without thought to sustainable infrastructure. Please do not make the problem worse.

Stop indiscriminate building and think about the long term use of land, water, transportation, etc.

Sincerely,
Jennifer Ganey, resident of Lacey

Ryan Andrews

From: Jeffrey Armstrong <jeffreydean522@msn.com>
Sent: Tuesday, October 08, 2019 7:37 AM
To: Ryan Andrews
Subject: residential zoning

WHY?

I moved to Lacey in 1992 and bought our house on the .25 acre lot (near Wonderwood park), raised our kids and have loved every second living here because of the large lot and Lacey's motto of "City of Trees".

If this proposed amendment passes you will lose many mature trees on these lots. You will change the older neighborhoods forever and for what reason? The only reason I can see is behind this proposal is more tax revenue for the City of Lacey. What other logical reason is there.

I believe you need the older neighborhoods to provide character to your city. If this passes you can see these neighborhoods changing forever and that will be a sad day for Lacey.

Very disappointed long time resident.

Ryan Andrews

From: Jessica Brandt
Sent: Wednesday, October 16, 2019 6:59 AM
To: Ryan Andrews
Subject: FW: Zone Changing for 2721 college at Se Lacey wa 98503

Passing along a comment.
Thanks!

-----Original Message-----

From: Hugo Vo <HUGOVO@yahoo.com>
Sent: Tuesday, October 15, 2019 9:55 PM
To: Jessica Brandt <jbrandt@ci.lacey.wa.us>
Cc: Hugo Vo <hugovo@yahoo.com>; Thuy Nguyen <thuy051986@yahoo.com>
Subject: Zone Changing for 2721 college at Se Lacey wa 98503

[Warning! External Email]

Dear Jessica

I came to the meeting tonight regarding the propose of zone changing to allow me to convert to duplex or townhouse in the future.

I want to express my opinion and ask for your help to forward this email to the board.

As the owner at 2721 college st SE Lacey wa 98503, I would love to be able to build a duplex there in the future.

Our City of Lacey has been a good place for more people to move here and live. More soldiers are going to move here. But we don't have a lot of land to build. By allowing homeowners like me to convert my old single family home to a duplex would be a win win decision.

I am looking forward to see the propose going forward.

I heard homeowners were concern about their property values will go down. In fact, their values will go up instead. Their house will still have a big lot if they don't convert to duplex; it means the houses with big lot in the heart of city would be rare in the future, and it will attract buyers willing to pay more to find house like that.

Again, I would vote yes to go forward with the proposal.

I want to know more what my foot print would be if I allowed to build duplex there. How much does it cost to sit down with you to go over my lot to see what I can build?

Thanks

Hugo Vo
Cell 360-970-6229
2721 COLLEGE ST SE
LACEY WA 98503

Sent from my iPhone

Ryan Andrews

From: L M HARVEY <lin_harvey_427@msn.com>
Sent: Tuesday, October 15, 2019 5:55 PM
To: Ryan Andrews
Subject: Proposed Amendments to Residential Zoning

External Email Warning! Use caution before clicking links or opening attachments.

Mr. Andrews,

I am unable to attend the public hearing this evening (Oct. 15th) regarding the Proposed Amendments to Residential Zoning. Therefore, I am sending this email to inform the Planning Commission that **I am totally against the Amendments.**

I also want to inform you that I did not receive the Public Hearing Notice; my neighbor provided me with a copy that they had received.

Sincerely,

Linda Harvey
3007 Catalina Dr SE
Lacey, WA

(360) 459-7208
lin_harvey_427@msn.com

Ryan Andrews

From: Margaret Engle <margaretengle48@gmail.com>
Sent: Tuesday, October 15, 2019 9:58 PM
To: Ryan Andrews
Subject: public hearing this evening 10/15/19

External Email Warning! Use caution before clicking links or opening attachments.

Dear Mr. Andrews:

When I attended the hearing on rezoning residential districts in Lacey, I began to think I was the only one in the room that was excited about this new possibility for housing. Almost everyone in the room had lived in their homes for 30 or 40 years and did not want their tree-lined neighborhoods turning into a commercial venture--except for one young couple that stood up and said that they wanted to be able to own a home of their own, too. And they saw this rezoning project as a way to make that dream more of an affordable reality.

As for myself, I think of this more as being inevitable. Population is growing and I think it's a better idea that the city takes charge of this now and regulates and monitors how housing is put up instead of having some back alley, slapped together, fire trap to live in.

I think these amendments are a good idea and I hope they pass..

Sincerely.
Margaret Engle
3107 Impala Drive SE
Lacey, Wa 98503
(lived here for about 22 years)

Ryan Andrews

From: Smith <kris.smith0619@gmail.com>
Sent: Wednesday, October 16, 2019 7:04 PM
To: Ryan Andrews
Subject: Regarding zoning law changes to Pattison Lake Drive

External Email Warning! Use caution before clicking links or opening attachments.

Attention Mr. Andrews,

I have now been made aware that there was a public hearing yesterday, the 15th of October during which residents and voters could make comment on zoning law changes in residential areas. I am concerned about how these upzoning changes will impact the parcel on my street (Pattison Lake and Rumac). I realize that these comments would have best been offered before or at the meeting, but I was unaware of such a proposal until recently. Changing these zoning laws would greatly congest our neighborhood- an increase from 16 to 24 homes in the open parcel at the end of our lot. It is a considerable increase to our area and a significant loss of trees and natural areas.

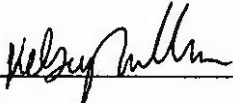
I would like the city of Lacey to slow down or reconsider entirely, their upzoning process and open the discussion to a wider public. This change is far too broad and does not work for every neighborhood, especially our small neighborhood. I would like their impact on individual neighborhoods to be more carefully considered. An increase and congestion of this proportion in our area would greatly change our comfort and enjoyment of living in our community. Growth, while maintaining its city benefit, will not be an improvement for our neighborhood.

Thank you for your consideration,
Kristy Smith
57th Ct SE

Friday September 13, 2019

Bill Orton (Lacey resident and property owner)
P.O. Box 351
Dupont, WA 98327

City of Lacey
Attn.: Senior Planner Samra Seymour
420 College Street SE
Lacey, WA 98503

(Hand Delivered). Received by:  DATE: 9/13/2019

RE: Public Records request of information regarding the Woodland Meadows proposed development

Dear Ms. Seymour,

RE: My request is prompted by the Thursday, September 12, 2019 newspaper article published in The Olympian Page 3A "Lacey to consider apartment project"

According to Rolf Boone's article the Woodland Meadows apartment development is "a 360-unit, 14-building market-rate apartment project" including "23 single-family homes" built on a 23 acre property.

I was educated in Urban Planning and Public Administration and realize my public records request is information the reader of the The Olympian's news article would want to know but the article did not provide. It's sure to be an item of great public interest to Lacey, Washington property owners/taxpayers.

(1) I request any and all information refined to a brief which projects the total cost at the completion of the entire project and that projected completion date

AND

(2) The projected cost to the Lacey property owner/taxpayer.

Do not hesitate to contact me regarding my public records request if you have any questions or comments.

Sincerely,



Bill Orton

MINUTES

Lacey Planning Commission Meeting
Tuesday, September 17, 2019 – 7:00 p.m.
Lacey City Hall Council Chambers, 420 College Street SE

Meeting was called to order at 7:00 p.m. by Paul Enns.

Planning Commission members present: Paul Enns, Shaunesy Behrens, Peg Evans-Brown, David Wasson, Mark Mininger, Eddie Bishop, and David Lousteau. Sharon Kophs arrived after the approval of the agenda and minutes. Staff present: Jessica Brandt, Doug Christenson, Ryan Andrews, and Leah Bender.

Paul Enns noted a quorum present.

David Wasson made a motion, seconded by Eddie Bishop, to approve the agenda for tonight's meeting. All were in favor, the motion carried. David Wasson made a motion, seconded by Peg Evans-Brown, to approve the August 20, 2019, minutes. All were in favor, the motion carried.

1. **Public Comments:** None.

2. **Commission Members Reports:**

- David Wasson reported that he has been approached by several residents with concerns regarding the proposed overnight parking proposal for Main Street. David also noted that he has been involved in the Olympia Downtown Improvement District.
- Mark Mininger thanked staff for organizing the bus tour.
- Peg Evans-Brown said she and some friends enjoyed the Sasquatch exhibit at the Lacey Museum. Peg also reported on her attendance at the Thurston County Action Group educating youth component.
- Eddie Bishop noted he is signed up to attend the September 26 Council meeting but is unable to attend and asked if someone else will attend in his place.
- Paul Enns noted that Daphne Retzlaff is on vacation. Paul reported on his attendance at a Council meeting a couple weeks ago when the Affordable Housing Strategy was adopted. Paul also reported on his attendance at a museum presentation that focused on the history and future of Saint Martin's University.
- David Wasson noted that he also attended the same Council meeting as Paul and passed along that Council struggled with many of the same issues that Commissioners did.

3. **Director's Report:**

- Ryan Andrews thanked everyone who attended the bus tour. Ryan noted that InterCity Transit released their annual report which includes details about the express route and service to Hawks Prairie. IT will give a presentation at the November 5 Planning Commission meeting.
- Ryan reported that the Emergency Housing Facility regulations is set to go to Council worksession on September 19.
- Ryan briefed Planning Commission on the parking regulations recently adopted by Council which will prohibit RV parking in parking lots for certain lengths of time and will allow overnight parking by permit only on the Main Street Corridor.

4. Old Business:

Stormwater Comprehensive Plan Update:

- Doug Christenson gave a presentation regarding Phase II of the Municipal Stormwater Permit and went over permit requirements, other requirements that are new since the last plan update, new permit sections, and the implementation schedule.
- There was a brief discussion and Doug answered Commissioners' questions.
- Ryan asked Commissioners to help identify stakeholders for the outreach portion of the update. Some suggestions were the business community, Chamber of Commerce, Rotary Club, businesses established prior to the 2007 permit, businesses that use solvents and chemicals, restaurants, veterinarians, kennels, and medical facilities.

Low Density Residential Zone Consolidation:

- Ryan noted that this is the third worksession on the zone consolidation and presented a YouTube video on how zoning and density restrictions drive up housing costs.
- Ryan expressed the importance of finding ways to increase density to accommodate growth after the city is built out.
- Ryan went over the major changes that have been made in addition to consolidating the two low density zones.
- Ryan informed Planning Commission about recent Legislation that will allow cities to pass regulations that are not subject to appeal.
- Ryan noted that the density changes will not apply to all neighborhoods but will affect mostly older neighborhoods without HOAs.
- Ryan said staff will move forward with outreach and a public hearing will be held on October 15.

5. New Business:

Brainstorm for Future Topics:

- Jessica Brandt shared the 2019-2020 Planning Commission Work Program as of September 6, 2019, and asked Planning Commissioners what they would like to see added.
- Some suggestions were made to discuss possibly limiting the continued development of logistic centers, continuing discussions regarding a new sports complex, developing a performing arts center, looking at ways to attract employers that pay living wages and include economic development in the discussion.
- Staff will include this item on the next agenda for further discussion and the final work program will go to Council in early 2020.

6. Communications and Announcements:

- Peg said she will not be able to attend the next Planning Commission meeting.

7. Next meeting: October 1, 2019.

8. Adjournment: 9:00 p.m.

MINUTES

Lacey Planning Commission Meeting
Tuesday, May 21, 2019 – 7:00 p.m.
Lacey City Hall Council Chambers, 420 College Street SE

Meeting was called to order at 7:00 p.m. by Vice Chair Sharon Kophs.

Planning Commission members present: Sharon Kophs, David Wasson, Daphne Retzlaff, Mark Mininger, Shaunesy Behrens, Eddie Bishop, and David Lousteau. Staff present: Ryan Andrews, Jessica Brandt, Martin Hoppe, Scott Spence, and Leah Bender.

Sharon Kophs noted a quorum present.

David Wasson made a motion, seconded by Eddie Bishop, to approve the agenda for tonight's meeting with the amendment to hear commission members' reports at the end of the meeting. All were in favor, the motion carried. David Lousteau made a motion, seconded by David Wasson, to approve the May 7, 2019, minutes. All were in favor, the motion carried.

1. **Public Comments:** None.

2. **Director's Report:** None.

3. **Public Hearings:**

6-Year Transportation Improvement Plan:

- Martin Hoppe gave some background information, went over the two new projects being added to the plan, and noted the three projects being removed from the plan.
- Martin answered questions regarding a Thurston County project, items removed from the plan, and the College/22nd Ave Roundabout.
- **David Wasson made a motion, seconded by David Lousteau, to refer the 6-Year Transportation Improvement Plan to Council. All were in favor, the motion carried.**

Emergency Housing Facilities LMC 16.64:

- Ryan Andrews gave some background information and went over the role of the Planning Commission.
- Ryan discussed the differences between the existing ordinance and the proposed changes.
- Ryan explained that he has received comments from the public and emailed them to Commissioners.
- Ryan noted that homelessness will be a topic of discussion at the Council on the Road meeting on June 20 at Salish Middle School.
- Sharon opened the hearing to public testimony.
- Kevin Penberthy asked about screening encampment candidates, financing encampments, and if an environmental impact statement is required. He also noted lack of response by Thurston County Sheriff's Department. Ryan explained that these regulations only apply within the Lacey city limits which is served by the Lacey Police Department and has more staff than TCSO. Ryan also went over the criteria for entry as stated in the ordinance such as requiring an ID, warrant checks, keeping a log, and requiring residents to be referred by a program that coordinates entry.
- Michael Hanson said the city will just be wasting money because homeless people don't want to go to facilities where they have to follow rules. He also expressed his concerns about panhandling and noted that the city needs to enforce existing laws to deal with homeless people.
- Diane Whalen explained that she works with clergy people who work with homeless and encouraged everyone to keep in mind that homeless people are humans and many people share a lot of the same problems without the additional challenges of homelessness.
- Lynn Larsen said he thought the meeting was regarding the mitigation site.
- John Jones shared his concerns about homelessness, and noted that he attended the May 7 Thurston County Commission meeting regarding the mitigation site. He said that the City of Olympia created the

problem and is just trying to push homeless people out of their city and into Lacey. He believed there were many open buildings in downtown Olympia that could be used for encampments.

- Terry Johnson shared concerns about homeless people and said Lacey needs to enforce current laws instead of allowing a group of people to continue to live lawlessly.
- John Gyls said he owns a business on Martin Way and expressed concerns that nothing in the ordinance addresses how businesses are affected by homeless people (i.e. shoplifting).
- Wade Kiekhaefer expressed concerns about lack of consequences in encampments and would like to see the police provide protection for all citizens. He discussed a program in Rhode Island that gives people the help they need.
- Dennis Zeck expressed concerns with the way Olympia has handled homeless problems and feels that Lacey and other jurisdictions are following suit.
- Gerald Pike spoke in favor of the proposed ordinance and said it is a reasonable document and it will keep the city in compliance with proposed state legislation. He noted that he has visited camps and the residents are not the same as the individuals being discussed here tonight.
- Mary Stuart said that adding camps will increase the problem and will just enable homeless people; and that homeless people don't want to work, they just want handouts.
- Paul Hacker said that homeless people are in the position they're in because of decisions they've made, they don't want jobs, and the city should look out for its taxpaying citizens and not the people who don't contribute to society or pay taxes.
- Peggy Madsen said that moving a tent city to Lacey will fail because we need to provide brick-and-mortar housing with services, education, etc.; not just a parking lot for camping.
- Ed Weber asked about the requirement for an environmental impact statement and for a definition of emergency housing facility.
- Mary Tunis expressed concerns about the hidden costs and the need to make homeless people accountable instead of enabling them.
- Phillip Adkins expressed multiple concerns with the ordinance such as allowing visitors and overnight stays, who will validate that rules are being followed, how will warrant checks work, how to enforce the code of conduct with regard to no drugs and will there be bag checks, allowing alcohol, and mandatory 24-hour staff. He suggested requiring drug/alcohol screening and treatment. He feels the ordinance has a lot of loopholes.
- Erin Dupey said she and her family recently moved to Lacey and thought they would stay but after seeing impacts to quality of life they are not inclined to stay. She does not feel safe and feels the need to carry a switchblade when she is out by herself.
- Lesley Bell said she disagrees with removing the requirement for the host to provide a plan for reporting transition results as there will be no way to determine if the program is working.
- Karen Castillo questioned the term unit of government, asked who will pay for the camps, and expressed concerns for poor quality of leadership in the city of Olympia.
- Bob Lee asked why the host agency was opened up to any non-profit instead of only churches. He expressed concerns about the lack of restrictions on number of camps allowed in the city and feels that the camps will become permanent and not be temporary.
- Mark Nelson suggested that the camps be placed next to the community college so the residents can get training.
- Robin Jones would like to hear the Planning Commissioners' views and find out where they stand on the ordinance.
- Terry Carillo asked how many camps will be allowed and if there will be a cap.
- Scott Goodwin said he is "pissed" and begged the city not to do this as it will destroy the city.
- Kim Gyls expressed concerns about removing the requirement to notify North Thurston Public Schools.
- Sharon Kophs summed up the concerns that were raised. She noted that the comment period will be extended until 5:00 p.m., May 31.
- Ryan provided his email address for people to submit comments and said notification will be sent to those who signed in and provided contact info.
- Sharon closed the public hearing at 8:25 p.m.

- Ryan addressed some of the questions that were raised. The costs will be borne by the host/sponsoring agency. The existing ordinance limits number of camps to one, the amended ordinance has no cap. The reasoning behind this is that most churches are unable to afford the cost of housing 40 residents (maximum number allowed per camp), but a series of smaller camps may be more feasible. Planning Commission may suggest a limit if they feel it is appropriate. Ryan clarified that units of government means city, county, or state government.
- There was a discussion regarding opening up to non-profits. Ryan noted this will offer more flexibility as most churches would not be able to afford the expense. Planning Commission may limit to only churches if they feel it is appropriate, but Council has suggested that it be opened up to allow more opportunities.
- There was a discussion about how court decisions can limit what law enforcement can do as far as trespassing and panhandling. Ryan noted that panhandling is not within the scope of this ordinance.
- Ryan explained that an environmental review was completed and a determination of non-significance was issued February 2 and was published in The Olympian legal notices.
- A suggestion was made to provide statistics comparing costs of law enforcement resources when the city has no camps versus having camps, and the impact to surrounding businesses.
- Ryan explained that the transition reporting requirement was removed because there are no resources available in Lacey for people transitioning out of temporary housing.
- Ryan explained that having NTPS act as a decision maker in the process is problematic as it allows another agency to make a decision before the City does.
- Sharon noted that there are multiple groups and task forces that are working on how to deal with homelessness and that council members sit on various boards and commissions or attend meetings.
- City Manager Scott Spence noted that the public is welcome to provide comments and/or specific concerns to Council at any time. He also noted that in discussions regarding affordable housing and emergency housing, Council has directed Planning Commission to explore whatever options may be available, such as non-profit organizations that may be interested in hosting emergency housing facilities.

4. **Old Business:**

Low Density Residential Zone Consolidation, LMC 16.13:

- Planning Commissioners and staff agreed to carry the item over to the next meeting as time did not allow.

5. **Commission Members' Reports:** Time did not allow for this agenda item.

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

7. **Next meeting:** June 4, 2019.

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

MINUTES

Lacey Planning Commission Meeting
Tuesday, March 5, 2019 – 7:00 p.m.
Lacey City Hall Council Chambers, 420 College Street SE

Meeting was called to order at 7:00 p.m. by Paul Enns.

Planning Commission members present: Paul Enns, Peg Evans-Brown, David Wasson, Mark Mininger, Eddie Bishop, and David Lousteau. Staff present: Ryan Andrews and Leah Bender.

Paul Enns noted a quorum present.

David Wasson made a motion, seconded by David Lousteau, to approve the agenda for tonight's meeting. All were in favor, the motion carried. David Lousteau made a motion, seconded by Eddie Bishop, to approve the February 19, 2019, minutes. All were in favor, the motion carried.

1. **Public Comments:** None.

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

- Eddie Bishop apologized for his absence at the last meeting.
- Paul Enns reported on the last Council meeting.

3. **Director's Report:** Paul said he met with Rick Walk earlier in the day and was asked to report that interviews were held for the open Planning Commission positions and a candidate was chosen for the UGA position. The City will continue to accept applications for the remaining in-city position.

4. **Old Business:**

Emergency Housing Facilities, LMC 16.64:

- Ryan Andrews picked up the discussion where it ended at the last meeting – Fire, Safety, and Health.
- There were discussions regarding servicing of sanitary toilets, who enforces the regulations, and possibly changing duration of emergency housing facilities.
- Ryan went over the comments received from stakeholders.
 - o ORCAA has asked for additional language regarding outdoor burning to clarify that no open, outdoor burning is allowed as this is already prohibited in city limits and the UGA.
 - o Department of Commerce suggested extending the duration of facilities. Planning Commissioners discussed and most were in agreement. Staff suggested a period of one year with the option of two six-month extensions.
 - o Subir Mukerjee recommended limiting number of residents to 20 instead of 40. After a discussion, Planning Commission agreed that number should remain at 40 residents.
- There were discussions regarding where facilities can be located, and changing visiting hours to 7 a.m. to 10 p.m.
- Ryan said he will meet with Lacey Faith Leaders group and asked Planning Commission if there were any items in particular they would like to pass along. It was suggested that the group be encouraged to partner together to locate an emergency housing facility in Lacey.
- A final draft will be presented to Planning Commission for further discussion before a public hearing will be held.

5. **New Business:**

Low Density Residential Zone Consolidation, LMC 16.13:

- Ryan explained that the draft regulations are a priority implementation item identified in the Affordable Housing Strategy to increase density.
- Two existing zoning districts, Low Density 0-4 and Low Density 3-6, will be consolidated into one zone and will utilize the existing LD 3-6 zoning standards.
- Duplex and triplex developments on individual lots were discussed.
- The number of allowed ADUs on individual lots was discussed.
- Ryan said that staff are developing a map that will show the areas the zoning applies to. The map will also help determine where to target public outreach.
- Ryan noted that the new regulations will require a Comp Plan amendment and will be adopted with the Housing Strategy.

6. Communications and Announcements:

- Ryan announced that staff are working with City Manager to set up a state of the city address.
- David Lousteau shared some information regarding the affordability gap in Oakland, CA, compared to our area.
- It was noted that Council passed the small cell interim ordinance.

7. Next meeting: March 19, 2019.

8. Adjournment: 8:35 p.m.



LACEY CITY COUNCIL MEETING July 9, 202

SUBJECT: LOTT Reclaimed Water Supply Agreements

RECOMMENDATION: Staff requests the City Council authorize the City Manager to sign the General Interlocal Agreement, Reclaimed Water Distribution Agreement No. 2, and the Reclaimed Water Supply Agreement regarding MWRWP with the LOTT Cleanwater Alliance, providing the framework for distribution and use of reclaimed water within the City of Lacey.

STAFF CONTACT: Scott Spence, City Manager *SS*
Scott Egger, Director of Public Works *SE*
Peter Brooks, Water Resources Manager *PB*

ORIGINATED BY: Public Works Department

ATTACHMENTS:

1. [General Interlocal Agreement](#)
2. [Reclaimed Water Distribution Agreement No. 2](#)
3. [Reclaimed Water Supply Agreement Regarding MWRWP](#)

FISCAL NOTE: These agreements provide a framework for the distribution and use of reclaimed water and do not contain financial obligations for the City of Lacey.

PRIOR REVIEW:

BACKGROUND:

The cities of Tumwater, Olympia, and Lacey, and Thurston County have been coordinating the distribution and use of reclaimed water since the original General Interlocal Agreement was adopted regionally in 2004.

The agreements update and refine the terms of the original agreements, re-affirm the City's commitment to ongoing coordination, ensures a specific allotment of reclaimed water is

available to the City, and outlines distribution and use expectations as required by the State.

ADVANTAGES:

1. Provides defined reclaimed water allotment for the City of Lacey.
2. Maintains compliance with the State's reclaimed water rules.

DISADVANTAGES:

1. None anticipated.

**GENERAL INTERLOCAL AGREEMENT
BETWEEN THE LOTT CLEAN WATER ALLIANCE,
THURSTON COUNTY AND THE CITIES OF
LACEY, OLYMPIA AND TUMWATER
FOR DISTRIBUTION AND USE OF RECLAIMED WATER**

This agreement ("General Agreement") is entered into as of the date set forth in Section 10 below by and between the LOTT Clean Water Alliance ("LOTT"), Thurston County, and the Cities of Lacey, Olympia, and Tumwater, each a "Party" and together referred to as the "Parties."

1. RECITALS

WHEREAS:

- 1.1 The Cities of Lacey, Olympia, Tumwater, and Thurston County (the "LOTT Partners") have for over 40 years cooperated successfully in planning, financing, constructing, and operating joint wastewater treatment and discharge facilities and services; and
- 1.2 In 2000, the LOTT Partners entered the Interlocal Cooperation Act Agreement for Wastewater Management by the LOTT Wastewater Alliance ("Interlocal Cooperation Act Agreement") to enable further cooperative actions to develop additional capacity by and through LOTT, a nonprofit corporation created, funded, and controlled by the LOTT Partners; and
- 1.3 Pursuant to the Interlocal Cooperation Act Agreement, LOTT is implementing the LOTT Wastewater Resource Management Plan ("WRMP") including development of reclaimed water and groundwater recharge facilities located throughout the LOTT service area; and
- 1.4 LOTT manages the regional wastewater treatment system for the benefit of the LOTT Partners and the ratepayers; and
- 1.5 LOTT is the owner and operator of reclaimed water facilities that produce Class A reclaimed water and plans to build additional reclaimed water capacity in the future; and
- 1.6 In RCW 90.46.005, the Washington State Legislature encourages the use of reclaimed water "to replace potable water in nonpotable applications, to supplement existing surface and ground water supplies, and to assist in meeting the future water requirements of the state"; and

- 1.7 The Legislature further finds, in RCW 90.46.005, that “use of reclaimed water constitutes the development of new basic water supplies needed for future generations”; and
- 1.8 LOTT has been issued a National Pollution Discharge Elimination System (NPDES) Permit for the Budd Inlet Wastewater and Reclaimed Water Plant and a State Reclaimed Water Permit for the Martin Way Reclaimed Water Plant by the State of Washington. Pursuant to RCW 90.46 and WAC 173-219, these permits authorize LOTT to produce Class A reclaimed water; and
- 1.9 The LOTT Partners, with the exception of Thurston County, operate municipal water utilities that supply water that is ultimately discharged to the LOTT system and that will be reclaimed and made available for beneficial use in the public interest; Thurston County may operate a water utility in the future; and
- 1.10 This General Agreement will effectuate the purposes of the Reclaimed Water Act, Ch. 90.46 RCW, implement the Reclaimed Water Rule (WAC 173-219) developed by the Washington State Departments of Health and Ecology pursuant to the Reclaimed Water Act, and implement the NPDES and State Reclaimed Water Permits issued to LOTT by enabling the LOTT Partners to replace the use of potable water for non-potable applications; and
- 1.11 LOTT and the LOTT Partners will coordinate on water supply planning as required by the Reclaimed Water Act (RCW 90.46.120); and
- 1.12 LOTT has conducted extensive environmental review under the State Environmental Policy Act of the reclaimed water project including issuance of a Wastewater Resource Management Plan Final Programmatic Environmental Impact Statement dated December 1996, a Final Supplemental Environmental Impact Statement dated November 1998, and environmental evaluations for individual facilities; and
- 1.13 The LOTT Partners recognize LOTT, as the permittee, has responsibilities for ensuring that reclaimed water treatment, water quality, monitoring, reporting, recordkeeping, uses, and use locations meet the terms and conditions of the NPDES and State Reclaimed Water Permits; and
- 1.14 LOTT and the LOTT Partners have determined that it is in the public interest to enter into a general agreement to establish policies and provide a framework for implementing distribution and use of reclaimed water and conserving the LOTT Partners’ potable water supplies; and
- 1.15 Pursuant to Chapter 39.34 RCW, the Parties are authorized to jointly exercise the powers, privileges, and authority described herein. The Parties agree that they intend to act jointly to accomplish the purposes of this General Agreement. No

separate legal entity is created by this General Agreement. LOTT will serve as administrative lead.

2. DEFINITIONS

- 2.1 “Class A Reclaimed Water” means reclaimed water that meets State Class A criteria established in the Reclaimed Water Rule (WAC 173-219), as it may be amended from time to time.
- 2.2 “Delivery Point” means the physical location(s) where LOTT transfers reclaimed water to a LOTT Partner for distribution or use. The term includes any points of withdrawal or diversion identified in the future by the Parties to recover reclaimed water stored underground and/or conveyed along a surface water body.
- 2.3 “End User” means a person or entity that puts reclaimed water to one or more End Uses. End Users may include LOTT, a LOTT Partner that uses reclaimed water, or a person or entity that receives reclaimed water from a LOTT Partner.
- 2.4 “End User Agreement” means an agreement between a LOTT Partner and an End User concerning terms and conditions of reclaimed water supply and use. If the End User is the LOTT Partner, the terms and conditions of reclaimed water supply and use are set forth in the Supply Agreement between LOTT and the LOTT Partner and a separate End User agreement for that LOTT Partner’s use is not required.
- 2.5 “End Uses” means the beneficial uses for which reclaimed water may be used consistent with LOTT’s NPDES and State Reclaimed Water Permits and the Reclaimed Water Rule including, but not limited to, commercial and industrial uses, irrigation, groundwater recharge, stream flow augmentation, and other environmental enhancement or restoration.
- 2.6 “Increment” means any substantive new volume of reclaimed water added to the system, through design and construction of new treatment capacity or through other means, such as operational adjustments, and includes initial development of each new Class A Reclaimed Water facility or each addition of new reclaimed water capacity to a previously built facility.
- 2.7 “In-Ground Stored Water” means reclaimed water stored underground by recharge, surface percolation, or otherwise that is intended for recovery and beneficial use. This is also referred to as Aquifer Storage and Recovery.
- 2.8 “National Pollution Discharge Elimination System Permit or NPDES Permit” means the wastewater permit use authority issued by the state, under federal guidelines. The reclaimed water use permit authority of the state is included in the

same permit for LOTT's NPDES Permit No. WA0037061, which governs the Budd Inlet Treatment Plant and the Budd Inlet Reclaimed Water Plant.

- 2.9 "Net Reuse Capacity" means the amount of reclaimed water from each increment available for reuse by the Partners, generally determined by the estimated production value, minus LOTT reuse needs. Net Reuse Capacity is intended to reflect the actual available volume, rather than the future planned volume.
- 2.10 "Reclaimed Water Distribution Agreement" means an agreement among the Parties that distributes available reclaimed water among the LOTT Partners consistent with the Reclaimed Water Distribution Methodology attached hereto as Exhibit A.
- 2.11 "Reclaimed Water Rule" means the rule given in WAC 173-219, and which governs the permitting, production, use, and distribution of reclaimed water in Washington State.
- 2.12 "State Reclaimed Water Permit" means the reclaimed water use permit authority issued by the State. The State Reclaimed Water Permit No. ST 6206 governs the Martin Way Reclaimed Water Plant. Additional State Reclaimed Water Permits may be issued to LOTT for future reclaimed water facilities.
- 2.13 "Supply Agreement" means an agreement between LOTT and a LOTT Partner that provides for LOTT to supply the Partner with reclaimed water from a LOTT reclaimed water production facility under terms and conditions consistent with this General Agreement.

3. REGIONAL RECLAIMED WATER POLICIES

- 3.1 LOTT's Permits, Responsibility, and Rights. The Parties agree that LOTT's primary responsibility is to provide adequate and reliable wastewater treatment and discharge services and system capacity, consistent with the terms of the NPDES and State Reclaimed Water Permits. In implementing this General Agreement, the Parties agree that compliance with LOTT's NPDES and State Reclaimed Water Permits takes precedence over supply and beneficial use. To the extent feasible, LOTT will specify in Supply Agreements the nature of the rights it reserves to itself for the purpose of compliance with its NPDES and State Reclaimed Water Permits.
- 3.2 Beneficial Use Goal. Subject to LOTT's NPDES and State Reclaimed Water Permits, the Reclaimed Water Rule, and regulatory compliance, the Parties agree that the overriding policy goal of this General Agreement is beneficial use of reclaimed water, including conservation and mitigation of potable water supplies, recharge of aquifers, and other environmental enhancements. Accordingly, use of reclaimed water takes precedence over generation of revenue. The LOTT

Partners receiving reclaimed water will demonstrate a good faith commitment to use the water and facilitate distribution of the water in the best interests of their communities.

- 3.3 **Region-Wide Accessibility Goal.** Consistent with the Wastewater Resource Management Plan and subsequent LOTT Capital Improvement Programs, the Parties reaffirm their intent to make reclaimed water available and accessible to all of the LOTT Partners for beneficial use. Prior to authorizing the construction of each Increment, the LOTT Board of Directors shall consider treatment capacity needs, conveyance capacity needs, timing considerations, cost-benefit, availability of committed or clearly identified needs for the water, impact on future facility requirements, alternative methods for achieving region-wide access, and other policy considerations.
- 3.4 **Intent to Preserve Exclusive Rights.** For any reclaimed water that is not immediately taken at a Delivery Point by a LOTT Partner, the Parties intend to preserve and maintain LOTT's exclusive rights to that reclaimed water as a future water resource and for the benefit of the LOTT Partners. Among other steps, the Parties intend to pursue programs or projects that result in groundwater replenishment for the purpose of water rights mitigation and/or wetland/streamflow augmentation for the purpose of water rights mitigation or watershed enhancement. The Parties intend for LOTT and/or LOTT Partner(s) to obtain mitigation or other credits for such efforts where appropriate. The Parties may also pursue projects for In-Ground Stored Water/Aquifer Storage and Recovery.
- 3.5 **Supply Roles and Responsibilities.** Except for use of reclaimed water by LOTT, as described in this section, the Parties intend for the LOTT Partners to serve as the suppliers and to regulate the delivery and use of reclaimed water to and by End Users. LOTT will reserve water needed for its own uses at LOTT facilities, uses intended to mitigate permit provisions and water quality requirements, demonstration projects, uses that are not feasible for the LOTT Partners to serve, and special projects approved by the LOTT Board of Directors. LOTT will not serve as a retail supplier of reclaimed water to any End Users unless requested by a LOTT Partner or unless such supply is needed for permit or water quality mitigation purposes. The Parties intend for the LOTT Partners to adopt reclaimed water ordinances, as described in section 5a of this General Agreement, to govern the supply of reclaimed water to End Users.
- 3.6 **Distribution Responsibility and Flexibility.** The Parties intend for the LOTT Partners receiving reclaimed water supply to take the lead roles in developing distribution programs and facilities and, in doing so, to assume responsibility for meeting the terms and conditions of LOTT's State Reclaimed Water Permits as they apply to distribution and End Use of the water. The Parties recognize that specific End Uses or patterns of End Uses may vary among the LOTT Partners,

and that two or more Parties may join together for distribution programs and facilities that provide mutual benefit.

- 3.7 LOTT Partners as End Users. The Parties further intend that the LOTT Partners may also use reclaimed water for their own purposes, consistent with the End Uses and End User requirements of the Reclaimed Water Rule and LOTT's NPDES and State Reclaimed Water Permits.
- 3.8 Involvement with End Users. The Parties intend for LOTT to become involved with the LOTT Partners' End User customers only to provide technical or other assistance at the request of a LOTT Partner or as a last resort to ensure permit compliance.

4. SUPPLY OF RECLAIMED WATER

- 4.1 Supply Agreements. For each reclaimed water production facility built by LOTT, the Parties intend for LOTT to enter a Supply Agreement with each participating LOTT Partner regarding reclaimed water produced at that facility. Supply Agreements will contain provisions that further common policy and regional accessibility goals (set forth in sections 3.2 and 3.3 of this General Agreement), and enable provision of reclaimed water service to customers across jurisdictional boundaries on generally consistent terms and conditions.
- 4.2 Reclaimed Water Distribution Methodology. The Parties agree that the primary responsibility for water supply planning and distributing available reclaimed water to End Users rests with the LOTT Partners. Accordingly, the LOTT Partners will jointly negotiate the distribution of reclaimed water available from each LOTT facility, as prescribed in the Reclaimed Water Distribution Methodology attached hereto as Exhibit A and incorporated herein by reference. The Parties shall execute binding Reclaimed Water Distribution Agreements documenting negotiated distributions or be bound by the fallback distribution percentages as prescribed in Exhibit A.
- 4.3 LOTT Uses. With respect to beneficial use and supply of reclaimed water, the Parties agree that use by LOTT has priority over supply of reclaimed water to the LOTT Partners in event of limited supply, subject to the specific provisions of a Supply Agreement concerning quantities of water for LOTT's use and for distribution or use by LOTT Partners.
- 4.4 LOTT Partner Supplies. LOTT agrees that it will provide Class A Reclaimed Water to one or more LOTT Partner(s) under terms and conditions specified in Supply Agreements, subject to terms and conditions that ensure full and continuous compliance with LOTT's NPDES permit and State Reclaimed Water Permits, the Reclaimed Water Rule, and other applicable law.

4.5 Supply Responsibilities. A Supply Agreement shall specify responsibilities for the reclaimed water production and distribution according to the following general principles.

(a) **LOTT Responsibilities.** LOTT shall maintain control over, and be responsible for, all facilities and activities relating to the production of reclaimed water and distribution to Delivery Points or LOTT-owned use sites including groundwater recharge basins to ensure that reclaimed water facilities operate as approved by the Washington Departments of Health and Ecology. LOTT's responsibility for distribution of the reclaimed water, as to its quality (except as noted in subsection 4.5(b) below), disposition, or otherwise, ends at the Delivery Point(s).

(b) **LOTT Partner Responsibilities.** Each LOTT Partner's responsibility for distribution of the reclaimed water, as to its quality (to the extent altered while under direct control of the LOTT Partner), disposition, or otherwise, begins at the Delivery Point(s). The LOTT Partners shall maintain control over, and be responsible for, all facilities and activities relating to the distribution of the reclaimed water to their End Users or Partner-owned use sites including groundwater recharge basins.

4.6 Terms of Distribution. A Supply Agreement will provide for the terms of use and distribution of the reclaimed water by the LOTT Partners. A Supply Agreement will also provide for LOTT to supply and a LOTT Partner to obtain reclaimed water from a LOTT facility.

4.7 Construction and Funding Responsibilities. For a particular reclaimed water facility or project, LOTT will construct and fund LOTT facilities and the LOTT Partners will construct and fund their respective facilities. This General Agreement shall not preclude future negotiations or considerations among the Parties with regard to funding or construction responsibilities for development of reclaimed water supply or distribution of reclaimed water.

5. SALE TO END USERS

Pursuant to a Supply Agreement, the Parties agree that a LOTT Partner utility may sell reclaimed water received from LOTT to any of its End User customers under the following additional conditions.

(a) **Reclaimed Water Ordinance.** The City Council or Board of Commissioners of the LOTT Partner has adopted a reclaimed water ordinance providing for reclaimed water service to End Users, the lawful use of reclaimed water, and enforcement authority through service termination, penalties, and other appropriate means. This ordinance shall

not include any provision in conflict with requirements in the LOTT NPDES or State Reclaimed Water Permits, or Reclaimed Water Rule.

- (b) End User Agreement. The End User has signed a binding reclaimed water End User Agreement with the LOTT Partner utility. The Parties intend for the LOTT Partners' End User Agreements to be materially consistent with this General Agreement and the Supply Agreements and as to permit and regulatory compliance, and the form of the End User Agreement will be attached to the reclaimed water Supply Agreement between LOTT and the LOTT Partner. The binding reclaimed water service agreement shall set forth terms and conditions including legal rights and responsibilities; regulatory compliance provisions required by the Washington State Departments of Health or Ecology; provisions enabling enforcement action as necessary to ensure regulatory compliance; and other necessary or appropriate terms and conditions.

6. SHARING OF INFORMATION

The Parties agree, to the fullest extent permitted by law, to exchange information about all aspects of reclaimed water programs and projects including but not limited to operations, maintenance, customer comments, metering data, water quality analyses, and regulatory compliance.

7. POLICY COORDINATION

The Parties recognize an ongoing need to cooperatively address reclaimed water policy, and distribution and use issues on a regional basis. The LOTT Technical Sub-Committee (TSC) will be responsible for assuring that issues are addressed on a timely and coordinated basis. To accomplish that goal, the TSC may choose to appoint a subcommittee to address reclaimed water matters and make recommendations for TSC consideration. As needed, the TSC will propose policies, agreements and/or other actions for referral to the LOTT Board of Directors. For policy recommendations that affect all the Parties, the LOTT Board of Directors may make recommendations to the LOTT Partner jurisdictions. LOTT shall have the responsibility of coordinating the Committee's activities.

8. DISPUTE RESOLUTION

Each Party shall negotiate in good faith and use its best efforts to resolve any dispute which may arise. If a dispute cannot be resolved initially by designated representatives for each Party, the designated representatives shall prepare a joint statement describing the dispute and refer the dispute to the TSC. If the dispute is not resolved after consultation with the TSC, then the designated representatives shall refer the dispute to

the LOTT Executive Director, the City Managers, and the County Chief Administrative Officer. These officials shall meet and confer regarding the issue. If they are unable to resolve the dispute, then the designated representatives shall bring the matter before the LOTT Board. At a Board meeting, the LOTT Board shall consider the issues and attempt to resolve the dispute. Only upon failure to resolve the dispute through such negotiations may a Party institute legal action.

9. INDEMNIFICATION

To the maximum extent permitted by law, each Party shall protect, defend, indemnify, and hold harmless each other Party and their officials and employees from and against all claims, demands, suits, actions, costs, damages, liability, or loss of any kind whatsoever arising from the acts or omissions of the indemnifying Party and its officials, employees, agents, and contractors. The indemnifying Party specifically assumes the defense of actions brought by its own employees against the other Parties and for that purpose the indemnifying Party specifically waives, insofar as it defends another party, any immunity under the Worker's Compensation Act, RCW Title 51. The indemnifying Party recognizes that this waiver was the subject of mutual negotiation and is expressly entered into pursuant to the provisions of RCW 4.24.115, if applicable. In the case of joint negligence, any damages allowed shall be levied in proportion to the percentage of negligence attributed to each Party. This indemnification shall survive the termination of this General Agreement.

10. TERM OF AGREEMENT & WITHDRAWAL

This General Agreement shall become effective on the first date when all of the following events have occurred: i) it has been duly executed by all of the Parties; ii) it has been filed with the Thurston County Auditor pursuant to RCW 39.34.040; and iii) it has been approved by the State Departments of Health and Ecology pursuant to RCW 39.34.050. The term of this General Agreement shall commence on the effective date and remain in effect until terminated by action of the Parties. LOTT may not withdraw from this General Agreement. A LOTT Partner may withdraw from this General Agreement after giving 180 days written notice to the other Parties. A LOTT Partner may not withdraw from this General Agreement without also withdrawing from (or other termination of) any Supply Agreements then in effect to which that Partner is a party. When a LOTT Partner withdraws from this General Agreement, the remaining Parties will promptly meet and negotiate the disposition of the withdrawing LOTT Partner's share under the reclaimed water distribution methodology (Exhibit A).

11. MISCELLANEOUS

11.1 This General Agreement shall be governed by the laws of the State of Washington. The exclusive jurisdiction and venue for any lawsuit between the

Partners arising out of this General Agreement shall be in Thurston County Superior Court.

- 11.2 The Parties expressly do not intend to create any right, obligation, or liability, or promise any performance, to any third party. The Parties have not created any right for any third party to enforce this General Agreement.
- 11.3 It is the belief of the Parties that all provisions of this General Agreement are lawful. If any covenant or provision of this General Agreement shall be finally adjudicated by a court of competent jurisdiction to be invalid or unenforceable, such adjudication shall not affect the validity, obligation or performance of any other covenant or provision, or part thereof, which in itself is valid if such remainder conforms to the terms and requirements of applicable law and the intent of this General Agreement. In such event, the Parties shall enter into immediate negotiations for the purpose of arriving at a mutually satisfactory replacement of such covenant or provision, or renegotiation of the terms of the General Agreement.
- 11.4 Waiver of any breach of any provision of this General Agreement shall not be deemed to be a waiver of any prior or subsequent breach, and shall not be construed to be a modification of this General Agreement.
- 11.5 This General Agreement shall be binding on a Party's assigns and successors. A Party may not assign its rights or delegate its duties under this General Agreement in any respect without the written consent of the other Parties.
- 11.6 This General Agreement embodies the Parties' entire agreement on the issues covered by it, except as supplemented or modified by subsequent written agreements signed by all of the Parties. All prior negotiations and draft written agreements are merged into and superseded by this General Agreement.

IN WITNESS WHEREOF, each Party has caused this General Agreement to be signed by its duly authorized officer or representative as of the date set forth below its signature.

LOTT Clean Water Alliance:

By _____

Its _____

Date: _____

Approved as to form:

By _____

City of Lacey:

By _____

Its: _____

Date: _____

Approved as to form:

By _____

City of Olympia:

By SE J My

Its: Interim City Manager

Date: 3/24/20

Approved as to form:

By Harker

City of Tumwater:

By Pete Kmet

Its: Mayor

Date: May 13, 2020

Approved as to form:

By _____

Thurston County:

By Kevin A. Rowe

Its: COUNTY MANAGER

Date: 5/7/2020

Approved as to form:

By Karen Hough for Elizabeth Petrich

RECLAIMED WATER DISTRIBUTION AGREEMENT NO. 2
BETWEEN THE LOTT CLEAN WATER ALLIANCE,
THURSTON COUNTY AND THE CITIES OF
LACEY, OLYMPIA AND TUMWATER

This Agreement ("Distribution Agreement") is entered into as of the date of the latest signature below by and between the LOTT Clean Water Alliance ("LOTT"), Thurston County, and the Cities of Lacey, Olympia, and Tumwater, each a "Party" and together referred to as the "Parties."

1. RECITALS

WHEREAS:

- 1.1 The Parties entered into the General Interlocal Agreement Between LOTT, Thurston County and the Cities of Lacey, Olympia and Tumwater For Distribution and Use of Reclaimed Water ("General Agreement"), originally dated January 16, 2004, and updated March 24, 2020, to provide a regional framework for distribution and use of reclaimed water and for conserving potable water supplies; and
- 1.2 Exhibit A of the General Agreement is a "Reclaimed Water Distribution Methodology," which defines a process for distribution of reclaimed water among the four LOTT Partner jurisdictions; and
- 1.3 The LOTT Partner representatives originally completed negotiations for distribution of the first 1.0 million gallon per day increments of reclaimed water from four planned LOTT reclaimed water facilities, consistent with the 2004 Reclaimed Water Distribution Methodology; and
- 1.4 LOTT's long range strategy for reclaimed water has since been revised to include expansion of capacity at LOTT's two existing reclaimed water production facilities (Budd Inlet Reclaimed Water Plant and Martin Way Reclaimed Water Plant), with no plans in the foreseeable future to construct the two additional satellite facilities previously planned (Chambers Prairie Reclaimed Water Satellite and Tumwater Reclaimed Water Satellite); and
- 1.5 LOTT and the LOTT Partner representatives updated the Reclaimed Water Distribution Methodology in 2019 based on the revised long range strategy and more accurate assumptions for existing reclaimed water production capacity, demand, and availability; and
- 1.6 The LOTT Partner representatives completed negotiations in 2019 for distribution of the remaining, unallocated reclaimed water available from existing facilities; and

- 1.7 Table 1 attached hereto and incorporated by reference documents the negotiated distributions for reclaimed water produced at LOTT's existing reclaimed water facilities.

NOW, THEREFORE, in consideration of the recitals and the mutual promises and covenants contained herein the Parties commit to the negotiated distributions as follows.

2. AGREEMENT

- 2.1 The Parties agree to the reclaimed water allocations documented in Table 1 attached hereto.
- 2.2 The allocations documented in Table 1 shall be in effect until superseded by any future Reclaimed Water Distribution Agreement negotiated and approved consistent with the Reclaimed Water Distribution Methodology, or until the General Agreement is terminated, or until some other action is taken by the Parties that supersedes Table 1.

Table 1. Reclaimed Water Allocations

Facility	Lacey MGD	Olympia MGD	Tumwater MGD
Budd Inlet Reclaimed Water Plant	0.00	0.46	0.25
Martin Way Reclaimed Water Plant	1.45	0.30	0.00
Totals	1.45	0.76	0.25

All volumes are listed in million gallons per day (MGD)

- 2.3 The values listed in Table 1 represent the maximum volume of water allocated to each of the Parties listed, however, these values are not necessarily reflective of current available supply. Full realization of these allocations may not occur until some point in the future, as explained in the Distribution Methodology.
- 2.4 Each Party reserves the right to allow some or all of their share of water to be temporarily used by another Party if they do not have existing demand for the resource. Such interim use may be negotiated among the affected Parties through side agreements to the respective Parties' Supply Agreement(s).
- 2.5 This Reclaimed Water Distribution Agreement No. 2, or successor agreement(s), will be appended to the Supply Agreements for the Budd Inlet Reclaimed Water Plant and the Martin Way Reclaimed Water Plant.

(Continued on next page)

IN WITNESS WHEREOF, each Party has caused this Reclaimed Water Distribution Agreement No. 2 to be signed by its duly authorized officer or representative as of the date set forth below its signature.

LOTT Clean Water Alliance:

By: _____

Its: _____

Date: _____

Approved as to form:

By: _____

City of Lacey:

By: _____

Its: _____

Date: _____

Approved as to form:

By: _____

City of Olympia:

By: Richard T. Hoey

Its: Public works Director

Date: 4/27/2020

Approved as to form:

By: [Signature]

City of Tumwater:

By: Pete Kmet

Its: Mayor

Date: 5/13/2020

Approved as to form:

By: _____

Thurston County:

By: [Signature]

Its: COUNTY MANAGER

Date: 5/7/2020

Approved as to form:

By: Karen Henig for Elizabeth Petrich

IN WITNESS WHEREOF, each Party has caused this Reclaimed Water Distribution Agreement No. 2 to be signed by its duly authorized officer or representative as of the date set forth below its signature.

LOTT Clean Water Alliance:

By: _____

Its: _____

Date: _____

Approved as to form:

By: _____

City of Lacey:

By: _____

Its: _____

Date: _____

Approved as to form:

By: _____

City of Olympia:

By: Richard T. Kelly

Its: Public Works Director

Date: 4/27/2020

Approved as to form:

By: [Signature]

City of Tumwater:

By: Pete Kmet

Its: Mayor

Date: 5/13/2020

Approved as to form:

By: [Signature]

Thurston County:

By: [Signature]

Its: COUNTY MANAGER

Date: 5/7/2020

Approved as to form:

By: Karen Koning for Elizabeth Penick

RECLAIMED WATER SUPPLY AGREEMENT
BETWEEN THE LOTT CLEAN WATER ALLIANCE
AND THE CITY OF LACEY
REGARDING THE MARTIN WAY RECLAIMED WATER PLANT

This agreement (“Supply Agreement”) supersedes the Supply Agreement of January 2008 and is entered into as of the date of the latest signature below by and between the LOTT Clean Water Alliance (“LOTT”) and the City of Lacey (“City”) each a “Party” and together referred to as the “Parties”.

1. RECITALS

WHEREAS:

- 1.1 LOTT owns and operates the Martin Way Reclaimed Water Plant, a municipal reclaimed water plant that generates Class A Reclaimed Water. LOTT operates the facility and generates reclaimed water under the requirements of chapter 173-219 of the Washington Administrative Code (“Reclaimed Water Rule”) and Reclaimed Water Permit No. ST 6206 issued to LOTT by the Washington State Department of Ecology (“ State Reclaimed Water Permit”); and
- 1.2 LOTT and the LOTT Partners (the Cities of Lacey, Olympia, and Tumwater, and Thurston County) entered into the General Interlocal Agreement for Distribution and Use of Reclaimed Water, dated January 16, 2004, and updated on _____ [date], (“General Agreement”) to provide a regional framework for distribution and use of reclaimed water; and
- 1.3 Exhibit A of the General Agreement is the Reclaimed Water Distribution Methodology which defines a process for distribution of reclaimed water among the four LOTT Partner jurisdictions; and
- 1.4 The LOTT Partner representatives completed negotiations for distribution of planned Increments of reclaimed water from LOTT reclaimed water facilities in 2004 and 2018, consistent with the Reclaimed Water Distribution Methodology; and
- 1.5 LOTT and the Cities of Lacey and Olympia jointly developed the document Reclaimed Water Coordination: Shared Objectives and Communication Procedures (“Shared Objectives Document”), dated June 22, 2017, for reclaimed water distributed from the Martin Way Reclaimed Water Plant, and this document may be revised over time through mutual agreement of the Parties;
- 1.6 The Cities of Lacey and Olympia own and operate the Woodland Creek Groundwater Recharge Facility to recharge reclaimed water to groundwater and

thereby meet their state requirements for in-kind mitigation of potable water rights. The City utilizes reclaimed water supplied by LOTT from the Martin Way Reclaimed Water Plant for that mitigation purpose; and

- 1.7 The City adopted Ordinance No. 1294 that governs the supply of reclaimed water to End Use customers.

NOW, THEREFORE, in consideration of the recitals and the mutual promises and covenants contained herein, LOTT agrees to supply and the City agrees to use and distribute reclaimed water on the terms and conditions set forth herein.

2. RELATIONSHIP TO GENERAL AGREEMENT

- 2.1 LOTT and the City enter into this Supply Agreement to implement the General Agreement, and they intend for this Supply Agreement to be performed and interpreted consistent with the provisions of the General Agreement, which is incorporated herein by reference.
- 2.2 Definitions. Capitalized terms in this Supply Agreement have the same meanings as set forth in the General Agreement. In addition, the term “Reclaimed Water Plant” means the Martin Way Reclaimed Water Plant, a municipal wastewater treatment and reclaimed water plant that generates Class A Reclaimed Water.

3. SUPPLY OF RECLAIMED WATER

- 3.1 LOTT agrees to deliver Class A Reclaimed Water to the City on the condition that all uses are in full and continuous compliance with the Reclaimed Water Rule, other applicable state, federal and local regulations, and the conditions in LOTT’s State Reclaimed Water Permit.
- 3.2 LOTT warrants it shall deliver Class A Reclaimed Water, as defined in the Reclaimed Water Rule and in compliance with LOTT’s State Reclaimed Water Permit. LOTT also shall make a good faith effort to meet the water quality objectives outlined in the Shared Objectives Document, developed jointly by LOTT, Olympia, and Lacey. LOTT makes no further express or implied warranties whatsoever as to the reclaimed water supplied under this Supply Agreement.
- 3.3 Consistent with the Reclaimed Water Distribution Methodology established in the General Agreement and Reclaimed Water Distribution Agreement No. 2 included as Exhibit A hereto, the reclaimed water produced at the Reclaimed Water Plant will be made available as follows:

- (a) LOTT reserves up to 570,000 gallons per day of the reclaimed water produced at the Reclaimed Water Plant for its own use.
 - (b) Subject to available remaining supply of reclaimed water, the LOTT Alliance shall make available up to 880,000 gallons per day, of reclaimed water to the City at the Delivery Point(s), except when temporary interruptions in service occur due to circumstances described in section 4.5 of this agreement. At its option, the City may take some, all or none of the above quantity of reclaimed water.
 - (c) Subject to an increase in production of reclaimed water at the Reclaimed Water Plant and at such time as the Net Reuse Capacity (net available supply) reaches 1,750,000 gallons per day, the volume of reclaimed water available to the City may reach a maximum of 1,450,000 gallons of reclaimed water each day,
 - (d) Quantities are subject to adjustment as new Increments of reclaimed water treatment capacity are added to the LOTT system or the distribution among LOTT Partners is renegotiated as set forth in the General Agreement.
- 3.4 The volume of reclaimed water produced at the Reclaimed Water Plant may be adjusted to correspond to actual demand up to the amounts specified in Sections 3.3(a), (b), and (c) herein. Reclaimed water not otherwise used or distributed by the City may be sent to LOTT's Hawks Prairie Ponds and Recharge Basins Site and/or returned to the treatment system, or used by LOTT in addition to the volume provided in paragraph 3.3(a) herein. However, such temporary disposition does not constitute a permanent relinquishment by the City.

4. CONDITIONS OF RECLAIMED WATER SUPPLY

- 4.1 The Parties agree that LOTT's primary responsibility is to provide wastewater treatment and discharge services and capacity consistent with the terms of LOTT's State Reclaimed Water Permit No. ST 6206 and National Pollution Discharge Elimination System ("NPDES") Permit No. WA0037061. In carrying out this Supply Agreement, the Parties agree that compliance with LOTT's State Reclaimed Water Permit and NPDES Permit is the primary interest and that supply and beneficial use are a secondary interest.
- 4.2 LOTT shall in good faith, to the best of its ability, provide reclaimed water with nitrate levels less than 5 mg/L for City use at the Woodland Creek Groundwater Recharge Facility, as stipulated in the Shared Objectives Document.
- 4.3 The Parties agree that use by LOTT stipulated in this Supply Agreement has priority over supply of reclaimed water to the City under this Agreement but that

LOTT shall in good faith to the best of its ability provide reclaimed water to the City as stipulated in section 3.3 of this Agreement.

- (a) In the event of a limited supply of reclaimed water, the Parties will work together to evaluate options and determine a course of action for managing the shortage. The course of action will be formalized in a Letter of Agreement, and signed by the Technical Sub-Committee.
 - i. In this situation, LOTT agrees to temporarily reduce its reserve uses by up to 300,000 gallons per day and make that water available to Lacey and Olympia for water rights mitigation obligations as necessary.
 - ii. In the unlikely event that the City's ability to meet its mitigation obligation is compromised, the TSC will present options to the LOTT Board for their decision regarding additional curtailment or other actions.
- (b) Based on the obligations set forth in section 3.3 of this agreement, there is sufficient reclaimed water supply to meet the equivalent volume of Lacey and Olympia's Phase 1 & 2 requirements (900,000 gallons per day) of their potable water rights mitigation plans.
- (c) The Parties agree that the intent is to expand reclaimed water production capacity in the future to adequately provide for Lacey and Olympia's Phase 3 mitigation requirements (a total of 1,300,000 gallons per day).

4.4 The Parties shall in good faith, to the best of their ability, abide by the coordination, communication, and data sharing procedures outlined in the Shared Objectives Document.

4.5 LOTT shall in good faith provide reclaimed water to the City without interruption to the best of its ability, and the City shall in good faith maintain and operate its system to the best of its ability. Temporary interruptions and limitations may occur and will be communicated to the City as soon as is practicable, per the Shared Objectives Document. Additionally, the Parties understand and agree that, with no liability or penalty to any Party, there may be temporary interruptions or limitations in supply, service, or acceptance of reclaimed water due to the following events:

- (a) Unavailability or limited quantities of reclaimed water;
- (b) Emergencies and otherwise unforeseen situations requiring repair or replacement of Reclaimed Water Plant or conveyance system equipment;
- (c) Routine repair, maintenance, or replacement of Reclaimed Water Plant, Hawks Prairie Ponds and Recharge Basins, or conveyance system equipment;

- (d) The need for LOTT, in its professional judgement, to take action to comply with its State Reclaimed Water Permit (for example and without limitation, to address treatment upsets or in response to violations of permit conditions by the City and/or End Users);
- (e) As a result of regulatory or judicial orders; or
- (f) Other circumstances beyond the control of a Party.

If the performance by any Party is prevented or delayed by any of the foregoing events, the Party shall have a reasonable period of time after each such event to resume performance under this Agreement. When possible, planned service interruptions will be scheduled by LOTT to avoid occurrences during the irrigation season or other time periods critical to users. In the event of a planned interruption of flow, LOTT will provide notice of the interruption, including its cause and expected duration, as far in advance as possible under the circumstances, per the procedures established in the Shared Objectives Document.

5. DESCRIPTION OF FACILITIES

- 5.1 LOTT's Facilities. LOTT owns, operates and maintains the Reclaimed Water Plant, Hawks Prairie Ponds and Recharge Basins, and all associated facilities up to the Delivery Point(s).
- 5.2 City's Facilities. The City owns, operates, and maintains all facilities on the downstream side of the Delivery Point(s), up to and including the End Users' water meters. Additionally, the City jointly owns the Woodland Creek Groundwater Recharge Facility with the City of Olympia, which is operated by the City of Lacey.

6. RESPONSIBILITY FOR PRODUCTION, DISTRIBUTION AND USE OF RECLAIMED WATER

Consistent with Washington State requirements, the Parties shall have the following responsibilities for the reclaimed water produced, distributed, and used pursuant to this Agreement.

- 6.1 Production. LOTT shall maintain control over, and be responsible for, all facilities and activities relating to the production of reclaimed water and conveyance of reclaimed water to the Delivery Point(s) to ensure that the Reclaimed Water Plant operates as approved by the Washington Departments of Health and Ecology. LOTT's responsibility for the reclaimed water made

available to the City, as to production reliability requirements, reclaimed water quality, disposition, or otherwise, shall end at the Delivery Point(s).

- 6.2 Distribution. The City shall maintain control over, and be responsible for, all of its facilities and activities relating to the distribution of the reclaimed water once it passes the Delivery Point(s). The City shall ensure that its distribution system and End Uses are constructed, operated and maintained in compliance with the Reclaimed Water Rule, other applicable state, federal and local regulations, and the conditions of LOTT's State Reclaimed Water Permit. The City's responsibility for the reclaimed water as to its quality, disposition, or otherwise, shall begin at the Delivery Point(s).
- 6.3 Connection to LOTT Facilities. All facilities to be connected directly to LOTT reclaimed water transmission lines or other LOTT reclaimed water facilities by the City are subject to LOTT's review and approval prior to installation.
- 6.4 Disconnection from LOTT Facilities. If service is discontinued from any Delivery Point or this Agreement is terminated for any reason, the City will ensure proper abandonment or disconnection of its facilities from LOTT facilities. The City shall notify LOTT of such abandonment or disconnection.
- 6.5 Inspection. Consistent with LOTT's obligations under its State Reclaimed Water Permit, the City shall allow an authorized representative of LOTT or of the Washington State Departments of Health or Ecology, upon the presentation of credentials:
 - (a) To enter upon the premises where reclaimed water is distributed or used under this agreement; or
 - (b) To inspect at reasonable times any facilities, equipment, meters, records, or premises involved in the distribution and use of the reclaimed water under this agreement, and to take samples of the water or soil, and make copies of records.
- 6.6 Enforcement. In the event that the City as distributor or End User, or other End Users do not comply with conditions of LOTT's State Reclaimed Water Permit, the Reclaimed Water Rule, or other applicable local, state, or federal regulations, LOTT may take enforcement actions including:
 - (a) Temporarily discontinuing the supply of reclaimed water;
 - (b) Issuing specific remedial actions necessary to ensure compliance;
 - (c) In cases where it is not possible to resolve the issue and ensure compliance, requiring permanent disconnection of the use from the distribution system.

7. SALE TO END USE CUSTOMER

- 7.1 The City may sell or otherwise distribute reclaimed water supplied from LOTT to any of its End Users for those purposes authorized in the State Reclaimed Water Permit or other uses as additionally approved by the Washington State Departments of Health and Ecology.
- 7.2 The City has adopted Ordinance No.1294 that governs the supply of reclaimed water by the City to End Users. The Parties intend for the City to serve as the supplier and to regulate the delivery and use of reclaimed water to and by its End Users. The Parties intend for LOTT to become involved with End Users only as necessary to provide technical or other assistance at the request of a LOTT Partner, or as a last resort to ensure permit compliance.
- 7.3 The City may sell or otherwise distribute reclaimed water supplied from LOTT to an End User only where a binding End User Agreement exists between the City and the End User. The End User Agreement shall be substantially and materially in the form set out in Exhibit B to this Agreement, as approved by the Washington State Departments of Ecology and Health. Any changes in the End User Agreement must be approved in advance by LOTT. If the End User is the LOTT Partner, the terms and conditions of reclaimed water supply and use are set forth in this Supply Agreement and a separate End User Agreement for the LOTT Partner's use is not required.
- 7.4 The City shall maintain all End User Agreements for the duration of LOTT's State Reclaimed Water Permit, and shall provide copies of all new or revised End User Agreements to LOTT to meet annual reporting requirements of the Departments of Health and Ecology.

8. DESIGNATED REPRESENTATIVES AND NOTICES

- 8.1 To facilitate communication between the Parties and cooperative implementation of this Agreement, each Party shall name a designated representative to receive all notices under this Agreement. The initial designated representatives are as follows:

LOTT Clean Water Alliance:

Lisa Dennis-Perez, Director of Environmental Planning & Communication
LOTT Clean Water Alliance
500 Adams St NE
Olympia, WA 98501
Phone: (360)528-5719
Email: lisadennis-perez@lottcleanwater.org

City of Lacey:

Scott Egger, P.E., Public Works Director

City of Lacey

PO Box 3400

Lacey, WA 98509-3400

Phone: (360) 4941-5600

E-mail: segger@ci.lacey.wa.us

A Party's designated representative or place of business may be changed with advance notice to the other Party.

- 8.2 LOTT will maintain 24-hour emergency response personnel, who can be reached by calling (360) 528-5700.
- 8.3 The City will maintain 24-hour emergency response personnel for the project, who can be reached by calling:
- | | |
|-------------------------|----------------|
| Lacey Public Works Shop | (360) 491-5644 |
| After Hours Pager | (360) 413-2870 |
| After Hours Cell Phone | (360) 789-1187 |

9. TERM OF AGREEMENT

- 9.1 The term of this Agreement shall commence on the date of the later signature below and continue until terminated as specified in section 10 of this Agreement.

10. TERMINATION

- 10.1 The City may terminate this Supply Agreement for any reason at any time. The City shall give LOTT notice of such a change in status as far in advance as possible, per the Shared Objectives Document.
- 10.2 LOTT may terminate this agreement if the City violates terms of this Agreement, LOTT's State Reclaimed Water Permit, the Reclaimed Water Rule, or other requirements of the Washington State Departments of Health and Ecology; or if the termination is necessary due to regulatory mandate or termination of LOTT's State Reclaimed Water Permit; or if LOTT's Board of Directors (Board) determines termination is in LOTT's best interest.
- 10.3 This Supply Agreement will terminate if the City withdraws from the General Agreement, or if the General Agreement is terminated.

11. SHARING OF INFORMATION

- 11.1 The Parties agree, to the fullest extent permitted by law, to exchange information about all aspects of reclaimed water programs and projects including but not limited to operation, maintenance, customer comments, metering data, water quality analyses, and regulatory compliance.

12. LEGAL RELATIONS AND INTERPRETATION OF AGREEMENT

- 12.1 Each Party shall negotiate in good faith and use its best efforts to resolve any dispute which may arise. If a dispute cannot be resolved initially by the designated representatives, the designated representatives shall prepare a joint statement describing the dispute and refer the dispute to the Technical Sub-Committee that advises the LOTT Board. If the dispute is not resolved after consultation with the Technical Sub-Committee, then the designated representatives shall refer the dispute to the LOTT Executive Director, the three City Managers, and the County Chief Administrative Officer. These officials shall meet and confer regarding the issue. If they are unable to resolve the dispute, then the designated representatives shall bring the matter before the LOTT Board. At a Board meeting, the LOTT Board shall consider the issues and attempt to resolve the dispute. Only upon failure to resolve the dispute at the LOTT Board Meeting may a Party institute legal action.
- 12.2 This Supply Agreement shall be governed by the laws of the State of Washington. The exclusive jurisdiction and venue for any lawsuit between the Parties arising out of this Supply Agreement shall be in Thurston County Superior Court.
- 12.3 The Parties expressly do not intend to create any right, obligation or liability, or promise any performance, to any third party. The Parties have not created any right for any third party to enforce this Supply Agreement.
- 12.4 It is the belief of the Parties that all provisions of this Supply Agreement are lawful. If any covenant or provision of this Supply Agreement shall be finally adjudicated by a court of competent jurisdiction to be invalid or unenforceable, such adjudication shall not affect the validity, obligation or performance of any other covenant or provision, or part thereof, which in itself is valid if such remainder conforms to the terms and requirements of applicable law and the intent of this Supply Agreement. In such event, the Parties shall enter into immediate negotiations for the purpose of arriving at mutually satisfactory replacement of such covenant or provision, or renegotiation of the terms of the Supply Agreement.

- 12.5 Waiver of any breach of any provision of this Supply Agreement shall not be deemed to be a waiver of any prior or subsequent breach, and shall not be construed to be a modification of this Supply Agreement.
- 12.6 This Supply Agreement shall be binding on a Party's assigns and successors. A Party may not assign its rights or delegate its duties under this Supply Agreement in any respect without the written consent of the other Party.
- 12.7 To the maximum extent permitted by law, each Party shall protect, defend, indemnify and hold harmless the other Party and its officials and employees from and against all claims, demands, suits, actions, costs, damages, liability or loss of any kind whatsoever arising from the acts or omissions of the indemnifying Party and its officials, employees, agents and contractors. The indemnifying Party specifically assumes liability for actions brought by its own employees against the other Party arising out of this Agreement and for that purpose the indemnifying Party specifically waives, as respects the other Party only, any immunity under the Worker's Compensation Act, RCW Title 51. The indemnifying Party recognizes that this waiver was the subject of mutual negotiation and is expressly entered into pursuant to the provisions of RCW 4.24.115 if applicable. In the case of joint negligence, any damages allowed shall be levied in proportion to the percentage of negligence attributed to each Party. This indemnification shall survive the termination of this Supply Agreement.
- 12.8 LOTT shall defend the City at LOTT's sole cost from and against any cause of action in which LOTT's and the City's right to use reclaimed water pursuant to state statute and LOTT's State Reclaimed Water Permit is challenged in said cause of action. Where multiple causes of action are brought against the City in the same suit, LOTT's obligation to defend shall extend only to the cause or causes of action that expressly apply to LOTT and the City as described in the preceding sentence of this section. LOTT is not obligated to indemnify the City under any circumstances involving a cause or causes of action as described in this section. LOTT is not obligated to provide a defense to the City where LOTT's Articles of Incorporation would be violated, or where said defense would be contrary to any applicable law. LOTT's obligation to defend shall take effect only after the City has first tendered defense to any and all insurers that may defend the City and said tender is denied in writing. LOTT will not be obligated to defend the City where any insurer agrees to defend the City, notwithstanding a defense provided under reservation of rights by any covering insurer. LOTT shall have no duty to defend where the City, by and through its agents and employees, intentionally or recklessly fails to act in good faith, or contrary to law, and such is a substantial factor in bringing about the cause or causes of action against which LOTT would otherwise be obligated to defend.

13. ATTACHMENTS

13.1 The following documents are attached hereto and incorporated by reference herein:

Exhibit A: Reclaimed Water Distribution Agreement No. 2

Exhibit B: End User Agreement Template

IN WITNESS WHEREOF, each Party has caused this Supply Agreement to be signed by its duly authorized officer or representative as of the date set forth below its signature.

LOTT:

City of Lacey:

By _____

By _____

Its _____

Its _____

Date: _____

Date: _____

Approved as to form:

Approved as to form:

By _____
LOTT Legal Counsel

By _____
City Attorney



LACEY CITY COUNCIL MEETING July 9, 2020

SUBJECT: Transportation Benefit District – 2019 Annual Report

RECOMMENDATION: Motion to approve the “TBD 2019 Annual Report.”

STAFF CONTACT: Scott Spence, City Manager *SS*
Scott Egger, Director of Public Works *SE*
Roger Schoessel, City Engineer *RAS*
Aubrey Collier, Design & Construction Manager *AC*
Brian Petrin, Civil Engineer *BP*
Justin Knox, Civil Engineer *JK*

ORIGINATED BY: Public Works Department

ATTACHMENTS: 1. [Transportation Benefit District – 2019 Annual Report](#)

FISCAL NOTE: None.

PRIOR REVIEW: The TBD Annual Report is typically presented to the Transportation Committee in June. However, the Transportation Committee was Cancelled due to COVID.

BACKGROUND:

On February 14, 2017, Lacey voters approved the 0.2% sales tax increase proposed by the City’s Transportation Benefit District (TBD). The revenues generated by this measure are dedicated to fund street maintenance projects. The tax increase came into effect in July 2017. The Revised Code of Washington (RCW) 36.73.160(2) states that a district shall issue an annual report indicating the status of transportation improvement costs, expenditures, revenues, and construction schedules to the public and to newspapers of record within the district.

ADVANTAGES:

1. The report provides a status update on the projects and finances associated with the TBD. The document covers the 2019 fiscal year.

DISADVANTAGES:

1. None.



City of Lacey Transportation Benefit District

2019 Annual Report

Date: July 2, 2020
Department: Public Works Department
Address: 420 College Street SE
Lacey, WA 98503

Contact: Brian Petrin
Phone: (360) 493-2417
Email: bpetrin@ci.lacey.wa.us

Summary

Remarks:

The City of Lacey is pleased to present the *2019 Annual Report* pertaining to its Transportation Benefit District (TBD). This report provides a summary of 2019 revenues and expenditures associated with TBD funds along with project schedule updates. All revenues and expenditure summaries within this report reflect the activity between January 1st and December 31st of 2019.

Background:

The Lacey City Council created the Lacey Transportation Benefit District, a quasi-municipal taxing jurisdiction, authorized by State law to fund street maintenance. Lacey voters approved a sales tax increase of 0.2% (two-tenths of one percent) for a period of ten years to fund street maintenance projects within City limits. Revenues collected from this additional sales tax levy are held in separate accounts and used only for authorized street maintenance projects.

Governance:

The Lacey TBD was originally established in January 2016, with the City Council acting as the Governing Board. It is the responsibility of the Board to oversee the activities, expenditures, and revenues related to the TBD. All business associated with the TBD shall be managed by the Board during regular City Council meetings.

Purpose:

City street infrastructure is aging and funding is needed for street and sidewalk improvements. Transportation infrastructure is one of the City's most valuable investments and deferred maintenance drives repair costs higher. State and Federal funding for maintenance and preservation of the City's streets has been reduced in recent years; and while these revenues have decreased, costs continue to rise. The Lacey TBD was established in order to provide the resources required for the City to adequately preserve and maintain its inventory of streets and sidewalks.

Statute(s):

The Revised Code of Washington (RCW) 36.73.160(2) states that a district shall issue an annual report indicating the status of transportation improvement costs, expenditures, revenues, and construction schedules to the public and to newspapers of record within the district.

Completed Projects:

Project Name	Location	Year Awarded	Project Type	Lane Miles	Tons & \$/Tons	Sidewalk SY	TBD Funds
2017 Waterline	Magnolia ¹ , Brunswick ¹ , 14th Ave & 22nd Ave Shoulder	2017	Overlay	0.27	175 TN /\$105	0	\$0.05M
2018 Overlay	14 th Ave, 17 th Ave, 18 th Ave, 19 th Ave, 21 st Ave, Golf Club, Stikes Dr & Stikes Lp	2018	Overlay, Reconstruction	3.56	5,477 TN /\$127	17	\$2.15M
College St & Yelm Hwy Super T Pavement Rehab	College St, Yelm Hwy ²	2019	Overlay, Selective Dig-outs, Sidewalk	11.74	15,881 TN /\$111	1137 & 52 curb ramps	\$1.73M
			GRAND TOTAL	15.57	21,533	1154	\$3.93M

1 Utility project, utility paved half of the street, TBD paved half of the street

2 Project was jointly funded with a federal transportation grant

See Figure 1 TBD Fund Project Map - Completed Projects on Pg. 3

TBD Fund Project Map

2018
2019

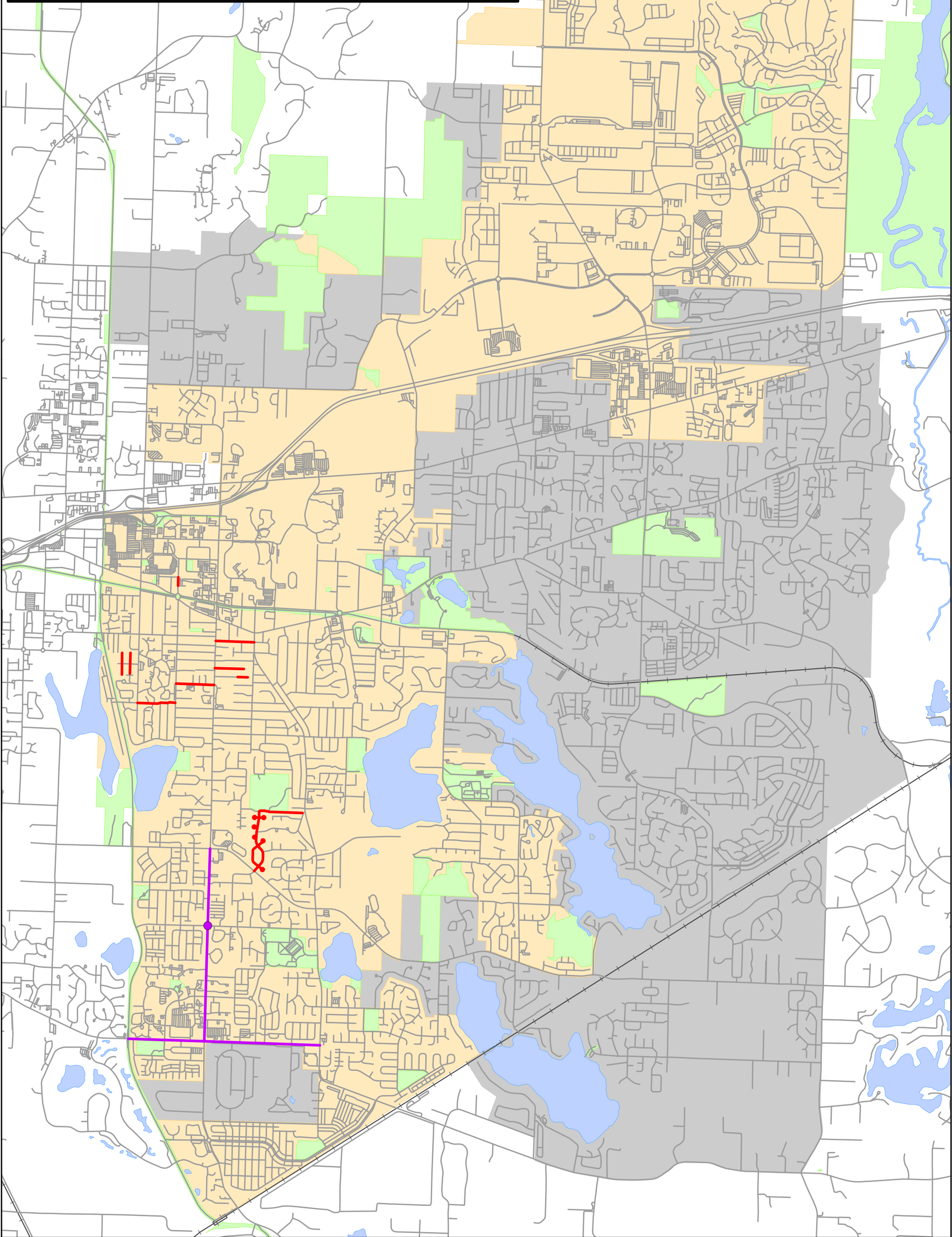
Parks
City Limits
UGMA



0 0.5 1
Miles

1 inch = 3,250 feet

Map Date: 5/26/2020



2020 Project(s):

The following project will receive TBD funds for design and construction in 2020:

2020 Overlay**Project Limits:**

- o Meridian Rd NE between 31st Ave NE and 46th Ave NE.
- o Meridian Rd and Orion Dr Roundabout
- o Replacement of various manholes and water valves frames and lids throughout the City

Project Scope:

- o Pavement rehabilitation

See Figure 2 2020 Overlay on Pg. 5

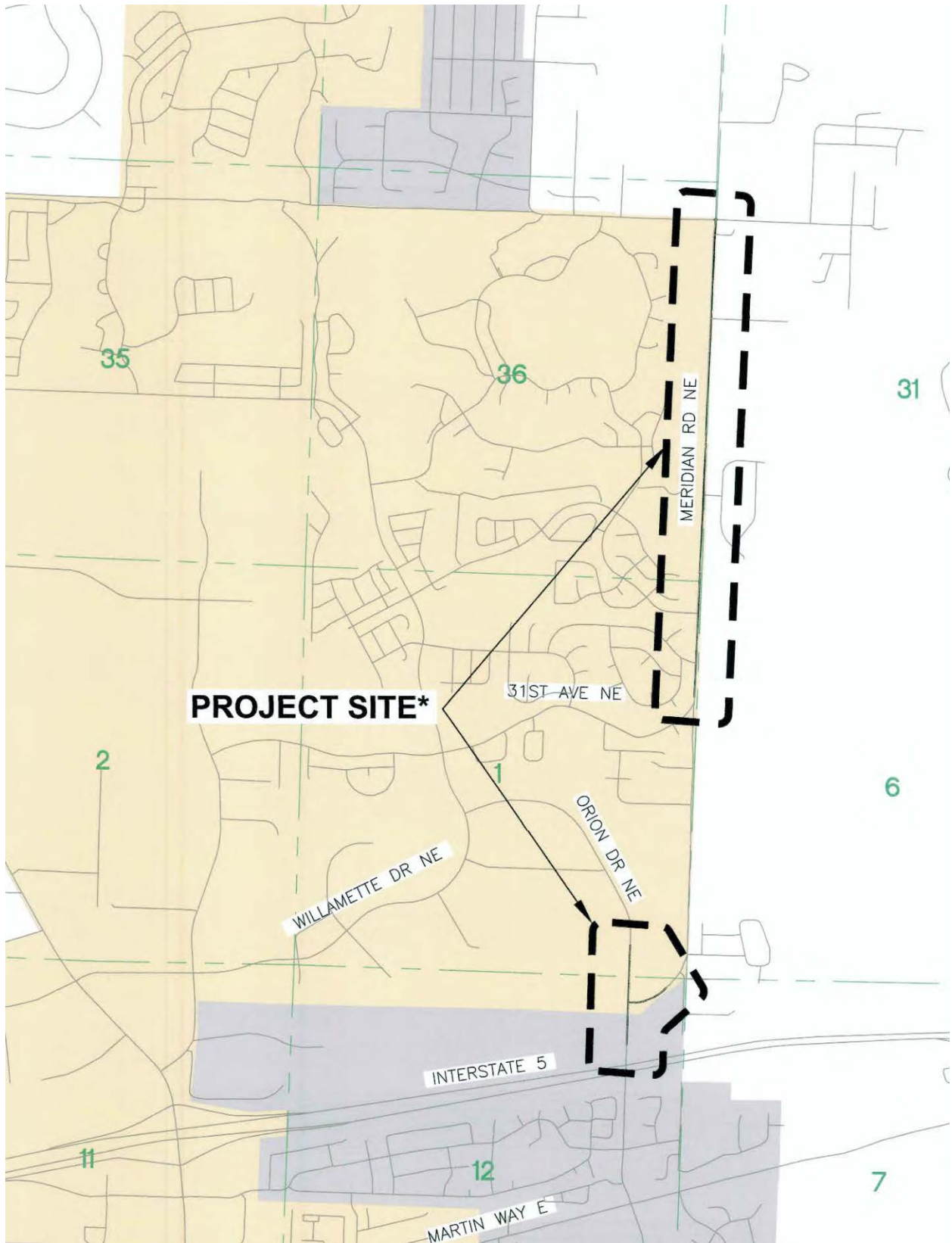


Figure 2 2020 Overlay

Finances

2019 TBD Finances:

The following schedule of revenues, expenditures, and changes in fund balance summarizes the TBD finances for the 2019 fiscal year:

**Statement of Revenues, Expenditures, and
Changes in Fund Balance**
City of Lacey Transportation Benefit District
For the Year Ended December 31, 2019

Revenues

TBD Sales and Use Tax (0.2%)	\$ 3,112,508
Other revenues	\$ 2,906,075
Total revenues	\$ 6,018,582

Expenditures

Current:

Other Expenditures	-
--------------------	---

Capital outlay:

Engineering (Design and Construction)	\$ 83,014
Construction	5,358,259

Debt service:

Principal retirement	-
Interest	-
Debt issue costs	-
Total expenditures	\$ 5,441,272

Excess (deficiency) of revenue over (under) expenditures	\$ 577,310
---	------------

Other Financing Sources (Uses)

Proceeds from sale of assets	-
Debt issuance	-
Transfers in	-
Transfers out	-

Total other financing sources (uses)	-
Net change in fund balances	\$ 577,310
Fund balance - beginning	2,932,563
Fund balance - ending	\$ 3,509,873

FINANCE & ECONOMIC DEVELOPMENT COMMITTEE MINUTES

JUNE 23, 2020

8:30 A.M. – 9:29 A.M.

REMOTE ONLY

COUNCIL PRESENT: MAYOR RYDER (CHAIR), DEPUTY MAYOR PRATT, COUNCILMEMBER GREENSTEIN

STAFF PRESENT: SCOTT SPENCE, SCOTT EGGER, TROY WOO, KRISTY WOLF, PERI EDMONDS

Mayor Ryder requested moving the *Correspondence from Hawks Prairie Casino to Finance Director* to the first item on the agenda.

ACTION: APPROVE FINANCE & ECONOMIC DEVELOPMENT COMMITTEE AMENDED AGENDA

MOTION: MOTION MADE, SECONDED, AND CARRIED BY COUNCILMEMBER GREENSTEIN AND DEPUTY MAYOR PRATT

CORRESPONDENCE FROM HAWKS PRAIRIE CASINO TO FINANCE DIRECTOR

STAFF: TROY WOO, FINANCE DIRECTOR

ACTION: INFORMATION ONLY

STATUS: FORWARD TO THE FULL COUNCIL FOR CONSIDERATION

The Hawks Prairie Casino submitted a request to reduce the gambling tax rate for card rooms and pull-tabs by 50% for the remainder of 2020, and by 25% for 2021.

In 2006, the casino received a 5-year temporary tax reduction years. In 2014, the Committee received a request from the casino, similar to the current request. In 2015, Council took action and reduced the tax from 10% to 7.5%.

The casino provided the following projections if the tax was reduced:

- \$20,000 per quarter for the remainder of 2020
- \$47,000 per quarter for 2021.
- Reduction in 2020, including a full first quarter and the projections for the remainder of the year, would be about \$130,000.

Staff noted that when Council took action relating to the impacts of COVID-19, the City's budget was reduced by \$170,000. The casino's projection is a reduction of \$210,000, which is \$40,000 more. Total annual reduction for 2021 would be about \$151,000, with a 2-year annual reduction of about \$360,000.

Committee members directed staff to provide a comparison of current gambling tax rates in other cities.

The Finance & Economic Development Committee agreed to forward to the full Council for consideration.

2020 FIRST QUARTER FINANCIAL REPORT

STAFF: TROY WOO, FINANCE DIRECTOR

ACTION: INFORMATION ONLY

As of March 31, 2020, total General Fund expenditures were \$10,328,976 or 18.5 percent of the adopted 2020 Budget. This is a total increase of \$687,774 or 7.1 percent compared to the first quarter 2019 total expenditure level. The majority of the 2020 increase is due to inflationary increases and rising labor force expenditures. This variance was anticipated by the adopted 2020 Budget.

As of March 31, 2020, total General Fund Revenues were \$10,204,060 or 18.3 percent of the adopted budget. Last year at this same time, revenues were 17.0 percent of budget. First quarter General Fund revenues increased \$839,425 compared to the previous year.

Through March 2020, \$162,609 of property taxes were collected, and 2020 sales tax receipts totaled \$3,387,787 at the end of March.

The first quarter 2020 operating expenditures for the City's utilities increased and were consistent with projections. Operating revenues for utilities also increased. They are meeting projections and consistent with approved rate increases and customer growth.

The questions and discussions regarding how long the recent record economic expansion would continue have come to an extremely abrupt end. The end was so abrupt most of the aforementioned first quarter financial data is not relevant looking forward.

Precautionary measures taken in response to the COVID-19 virus have already had a financial and operational impact on the City of Lacey. The following actions were implemented in anticipation of severe impacts to City revenues.

- All City travel suspended
- Vacant position recruitments suspended unless classified as essential positions
- Cancellation of one-time capital projects
- Most part-time staff furloughed
- Identified two-month operating reserve as replacement funding during the short-term
- Suspension of one-time capital equipment purchases

On May 14, the City Council amended the City budget to address the projected \$6.7 million revenue reduction. While the reductions are significant, they are not expected to hamper the City's ability to provide the same level of service its citizens have come to appreciate and expect.

The next budget development process normally begins in May/June. Despite the unknown impacts of the public health emergency and challenges identifying the beginning, length, and strength of the economic recovery, the 2021 Budget development will begin on schedule.

Staff will continue to monitor the City's immediate economic condition and indicators, and recommend further adjustments to the 2020 Budget if necessary.

2021 BUDGET CALENDAR

STAFF: TROY WOO, FINANCE DIRECTOR

ACTION: INFORMATION ONLY

The 2020 budget year's economy began by displaying the same strength as the three previously, but the COVID-19 public health emergency very abruptly changed the economic environment. On March 19, 2020, the City Council adopted Resolution No. 1085 declaring a state of emergency due to the COVID-19 emergency. On April 23, the City Council extended the provisions of the state of emergency.

The business closures are having significant impacts to City revenues in the short-term. This revenue impact has already required a \$6.7 million reduction to the City's General Fund budget.

The 2021 Budget will not be one of expansion. Only essential requests necessary for the continuity of operations will be considered.

An overview of the 2021 Budget schedule was presented. The City Council budget workshop will be held October 1, 2020, with the budget presentation scheduled for October 22. Adoption of the 2021 Budget is scheduled for December 3.

Council directed staff to coordinate a budget workshop for the public, to be held prior to the Council budget workshop.

2021 UTILITY RATE PROPOSALS

STAFF: TROY WOO, FINANCE DIRECTOR

ACTION: INFORMATION ONLY

Given the financial challenges both the City and community are facing, staff recommends Council consideration of zero rate increases for water, sewer, and stormwater, and continue to support multi-year rate schedules.

The Water Comprehensive Plan is currently being developed, with completion anticipated by the end of 2020. There is time for the consultant to consider a zero rate increase for 2021, and review the impact on how to make that up in years 2022 through 2025.

The Wastewater Comprehensive Plan is similar to Water, but is due 2022 or 2023. Staff requested the consultant review the septic-to-sewer fee. This was postponed until this year. The consultant is reviewing a 2-year rate.

The Stormwater Comprehensive Plan is complete with a 5-year rate recommendation for 2021 through 2025. The recommendation is for a 4.5% percent increase for the 5-year period. In order to find relief for ratepayers, staff asked the consultant to do a cash balance analysis of what it would look like if we recommended a zero percent rate increase for 2021.

The consultant provided two options:

- 1) Zero percent increase for 2021, and a 5.5% increase for 2022-2025
- 2) Zero percent increase for 2021, and a 6.5% increase for 2022-2025

The 5.5% recommendation decreases the cash balance at the end of 2025 by \$600,000. The 6.5% recommendation is approximately the same position if we had a 4.5% for a 5-year period.

Staff recommends the 5.5% option, which meets all reserve policies and has the least impact on the ratepayers.

No action is needed at this time since rate proposals are considered in November during the normal budget process. However, staff recommends taking action on the stormwater rate earlier than the normal process to allow businesses to plan accordingly.

Council directed staff to provide additional data to reflect the reality of the current situation, and provide a comparison of the 2019 and 2020 utility revenue.

BUILDING PERMIT SYSTEM UPGRADE – CREDIT CARD PAYMENTS

STAFF: TROY WOO, FINANCE DIRECTOR
ACTION: INFORMATION ONLY
STATUS: FORWARD TO FULL COUNCIL FOR FURTHER DISCUSSION

The new building permit system update will allow customers to pay permit fees online, however, there are additional fees assessed to the City. A convenience fee could be charged to online customers only, or incorporated into the permit fees regardless of the payment type.

Staff recommends increasing the permit fees regardless of the payment type.

Staff will forward to Council for further discussion.

GENERAL GOVERNMENT & PUBLIC SAFETY COMMITTEE

JUNE 23, 2020

9:30 A.M. – 10:12 A.M.

REMOTE ONLY

COUNCIL PRESENT: DEPUTY MAYOR PRATT (CHAIR), MAYOR RYDER, COUNCILMEMBER GREENSTEIN

STAFF PRESENT: SCOTT SPENCE, RICK WALK, JESSICA BRANDT, PERI EDMONDS

ACTION: APPROVE THE GENERAL GOVERNMENT & PUBLIC SAFETY COMMITTEE AGENDA.

MOTION: MOTION MADE, SECONDED, AND CARRIED BY MAYOR RYDER AND COUNCILMEMBER GREENSTEIN

THURSTON REGIONAL CLIMATE ACTION PLAN STATUS BRIEFING

STAFF: JESSICA BRANDT, ASSOCIATE PLANNER

ACTION: INFORMATION ONLY

In April 2018, Council signed an Interlocal Agreement (ILA) with Thurston County, and the cities of Olympia and Tumwater to complete Phase 1 of a Regional Climate Mitigation Plan.

Phase 1 focused on assessing existing policies and targets of each jurisdiction for gaps and consistencies, recommending a regional emissions target, identifying each jurisdiction's implemented mitigations actions to date, and recommend a regional emissions reduction targets. Recommended targets were adopted July 12, 2019:

- Achieve a 45% reduction of 2015 greenhouse gas levels by 2030.
- Achieve an 85% reduction of 2015 greenhouse gas levels by 2050.

In October 2018, Council approved the ILA for Phase 2. Thurston Regional Planning Council hired the consulting firm of Cascadia Consulting to assist with Phase 2. The planning process for Phase 2 includes:

1. Develop steering committee and charter (January 2019)
2. Develop stakeholder advisory committee (February – March 2019)
3. Engage the general public and develop potential actions list (July – Sept 2019)

4. Assess potential actions and develop scenarios (September – June, iterative)
5. Develop plan and strategies (March-June 2020)
6. Engage the general public (July-August 2020)
7. Adopt plan and strategies (October 2020)

The Climate Advisory Workgroup developed a list of actions and prioritized them based on agreed upon criteria. The Steering Committee approved the list of recommended actions for further analysis using a scenario modeling tool.

The project team is reviewing what actions would be best at the city level, regional level, and where state action is necessary to move forward. Additional discussions need to occur with the jurisdictions about implementation, specifically gaining better understanding of what actions can be implemented. In addition to jurisdictional needs, discussions are needed with the public to help prioritize the actions. These discussions will be scheduled later this summer. Following the public engagement and conversations at each jurisdiction, the plan will be ready for adoption this fall.

The Committee directed staff to provide a list of recommended actions for review at a future Committee meeting. The Committee will forward to the full Council for discussion at a Worksession.

COMMUNITY BASED COMMITTEE ON HOMELESSNESS

STAFF: SCOTT SPENCE, CITY MANAGER

ACTION: INFORMATION ONLY

The application deadline closed on June 22 at 5:00 p.m., with 76 applications received.

Staff will provide Council with the applications and a map identifying where applicants reside within City limits, UGA, or outside the City/UGA. Council will discuss the applications and selection process at the June 25, 2020, Council meeting.

LAND USE COMMITTEE
JUNE 23, 2020
10:30 A.M. – 10:55 A.M.
REMOTE ONLY

COUNCIL PRESENT: COUNCILMEMBER COX (CHAIR), COUNCILMEMBER GREENSTEIN,

COUNCIL EXCUSED: DEPUTY MAYOR PRATT

STAFF PRESENT: SCOTT SPENCE, RICK WALK, RYAN ANDREWS, JESSICA BRANDT,
PERI EDMONDS

ACTION: APPROVE LAND USE COMMITTEE AGENDA

MOTION: MOTION MADE, SECONDED, AND CARRIED BY COUNCILMEMBERS GREENSTEIN
AND COX

SHORELINE MASTER PROGRAM STATUS BRIEFING

STAFF: JESSICA BRANDT, ASSOCIATE PLANNER

ACTION: INFORMATION ONLY

The City's Shoreline Master Program (SMP) has been on the Community and Economic Development Work Plan since 2019, per a state-mandated periodic review.

Washington State law, as administered by the Department of Ecology, requires cities with areas designated as "Shorelines of the State" periodically update their SMP in accordance with the Washington State Shoreline Management Act and the State Shoreline Master Programs Guidelines.

The Shoreline Management Act requires cities and counties to review and revise their SMP, if needed, on an eight-year schedule. This review ensures that the City's SMP stays current with changes in State laws and rules, remains consistent with Lacey's plan and regulations, and is responsive to changed circumstances, new information, and improved data. Lacey has started a periodic review of its SMP.

Due to the unavailability of in-person meetings and events as planned, a virtual open house was held April 22, 2020, to kick off community outreach on the SMP update. The amendments are intended to make the regulations easier for staff to administer and clearer for the public to understand.

Staff is currently reviewing draft amendments provided by the consulting team. The recommended updates will provide:

1. Consistency with state laws
2. Integration of current critical areas regulations
3. Consistency with the Comprehensive Plan and other development regulations
4. Clarification on: exemptions, definitions, nonconformance standards, enforcement, and vegetation management.

Following staff review of draft amendments, the Planning Commission will receive a briefing and have an opportunity to discuss issues and provide comments. A formal comment period and a public hearing with the Department of Ecology will be scheduled later this summer.

URBAN FORESTRY PLAN STATUS BRIEFING

STAFF: JESSICA BRANDT, ASSOCIATE PLANNER
ACTION: INFORMATION ONLY

The Urban Forest Management Plan (Plan) is the overarching policy document that guides the City's urban forestry vision and efforts. The City developed the Plan in 2006 and updated it in 2013 with the assistance of the City of Lacey's contract forester Galen Wright.

In keeping with the Plan's goal of updating the document every five years, it is now due for review along with the implementation regulations in Lacey Municipal Code (LMC) 14.32. In addition, homeowner associations and citizens have raised questions and concerns over tree removal and permitting process to the Council, further supporting the need to conduct an assessment of forestry plan and regulations.

The Planning Commission will review suggested updates at a future Worksession. An update to LMC 14.32 will address issues brought forth by homeowner associations and commercial property owners who wish to remove and replace existing trees but are constrained under current regulations.

The Planning Commission identified stakeholders who should be involved in the Plan update. A tree task force was formed representing homeowners associations, commercial property owners, residential development, environmental protection, residential property owners, and a representative from the Planning Commission, and

supported by staff Parks Facilities, Transportation Maintenance, Development Review, City Foresters, and Community and Economic Development.

The task force recommended the City focus on outreach and education first, then enforcement of tree regulations. An outreach and education campaign will begin this summer with a “State of the Trees” report and a series of short educational videos about the Plan and tree regulations. A tree canopy assessment will be included in educational materials to provide a baseline for any future canopy-cover targets.

Staff will begin drafting amendments to the Plan and regulations based on City staff and task force discussions, which will then be reviewed by the task force later this summer. Their final recommendations will be provided to the Planning Commission for consideration by late summer/early fall.

LOW DENSITY ZONING AMENDMENTS/ADU SETBACKS

STAFF: RYAN ANDREWS, PLANNING MANAGER
ACTION: INFORMATION ONLY
STATUS: FORWARD TO THE FULL COUNCIL FOR CONSIDERATION AT THE
JULY 9, 2020, COUNCIL MEETING.

The reduction in lot sizes and widths in the existing Low Density 0-4 zoning district was identified as a high priority action item in the City of Lacey’s Affordable Housing Strategy. By doing this, it will effectively increase density minimums in existing neighborhoods and ultimately increase the diversity of housing stock in the zone. The Planning Commission recommends approval of an amendment to consolidate two existing zoning districts (Low Density 0-4 and Low Density 3-6) into one zone. Because of the timing related to the COVID-19 pandemic, the amendments were scheduled to be brought to the City Council for consideration in spring but have since been put on hold.

One part of the amendments that has broad support and could move forward at this time are regulations related to revisions to rear and side yard setback requirements for accessory dwelling units (ADU’s). The proposed amendments would address setback requirements to allow additional flexibility for ADU’s to be placed in rear yards. The Community and Economic Development Department currently has a program for pre-approved detached ADU plans that could benefit from the additional space that the flexibility in the setbacks could provide. Plans are also in development for additional pre-approved ADU plans that would allow for two larger units including one that would be two stories.

The amendments would reduce minimum rear setbacks in both zones to five feet for single story ADU's. For multi-story ADU's, ten feet would be required for side and rear setbacks to address privacy concerns for taller structures placed in rear yards.

The Land Use Committee agreed to forward the full Council for consideration.