



CITY COUNCIL

ANDY RYDER

Mayor

MALCOLM MILLER

Deputy Mayor

LENNY GREENSTEIN

MICHAEL STEADMAN

CAROLYN COX

ED KUNKEL

ROBIN VAZQUEZ

CITY MANAGER

SCOTT SPENCE

LACEY CITY COUNCIL AGENDA

JUNE 16, 2022

6:00 P.M.

REMOTE AND IN-PERSON ATTENDANCE

The Lacey City Council meeting will be conducted both remote and in person.

The public may attend the meeting in person in the Council Chambers at Lacey City Hall, 420 College Street SE, Lacey, Washington, or you may view or listen to the meeting by using one of the following platforms:

[Live Meetings](#), [YouTube](#), [Facebook](#), Thurston Community Media, Channel 3 with your local cable provider, or Zoom: https://us02web.zoom.us/webinar/register/WN_h5V_C0coQtGbviUMYtpcDw

The public may listen to the meeting via telephone by dialing toll-free: (888) 788-0099 or (877) 853-5247 - when prompted enter Webinar ID 870 5478 8361

CALL TO ORDER:

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA & CONSENT AGENDA ITEMS*

A. [Council Worksession minutes of May 26, 2022](#)

B. [A motion to approve payment of claims, wages, and transfers for May 28, 2022, through June 9, 2022](#)

**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:

A. Recognition of Pope John Paul II High School Girls Track & Field Team State Champions and Boys Team 3rd Place Accomplishments (*Anthony Herness, Athletic Director*)

B. Recognition of Joe Svoboda for service as City Prosecutor (*Dave Schneider, City Attorney*)

4. PUBLIC COMMENT:

VERBAL PUBLIC COMMENT

Those wishing to provide verbal public comment may do so in-person or by Zoom:

In-Person: Use the sign-up sheet located in the Council Chambers.

By Zoom: Preregister using the following Zoom link no later than **4:00 pm on June 16, 2022:**

https://us02web.zoom.us/webinar/register/WN_h5V_C0coQtGbviUMYtpcDw.

Instructions and access details will be provided once registration is complete.

WRITTEN PUBLIC COMMENT

Public comments may also be submitted by email to publiccomment@ci.lacey.wa.us. Written 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. The commenting period will close at **4:00 p.m. on June 16, 2022.**

5. **PUBLIC HEARING:**
6. **PROCLAMATIONS:**
 - A. [Juneteenth Proclamation \(Members of the Fred U. Harris Masonic Lodge #70 PHA\)](#)
7. **REFERRAL FROM PLANNING COMMISSION:**
8. **REFERRAL FROM HEARINGS EXAMINER:**
9. **RESOLUTIONS:**
10. **ORDINANCES:**
 - A. [Ordinance No. 1617 - LMC 14.32 Tree Regulations](#) (Ryan Andrews, Planning Manager)
 - B. [Ordinance No. 1620 - Stormwater Design Manual Update](#) (Doug Christenson, Water Resources Engineer)
11. **MAYOR'S REPORT:**
 - A. Reappointment of Deputy Mayor Miller, Ruth Weigelt, Susana Matis to the Lodging Tax Advisory Committee (LTAC) (Mayor Ryder)
 - B. [Lacey City Councilmember to Serve on Board of Health](#) (Mayor Ryder)
12. **CITY MANAGER'S REPORT:**
 - A. [Lift Station 19 Replacement Project PW 2016-12](#) (Puna Clarke, Utility Engineer)
 - B. [Long Lake Parcel Acquisition](#) (Dave Schneider, City Attorney)
13. **STANDING GENERAL COMMITTEE:**
 - A. [Finance & Economic Development Committee \(05.24.2022\)](#)
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 Malcolm Miller:
 1. Economic Development Council (CDC)
 2. Lodging Tax Advisory Committee (LTAC)
 3. Thurston County Coalition Against Trafficking (TCCAT)
 4. Thurston Thrives
 - C. Councilmember Carolyn Cox:
 1. Climate Action Steering Committee
 2. LOTT Clean Water Alliance
 3. Regional Housing Council
 - D. Councilmember Lenny Greenstein:
 1. Emergency Medical Services (EMS)
 2. TCOMM911

E. Councilmember Michael Steadman:

1. Community Action Council
2. Nisqually River Council
3. Thurston County Law & Justice Council

F. Councilmember Ed Kunkel:

1. Joint Animal Services Commission (JASCOM)
2. Lacey South Sound Chamber
3. Olympia-Lacey-Tumwater Visitor & Convention Bureau (VCB)
4. Solid Waste Advisory Committee (SWAC)

G. Councilmember Robin Vazquez:

1. Intercity Transit Authority
2. Olympic Region Clean Air Agency (ORCAA)
3. Thurston Regional Planning Council (TRPC)

16. ADJOURN

MINUTES OF THE LACEY CITY COUNCIL WORKSESSION

THURSDAY, MAY 26, 2022

6:00 P.M. – 8:12 P.M.

REMOTE AND IN-PERSON

To hear the full discussion of a specific topic, or the complete meeting, watch the recorded meeting available on YouTube – <https://youtu.be/JCNwHVDy9qs>

COUNCIL PRESENT: DEPUTY MAYOR MILLER, COUNCILMEMBERS GREENSTEIN, COX (REMOTE), KUNKEL, VAZQUEZ

COUNCIL EXCUSED: MAYOR RYDER, COUNCILMEMBER STEADMAN

STAFF PRESENT: S. SPENCE, S. KELLEY-FONG, D. SCHNEIDER, R. WALK, R. ANDREWS, E. FONTAINE

ACTION: APPROVE WORKSESSION AGENDA

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

I-5 PROJECT EFFORTS

PRESENTER: MARC DAILY, EXECUTIVE DIRECTOR, THURSTON REGIONAL PLANNING COUNCIL

ACTION: INFORMATION ONLY

Marc Daily, Executive Director for Thurston Regional Planning Council (TRPC), presented on the ongoing efforts within transportation projects, with an emphasis on Interstate 5 from Tumwater to Mounts Road.

The following funding was reviewed and discussed:

- \$500K from WA State for I-5 Planning Study (2017)
- \$2.25M from WA State for Planning and Environmental Linkages (PEL) Report (2019)
- \$5M from WA State for Preliminary Design and State/Federal Environmental Review (2021)
- \$75M approved by Legislature (2022)

TRPC highlighted the following steps towards I-5 project efforts:

- NEPA scoping currently scheduled for Fall 2022.
- NEPA will continue through early 2025.
- \$75M (\$125M is identified need) for preliminary engineering of the preferred alternative identified through NEPA. Estimated to begin in 2025.
- Looking for opportunities to connect this I-5 project to available federal funds.

A related proposal was also identified, where TRPC resubmitted a grant proposal for a Regional Freight Mobility Strategy (\$1M).

The following next steps for a High Capacity Transportation Study were also reviewed and discussed.

- \$250K with report on expected deliverables due to legislature by December 2022.
- Consultant hired by Fall 2022.
- Consideration of many modes (expanded express bus service, enhanced vanpools, commuter rail, light rail, others).
- Consideration for a potential ultra, high-speed rail (\$150M in Move Ahead Washington)
- Consideration of ridership potential, construction and operational costs, funding options and costs for households, and potential timelines for developing different options.
- Will not include specific siting or alignment analysis or identify a preferred high capacity transportation option.

CAPITAL FACILITIES PLAN BRIEFING

PRESENTERS: RYAN ANDREWS, PLANNING MANAGER

JULIE BASSUK, PARTNER IN CHARGE, MAKERS ARCHITECTURE &
URBAN DESIGN

BETH BATCHELDER, PROJECT MANAGER, MAKERS ARCHITECTURE &
URBAN DESIGN

ACTION: INFORMATION ONLY

Ryan Andrews, Planning Manager, introduced Julie Bassuk, Partner in Charge, and Beth Batchelder, Project Manager, with Makers Architecture & Urban Design.

The Council was presented with a briefing on the Lacey Capital Facilities Plan.

The purpose of the Lacey Capital Facilities Plan is to strategically address deficiencies and manage assets, anticipate growth and constraints, and reflect organizational culture and jumpstart transformation.

The facilities focused within the plan include the following:

- Administration (*City Hall*)
- Public Works (*Operations Headquarters, City Pit*)
- Parks, Culture & Recreation (*Senior Center, White House*)
- Animal Services
- Police Substation
- Community Center
- Parks, Culture & Recreation Buildings
- Parks Maintenance Satellite Facilities
- New Museum & Cultural Center
- Childcare Center
- Library
- Veteran Services HUB

The new Police Headquarters, Water Treatment Plant, Parks, and Utilities Operational Structures are not included in the scope of the plan.

Summary findings of the Capital Facilities Plan included:

- Portfolio condition and function good overall with some exceptions.
- Many facilities unable to accommodate growth.
- Vacated Police space in City Hall can accommodate growth; requires extensive renovation.
- Public Works and Animal Services facilities require significant investment and additional space to meet needs.

Next steps include a visioning workshop with leadership; evaluation of alternative concepts and will conclude with public outreach in the fall.

MARTIN WAY CORRIDOR STUDY

PRESENTERS: RICK WALK, COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR
RYAN ANDREWS, PLANNING MANAGER
ALLISON OSTERBERG, SENIOR PLANNER, THURSTON REGIONAL
PLANNING COUNCIL

ACTION: INFORMATION ONLY

The Martin Way Corridor Study is a joint planning effort between Thurston Regional Planning Council (TRPC), Thurston County, Intercity Transit and the cities of Lacey and Olympia.

The purpose of the study is to develop a coordinated vision for the future of Martin Way. The Comprehensive Plan for Lacey and the Lacey Urban Growth Area identifies Martin Way as a prime location for growth and redevelopment in the next twenty years.

Staff briefed the Council on the preliminary land use and transportation recommendations currently undergoing public review. The final recommendations will be presented in an action plan that will be reviewed at a later date. It is anticipated that this action plan will set the stage for a variety of adjustments to development codes (zoning and streets standards) and future infrastructure improvements that will help better align with the vision of the corridor.

COUNCIL POLICIES RELATED TO PUBLIC COMMENT

STAFF: SHANNON KELLEY-FONG, ASSISTANT CITY MANAGER
DAVE SCHNEIDER, CITY ATTORNEY

ACTION: INFORMATION ONLY

Shannon Kelley-Fong, Assistant City Manager, and Dave Schneider, City Attorney, briefed Council on updates to the Open Public Meetings Act (OPMA).

During the 2022 Legislative Session, Engrossed Substitute House Bill 1329 (ESHB 1329) was passed making changes to the State's OPMA, related to public meeting accessibility and participation. The bill was signed into law on March 24, 2022. Several of the OPMA changes were effective upon signature, while the remaining modifications are effective on June 9, 2022. To align with the new OPMA language, it is recommended that the City make modifications to several longstanding public comment practices.

Staff reviewed several sections of the Council Policies-Procedures Manual that should be modified to align with the new OPMA language.

Staff recommended allowing for written comment prior to Worksessions and Council Committees. The City Clerk's Office would provide any written public comment to the City Council prior to a Worksession or Committee meeting, similar to a Council meeting.

Staff recommended adopting the Resolution, updating the City of Lacey City Council Policies-Procedures Manual to reflect recent Open Public Meetings Act changes related to enhancing public meeting accessibility and participation, at the June 2 Council meeting.



LACEY CITY COUNCIL MEETING

June 16, 2022

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 5/28/2022 through 6/9/2022. The disbursements consist of the following:

Checks:	<u>Week of</u>	<u>Beg. Check No.</u>	<u>End. Check No.</u>	<u>Amount</u>
	*5/31/2022	263838	268340	1,430.64
	6/3/2022	263841	263897	210,702.49

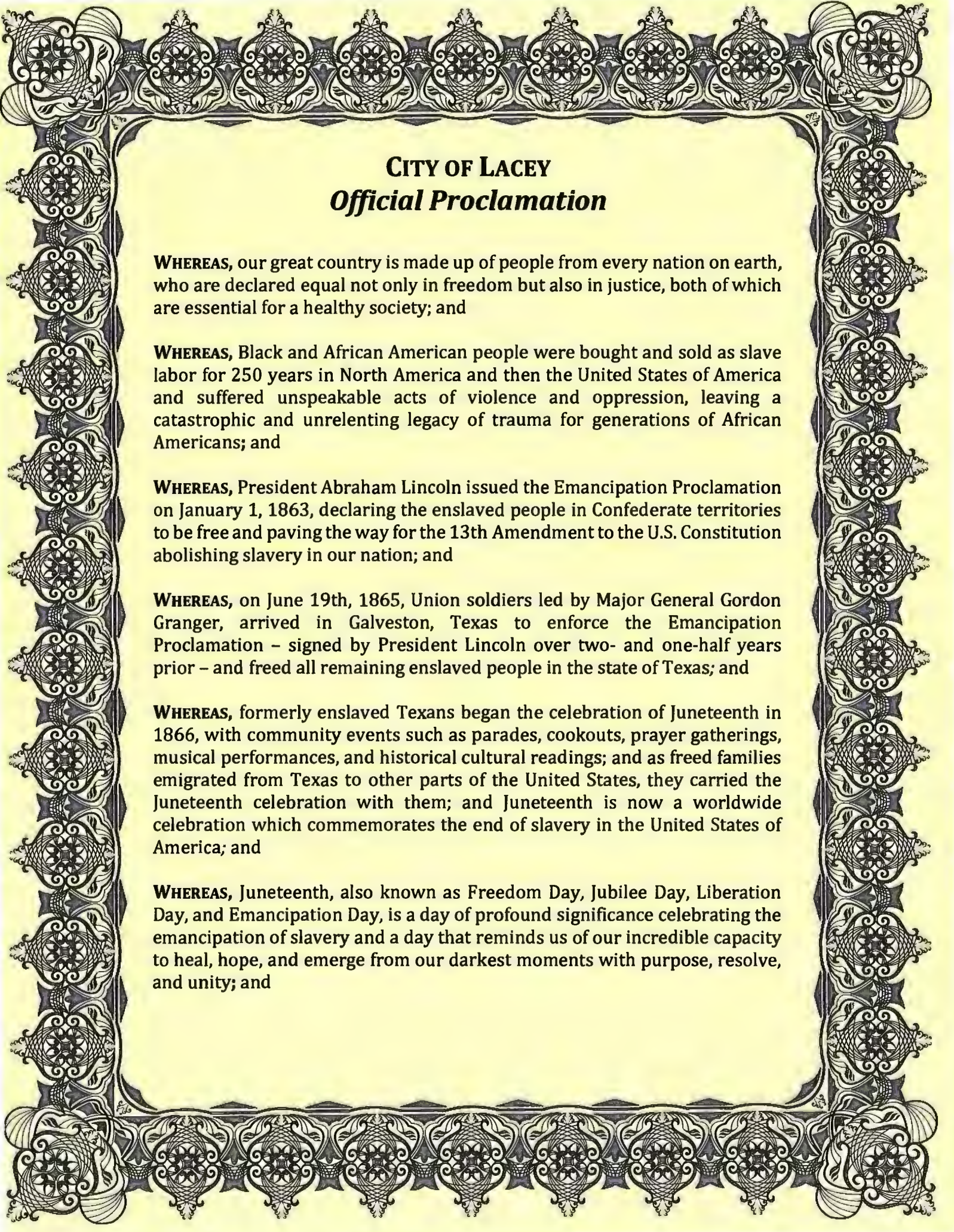
Electronic Transfers:	<u>Week of</u>	<u>Amount</u>
	5/12/2022	34,893.67
	5/18/2022	17,134.95
	5/27/2022	61,483.68
	*5/31/2022	19,631.68
	*5/31/2022	1,485,434.43
	6/1/2022	102,200.00
	6/3/2022	439,990.91

Payroll:	<u>Month Ended:</u>	<u>Wages</u>
	*5/31/2022	1,629,144.69

Significant Disbursements:

<u>Vendor</u>	<u>Amount</u>	<u>Description</u>
Associated Petroleum Prod.	\$ 55,249.61	Fuel
Econolite Control Products	\$ 71,653.98	WSDOT Traffic Signal Cabinet
MurraySmith, Inc.	\$ 159,405.75	PH Treat., T. Cargil Resvr., Liftstation 3

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



CITY OF LACEY

Official Proclamation

WHEREAS, our great country is made up of people from every nation on earth, who are declared equal not only in freedom but also in justice, both of which are essential for a healthy society; and

WHEREAS, Black and African American people were bought and sold as slave labor for 250 years in North America and then the United States of America and suffered unspeakable acts of violence and oppression, leaving a catastrophic and unrelenting legacy of trauma for generations of African Americans; and

WHEREAS, President Abraham Lincoln issued the Emancipation Proclamation on January 1, 1863, declaring the enslaved people in Confederate territories to be free and paving the way for the 13th Amendment to the U.S. Constitution abolishing slavery in our nation; and

WHEREAS, on June 19th, 1865, Union soldiers led by Major General Gordon Granger, arrived in Galveston, Texas to enforce the Emancipation Proclamation – signed by President Lincoln over two- and one-half years prior – and freed all remaining enslaved people in the state of Texas; and

WHEREAS, formerly enslaved Texans began the celebration of Juneteenth in 1866, with community events such as parades, cookouts, prayer gatherings, musical performances, and historical cultural readings; and as freed families emigrated from Texas to other parts of the United States, they carried the Juneteenth celebration with them; and Juneteenth is now a worldwide celebration which commemorates the end of slavery in the United States of America; and

WHEREAS, Juneteenth, also known as Freedom Day, Jubilee Day, Liberation Day, and Emancipation Day, is a day of profound significance celebrating the emancipation of slavery and a day that reminds us of our incredible capacity to heal, hope, and emerge from our darkest moments with purpose, resolve, and unity; and

WHEREAS, members of the Fred U. Harris Lodge #70 of Prince Hall Masons have hosted a community-wide barbeque annually in celebration of Juneteenth for the last 40 years, drawing over 500 participants from around the greater Thurston County area, the Pacific Northwest and Canada and the Lodge has invited the City of Lacey and other jurisdictions to join in the celebration of Juneteenth on Saturday, June 18th, from 12 p.m. to 4:00 p.m., at the Regional Athletic Complex (RAC) in Lacey;

NOW, THEREFORE, I, Andy Ryder, Mayor of the City of Lacey, on behalf of the Lacey City Council, do hereby recognize and commemorate June 18th, 2022, as

Juneteenth Day

in the City of Lacey and encourage all residents, businesses, and community groups to explore this important celebration of American culture, history, and pride.



Mayor Andy Ryder
June 16, 2022



LACEY CITY COUNCIL MEETING

June 16, 2022

SUBJECT: Tree Protection Regulation Amendments LMC 14.32

RECOMMENDATION: Approve an ordinance to amend Lacey Municipal Code 14.32 related to tree protection regulations.

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](#)
2. [Planning Commission Record](#)

FISCAL NOTE: None.

PRIOR REVIEW: 03/24/22 Council Worksession
02/22/22 Land Use Committee
12/09/21 Council Worksession
09/09/21 Council Worksession
07/08/21 Council Worksession
05/25/21 Land Use Committee
06/23/20 Land Use Committee

BACKGROUND:

On September 16, 2021, the City Council adopted the Urban Forest Management Plan (UFMP). The UFMP is the overarching policy document that guides the City's urban forestry vision and efforts. The implementation regulations for tree protection are contained in LMC 14.32 and have been reviewed and amended concurrently with the UFMP review and update. The proposed ordinance addresses issues identified as part of the review of the UFMP.

Provisions for Homeowner's Associations and Commercial Properties

Over the past few years a number of tree policy issues were brought to the Council by residents and business owners. One specifically was a review of tree regulations regarding removing healthy trees in homeowners' association open spaces. Currently, a Land

Clearing Permit Application may be submitted to remove a healthy tree from an HOA open space, but if the tree is determined to be healthy by the City's Tree Protection Professional (contract forester), then the permit is denied. The regulations do not currently have criteria for allowing removal.

To assist the Planning Commission in developing recommendations for changes to the Urban Forest Management Plan and tree regulations, a tree task force was established. The tree task force represented a broad range of interests including homeowners associations, commercial property owners, residential development, environmental protection, residential property owners, and a representative from the Planning Commission.

The tree task force reviewed proposed amendments on April 22, 2021, and were in general agreement about most of the proposed amendments. The Planning Commission reviewed the proposed amendments May 4, 2021. Both the task force and Planning Commission did not have full consensus on the issue of healthy tree removals in HOA open spaces at that time.

A public hearing was held May 18, 2021. Comments received were not supportive of proposed amendments to the exemptions section of the regulations that would make it easier for healthy trees in HOA open spaces to be removed. The Planning Commission held a worksession June 1, 2021, and made a unanimous recommendation to City Council on proposed amendments. The recommendation did not include any new HOA open space tree removal provisions.

Council reviewed the Planning Commission's recommended amendments at the July 7, 2021, worksession and requested staff to draft a proposed permit process and criteria to remove a healthy tree from an HOA open space, outside of the exemptions section of the regulations.

During worksessions on September 9 and December 9, 2021, questions were raised regarding commercial property owners and their tree removal options. In response, staff has drafted the ordinance to incorporate a permit process and associated standards for both HOA's and commercial properties.

Tree Permit Thresholds for Single-Family Residential

For single-family residential properties, a land clearing permit exemption is currently granted administratively for the removal of not more than five trees in a three-year period (LMC 14.32.050.D). When reviewing the exemption request, staff verifies that the tree ratio requirements of LMC 14T-18 have been met to ensure that the ratio of four trees per 5,000 s.f. is being met. Should the tree ratio be reduced below this threshold after removal, the applicant is required to replant to meet the requirement.

The permit requirement limiting the removal of a maximum of five trees in a three-year period was originally established to allow for the removal of a reasonable number of trees while also preventing complete removal of all trees on an individual lot. This permit requirement has acted as a de facto regulation whereby a tree exemption was issued administratively over the counter versus the removal of more than five trees in a three-year period which would require a Land Clearing Permit approval. This requires approval of a land use application and associated report completed by the City's arborist which deters property owners from applying.

In 2006, LMC 14T-18 was added as a tree ratio regulation to overlay with the permit thresholds. Through discussions by the ad hoc tree committee and the Planning Commission, it was deemed that the five trees in a three-year period permit threshold was no longer necessary because the standards in LMC 14T-18 still applies to balance the needs of a property owner with maintaining a minimum number of trees.

The purpose of removing the threshold is that both the permit requirement associated with the five trees in a three-year period, and the standard of four trees per 5,000 square feet are confusing to administer and conflate permit thresholds with the regulations. This amendment will separate the permit threshold requirement from the standards. Additionally, the exemption language was established when average lot sizes were larger and the amendment will achieve better balance between small and large properties. The draft regulations will require any tree removals in excess of five to consult with the city's arborist who will review the site and provide education to the property owner.

If adopted, the proposed permit language contained in LMC 14.32.050.D. will still allow for individual lots be exempted from land clearing permit requirements provided the tree density minimums of 4 trees per 5,000 square feet are maintained (either with the number of trees retained on site or through replanting to meet the minimum ratio). This will still allow for typical tree removals to receive over-the-counter permits for removals. The only additional requirement would be that for requests of more than five trees to be removed on a lot, the applicant must have a tree report completed by the City's arborist. The report will allow the arborist to provide additional field education and outreach while also assessing the individual site and surroundings.

At a worksession on March 24, 2022, the City Council examined the draft provisions for individual lots and the thresholds associated with the Land Clearing Permit process. In response, staff has made some minor amendments to the ordinance to make it expressly clear that tree removals that trigger a Class IV Forest Practices Application (tree harvesting of 5,000 board feet or more) are subject to a Land Clearing Permit and would not be eligible for the individual lot exemption.

Additional Items

Additional amendments to LMC 14.32 include housekeeping revisions to the definition section (14.32.030); removal of a substantial portion of the “Revegetation Options” section as the City tree protection professionals determined it is no longer necessary to include the entirety of this language in the regulations (14.32.069); and an exemption (14.32.50) to permit requirements for City-owned property.

Planning Commission Recommendation

The Planning Commission conducted a public hearing on May 18, 2021. The comments received are attached as part of the Planning Commission record. At the meeting on June 1, 2021 the Planning Commission made a unanimous recommendation to City Council on the proposed amendments. The recommendation did not include any new HOA open space or commercial tree removal provisions.

After conducting additional work sessions, the City Council has requested that language be added to the proposed ordinance to address HOA open space and commercial property owner concerns. The proposed ordinance for consideration does include the language as proposed by the Council.

City Council Action

The City Council may accept, modify, or deny the ordinance as provided. The ordinance does largely represent the Planning Commission’s recommendation with the addition of the City Council-requested provision of tree removals for homeowner’s associations and commercial property owners. Should the City Council desire to modify the ordinance to remove the provision for the individual lot exemption, this can be done through approval of a motion to adopt the ordinance with the removal of the proposed amendment to Lacey Municipal Code 14.32.050(D).

ADVANTAGES:

1. Periodic updates to long-range plans and implementation regulations provide opportunity for public engagement, inclusion of the most current data, and resolution of issues since the previous update.

DISADVANTAGES:

1. The proposed regulations related to HOA open spaces and commercial properties lack consensus from the tree advisory board, the Planning Commission, and the public.

ORDINANCE NO. 1617

CITY OF LACEY

AN ORDINANCE RELATED TO TREE AND VEGETATION PROTECTION AND PRESERVATION, AMENDING SECTIONS 14.32.020, 14.32.030, 14.32.040, 14.32.045, 14.32.050, 14.32.060, 14.32.069, 14.32.070, AND 14.32.090, ADDING A NEW SECTION 14.32.071, AND ADDING A NEW TABLE 14-T70, ALL OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, in response to citizen concerns over tree policy issues, a Tree Task Force was formed to assist the Planning Commission in developing recommended changes to the Urban Forest Management Plan; and

WHEREAS, The Planning Commission reviewed the Tree Task Force's proposed amendments on May 4, 2021 and conducted a public hearing on May 18, 2021, at which public comments were received and considered; and

WHEREAS, neither the Tree Task Force nor the Planning Commission had full consensus on the issue of healthy tree removals in HOA open spaces; and

WHEREAS, on June 1, 2021, the Planning Commission held a worksession and unanimously recommend proposed amendments that did not include any new provisions for removal of healthy trees in HOA open spaces; and

WHEREAS, the City Council reviewed the recommended amendments at their July 8, 2021; September 9, 2021; and December 9, 2021 worksessions and requested staff to draft proposed regulations that provide a permit process and criteria for removal of healthy trees from HOA open spaces and commercial properties; and

WHEREAS, the City Council has reviewed the proposed amendments and finds that adoption of the proposed amendments would be in the interest of the citizens of Lacey.

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

Section 1. Section 14.32.020 of the Lacey Municipal Code is hereby amended as follows:

14.32.020 Purposes and permit criteria.

These regulations are adopted for the following purposes and these purposes are to be used as criteria for the issuance of land clearing permits under LMC 14.32.040:

- A. To implement strategies for the management and protection of Lacey's urban forest resources pursuant to the goals and policies of the Lacey Urban Forest Management Plan;
- B. To implement the purposes of the State Growth Management Act relating to conservation of natural resources, including Lacey's urban forest resources, pursuant to RCW 36.70A.050, 36.70A.060 and 36.70A.080;
- C. To implement the purposes of the State Growth Management Act pursuant to RCW 36.70A.172, considering the many environmental benefits of the urban forest as described in Lacey's Urban Forest Management Plan;
- D. To promote the public health, safety, and general welfare of the citizens of Lacey without preventing the reasonable development of land;
- E. To preserve and enhance the city's physical and aesthetic character by preventing indiscriminate removal or destruction of trees and ground cover and to insure the protection of trees chosen to remain during construction;
- F. To minimize surface water and ground water runoff and diversion and to prevent erosion and reduce the risk of slides;
- G. To retain and utilize trees to assist in site planning, considering the abatement of noise, visual screening, protection from wind, and other site design issues;
- H. To acknowledge that trees and ground cover have significant environmental and quality of life benefits as identified in Lacey's Urban Forest Management Plan, such as the production of pure oxygen from carbon dioxide, the reduction of air pollution, help in providing clean water, control of soil erosion, use in design for energy efficiency and temperature control, noise attenuation, and wildlife habitat;
- I. To promote building and site planning practices that are consistent with the city's natural topography, soils, and vegetation features. At the same time certain factors may require the

removal of certain trees and ground cover for things such as, but not limited to disease, danger of falling, proximity to existing and proposed structures and improvements, interference with utility services, ~~protection of scenic views~~, protection of solar access and the realization of a reasonable enjoyment of property;

J. To insure prompt development, restoration, replanting, and effective erosion control of property after land clearing;

K. To reduce water pollution from siltation in the city's streams and lakes;

L. To implement the goals and objectives of the Washington State Environmental Policy Act;

M. To implement and further the City's Comprehensive Land Use Plan and its Environmental Protection and Resource Conservation Element;

N. To encourage protection of wildlife and/or wildlife habitat whenever possible.

Section 2. Section 14.32.030 of the Lacey Municipal Code is hereby amended as follows:

14.32.030 Definitions.

A. "Brushing" means the practice of removing ground cover to create better visibility on a property for purposes such as marketing or surveying of said property.

B. "Caliper" is the standard for trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured six inches above the ground for up to, and including, four-inch caliper size and twelve inches above the ground for larger sizes.

C. "City" means the city of Lacey, Washington.

D. "Class IV forest practice activity" is a timber harvest, thinning or other activity as established in the Washington State Department of Natural Resources Forest Practices Regulations ([Title 222 WAC](#)), whereby a property owner is allowed to harvest a limited amount of timber from their property within the city of Lacey, while still maintaining their rights to convert their property to a use inconsistent with growing timber.

E. "DBH" is the diameter at breast height, measured four and one-half feet above the groundline on the high side of the tree.

F. "Director" means director of community and economic development or his/her designee.

G. “Drip line” of a tree is located by the vertical projection of a line at the tips of the outermost branches.

H. “Ground cover” means grass, forbs, shrubs, and trees less than four inches in diameter measured four and one-half feet above the ground level (DBH).

I. “Hazard tree” means any tree that is dead, dying, damaged, diseased, or structurally defective, recently exposed by adjacent clearing, or some other factor that will subject the tree to failure, and the tree could reasonably reach a target, as determined by the tree protection professional.

J. “Historical tree” is a tree or group of trees designated as such by the city because of its historical value to the residents of the city.

~~JK.~~ “Land clearing” means the direct and indirect removal of trees and/or ground cover from any public or private undeveloped, partially developed, or developed lot, public lands or public right-of-way. This shall also include any destructive or inappropriate activity applied to a tree that will result in its death or effectively destroy the tree’s appearance and/or functionality, such as topping.

~~K. “Historical tree” is a tree or group of trees designated as such by the city because of its historical value to the residents of the city.~~

L. “Root protection zone” is an area around the tree to be saved equal to one foot of radius for each one inch of tree diameter measured four and one-half feet above the ground line (DBH), unless otherwise designated by the city’s tree protection professional.

M. “Site disturbance” is any action that requires a city of Lacey building permit.

N. “Specimen tree” is a tree that is unique or rare because of its exceptional size or quality, species, or value in a particular location.

O. “Topping” is the indiscriminate placement of cuts to reduce a tree’s size. Topping is not an acceptable pruning practice in the city of Lacey.

P. “Tree” means any living woody plant characterized by one main stem or trunk and many branches, and having a diameter of four inches or more measured at four and one-half feet above the ground level (DBH).

Q. “Tree protection professional” is a certified professional with academic and/or field experience that makes him or her a recognized expert in urban forestry and tree protection during development. A tree protection professional shall be a member of the Society of American Foresters (SAF), the Association of Consulting Foresters of America (ACF), the American Society of Consulting Arborists (ASCA), or the International Society of Arboriculture (ISA), and shall have specific experience with urban tree management in the

state of Washington. Additionally the tree protection professional shall be an ISA Certified Arborist or an ASCA Registered Consulting Arborist with the necessary training and experience to use and apply the International Society of Arboriculture's Guide for Plant Appraisal and to professionally provide the necessary expertise relating to management of urban trees specified in this chapter.

R. "Tree tract" is a portion of land designated for the preservation and protection of existing trees or the planting of new trees to maintain tree canopy at a development site. The tree tract shall be a separate designated lot(s) shown on the plat map, binding site plan, or site plan review map, and shall be recorded with appropriate description of purposes and restrictions. Restrictions applied to the tree tract will not allow any use other than the growing of trees in the tract, and will reserve the tract for the protection and preservation of trees in perpetuity. Tree tracts can be used for other open space uses when the uses are compatible with trees and will not impact tree health. The tract will be dedicated to, and owned and maintained by, the homeowners' or lot owners' association, or comparable entity. The tract may be dedicated to the city of Lacey for maintenance if approved by the city. Creation of tree tracts to save the best trees on a site may require modifications to the street locations, lot designs and/or other features of the site plan.

Section 3. Section 14.32.040 of the Lacey Municipal Code is hereby amended as

follows:

14.32.040 Permits.

No person, corporation, or other legal entity shall engage in timber harvesting or cause land clearing in the city without having complied with one of the following:

- A. Received a land clearing permit from the director [under the provisions of LMC 14.32.060](#);
- B. Having obtained approval of the proposed work under the processes described in LMC [14.32.050\(A\)](#);
- C. Having received an exemption from the director under the provisions of LMC [14.32.050](#). In such cases an exemption notice shall be required for posting at the site.

Section 4. Section 14.32.045 of the Lacey Municipal Code is hereby amended as

follows:

14.32.045 Class IV forest practice applications.

A. Urban growth area. Properties within the urban growth area are anticipated to be available for development with urban uses within the next twenty-year period. Pursuant to RCW 76.09.070 lands within the urban growth area are not considered appropriate for long-term timber production and harvesting which takes a full forty-year cycle. Forest management activities shall be consistent with the city's Comprehensive Land Use Plan and implementing regulations for the urban growth area. Forest management activities shall promote the goals and policies of the Lacey Urban Forest Management Plan. Forest practice applications shall meet the requirements specified in subsections B, C, D and E of this section.

B. Conversions and timing. Because conversion of properties within the urban growth area can reasonably be expected, significant land clearing of such properties shall only take place at the time of a valid land use application. Tree tracts, open spaces and buffers can then be properly coordinated with the actual development plans.

To further the purposes, goals, and policies of the Urban Forest Management Plan, timber harvesting and conversion of forested lands within the urban growth area shall not be permitted until such time as a valid land use application for development is made; provided, however, requests may be made for maintenance and thinning of existing timber stands to promote the overall health and growth of the stand until said stand is converted and harvested pursuant to plans provided within a valid land use permit.

C. Maintenance and thinning. Class IV forest practice applications and applications for maintenance and thinning shall be reviewed by the city's tree protection professional who shall make recommendations on the request to the ~~land-clearing~~[Site Plan Review](#) committee. Recommendations shall ensure that action shall improve the health and growth of the stand and preserve long-term tree protection alternatives to meet the goals of this chapter.

D. Selective thinning limited. Thinning activities shall be strictly limited to less than thirty-five percent of the volume every ten years. High grading or top-down thinning shall not be permitted. The remaining stand of trees should be healthy, long-term trees from the dominant and co-dominant crown classes. The stand shall be marked prior to the selective thinning operation, indicating which trees will be removed and saved.

E. Processing of applications. Class IV forest practice applications shall be processed concurrently with, and using the same process as, the underlying land use application. Should there be no underlying land use application, the Class IV forest practice application shall be processed [as a land clearing permit under this chapter](#) in accordance with the full administrative review procedures in Chapter 1 of the City of Lacey Development Guidelines and Public Works Standards.

Section 5. Section 14.32.050 of the Lacey Municipal Code is hereby amended as follows:

14.32.050 Exemptions.

The following shall be exempt from land clearing permit requirements of this chapter but shall satisfy all standards and requirements of LMC 14.32.065 and other sections as noted below:

A. Coordination with land use applications. Projects requiring approval of the city of Lacey site plan review committee under Chapter 16.84 LMC, or projects requiring review by the hearings examiner or city council; provided, that land clearing on such projects shall take place only after approval and shall be in accordance with such approval and the standards of this chapter including the information requirements and standards of LMC 14.32.060.

B. Hazard trees. Removal of hazard trees in emergency situations involving immediate danger to life or property as determined by the city's tree protection professional.

C. Unhealthy trees and groundcovers. Removal of obviously dead or diseased trees or ground cover which may be a fire hazard as determined by the city's tree protection professional.

D. Individual lot exemption. Removal of ~~no more than five trees in any thirty-six consecutive months or ground cover for the purposes of solar access, general property and utility maintenance, landscaping or gardening, provided a minimum tree threshold is maintained pursuant to LMC 14.32.066, and provided further this exemption does not apply to historical trees or trees and ground cover in an area designated as environmentally sensitive~~ trees on individual lots where tree density minimums are maintained per Table 14T-18. For removal requests for more than five trees, review must be completed prior to permit issuance by the City's tree protection professional. An exemption must be issued by the city of Lacey prior to the removal of trees under this exemption provision.

E. Building footprint. Removal of trees and ground cover within a maximum of ten feet (when required for construction) of the perimeter of the building line and any area proposed to be cleared for driveway, septic, sewer and water purposes, of a single-family or duplex dwelling to be constructed as indicated on the plot plan submitted to the building official with an application for a building permit; provided, however, the director may require minor modifications in siting and placement of driveways, utilities and septic tank drain field systems and sewer and water lines where such modifications will promote the goals of the chapter and still satisfy the need and function of improvements.

F. Clear vision. Removal of obstructions required by the vision clearance at intersections regulations of Chapter Four of the Development Guidelines and Public Works Standards.

G. City owned property. Tree assessment, removal and replacement of trees on city owned property.

Section 6. Section 14.32.060 of the Lacey Municipal Code is hereby amended as

follows:

14.32.060 Application for permits.

A. Pre-Submission Conference. Prior to application for land use permits and actions such as a land division, commercial site plan review (SPR), or a conditional use permit (CUP), a pre-submission conference shall be required consistent with the requirements of chapter one of the Development Guidelines and Public Works Standards. The pre-submission conference is designed to review the proposed action and identify permit requirements and issues an applicant may incur if the project is implemented. As part of this review it should be made clear that the city of Lacey has an Urban Forest Management Plan and tree protection regulations that require early consideration of tree protection options, and that urban forest concepts and strategies shall be part of the early design considerations for new projects. Location and design of major infrastructure, buildings, and planned uses must consider the tree protection opportunities to further the purposes of the Urban Forest Management Plan.

B. Applicable Requirements. An application for a land clearing permit or information required by this chapter shall ~~be submitted at the same time as a valid land use application or building permit on a form provided by the city and shall~~ be accompanied by such of the following documents and information as are determined to be necessary by the director:

1. Site Plan. Copies of the site plan, pursuant to requirements of chapter one of the Development Guidelines and Public Works Standards, which shall include the following information:
 - a. Name, address, and telephone number of the applicant and owner of property;
 - b. Legal description of property;
 - c. Date, north arrow, and adequate scale, as determined by the director, on the map or plot plan;
 - d. Topography map showing contours at not greater than ten-foot intervals of proposed clearing projects within areas of steep slopes, creeks and shorelines;
 - e. Location of proposed improvements, including, but not limited to, structures, roads, driveways, utilities, and storm drainage facilities. Said improvement locations shall also be staked on site to enable the city's tree protection professional and other city staff to review improvement locations and their relationship to the site and existing vegetation;
 - f. Approximate and general location, type, size and condition of trees and ground cover and a general identification of trees and ground cover which are to be removed.
2. Tree Protection Professional Report. On forested property greater in size than one acre or commercial property with one or more trees, or other sites the city deems it necessary because of special circumstances or complexity, the city's tree protection professional shall review the site and provide a report analyzing the site for tree protection consistent with the requirements of this chapter. The report should provide information important to urban forest management and options for consideration when developing preliminary designs. The report should

suggest options for design to best achieve the purposes of the Urban Forest Management Plan and this chapter. The report shall include but shall not be limited to:

- a. Information required under subsections (B)(1) through (7) of this section;
 - b. An analysis of technical information requested by the review body related to trees and forest practices;
 - c. Analysis of what portion of the site is best for designation of the tree tract if required, considering the intent of this chapter, soil type, topography, tree species, health of trees and reasonable project design limitations;
 - d. Recommendations for saving of individual tree specimens based upon the intent of this chapter, soil type, topography, tree species, health of trees, and reasonable project design limitations;
 - e. A plan for protection of trees to be saved during construction including placement of construction fences, monitoring of construction activity and other measures necessary to ensure adequate tree protection;
 - f. Consideration of the location of roads, other infrastructure, and buildings and potential options for alternative locations, if applicable, to best satisfy the purposes of the Urban Forest Management Plan;
 - g. A timeline for tree protection activity;
 - h. The final tree protection plan should be prepared on the site grading plan. All tree protection fences, trees to be saved, and trees to be removed should also be shown on the site demolition plan. Necessary save-tree pruning and selective thinning within tree tracts shall be detailed and trees marked as such. The tree protection plan and demolition plan should be part of the submittal to the city of Lacey and shall be approved by the tree protection professional. The tree protection plan shall be part of the contractor bid package and a copy of the tree protection plan shall be available to the contractors on site at all times during logging, clearing, and construction.
3. Schedule. A proposed time schedule for land clearing, land restoration, implementation of erosion control and any excavation or construction of improvements.
 4. Strategy for control. A statement indicating the method to be followed in erosion control and restoration of land during and immediately following land clearing.
 5. Landscape plan. Proposed landscape plan or written or graphic description of proposed action.
 6. Areas of saved trees. Location of tree tracts, proposed buffers, open space, and other areas of the site where stands of trees are to be saved.
 7. Revegetation. If the option for revegetation of the site or a portion of the site is proposed under LMC 14.32.069, information requirements described under LMC 14.32.069 shall be required at the time of application.

C. Review ~~Body~~. Review shall take place as part of the underlying permit review process. Should there be no underlying land use application, the land clearing permit application shall be processed in accordance with the full administrative review procedures in Chapter 1 of the City of Lacey Development Guidelines and Public Works Standards. The review body (site plan review committee, hearing examiner, or city council) shall review the application and make a decision in accordance with review requirements of the underlying permit.

D. Expiration. Any permit granted hereunder shall run with the underlying permit or shall expire eighteen months from the date of issuance. Upon a showing of good cause, a permit may be extended by the director for one six-month period. The permit may be suspended or revoked by the director because of incorrect information supplied or any violation of the provisions of this chapter. Minor amendments of a permit may be granted by the director. Major amendments may be accomplished only by making a new application and proceeding through the requirements of this chapter and chapter one of the City of Lacey Development Guidelines and Public Works Standards. Major alterations are changes that alter the intent of the original decision. What constitutes a minor or major amendment shall be left up to the discretion of the director who may consult the review body for guidance.

E. Permit Notice Posted. No work shall commence until a permit notice has been posted on the subject site in a conspicuous location. The notice shall remain posted until the project has been completed.

F. Preconstruction Conference. Prior to the start of logging and land clearing activity, a preconstruction conference shall be held with the city tree protection professional to insure the contractors understand the necessary tree protection measures prescribed in the tree protection plan and that all required tree protection fences and other required tree protection activity is completed prior to the start of site work.

Section 7. Section 14.32.069 of the Lacey Municipal Code is hereby amended as follows:

14.32.069 Revegetation option.

Based upon recommendations in a report by the city's tree protection professional, removal of areas of vegetation that might normally be saved may be permitted if extensive revegetation is accomplished and standards for tree tract(s) are satisfied pursuant to the requirements of LMC 14.32.064 and 14.32.065. Such alternatives may be desirable for sites with significant physical limitations such as topography, soil type or proposed small lot sizes (less than sixty-five hundred square feet). Additionally, limitations of existing trees such as unsuitable species or poor health of a particular tree stand may make such options desirable.

On a site with documented special circumstances, an alternative allowing removal of vegetation normally saved may be approved with a comprehensive revegetation plan developed by the city's tree protection professional. ~~At a minimum, the plan shall include:~~

~~A. General information. Information required under LMC 14.32.060.~~

~~B. General standards. Consideration of the standards provided in LMC 14.32.063.~~

~~C. Justification. An evaluation of what circumstances are present in specific areas of the site to make incorporation of topography and existing vegetation undesirable and recommendations on what areas if any can be designed to accommodate existing vegetation.~~

~~D. Consideration of functions and values. Consideration of overstory and understory vegetative species to provide wildlife habitat and meet specific purposes important to the neighborhood environment and project design such as buffers, green belts, open spaces, street trees, urban beautification, solar access, and other functions and purposes deemed desirable and appropriate to the anticipated use.~~

~~E. Landscape plan map. A comprehensive map showing location, number, species and size of planned vegetative improvements. The plan shall also consider the particular circumstances of the site and proposed project, and detail species selected based upon the anticipated use of the property consistent with the site's zoning designation, permitted uses, and lot size.~~

~~F. Timing. A time line for completion of improvements.~~

~~G. Value of vegetation. An appraisal of the value of vegetation being removed under this option. Said appraisal must be accomplished pursuant to the most recent guidelines established by the International Society of Arboriculture in its "Guide for Plant Appraisal" and be completed by the city tree protection professional.~~

~~H. Commensurate value replaced. Said plan shall provide for a commensurate value of vegetation to be installed as is to be taken out under this option. Said amount shall be above and beyond what is normally required for landscaping in the projects not utilizing this option. The calculated value of the revegetation shall include only appraised value of the trees and vegetation and shall not include the applicant's administrative or labor costs, or the costs of the city's tree protection professional.~~

~~I. Maintenance. A three year maintenance plan including provision for an irrigation system, weed control and a shrub and tree maintenance program.~~

~~J. Protection strategy for vegetation to be saved. If any existing vegetation is to be saved, a plan shall be provided for the protection of said vegetation during construction activity, including fencing and other protective measures deemed necessary by the city's tree protection professional.~~

~~K. Land division elements considered. If the project involves a land division, the landscaping plan should include a comprehensive treatment of tree tracts, open space areas, green belt areas, buffers, common areas, and street frontages (street trees and parkways). All common improvements shall be completed prior to the final land division, approval or financial~~

~~security provided to the city in a form acceptable to the city in the amount of one hundred fifty percent of the estimated costs including two years maintenance and twenty percent replacement.~~

~~L. Required consideration for clearing individual lots with land division approval. If a developer desires to clear individual lots within the land division at the same time as road areas, this may be done if it is consistent with the approved plans and the following conditions are satisfied:~~

~~1. Valuation of vegetation. An average valuation of vegetation on individual lots shall be provided with a conceptual plan of typical yard landscaping of equal value. Such conceptual plan shall contain specific guidelines for revegetation of individual lots and said guidelines shall be incorporated into protective covenants and lot owner's association articles of incorporation;~~

~~2. Financial security. Financial security is provided to the city in a form acceptable to the city at one hundred fifty percent of the estimated costs of improvements of individual lots based upon the conceptual typical yard landscaping plan.~~

~~3. Meets requirements. A detail of how the revegetation plan satisfies the requirements for tree tract(s) pursuant to this chapter.~~

Section 8. Section 14.32.070 of the Lacey municipal Code is hereby amended as follows:

14.32.070 Additional considerations for commercial developments.

Commercial projects generally have different demands than residential areas. Commercial sites have parking lots to serve the traveling public, they have larger buildings, and they may have need of significant utility infrastructure to service commercial uses. While Lacey has the same goals to maintain our tree canopy and to save significant stands of trees, urban forestry requirements for commercial areas need to be crafted to acknowledge and plan for differences in site design and construction requirements. In addition to other requirements of this ordinance, commercial sites shall have emphasis on the following considerations and requirements:

A. Early planning prior to project design shall consider the stands of trees on the site. For a land use application to be considered complete a tree inventory with consideration of urban forestry issues shall be required to be submitted with the land use application. The tree inventory and evaluation shall be utilized in the design layout of the site. Existing trees and protection opportunities shall play an important role in site design;

B. The major strategy for tree protection on commercial sites will be designation of a tree tract(s) pursuant to the requirements of LMC 14.32.068. Analysis and recommendations of the tree protection professional will determine if certain individual trees should have special emphasis based upon their health and significance, individual site conditions, and retention opportunities. A review of these recommendations shall be provided in the tree protection professional's report;

C. The selection of the location of the tree tract(s) and individual trees shall be chosen early on at the pre-submission stage, before design of the site, and it shall consider the best location of the site to address urban forestry issues. The design of the commercial site layout shall work within the framework of tree protection opportunities for designation of the tree tract and individual trees;

D. Deciduous trees are generally encouraged for parking areas because of advantages for solar access considerations (shading in summer and solar access in winter), temperature and climate control factors (reducing temperature in parking lots in summer), pollution control advantages (broad leaves absorption of gases and removal filtering of particulate matter), and options for providing tree canopy coverage over parking sites and drive lanes. Select deciduous trees can also be chosen for root character that will not damage asphalt and parking lot overlays. For these advantages, planting of select deciduous trees will generally be a good choice to provide canopy coverage in parking lots for commercial sites over the long term. It is also important to restore some native conifers to the project site. This can occur in larger planter islands or as a backdrop to buildings or as foundation plantings to breakup concrete facades. The tree protection professional's report shall reflect these considerations, shall indicate the best areas for removal of trees to accommodate parking needs (based upon indigenous tree areas with the least protection value) and shall recommend replacement of trees;

E. In some cases commercial sites may require extensive grading because of the nature of the topography and other development requirements. For this reason, and the emphasis on provision of a designated tree tract to achieve canopy goals, some flexibility may be permitted for grading to provide for intensive infrastructure needs of the project design. Provided, the design takes advantage of tree protection opportunities to provide an attractive, functional and unique shopping experience. This flexibility is not intended to limit creative development with the site. Where possible, commercial developments should seek to use variations in terrain to create an interesting development scheme.

F. Trees planted in planter strips, medians, and tree wells with grates shall follow City of Lacey Development Guidelines and Public Works Standards in Chapter 4B.125, Landscape/Planter Areas for specific site preparation requirements and Drawings 4-29 and 4-30.

G. Trees located in an existing tree tract or landscaping of a commercial development may not be removed, unless approved through the following procedures:

1. **Permit Required.** No tree on existing commercial development shall be removed without first applying for and receiving a permit. The applicant for the permit shall be the property owner. An application for a tree removal permit shall be submitted on a form provided by the city. The applicant must state the justification for removal on the tree removal application;

2. **Review.** The director or her/his designee shall review the application for tree removal, the tree protection professional's report and any applicable information. In the review, the following factors will be considered:

1. Documented history of property damage caused by the tree(s).
2. The size and location of the tree(s) causes typical maintenance, pruning and dead branch removal infeasible due to cost or is physically not practicable by tree care professionals.
3. The tree does not meet criteria for a specimen tree

3. **Replanting.** Any tree permitted to be removed under this subsection shall be mitigated by planting replacement trees at a ratio required by Table 14-T70.

Table 14-T70

<u>Size of tree to be removed (inches at DBH)</u>	<u>Minimum Number of trees to be replanted</u>
<u>Less than 6</u>	<u>1</u>
<u>6 and up to 12</u>	<u>2</u>
<u>More than 12 and up to 20</u>	<u>3</u>
<u>More than 20 and up to 25</u>	<u>5</u>
<u>More than 25</u>	<u>7</u>

Replacement trees will be a minimum of 1.5 inch caliper for deciduous species and 6-7 foot tall for conifers unless otherwise recommended by the city tree protection professional. Conifers will be native to the Pacific Northwest. Deciduous tree species will be compatible with the other trees in the open space, and will provide wildlife, aesthetic,

and other amenities to the open space. If the site cannot accommodate the amount of replanting required, the City's tree account may be used pursuant to 14.32.066 (B).

4. Tree Protection Professional Report The city's tree protection professional shall review the site and provide a report analyzing the site for tree replacement consistent with the requirements of this chapter. The report should provide information important to urban forest management and options for consideration when developing replanting plans. The report should suggest options for design to best achieve the purposes of the Urban Forest Management Plan and this chapter. The report shall include but shall not be limited to:

a. Analysis of what portion of the open space is best for replanting, considering the intent of this chapter, soil type, topography, tree species, health of trees and reasonable project design limitations;

b. Recommendations for replacement tree species based upon the intent of this chapter, soil type, topography, tree species, health of trees, and reasonable project design limitations;

c. Consideration of the location of roads, other infrastructure, and buildings and potential options for alternative locations, if applicable, to best satisfy the purposes of the Urban Forest Management Plan

d. A timeline for tree replacement

e. An irrigation and watering plan to maintain replacement tree health and survival

5. Decision. The director or her/his designee shall issue their decision in writing to include rationale supporting the decision pursuant to procedures and requirements of section 1E.030 (Limited Administrative Review of Applications) of the Development Guidelines and Public Works Standards;

Section 9. A new section 14.32.071 is hereby added to the Lacey Municipal Code, to read as follows:

14.32.071 Additional considerations for homeowners association (HOA) open spaces.

A. Open Space Tracts may have different demands and issues than individual residential parcels or designated tree tracts. While open space Tracts are recognized by the Plan as key areas for preserving, maintaining or planting trees to meet the community's tree canopy goal, there are instances when otherwise healthy trees may need to be removed for reasons such as tree species suitability, maintenance, or liability. In cases where otherwise healthy trees are removed, replanting shall occur to maintain the community's tree canopy goal.

B. Trees located in open space Tracts shall not be removed, unless approved through the following procedures:

1. **Permit Required.** No open space tree shall be removed without first applying for and receiving a permit. The applicant for the permit shall be the property owner. An application for a tree removal permit shall be submitted on a form provided by the city. The applicant must state the justification for removal on the tree removal application;

2. **Review.** The director or her/his designee shall review the application for tree removal, the tree protection professional's report and any applicable information. In the review, the following factors will be considered:

1. Documented history of property damage caused by the tree(s).
2. The size and location of the tree(s) causes typical maintenance, pruning and dead branch removal infeasible due to cost or is physically not practicable by tree care professionals.
3. The tree does not meet criteria for a specimen tree

3. **Replanting.** Any tree permitted to be removed under this subsection shall be mitigated by planting replacement trees at a ratio required by Table 14-T70.

Table 14-T70

<u>Size of tree to be removed (inches at DBH)</u>	<u>Minimum Number of trees to be replanted</u>
<u>Less than 6</u>	<u>1</u>
<u>6 and up to 12</u>	<u>2</u>
<u>More than 12 and up to 20</u>	<u>3</u>
<u>More than 20 and up to 25</u>	<u>5</u>
<u>More than 25</u>	<u>7</u>

Replacement trees will be a minimum of 1.5 inch caliper for deciduous species and 6-7 foot tall for conifers unless otherwise recommended by the city tree protection professional. Conifers will be native to the Pacific Northwest. Deciduous tree species will be compatible with the other trees in the open space, and will provide wildlife, aesthetic, and other amenities to the open space. If the site cannot accommodate the amount of replanting required, the City's tree account may be used pursuant to 14.32.066 (B).

4. Tree Protection Professional Report The city's tree protection professional shall review the site and provide a report analyzing the site for tree replacement consistent with the requirements of this chapter. The report should provide information important to urban forest management and options for consideration when developing replanting plans. The report should suggest options for design to best achieve the purposes of the Urban Forest Management Plan and this chapter. The report shall include but shall not be limited to:

a. Analysis of what portion of the open space is best for replanting, considering the intent of this chapter, soil type, topography, tree species, health of trees and reasonable project design limitations;

b. Recommendations for replacement tree species based upon the intent of this chapter, soil type, topography, tree species, health of trees, and reasonable project design limitations;

c. Consideration of the location of roads, other infrastructure, and buildings and potential options for alternative locations, if applicable, to best satisfy the purposes of the Urban Forest Management Plan

d. A timeline for tree replacement

e. An irrigation and watering plan to maintain replacement tree health and survival

5. Decision. The director or her/his designee shall issue their decision in writing to include rationale supporting the decision pursuant to procedures and requirements of section 1E.030 (Limited Administrative Review of Applications) of the Development Guidelines and Public Works Standards;

Section 10. Section 14.32.090 of the Lacey Municipal Code is hereby amended as follows:

14.32.090 Violations.

A. Violation general. Violation of the provisions of this chapter or failure to comply with any of the requirements shall constitute a misdemeanor and such violation shall be punished as provided by LMC Title 9 for the commission of a misdemeanor. Each day such violation

continues shall be considered a separate, distinct offense. The city's code enforcement officer shall promptly investigate all complaints of illegal tree removals.

B. Penalties. Any person who commits, participates in, assists or maintains such violation may be found guilty of a separate offense and suffer the penalties as set forth in subsection A of this section.

C. Mitigation required. In addition to the penalties set forth in subsections A and B of this section, any violation of the provisions of this chapter shall be mitigated by comprehensive treatment of environmental impacts through revegetation of the affected site. In assessing environmental damage, the city's tree protection professional shall determine the extent and value of vegetation removed or damaged and other environmental damage inconsistent with the intent and requirements of this chapter. In assessing environmental damage, the tree protection professional shall consider what the outcome of the site should have been had the proposed project been designed around existing topography and vegetation and all appropriate vegetation saved. The tree protection professional shall use the methodology in the current edition of the International Society of Arboriculture's "Guide for Plant Appraisal" in determining the value of removed and damaged vegetation.

D. Environmental damage reviewed. If the violation is discovered after evidence has been removed, the city tree protection professional shall use whatever resources are immediately available to determine environmental damage which may include aerial photographs, other photographs, interviews with adjacent property owners, receipts of timber sales off the site, and any other records available that have a bearing on the quantity and quality of vegetation removed or environmental damage sustained. The tree protection professional also may estimate the appraised value of removed vegetation at the site by analyzing the best case growing capability of the site given soil conditions, health of surrounding tree stands and type of species suspected of being removed. The determination of environmental damage made by the tree protection professional shall be given substantial weight in a court of law.

E. Revegetation. Once the value of the environmental damage is determined, a comprehensive plan for revegetation of the site shall be prepared by the tree protection professional considering the purposes of this chapter and the specific elements provided in LMC 14.32.069. The plan shall provide for a value of new vegetation commensurate with the determined value of environmental damage at the site. The violator shall be fully responsible for implementation of the plan, accomplishment of all improvements and maintenance of said improvements.

F. City tree account. If the cost of restoration of the site is less than the true value of environmental damage at the site, the balance shall be paid to the city tree account. The city shall then utilize those funds for planting trees in other areas of the city.

G. Appeal. The determination of the city tree protection professional regarding the environmental damage at the site may be appealed to the city hearings examiner pursuant to the requirements of LMC 14.32.080.

H. Hearing examiner review. In review of the tree protection professional's decision, the hearing examiner shall determine if the tree protection professional's decision accurately reflects the criteria set forth in LMC 14.32.020.

I. Relevant facts. Additionally, the city hearings examiner may consider any other facts the examiner determines are relevant to the specific situation.

J. Reduction of monetary value. In cases where the determined value of environmental damage far exceeds the site restoration requirements, and extenuating circumstances the examiner determines are relevant to the case are present, the hearing examiner may reduce the monetary value assigned to the environmental damage, provided the hearing examiner shall reduce the determined compensation only when all of the following criteria are demonstrated by the applicant:

1. Professional forester or certified arborist. A professional forester, certified arborist, or other professional who could have alerted the applicant of tree protection requirements was not involved in the action leading to the violation;
2. Monetary gain. The violation action was not associated with a tree harvesting operation for monetary gain;
3. Previous record. The applicant has no previous record of tree and vegetation protection and preservation ordinance violations.

K. Monetary compensation. If all of the above criteria are demonstrated, the hearing examiner may reduce the monetary compensation required. In determining the monetary compensation reduction, the hearing examiner shall consider the following factors:

1. Person responded. Whether the person responded to staff attempts to contact the person and cooperated with efforts to review the site and arrive at an agreement on site restoration;
2. Due diligence. Whether the person showed due diligence and/or substantial progress in site restoration;
3. Code interpretation. Whether a genuine code interpretation issue exists;
4. Other factors. Any other factors considered relevant to the situation by the hearings examiner.

L. Limitation on reduction. In fixing the amount of compensation, the hearings examiner shall not reduce the determined compensation by more than thirty percent of the true value of the environmental damage as determined by the tree protection professional; provided further, that no reduction shall be given in cases where the true value of environmental damage does not exceed the cost of restoration determined necessary by the city's tree protection

professional; provided further the hearing examiner may double the monetary compensation if the violation is a repeat violation. In determining the amount of increased compensation, the examiner shall also consider the criteria of this section.

M. Appeal of hearing examiner determination. Appeals of violation determinations by the city hearing examiner shall be appealed to Superior Court. An appeal of the hearing examiner decision must be filed with Thurston County Superior Court within twenty calendar days from the date the hearing examiner decision was mailed to the person to whom the decision on monetary compensation was made.

Section 11. There is hereby added to the Lacey Municipal Code a new table, 14-T70, to read as follows:

Table 14-T70

<u>Size of tree to be removed (inches at DBH)</u>	<u>Minimum Number of trees to be replanted</u>
<u>Less than 6</u>	<u>1</u>
<u>6 and up to 12</u>	<u>2</u>
<u>More than 12 and up to 20</u>	<u>3</u>
<u>More than 20 and up to 25</u>	<u>5</u>
<u>More than 25</u>	<u>7</u>

Section 12. 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 13. 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 14. 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
_____, 2022.

CITY COUNCIL

By: _____
Mayor

Approved as to form:

City Attorney

Attest:

City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE NO 1617

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on _____, Ordinance No. 1617 entitled “AN ORDINANCE RELATED TO TREE AND VEGETATION PROTECTION AND PRESERVATION, AMENDING SECTIONS 14.32.020, 14.32.030, 14.32.045, 14.32.050, 14.32.069, 14.32.070, AND 14.32.090, ADDING A NEW SECTION 14.32.071, AND ADDING A NEW TABLE 14-T70, ALL OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION”

The main points of the Ordinance are described as follows:

1. The Ordinance amends sections 14.32.020, 14.32.030, 14.32.045, 14.32.050, 14.32.069, 14.32.070, and 14.32.090 of the Lacey Municipal Code, related to tree and vegetation protection and preservation.
2. The Ordinance adds a new section 14.32.071 to the Lacey Municipal Code.
3. The Ordinance adds a new Table 14-T70 to the Lacey Municipal Code.
4. 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: _____, 2022.

MINUTES

Lacey Planning Commission Meeting
Tuesday, June 1, 2021 – 5:00 p.m.
Conducted remotely via videoconference

Meeting was called to order at 5:00 p.m. by Dave Wasson.

Planning Commission members present: Dave Wasson, Gail Madden, Peg Evans-Brown, Daphne Retzlaff, Kyrian MacMichael, Eddie Bishop, and Robin Vasquez. Staff present: Rick Walk, Ryan Andrews, and Jessica Brandt.

Dave noted a quorum present.

Peg Evans-Brown made a motion, seconded by Kyrian MacMichael, to approve the amended agenda, excluding the New Business item, for tonight's meeting. All were in favor, the motion carried. Robin Vasquez made a motion, seconded by Eddie Bishop, to approve the May 18 meeting minutes. All were in favor, the motion carried.

1. Public Comments:

- Dan Tufford expressed concerns regarding the proposed homeowners association exemption for open space tree removal in the Urban Forest Management Plan.
- Nancy Winters urged the City to provide greater tree protection.
- Dianna Moore asked Planning Commission to disallow the HOA exemption and keep UFM plan as is.
- Lynn Fitz Hugh spoke in favor of leaving the plan as is or amending it to provide more protection for trees, older trees in particular.
- Roy Treadway agreed with other public comments and urged Planning Commission to provide more protection for older trees.
- Wayne Olsen agreed with previous speakers.
- Carolyn Treadway urged the City to take immediate action to protect older trees.

2. Commission Members Reports: Robin reported that she participated in a conversation with Parks regarding outreach on a Parks plan and said that she has volunteered to assist.

3. Director's Report: None.

4. Old Business:

Urban Forest Management Plan and Associated Regulations: Jessica Brandt, Associate Planner.

- Jessica gave a presentation that included background information on growth management and planning, goals and policies, City of Lacey growth and developable land, tree review process, public comments, proposed amendments, task force work and process, and tree canopy inventory.
- **Robin Vasquez made a motion, seconded by Peg Evans-Brown, to recommend to Council that the City hire an arborist and establish an urban forest advisory committee to support a more comprehensive urban forestry program. All were in favor, the motion carried.**
- **Robin Vasquez made a motion, seconded by Eddie Bishop, to recommend establishing a target of maintaining 28% tree canopy across the city based on a regularly-updated urban tree canopy inventory. All were in favor, the motion carried.**
- **Gail Madden made a motion, seconded by Eddie Bishop, to direct staff to remove the exception for homeowners associations to be able to remove healthy trees contained in the draft regulations. All were in favor, the motion carried.**
- Ryan suggested that staff add Planning Commission recommendations into the plan and make suggested changes, and present an amended draft at the next meeting.
- Daphne asked for more clarification on the tree removal stipulations. Robin asked that the plan be reviewed again in 2022.

5. Communications and Announcements: None.

6. Next meeting: June 15, 2021.

7. Adjournment: 7:15 p.m.

Ryan Andrews

From: Ryan Andrews
Sent: Tuesday, May 18, 2021 1:05 PM
To: 'dianam1814'
Cc: Jessica Brandt
Subject: RE: The tree report in the climate mitigation plan

Diana: We have received your comments and they will be provided to the Planning Commission at tonight's public hearing.

Thanks,
Ryan

Ryan Andrews, Planning Manager
City of Lacey Community and Economic Development
420 College St. SE
Lacey, WA 98503
(360) 412-3190
randrews@ci.lacey.wa.us

From: dianam1814
Sent: Tuesday, May 18, 2021 9:13 AM
To: Ryan Andrews
Subject: The tree report in the climate mitigation plan

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

Staff at the Lacey Planning Commission,

Would you please forward? Thank you.

Members of the Lacey Planning Commission,

I am writing to ask that you pass the climate mitigation plan **in full** and include it in your master plan. If you have problems with the portion that covers trees, please send it back to the committee to be reworked. The tree report makes almost no changes over 5 years ago and does not reflect the work of the urban forestry committee or the vast majority of comments by citizens.

The climate survey asked for the citizen's priority on trees. It split protection in two between enforcing current ordinance or making stronger ones. The survey clearly showed that the public wants protection for trees as a first priority.

Rather than protecting the trees the two proposed changes would make it easier to cut them! It removes the number limit on cutting and gives HOA's free reign at cutting. This is NOT what citizens wanted. Nor is it not what the mitigation plan calls for. It is clear we must **preserve** trees and plant more to meet the science-based goals of the plan.

This report does tell that 15 years ago 43% of land in Lacey was covered in trees and that now there is 28% covered. In 15 years, 15% of tree coverage has disappeared. This is about 1% tree loss a year – somewhat unnoticeable per year but grave. We **cannot** keep going at this rate!

This report does not set tree canopy goals, it does not create protections for exceptional trees (the biggest ones that draw down the most carbon), nor does it provide a mechanism for enforcement of tree-cutting rules. It in fact will **accelerate** the tree cutting.

This part of the work should **not** be accepted and should be sent back to committee to be reworked in line with the committee and the public's actual view point.

Thank you for receiving my comments,

Diana Moore

Ryan Andrews

From: Ryan Andrews
Sent: Monday, May 17, 2021 1:32 PM
To: 'Carolyn Treadway'
Cc: Jessica Brandt
Subject: RE: Comments for the MAY 18 meeting of the Lacey Planning Commission: Do not support Lacey Urban Forestry Plan

Carolyn: We have received your comments and they will be provided to the Planning Commission at their public hearing on May 18th.

Thanks,
Ryan

Ryan Andrews, Planning Manager
City of Lacey Community and Economic Development
420 College St. SE
Lacey, WA 98503
(360) 412-3190
randrews@ci.lacey.wa.us

From: Carolyn Treadway
Sent: Monday, May 17, 2021 12:26 PM
To: Ryan Andrews
Subject: Comments for the MAY 18 meeting of the Lacey Planning Commission: Do not support Lacey Urban Forestry Plan

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

Dear Ryan Andrews:

Please send the letter below to each of the Lacey Planning Committee members. It has my comments to the Commissioners about the Lacey Urban Forestry Plan.

Thank you.

Carolyn Treadway

1951 Circle Lane SE
Lacey, WA 98503
May 15, 2021

Dear Lacey Planning Commissioners:

As a resident of Lacey, I urgently request that you do NOT support the Lacey Urban Forestry Plan. It is inadequate in protecting our trees!! It does not accurately reflect public comments, which were overwhelmingly in support of tree protection. It does not reflect the goals of the Thurston Climate Mitigation Plan.

Instead, please ask the committee to revise their suggested plan. This plan is not acceptable, and will not help us meet the greenhouse reduction targets to mitigate climate change.

Most Sincerely,

Carolyn Treadway

Carolyn@PlanetCare.us

Ryan Andrews

From: lynn@thurstonclimateaction.org
Sent: Monday, May 17, 2021 10:13 AM
To: Jessica Brandt
Subject: re: urban forestry report

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

Hi Jessica:

As you know the draft report was released Friday. I have to tell you I was very surprised reading it. My understanding from both you and Marianne was that the committee had been this year discussing how to better protect trees and certainly in your tree survey results that is what the vast majority of respondents were asking for. Thus I am very baffled to see a plan that has little changed in it other than two things that remove tree protections. I don't think there is anything about HOA that should give them special rights to cut down trees. But the other item is written in such a confusing way that it appears to take away the limit of cutting 5 trees in three years, and replace it with getting special permission from the city arborist. It is still allowing cutting. Elsewhere it is reported that the over the last 15 years there has been a 15% loss of tree canopy. This is exactly how that happens. If you make a minimum number of trees required then people keep cutting and you keep having losses. The goal needs to be to preserve as much as is without restricting necessary building. Also because big trees hold the most carbon allowing them to be cut and replaced by a same number of young trees is a huge carbon loss.

Regretfully I do not feel like I can support this plan being in place for 5 years if we are trying to sync it up with the mitigation plan. I will be testifying that we should send it back to the urban forestry commission to work further on how to create actual tree protections as the citizens' of lacey have asked for.

Respectfully,

Lynn Fitz-Hugh

Lynn Fitz-Hugh
Community Engagement Director
Thurston Climate Action Team
She/her pronouns

Ryan Andrews

From: Ryan Andrews
Sent: Tuesday, May 18, 2021 8:54 AM
To: 'jhawk@gglbbs.com'
Cc: Jessica Brandt; Peri Edmonds
Subject: RE: urban tree protection

Jan: We have received your comments and they will be provided to the Planning Commission at tonight's public hearing.

Thanks,
Ryan

Ryan Andrews, Planning Manager
City of Lacey Community and Economic Development
420 College St. SE
Lacey, WA 98503
(360) 412-3190
randrews@ci.lacey.wa.us

From: jhawk@gglbbs.com
Sent: Monday, May 17, 2021 11:46 PM
To: Ryan Andrews ; City Council
Subject: urban tree protection

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

City Council etal,

I am frankly pretty deeply disturbed by the Lacey Planning Commission's intention to vote on the Urban Forest Management Plan, a plan which has entirely missed the mark. I have followed the process, and can't fathom how this plan addresses the survey results of the citizens of Lacey...who overwhelmingly asked for tree protection in their City. Your plan does the opposite.

We expected changes to the plan to BETTER protect trees and to line up goals with the acceptance and implementation of the **Thurston Climate Mitigation Plan**. Your plan does NOT do either.

I am on vacation and cannot attend Tuesday's meeting, but I want you all to know that I am absolutely opposed to the plan as is, and ask you strongly to send this plan back to committee and work earnestly to take seriously the mission at hand, and that is to specifically INCREASE protection of trees in Lacey.

This plan does not set tree canopy goals, nor create protections for exceptional trees (large trees which sequester the most carbon).

It does not provide a meaningful mechanism for enforcement of tree cutting rules. It in fact will accelerate tree cutting, if anything.

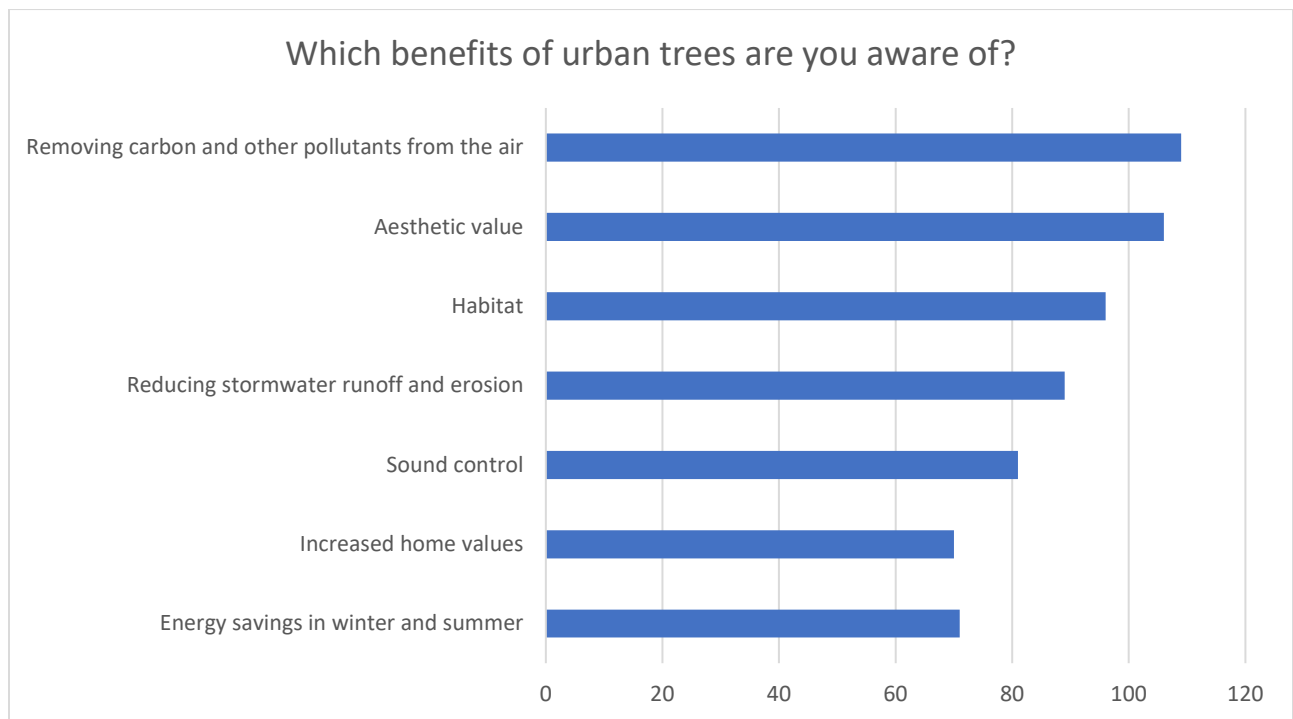
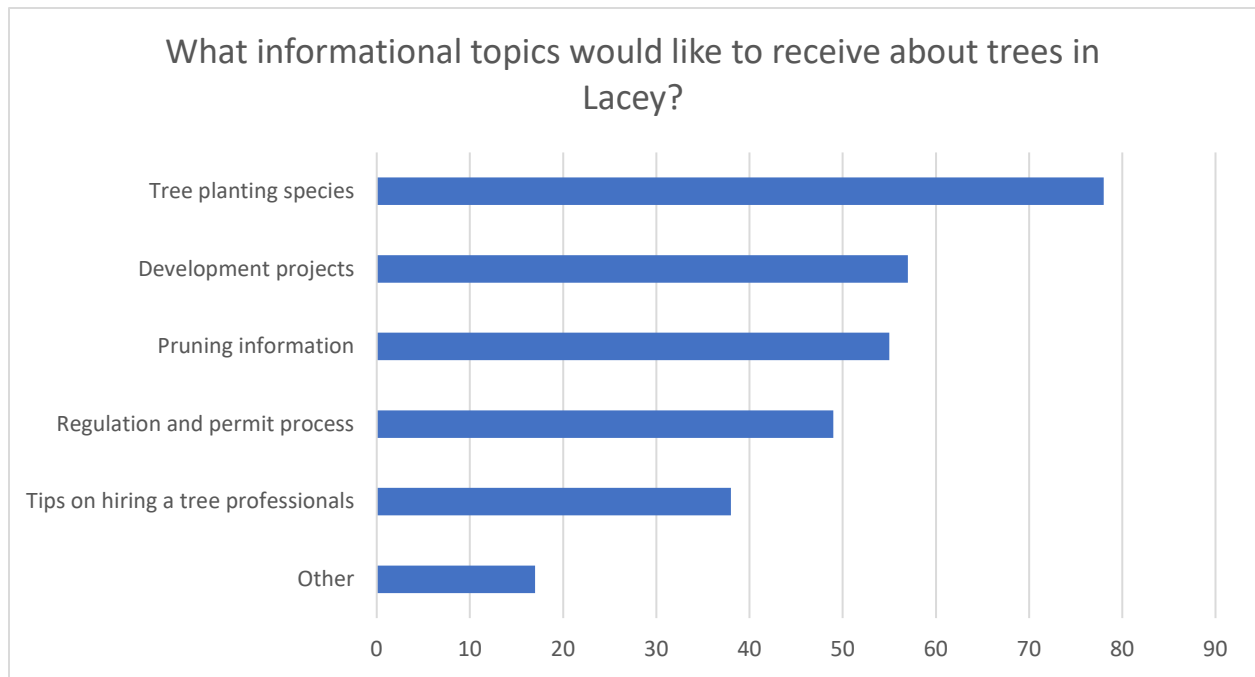
Please, reject this poorly conceived plan and let's figure out how to actually move the City of Lacey into position to align values to actions when it comes to all the benefits which trees provide humans in the urban setting--from carbon sequestration to lowered energy costs, higher property values, cleaner air, storm water retention and mitigation, beautification, and the health of our citizens.

Send this one back.

Thank you~
Jan Lindsey

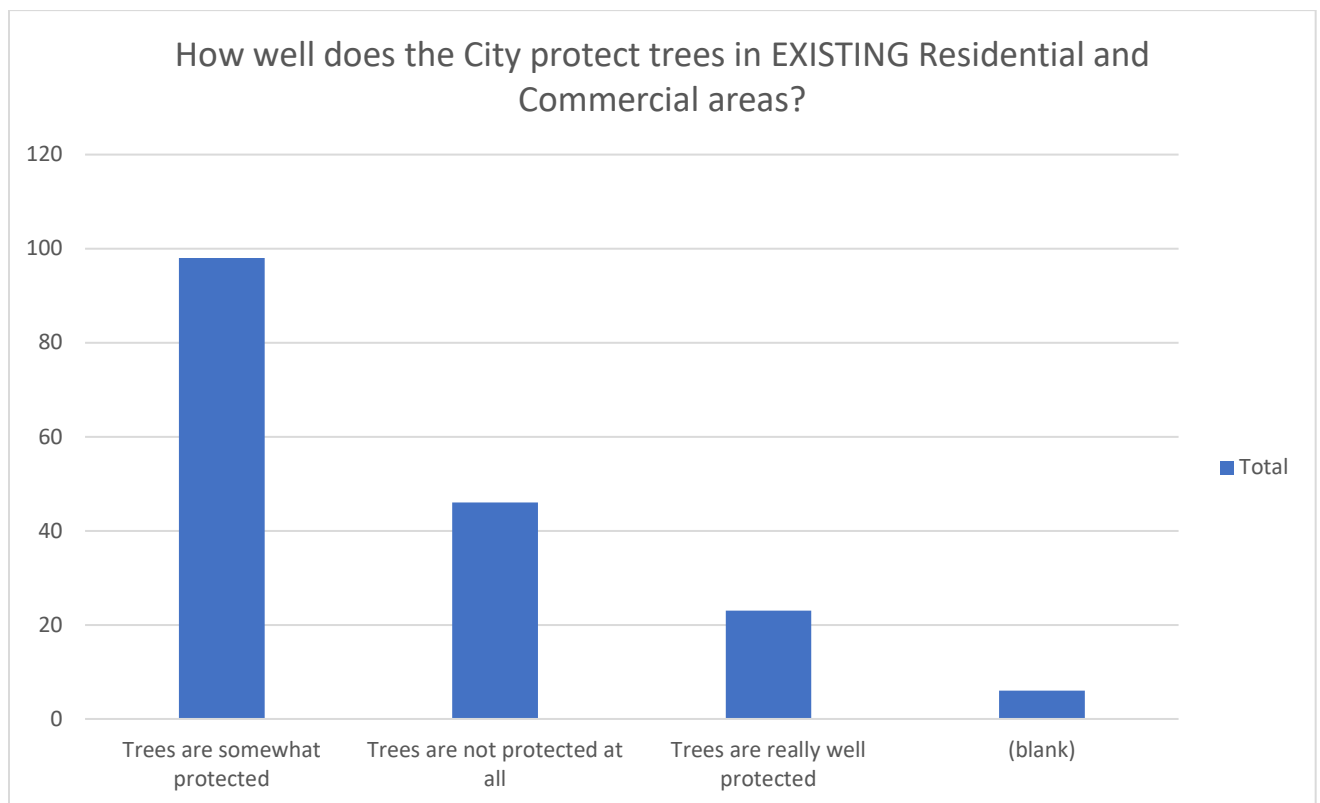
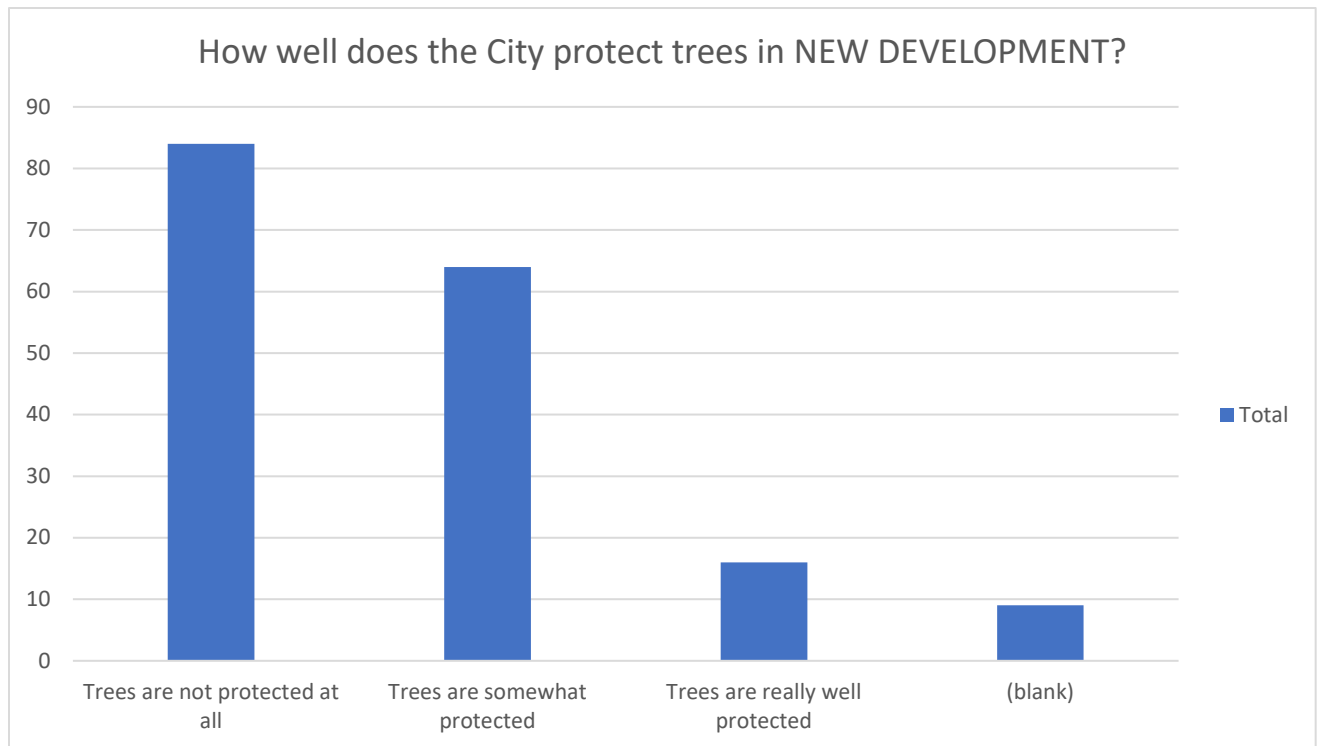
Tree Survey results as of 5/12/21

Total Responses: 173



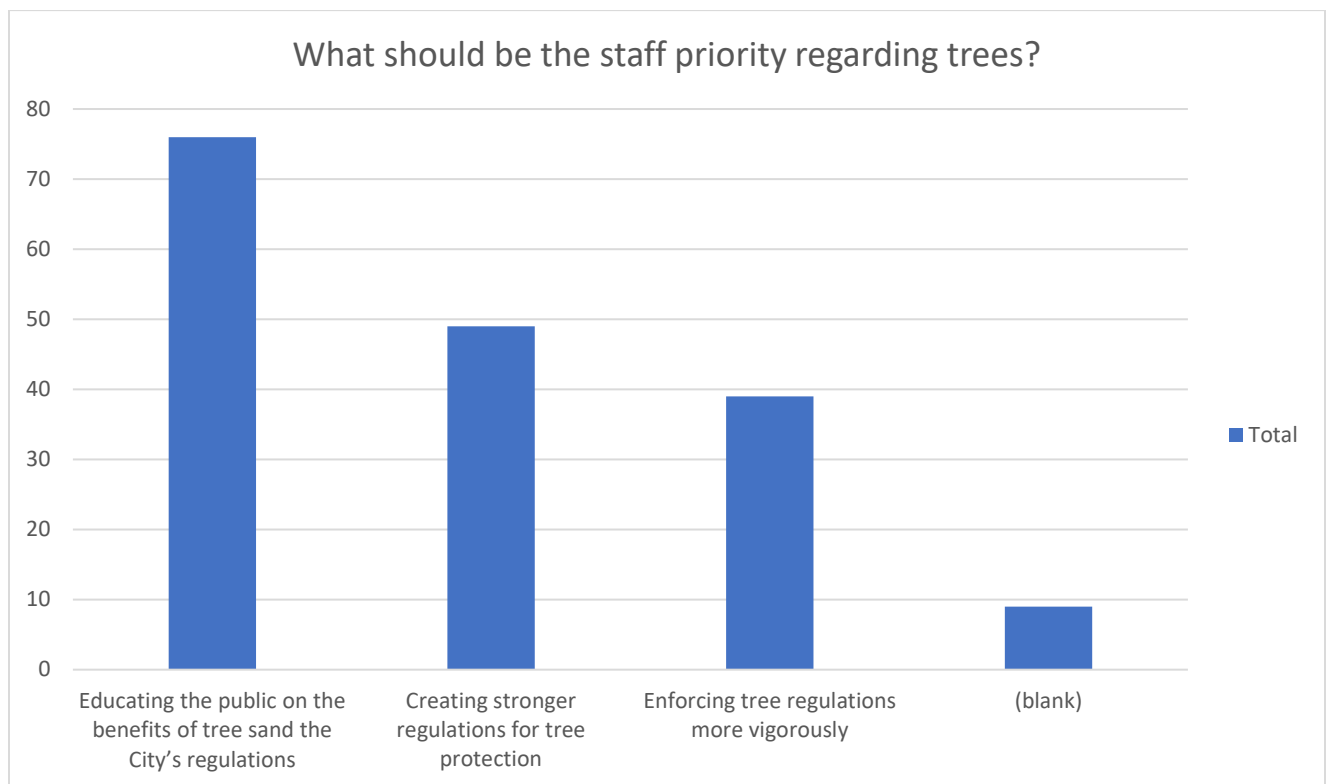
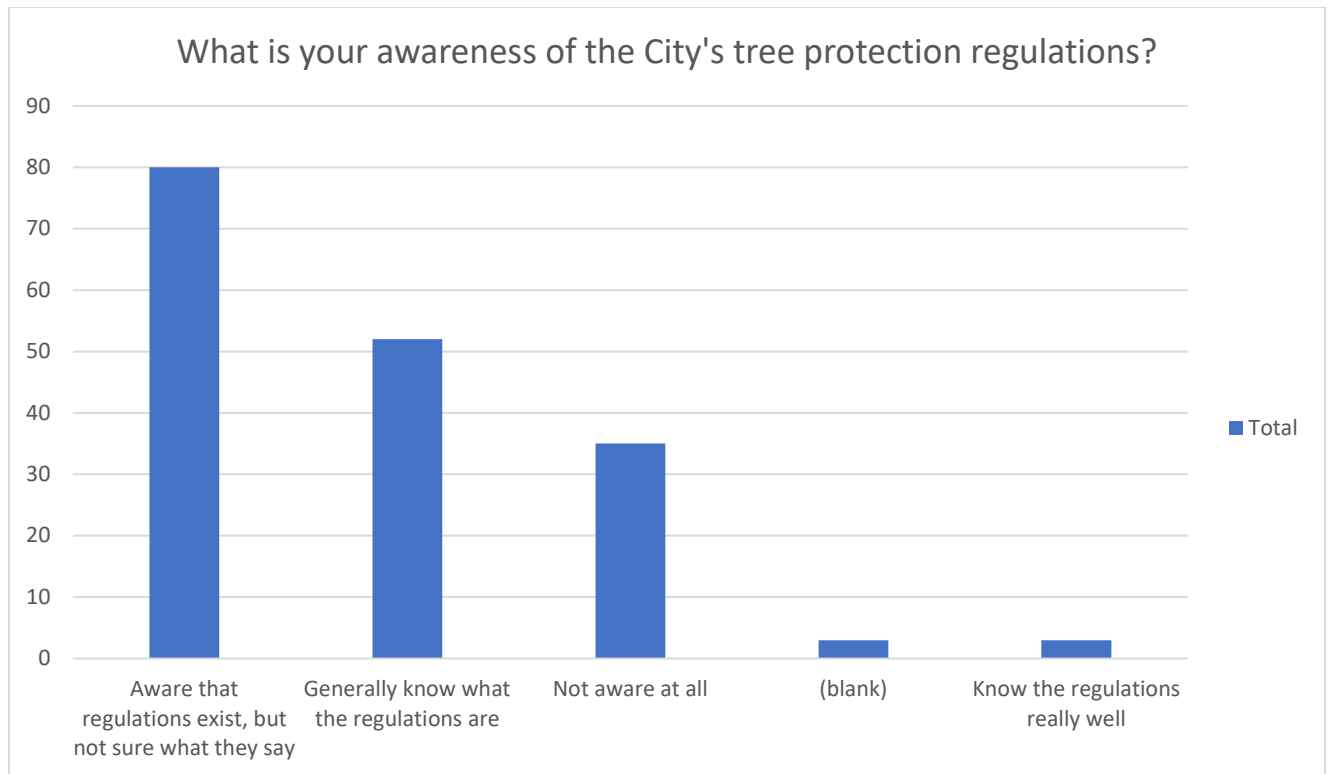
Tree Survey results as of 5/12/21

Total Responses: 173



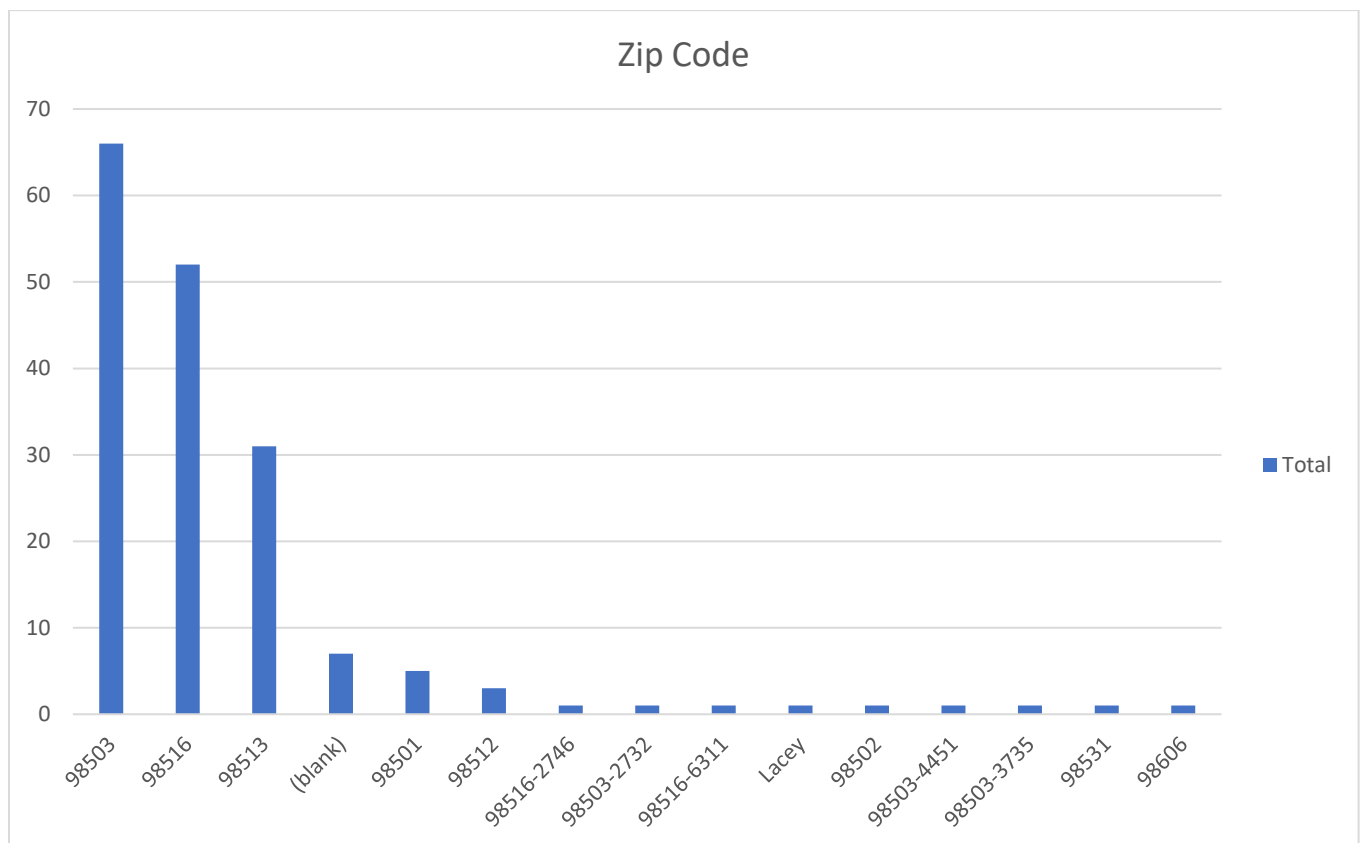
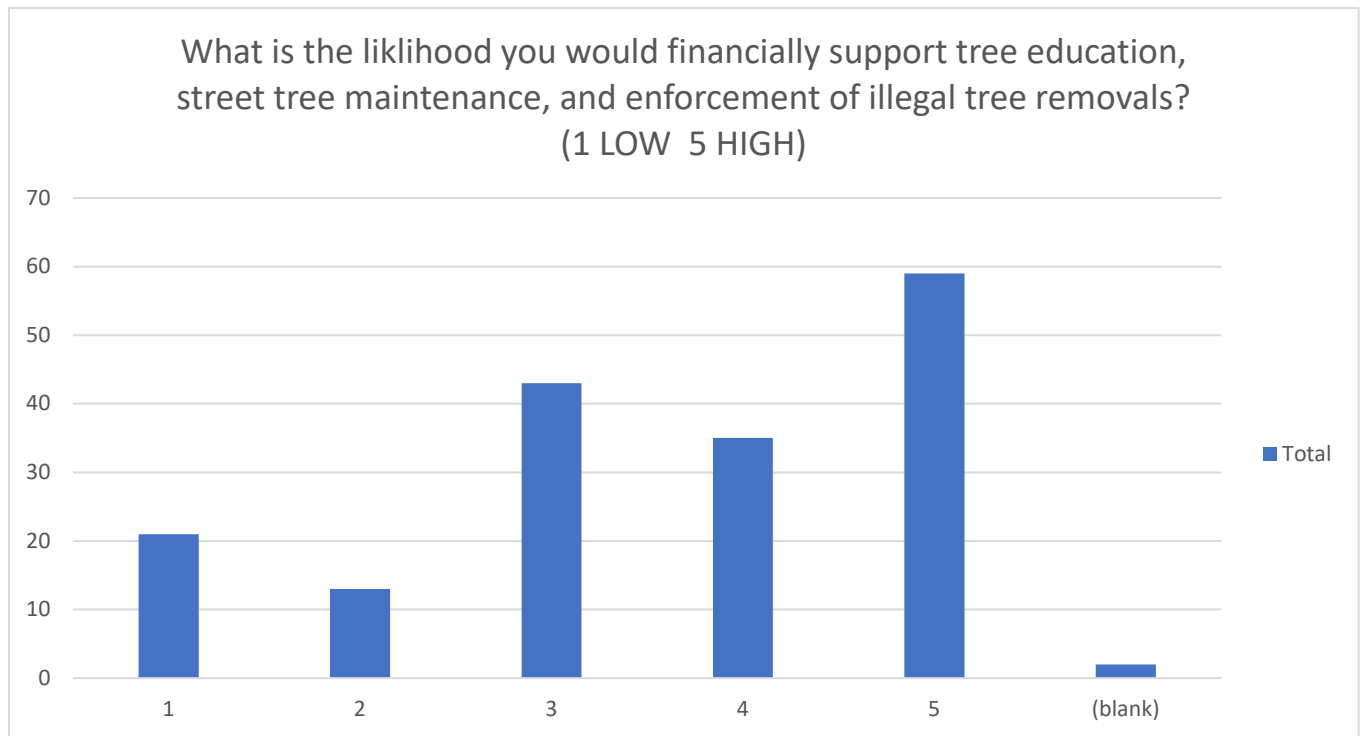
Tree Survey results as of 5/12/21

Total Responses: 173



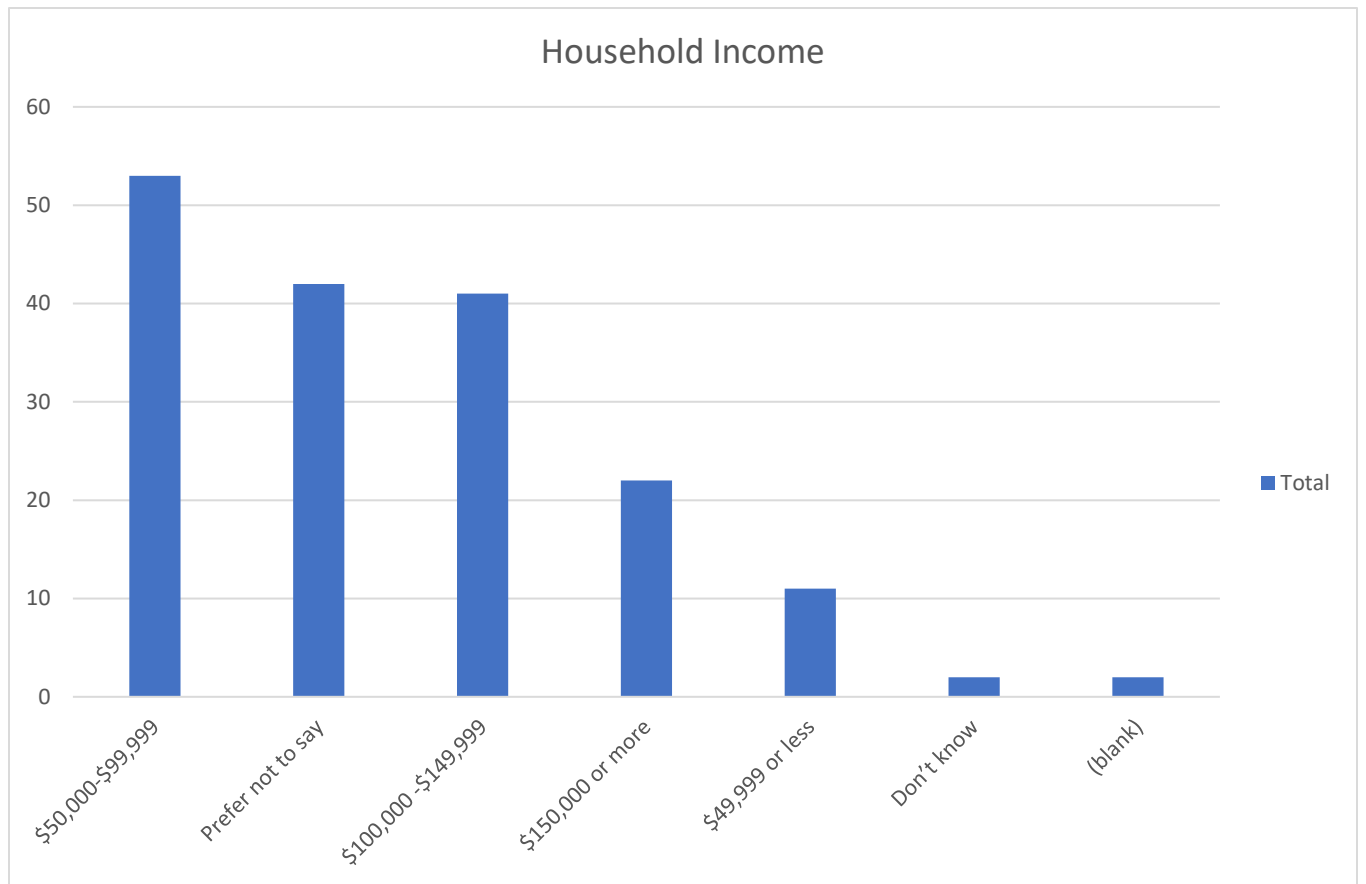
Tree Survey results as of 5/12/21

Total Responses: 173



Tree Survey results as of 5/12/21

Total Responses: 173



Tree Survey Responses– Fill in the Blank “What are your general impressions about the trees in Lacey?”

1	Beautiful old trees
2	There are a reasonable number of trees, in general. I like trees. They are beneficial, so efforts to manage and increase them are good. Trees in parks are better than trees in parking lots, etc. Vegetation requirements in commercial area merely make to area less walkable, and are bad for the environment.
3	
4	Good
5	In hawks prairie area, treescape management is lacking. I don't understand why many trees have been haphazardly cut down leaving no or small thin barriers between residential sections and warehouse sections. The area behind the Salish middle school and residences of campus Glen being a prime example. Those trees were thinned for no reason even though they provided many benefits to separate different zones if the city (including a sound barrier, where now people are street racing in an empty giant unoccupied warehouse on campus Glen rd basically nightly). The city of Lacey has basically devalued property by doing this. There are many other examples in the hawks prairie NE area as well where residences back up to warehouses with no tree protection even though trees were once there.
6	I like them. makes it nice especially in older neighborhoods and it seems newer ones have too many homes and too few trees
7	Love the abundance of them. Makes the city more beautiful.
8	There are pockets of remnant forest stands - primarily doug fir that are under varying levels of community stewardship. There doesn't seem to be protection of mature trees with newer developments and construction, or incentive for developers to work around or make space for trees.
9	They are being cut down at an alarming rate.
10	Lovely. A big reason I decided on this area to live. I love the forested feel to many neighborhoods.
11	Lacey will soon be the city of lost trees.
12	Under threat from development, vulnerable
13	I love the trees, especially seeing the old growth.
14	They are a beautiful asset to our town's well being and overall health and liveability.
15	There's a lot of them
16	I LOVE the canopy of trees in Lacey prefer that the city protects the trees as much as possible. I'm concerned about the new growth of homes and developments. Looks as though clear cutting is used for new developments. I don't see as much protection of existing trees for newer developments. Seems like something has changed and the emphasis has been on new growth and not protection of green space. I've also noticed less emphasis on protection of existing trees in established neighborhoods. Seems that neighbors are taking down more trees than years past. Are they permitted? It doesn't appear so. Perhaps more enforcement is needed.
17	You keep allowing them to be chopped down
18	
19	I wish we had more trees 🌳
20	
21	Beautiful, but several dead trees in my area and massive undergrowth.
22	Being cut down and it's making the area crowded with new construction and losing the rural feel.
23	Poor job done by the city in preservation of trees. The city approved the warehouse to strip all tress now we have a forest of cement buildings across I-5. Terrible since the state park and

Tree Survey Responses– Fill in the Blank “What are your general impressions about the trees in Lacey?”

	estuary is so near. The communities spreading out are also stripping all the trees. If the city requires permits to remove trees then why are you allowing the businesses to strip them? Money over preservation. It seems like the taxes are already very high in the City of Lacey. What are you doing with the revenue from the warehouse forest?
24	It's good, but we can be better. There need to be more trees! Too often when development happens, lovely old trees get razed during the land prep process. We can do better.
25	It was my favorite thing about Lacey living among the trees but it seems like they are disappearing quickly.
26	very well done, lots of roadside trees
27	Martin Way from Carpenter to Marvin needs help! Especially near the road. We need more small/medium conifers. The winter is bleak in areas with a lot of deciduous trees.
28	city has built over large tree spaces.
29	I like trees which clean the air for us.
30	Diminishing rapidly
31	It is very nice to see the variety on city streets and in neighborhoods. Only issue in planting them near our under overhead power lines.
32	Most are nice, but some close to homes are much too tall and drop very large branches during windy periods.
33	
34	Gorgeous trees! We moved here 10 years ago. Sadly you are allowing too much to be cut down without replacement. Too much is being build and land is being clearcut to build poor quality expensive homes. I wish residents actually had a say in what went on in out area. Homes that should never have been built get around current regulations too easily. It is disgusting to see the sheer amount of space cleared for those HIDEOUS warehouses north of Hawks Prairie. Our city our people our planet need the trees not more asphalt.
35	We need more trees along road ways.
36	The trees in Lacey are the #1 reason I moved here. I live off of Ruddell road and enjoy driving down the beautiful pine tree lined street. Then, the new project to put in sidewalks and a new retainer fence came and cut down a lot of beautiful old pine trees that had been there for years and years. Sickened me to see them go down and I don't even like to drive down Ruddell road anymore. There was no way for the city to put in a sidewalk and fence and still keep a few of the pines?? So sad...
37	Lacey has a good mix of developed land and green spaces, including trees. I love the greenness of Lacey and the northwest.
38	You seem to be removing a lot during road improvements.
39	Nice canopy of trees, nice variety. I read the tree plan and know that certain species are selected for certain areas. What I disagree with is in commercial construction zones and many housing areas, they knock down all the large fir trees to do their building. Then they plan ornamental, non-native trees. I believe planners and construction project managers can work around old trees instead of crushing and ripping them out. We don't need to develop every single corner of trees into a commercial taxable building. It will create heat pockets, poor drainage, pollution and takes away natural habitat for wildlife - rabbits, birds, bees, etc.
40	They are beautiful and I want more of them; I want the Douglas fir Evergreens protected like diamond rings; and I want a continued mix of types of trees (but I want us to honor what trees are native to the other animals that depend on them in this region).
41	Trees are important. Inside the city of Lacey some areas are beautiful with full trees. Some areas don't even have trees like these damned housing development areas. The rules that we have I have to have 31 trees on my lot. I have to get permission to cut down trees whether diseased or not. city of Lacey should not be managing this I should not have to go to the city of Lacey to cut down trees if I maintaining the required amount of trees on my lot let me manage it

Tree Survey Responses– Fill in the Blank “What are your general impressions about the trees in Lacey?”

	not you. Also if Lacey once so many trees make a more affordable. also give credit for bigger trees I was told that the city of Olympia gives you credits for larger trees instead of: one tree it would actually be three trees. Don't know if that's correct but that would make it easier for me to manage my property
42	Good.
43	Love Love Love all the trees in Lacey.
44	They look sad and tired. There is a lot of air pollution and just the overall homeless issue right now and the homeless people not caring for the area they're utilizing.
45	Trees are a necessary part of a healthy city, but some trees close to houses are no beneficial.
46	Overall good. Please keep them trimmed back for traffic safety & never planted in center of round-a-bouts.
47	To many regulations exist governing what I can do with trees on my own property.
48	They are being either butchered (in the name of pruning) or cut down at an alarming rate.
49	They are beautiful. We LOVE them. Best thing about Lacey.
50	as long as they aren't going to blow over and KNOCK OUT MY POWER FOR MULTIPLE DAYS I'm pretty content
51	They are being removed at a fast pace.
52	Too many Maples, need more diversity. Would like to know the composition and number of tree species and numbers of varieties if available. Tree regulations need to be publicized more. Citizens should be required to hire licensed and insured arborists who are members of the International Society of Arborists and obtain a permit. Also, tree planting in new sidewalk cutouts and median strips should be done with more careful soil preparation.
53	Not as many as in Olympia
54	Lots of them are dead or dying. You talk about trees, but then let developers clear-cut hundreds of acres of trees because that's easier than preserving them. Lacey has ridiculous rules (requiring permits) for taking out/replacing trees on private/residential property, but lets commercial developers wipe out forests.
55	Trees are great! We need to keep as many big trees as we can.
56	good amount of greenery and well-maintained. I'd like to see Lacey continue this as well as keep up the good work on the parks
57	The trees are mostly on private property.
58	generally good, depends on what part of Lacey environs
59	Pretty good
60	That they're diminishing, same as everywhere. I would like to see more preservation and education, to curb the impulses of people who want Washington to be like Arizona.
61	The trees are beautiful all over town they provide a very good feel to our public spaces.
62	The more the better!
63	Street trees have become a hazard to individuals, raising sidewalks, roots intruding into grates, making messes, and clogging catch basins we need to look at fewer trees and perhaps smaller less onerous plants to maintain.
64	There have been some poor choices given to developers in the past. I am in White Fir Estates off Meridian Rd. north. Pretty sure the city mandated flowering cherries for this neighborhood. Roots are lifting my driveway and sidewalks.
65	Beautiful!
66	don't ask for more money for this, but stop spending money on something else and shift the budget
67	My general impression is that trees are not valued by our city planners. Clear cut for business and housing with no thought to preserving forested areas.
68	Lacey is cutting down too many large trees and replacing them with little sticks.
69	Trees add a lot to the community and should be reasonably retained.

Tree Survey Responses– Fill in the Blank “What are your general impressions about the trees in Lacey?”

70	They create a beautiful and friendly atmosphere.
71	Big warehouse projects are nearly clear cutting native conifers and replacing with deciduous trees, removing critical nesting areas for eagles, owls and other raptors.
72	Love them and sad so many warehouses and buildings are being put in to their demise
73	Plenty planted, but not thoughtfully: too many have roots that push up sidewalks.
74	Impressed with amount and variety. More please.
75	
76	Nice to see them.
77	There are a lot.
78	Too many being cut or bulldozed down, too much habitat loss.
79	They're beautiful, especially the flowering ones in Spring. Too many trees are being clear cut for warehouses. Far too many.
80	They are beautiful and I really hate to see them cut down
81	The trees in Lacey are not kept well. Various areas they are planted and just forgot about. Over grown with bushes, and lifting sidewalks and make it extremely difficult for mobility as a disabled person. But the shade is nice and there are lots of birds.
82	They are nice..
83	I appreciate them and would like to see more of them.
84	The new street plantings are wonderful addition.
85	The trees are well placed and nice.
86	There is a distinct difference between "old Lacey" and the newer developments. While older sections of Lacey seem to have been built to embrace the natural environment (Lacey City Hall, for example, or the Providence medical buildings), it seems that ALL new development sites completely wipe out groves of trees and then seem satisfied to plant tiny landscape trees around completely barren sites. Heartbreaking to witness, on a regular basis.
87	It is smart to have worked with HOA housing developments to provide street lined roadways with trees. The difference between old Lacey and new Lacey are quite prevalent in the fact New lacey communities wipe out all existing pine and birch groves without a thought to the natural beauty between old Lacey and new developing tracts. More groves of the existing landscapes need to be included in city plans. The Salish school is the perfect scenario of growth with corporate mismanagement of green spaces. The trees that we have replaced in these urban extensions are always small requiring years to become old Lacey in concept of what our environment represents. Old Lacey looks and feels comfortable such as our City offices and Police and library complex. The need to create green areas is important in these developers keeping Lacey joined as one township of a healthy setting unlike the urban sprawl it's allowing to become. Tacoma we are not, keep the pine and birch groves. So you failed to ask what trees we may like to see around the city that preserve our streets and walkways...the Chinese Pistachio is a great example of a tree that can save the Lacey community monies. Yes and lets not forget to have these developers dig deeper holes for planting the trees.
88	Mostly positive but it seems to be much too easy to remove trees and ignore buffer requirements.
89	Adds to beautiful environment
90	They're great. How many are native species?
91	There are some areas of dead or diseased trees that need to be removed and replanted. I see most of that in neighborhoods. A lot of trees have been cut down lately due to construction which is sad. In addition, we need better management of large trees near power lines to avoid power outages.
92	I love all of the old growth trees and really want to see more preservation of them rather than the wiping out of them that has been happening recently (Ruddel & Mullen for example).

Tree Survey Responses– Fill in the Blank “What are your general impressions about the trees in Lacey?”

93	LOVE them. Too restrictive on homeowners though. Trees ruin foundations and lead to many neighborly disputes. Totally unreasonable to expect a tiny lot to have 5 trees. Educate developers or require them to plant trees that don't grow so huge.
94	I love that we have so many trees. It really adds to the beauty and natural feel of the area.
95	I like them. Recently it seems quite a few have been cut down. Sometimes the pruning of street trees makes them look distorted.
96	Love them the more the better!
97	Generally very positive, I enjoy being in a city that still had beautiful trees.
98	We have a lot of lovely areas and I appreciate that. I'm not sure how feasible I would be to add some greenery to Martin between Carpenter and Marvin. That stretch of road looks pretty rough. Thanks for all you do!
99	The more trees the better
100	They are precious and beautiful! More trees!
101	We could always use more! In fact, there were more 10 years ago...
102	It's good. Lots of different types and they are nice to look at.
103	Beautiful!!
104	The more trees the better!
105	Born and raised here (71 yrs. old) I love the Trees. I would rather go back to seeing more trees and a lot less houses, apartments, cars and people.
106	There's not enough
107	I love the abundance of trees in Lacey, and appreciate that they are protected.
108	When I first moved here, there were so many. Now, there are few. We need to preserve what old growth we have left and plant more trees to replace those lost.
109	I enjoy the fact we have mature trees native to the Pacific Northwest in many areas. I believe that in new housing developments, these are the same trees that should have been planted rather than the non-native species developers thoughtlessly plant instead. In new developments, small areas of diverse species are completely cleared. Any plantings put in are perpetually scrawny, unwell and not native to the region. Landscapers give no thought to viable soil depth. Plantings in new developments are often trying to grow in 5 inches of new soil atop non-fertile soil dredged up from building. On the other hand, the more mature stands of trees really improve bird habitat and small animal habitat.
110	They are beautiful and enjoy the beauty they bring throughout the different seasons.
111	Love the trees and nature in general. Provides fresh air compared to more urbanized areas.
112	
113	Beautiful and add to the feel and charm of the city. I feel like we have lost that much in harks p.
114	too many shallow rooted trees destroying fences, concrete and roads. You should reimburse those people who lose fences and sidewalks because of poor city planning.
115	They are beautiful but need to be groomed more along roadways and power lines
116	I love having trees in our city!
117	there used to be a lot and now you are allowing big business to clear acres and acres to install warehouses
118	I see a nice variety of trees in public spaces. I'm sad to see so many lots get cleared for population growth.
119	We have too many, too many on the right of way. A lot need to be removed, cut back for safety.. We also believe trees in yards should be taken out, too close to homes. A lot of people can't afford it. We have seen houses in this area devastated by falling trees.
120	

Tree Survey Responses– Fill in the Blank “What are your general impressions about the trees in Lacey?”

121	We are losing our native trees which affects our ecosystem
122	Like them
123	Some trees around the city need maintenance but definitely are very needed in our city.
124	Not enough trees. Street trees should be planted near street edges to slow traffic. Only plant trees that will not harm sidewalk smoothness.
125	I would like to see trees in the mall parking lots to add character to the mall and inside the malls as well. Also I think when a new subdivision is built the amount of trees that need to be removed should dictate the minimum number of trees that need to be planted.
126	Love them, and want to save as many as possible
127	The trees were the reason I moved to Lacey.
128	Good in some areas, poor in new construction
129	Beautiful
130	The government should not require a permit to remove a tree on their property. This is an unconstitutional taking without compensation. Public lands manage away. Recommendations are the limit I want to see for private land tree management.
131	Overgrown and obstructing electric lines
132	Massive tree lover here. I live here because I love the greenery. It's beautiful. The more trees the merrier!
133	Lacey is a City in a forest.
134	My general impression of trees in Lacey is they were here before we built in this area. We must plant more trees for the next generation. Trees give us homes for people and birds to live, fire, furniture, oxygen, shade and fruit. Trees are beautiful to see, smell and hear. They give you peace of Mindfulness. When you step outside your house and walk through a pathway with trees and shrubs all around you, your mind, body and soul connect with nature.
135	
136	Beautiful
137	They are a large part of the character of Lacey, but unfortunately they are being replaced by urbanization.
138	Excellent. But I get upset seeing new subdivisions taking out trees or not planting new trees.
139	I like the trees in Lacey more than anything north of JBLM. They seem older, and taller and feels more like the PNW
140	beautiful, many old large trees - too many recent cuttings
141	not enough of them, far too many removed for development!
142	In the retail areas of Lacey I feel we could use more trees.
143	They are being cut down at a rapid rate and full grown mature trees are replaced by either nothing or saplings that will take decades to replace. There are no negative consequences for cutting down trees illegally that make any difference whatsoever to the person doing the cutting. Existing trees and urban forested areas should be strongly protected! Why is there no Climate Change benefit in the drop down menu of urban trees benefit???
144	We love them, DON'T want to lose them, and always need MORE TREES. Too many neighbors are cutting their trees too often, without regard to protection of trees. We see it all the time, as well as developments planned in our area which require clear-cutting and adding more impermeable surfaces. Trees protect us from flooding and are urgent for habitat.
145	Not enough of them.
146	Our trees are lovely but the number of trees needs to be vastly increased, due to the need -- driven by rapidly increasing climate change--of having mature trees to remove carbon dioxide from the air. SAVE ALL MATURE TREES AND PLANT NEW ONES.
147	Terrible policy that is felling trees/forest right and left and center. We moved to Lacey four years ago and the majority of vest forests in existence then on our drives to Olympia have been replaced with warehouses. The trees and understory are irreplaceable in my life time, my kids,

Tree Survey Responses– Fill in the Blank “What are your general impressions about the trees in Lacey?”

	my grandkids. I am outraged and saddened at this public policy choice of greed over public health
148	I like the trees in Lacey and I think we need more. They need to be protected.
149	I like the tree landings along the streets. I think Lacey residents enjoy and see the benefits of tree plantings.
150	Wonderful. The trees in and around residential neighborhoods dramatically improve appearance and desirability. They provide shade, contrast, shelter, and habitat for birds and critters.
151	Living here at Panorama sets the bar quite high to us as a benchmark. There are commercial areas that overwhelm such as the Library and the Lacey City Hall area. Any neighborhoods in SE Lacey have beautiful canopies but within mall areas that are poorly cared for and perhaps poor choices to begin with.
152	
153	I love the trees we have in the community, it is always sad to see old trees taken down. I hope for more native plants and trees in our area
154	I love all the trees in the central part of Lacey. When I moved here, I selected Lacey because of all the groves of trees in NW Lacey. It has been heart breaking to see large plots of land clear cut for warehouses and homes. I can understand and appreciate growth in our area but don't see much effort to replace loss of that action on the environment.
155	I love them! We moved to Lacey in 2018 for a number of reasons, INCLUDING the trees.
156	Generally very favorable. I am concerned about the mass stripping of trees between residential and warehouse/ industrial areas and the failure to maintain trees in areas where new warehouses/ storage units are built.
157	I love the trees that we have along the main roads. Very pretty. I love that we have a great amount of trees in the city.
158	Beautiful but some large trees are not healthy
159	Lacey allows developers to clear cut large acreage plots for urban development. At what cost? The idea that you can mitigate CO2 with sidewalk and meridian trees is simply not logical. A true climate plan would create urban development like the City of Lacey's City Hall and the police station. Integrate urban growth with old tree stands with creative development designs that enhance communities. I met someone who bought a house out at Meridian Campus because they loved living surrounded by trails and trees. They decided to move a few years later because when they looked out of their windows the forest had been logged. Now the view was not nature but more and more houses. People love nature. Why not use existing stands of older Doug fir Maple and Hemlock to implement carbon sequestration and only allow development to enhance nature and human well being. Implement credits and incentives for new housing developments that build around trees and create wonderful environments like the City Hall and library. Keep Lacey green for future generations. Once its all logged you can't go back.
160	I feel like there is a decent amount of trees in the area, but would like to see more, but in practical places. One thing I hate seeing around the city is trees lining a street that have had their top half cut off to allow room for power lines.
161	The more the better
162	I like the trees and appreciate that the city of Lacey has a wide variety of healthy and mature trees as well as newer plantings. I would like to see Lacey keep as many of its trees as possible.
163	depends on where you look in Lacey, some areas are great others not so much.
164	favorable, but mostly in newer neighborhoods
165	Too many non evergreen trees being planted... these are generally not native species... create issues cleaning up leaves ... and are often more serious hazards in wind storms as they grow and mature and become top heavy ...
166	Love them, a little concerned with large branches falling on roadways, don't want them cut down, plant more!

Tree Survey Responses– Fill in the Blank “What are your general impressions about the trees in Lacey?”

167	What the city has allowed to happen in northeast Lacey is disgraceful. By letting whole forests be cut to build warehouses and developments, the city can no longer call itself the city of trees. You should be ashamed of yourselves! You talk one game and play another in reality.
168	
169	I live in the neighborhood of Lake Forest and for my neighborhood, I wish we had a greater variety of trees. I love trees, but Douglas Fir, Red Cedar, Western Hemlock, some of them have gotten so big that they block out all the light in my neighborhood. We have some beautiful maples, aspen, birch, alder, and dogwoods...just wish there were more deciduous trees.
170	Lacey has way too many trees to close to roads and power lines
171	Lacey needs to plant more trees.
172	decorative but small
173	They are nice.

#001

Posted by **7509L** on **04/24/2021** at **9:43am** [Comment ID: 67] - [Link](#)

Agree: 0, Disagree: 0

I cannot comprehend why Lacey allows huge groves of fir trees to be crushed and ripped out for large construction. Is it not possible to keep the carbon protective old growth fir trees and put construction in pockets within them? It makes no sense to cut them down and then "landscape" with your "tree plan" that are ornamental trees and don't have the same footprint as a fir tree. If the developer or warehouse can't drive around some trees then deny the permit. The small ornamental trees take years to grow and still don't clean the air like native PNW tree.

#002

Posted by **7509L** on **04/24/2021** at **9:37am** [Comment ID: 64] - [Link](#)

Agree: 1, Disagree: 0

Cattle are huge polluters with it running into the streams also. So yes, more can be done here and with manure management.

#003

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Yes, What are the golf courses and HOA landscapers using, not to mention homeowners? Emissions aren't the only problem - pesticides are destructive to wildlife and bees. The run off from these applications gets into ground water and streams.

Reply by **Marianne** on **04/24/2021** at **11:14am** [Comment ID: 69] - [Link](#)

Agree: 0, Disagree: 0

I completely agree! There are many Eco-friendly options that we should be using for the health of the soils and ourselves. Chambers Bay Golf Course is an example of sustainable land practices. In the US, 36 of the 50 states anticipate freshwater shortages within the next 10 years. Americans apply more than 7 billion gallons of water a day outdoors and stormwater runoff from gardens and lawns is a major source of water pollution. Lawn irrigation consumes up to 60% in the west. Majority of irrigation comes from municipal drinking water. Residential properties are part of the solution.

#004

Posted by **Carolyn** on **04/30/2021** at **2:40pm** [Comment ID: 100] - [Link](#)

Type: Suggestion

Agree: 0, Disagree: 0

Regenerative agriculture and forestry are imperative if we are going to significantly decrease greenhouse gas emissions.
capturing carbon in the soil is the BEST way to sequester carbon (besides not emitting it in the first place). Let's get on with it, NOW.

#005

Posted by **Connie Campbell** on **04/01/2021** at **11:45pm** [Comment ID: 20] - [Link](#)

Agree: 3, Disagree: 0

We need to keep the trees we have and plant more! Trees help us in so many ways--beauty, shade, reduce stormwater run off and provide oxygen for us to breathe!

#006

Posted by **Marianne** on **04/01/2021** at **6:34pm** [Comment ID: 16] - [Link](#)

Agree: 0, Disagree: 0

Mature trees increase your property value by 7-19%.
<http://www.hgtv.com/design/real-estate/increase-your-homes-value-with-mature-trees>.
Trees keep us cool in the summer heat. Trees keep our drinking water clean.

#007

Posted by **7509L** on **04/24/2021** at **9:47am** [Comment ID: 68] - [Link](#)

Agree: 1, Disagree: 0

Yes, we need to reforest. But Lacey needs to stop rubber stamping all development and allowing groves of trees to be destroyed. The city is a hopscotch of concrete, a road with bike path, retail business, then freeway, then a few houses, then wide roads with roundabouts to warehouses with housing around warehouses. It doesn't appear its age in comparison to other cities nearby who also have established neighborhoods and businesses - Olympia, Dupont, Tacoma.

#008

Posted by **Marianne** on **04/24/2021** at **11:15am** [Comment ID: 71] - [Link](#)

Agree: 0, Disagree: 0

Yes!

#009

Posted by **Marianne** on **04/24/2021** at **11:15am** [Comment ID: 70] - [Link](#)

Agree: 0, Disagree: 0

Yes! Education is key.

#010

Posted by **Roy** on **04/30/2021** at **2:41pm** [Comment ID: 101] - [Link](#)

Agree: 0, Disagree: 0

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#011

Posted by **Randy** on **04/01/2021** at **5:54pm** [Comment ID: 6] - [Link](#)

Agree: 0, Disagree: 0

That's terrific!

#012

Posted by **Randy** on **04/01/2021** at **5:59pm** [Comment ID: 7] - [Link](#)

Type: Suggestion

Agree: 0, Disagree: 0

Good Regs which could be more effective with consistent enforcement. There are commercial tree cutting companies consistently topping and removing trees without permits. They should be warned once and then forbidden from working within Lacey after the second offence. They know the rules and know it's not a big deal to violate.

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LACEY CITY COUNCIL MEETING

June 16, 2022

SUBJECT: 2022 Stormwater Design Manual Update

RECOMMENDATION: Approve Ordinance No. 1620 to adopt the updated City of Lacey 2022 Stormwater Design Manual as recommended by the Lacey Planning Commission.

STAFF CONTACT: Scott Spence, City Manager *SS*
Scott Egger, Public Works Director *SE*
Peter Brooks, Water Resources Manager *PB*
David Schneider, City Attorney
Doug Christenson, Water Resources Engineer *DC*

ORIGINATED BY: Public Works Department, Water Resources Division

ATTACHMENTS: 1. [Final Draft of 2022 Stormwater Design Manual \(SDM\)](#)
2. [Ordinance 1620](#)

FISCAL NOTE: None.

PRIOR REVIEW: Utilities Committee briefing, January 3, 2022.
Utilities Committee briefing, June 6, 2022.

BACKGROUND:

The City of Lacey's Stormwater Design Manual (SDM) regulates stormwater management for development projects and construction sites. The SDM is a technical manual containing guidance and requirements applicable to virtually any land-altering project in the city, public or private. The SDM provides design criteria for best management practices (BMPs) for runoff treatment and flow control to protect water quality and prevent flooding, along with guidance for site plan/report submittals for project permit approval. The SDM is based on the Department of Ecology *Stormwater Management Manual for Western Washington* for minimum requirements, applicability thresholds, definitions, limitations, and design criteria.

The current 2016 SDM has been updated to create a 2022 edition of the SDM, in compliance with the 2019-2024 *Western Washington Phase II Municipal Stormwater Permit*. The municipal permit is issued by Ecology to regulate discharges from stormwater systems

with the primary purpose being protection of water quality. Section S5.C.6 of the Permit requires local jurisdictions to “implement an ordinance or other enforceable mechanism that addresses runoff from new development, redevelopment, and construction site projects” and to “adopt and make effective a local program, no later than June 30, 2022” that meets the requirements specified in the current Permit. Lacey has a well-established Stormwater Management Program that includes implementation of the SDM along with many related activities such as site plan review, drainage system maintenance, etc. The updated 2022 SDM is intended to keep our “local program” in compliance with Permit Section S5.C.6.

The 970-page 2022 SDM is a moderate update to the current 2016 SDM, with the format and basic Core Requirements largely the same as in the 2016 SDM. Ecology’s required updates for technical equivalency are not as extensive nor as impactful as in the previous update for the 2016 SDM. However, updates and revisions have been made throughout the SDM for improved clarity, consistency, and usability.

In January 2022, draft updated chapters of the 2022 SDM were posted on the City of Lacey website for public review through February and March 2022, along with a brief document summarizing Ecology’s required changes and other revisions in the 2022 SDM. Public outreach included social media postings and direct contact with recent users of the SDM during the public review period. Briefings on the 2022 SDM Update to Utilities Committee and Planning Commission were presented during winter and spring 2022, and an online webinar presentation of the 2022 SDM was conducted on May 4th. A public hearing before the Planning Commission was held on May 17th for the 2022 SDM.

SEPA analysis was conducted pursuant to the State Environmental Policy Act, and a Determination of Non-Significance was issued by the City of Lacey Department of Community and Economic Development on February 1, 2022.

The 2022 Stormwater Design Manual must be formally adopted by the Lacey City Council and made effective by no later than June 30, 2022 for compliance with the 2019-2024 Western Washington Phase II Municipal Stormwater Permit.

ECOLOGY’S REQUIRED CHANGES

The following updates are included in the 2022 SDM as required for functional equivalency with the 2019-2024 *Western Washington Phase II Municipal Stormwater Permit* and required portions of the 2019 *Stormwater Management Manual for Western Washington*:

1. Continuous-Simulation Modeling: The hydrologic modeling software used to predict the rates and volumes of stormwater runoff and to size BMPs must meet specific criteria, including direct modeling of low-impact development (LID) features. WWHM (Western Washington Hydrology Model) is the standard commonly-used software.
2. Replaced Hard Surfaces Redevelopment Threshold: Commercial redevelopment projects will be required to upgrade existing stormwater facilities if the value of the

proposed improvements compared to the project site (limits of disturbance) exceeds the 50% value threshold.

3. Equivalent Areas: Allows a redevelopment project proponent to provide stormwater BMPs for an equivalent area on-site or off-site if specific guidance is followed.
4. Core Requirement #2: - Construction Stormwater Pollution Prevention: The thirteen elements of construction-site stormwater management have been updated for consistency with Ecology's Construction Stormwater General Permit.
5. Core Requirement #5: - On-Site Stormwater Management: Clarified that BMP T5.13 (Post-construction Soil Quality & Depth) is required when using the LID Performance Standard for projects subject to Core Requirements #1-5. This was already included in the 2016 SDM, so no new impact.
6. Core Requirement #7: - Flow Control: Clarified that all conditions for exemption must be met before a project can direct-discharge to a flow control-exempt marine water. Since there is very little marine shoreline in Lacey, this is not impactful locally.
7. Concrete Washout: Updated to clarify that the requirements for washing-out concrete tools and equipment allow washout into formed areas awaiting concrete pour.
8. Core Requirement #3: - Source Control: Source control BMPs prevent contamination of runoff water at the source on developed sites. Ecology added more source control BMPs for additional activities that were not addressed previously.
9. Core Requirement #8: - Wetlands Protection: Ecology's Wetland Protection Guidelines have been updated to require monitoring and modeling of high-value wetlands. Ecology also refined the modeling requirements for lower-value wetlands.

OTHER KEY CHANGES and ENHANCEMENTS

- Chapter 3 – Stormwater Submittals: The guidance and requirements for submittals of stormwater site plans have been revised into a clearer outline format, to facilitate more complete and consistent submittals of drainage reports and other documentation. The intent is to assist SDM users and reduce the delays in land-use approvals that have been occurring due to incomplete submittals.
- Chapter 7 – Flow Control BMPs: Ecology's Underground Injection Control (UIC) program protects groundwater by regulating the discharge of fluids from UIC wells. Ecology's UIC guidance has been included in Appendix 7C of the 2022 SDM. Common shallow stormwater infiltration systems such as trenches and galleries are technically considered UIC wells, but an issue in Lacey has been the use of "deep UIC wells" for stormwater disposal. Deep injection wells have been implemented on three large

project sites where shallow subsurface glacial till precludes normal infiltration of runoff. These projects used borings through the till to create stormwater injection wells, to infiltrate into the upper aquifer below the till. The main concerns with using deep UIC wells for stormwater control are (1) they are not a western Washington standard BMP, (2) there is a lack of guidance on their design, construction, or long-term maintenance, and (3) injecting stormwater at greater depth, below the protective glacial till layer, potentially endangers underground sources of drinking water.

Due to these issues and local experience, Lacey staff have amended Ecology's guidance on deep UIC wells with additional specific criteria, to ensure that any future proposed deep UIC wells are analyzed, designed, and constructed for both long-term viability and aquifer protection. The intent is to provide a potential path forward for project sites on till soils that would otherwise be unable to conform with the SDM, while protecting Lacey's groundwater resources.

- Chapter 10 – Stormwater BMP Maintenance: This new chapter contains mostly existing information that was previously in Chapter 3 of the 2016 SDM, but since BMP maintenance applies long-term and not just for new submittals, it has been placed in a new stand-alone chapter.
- General clarifications: The current 2016 SDM has been implemented for more than five years, and during this time staff has kept track of items needing clarification and/or correction. While updating the SDM to meet state requirements, staff is also addressing minor clarifications and corrections throughout the manual, and user enhancements to make the manual clearer and easier to use.

ADVANTAGES:

1. Adoption of the updated 2022 Stormwater Design Manual and making it effective by Ecology's deadline of June 30, 2022 will keep Lacey's Stormwater Management Program in compliance with Section S5.C.6 of the 2019-2024 Western Washington Phase II Municipal Stormwater Permit.
2. The 2022 Stormwater Design Manual will provide users with updated guidance for successful completion of stormwater management plans and reports, to control runoff from new development, redevelopment, and construction sites within the City of Lacey.

DISADVANTAGES:

1. None identified.

ORDINANCE NO 1620

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY RELATED TO STORMWATER REGULATIONS, ADOPTING THE 2022 STORMWATER DESIGN MANUAL, AMENDING SECTION 14.27.020 OF THE LACEY MUNICIPAL CODE AND ADOPTING A SUMMARY FOR PUBLICATION.

WHEREAS, the City of Lacey's Stormwater Design Manual (SDM) regulates stormwater management for development projects and construction sites and contains guidance and requirements applicable to virtually any land-altering project in the city, public or private; and

WHEREAS, the SDM is based on the Department of Ecology's *Stormwater Management Manual for Western Washington* for minimum requirements, applicability thresholds, definitions, limitations, and design criteria; and

WHEREAS, the current 2016 SDM has been updated to create a 2022 edition of the SDM, in compliance with the 2019-2024 *Western Washington Phase II Municipal Stormwater Permit* (Permit); and

WHEREAS, updates and revisions have been made throughout the SDM for improved clarity, consistency, and usability; and

WHEREAS, the 2022 SDM must be formally adopted and made effective no later than June 30, 2022 for compliance with the Permit; and

WHEREAS, changes are needed in Section 14.27.020 of the Lacey Municipal Code to reflect the applicability of the updated 2022 SDM; and

WHEREAS, the City Council finds that adopting the 2022 Stormwater Design Manual and the proposed amendments to the Lacey Municipal Code contained in this ordinance will be in the public interest;

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

Section 1: That certain document entitled “2022 Stormwater Design Manual” is hereby adopted in the form attached hereto as the City of Lacey Stormwater Design Manual.

Section 2: Section 14.27.020 of the Lacey Municipal Code is hereby amended to read as follows:

A. This chapter applies to ~~applications submitted on or after January 1, 2017, and applications submitted prior to January 1, 2017, which have not started construction by January 1, 2022.~~all applications submitted:

1. On or after July 1, 2022.
2. Prior to January 1, 2017, that have not started construction by January 1, 2022.
3. Prior to July 1, 2022, that have not started construction by July 1, 2027.

B. *Existing Regional or Shared Stormwater Facilities--Commercial.*

1. Development projects proposed in areas that were previously designed to convey on-site stormwater runoff to regional or shared facilities shall be permitted to do so provided the existing facility is functioning per the approved design and has remaining capacity.
2. New development projects shall meet water quality standards identified in the current Stormwater Design Manual. If a development project proposes to convey stormwater runoff to a regional or shared facility that does not meet current water quality standards then on-site stormwater treatment shall be required prior to conveyance to the regional or shared facility.

C. *Subdivision--Residential.* Individual lots shall manage on-site stormwater runoff in accordance to the current Stormwater Design Manual in effect at the time of complete building permit application, unless the subdivision’s stormwater management system was designed to accommodate runoff from individual lots.

D. This chapter applies to the following actions on sites that discharge to the city’s MS4 or discharges to waters of the state whether or not a city-issued permit is required:

1. Land-disturbing activity; or
2. Creation of new hard surfaces; or
3. Replacement of existing hard surfaces; or
4. Conversion of pervious surfaces; or
5. New connections to the city's MS4; or
6. Any other actions that can increase the volume or rate of stormwater runoff, or cause the generation of pollutants, from the site.

Section 3: Severability. If any section, subsection, sentence, clause, phrase, or other portion of this Ordinance, or its application to any person, is for any reason declared invalid in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

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 16th day of June, 2022.

CITY COUNCIL

By: _____
Mayor

Approved as to form:

City Attorney

Attest:

City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE NO 1620

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on June 16, 2022, Ordinance No. 1620, entitled “AN ORDINANCE OF THE CITY OF LACEY RELATED TO STORMWATER REGULATIONS, ADOPTING THE 2022 STORMWATER DESIGN MANUAL, AMENDING SECTION 14.27.020 OF THE LACEY MUNICIPAL CODE AND ADOPTING A SUMMARY FOR PUBLICATION.”

The main points of the Ordinance are described as follows:

1. The Ordinance adopts the 2022 Stormwater Design Manual with required updates in compliance with the 2019-2024 *Western Washington Phase II Municipal Stormwater Permit*.
2. The Ordinance amends Section 14.27.020 of the Lacey Municipal Code to reflect the applicability of the updated 2022 Stormwater Design Manual.
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: _____, 2022.



LACEY CITY COUNCIL WORKSESSION

June 16, 2022

SUBJECT: Thurston County Board of Health – Member Expansion

RECOMMENDATION: Designate a Lacey City Councilmember to serve on the Thurston County Board of Health

STAFF CONTACT: Scott Spence, City Manager
Nicole Williams, Executive Assistant

ORIGINATED BY: City Manager

ATTACHMENTS:

1. [Invitation from Thurston County for Lacey to have a representative on the Thurston County Board of Health. on a rotating basis.](#)
2. [Ordinance 16150](#)

FISCAL NOTE: NA

PRIOR REVIEW: No prior review.

BACKGROUND:

During the 2021 Legislative Session, Engrossed Second Substitute House Bill (ESSHB) 1152 was approved and signed by the Governor into law amending RCW 70.05. ESSHB-1152 requires the expansion of local Boards of Health by July 2022 within the State of Washington.

In response to the new State law, the Thurston County Board of County Commissioners passed Ordinance No. 16150 adopting Thurston County Code Chapter 2.07, to create an eight-member board. One of the eight members will be an elected representative from the cities of Lacey, Olympia, Tumwater, and Yelm on a rotating basis. The city elected official shall serve a term of two years.

Thurston County is requesting the Lacey City Council to designate a representative to serve first in the rotation on the Board of Health no later than July 15, 2022, in order for the Board to formally affirm the appointment by the end of July 2022.

The current Thurston County Board of Health meetings occur once a month on the second Tuesday at 3:00 PM following the Thurston County Board of County Commissioners meetings. The Thurston County Board of Health oversees efforts to improve the public's health by providing leadership that shapes the Department's approach to public health policies and programs.

The Board of Health is the governing board for the local health jurisdiction, which is the Thurston County Public Health & Social Services Department. Within the Thurston County Public Health & Social Services Department there are seven divisions, Vital Services, Community Wellness, Disease Control & Prevention, Treatment Sales Tax, Social Services, Environmental Health, and the Office of Housing & Homeless Prevention. The Department is funded from a variety of local, state, and federal sources. The State Board of Health relies on local health jurisdictions to implement and carry out rules in response to public health needs.

ADVANTAGES:

1. Comply with the new State law
2. Provides City representation on the Thurston County Board of Health.

DISADVANTAGES:

1. None.



COUNTY COMMISSIONERS

Carolina Mejia
District One

Gary Edwards
District Two

Tye Menser
District Three

BOARD OF COUNTY COMMISSIONERS

May 31, 2022

Mayor Andy Ryder
City of Lacey
420 College Street SE
Lacey, WA 98503

Mayor Debbie Sullivan
City of Tumwater
555 Israel Road SW
Tumwater, WA 98501

Mayor Cheryl Shelby
City of Olympia
601 4th Ave E
Olympia, WA 98507

Mayor Joe DePinto
City of Yelm
106 Second St. SE
Yelm, WA 98597

Dear Mayors,

During the 2021 Legislative Session, Engrossed Second Substitute House Bill (ESSHB) 1152 was approved and subsequently was signed by the Governor into law amending RCW 70.05. ESSHB-1152 requires, among other things, the expansion of the local Board of Health by July 2022.

The Thurston County Board of County Commissioners (Board), in response to this new law, passed Ordinance No. 16150 (attached for reference) adopting Thurston County Code (TCC) Chapter 2.07, to create the eight-member board with specific criteria. This eight-member representation to our Board of Health includes four elected officials, three community members from specific areas and backgrounds of our community, and one Tribal representative. The elected officials are as follows:

A. County and City Elected Officials

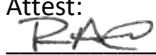
1. The three members of the Board of County Commissioners.
2. One member who is a city elected official, selected on a rotating basis from Lacey, Olympia, Tumwater, and Yelm, beginning with Lacey, followed by Olympia, Tumwater, and Yelm, and in this order thereafter. The city elected official shall serve a term of two years and until a successor is selected. A vacancy in an unexpired term shall be filled in the same manner as the original selection.

As a result the Board is requesting the City of Lacey, first in the rotation, to designate a City Elected Official to serve on the Board of Health by no later than July 15, 2022, in order of the Board to formally affirm this appointment by the end of July 2022.

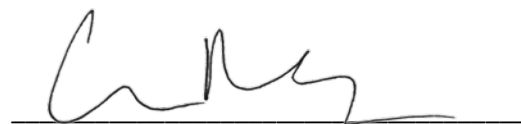
Thank you for your cooperation and we look forward to this collaboration. Should you have further questions please reach out to County Manager, Ramiro Chavez at Ramiro.chavez@co.thurston.wa.us or 360-754-2960.

Sincerely,

Attest:

 (Initials)

County Manager/Asst. County Manager


Carolina Mejia, Chair
Thurston County Board of County Commissioners

ORDINANCE NO. 16150

AN ORDINANCE adopting Thurston County Code chapter 2.07 expanding the composition of the board of health and adopting provisions consistent with chapter 70.05 RCW.

WHEREAS, RCW 70.05.030, as amended by ESSHB 1152, effective July 1, 2022, directs the board of county commissioners to expand the composition of the local board of health to include persons who represent community interests such as public health, health care facilities, providers, consumers of public health, other community stakeholders, and a tribal representative; and

WHEREAS, in accordance with RCW 70.05.030 the board of county commissioners desires to increase the board of health to eight members, effective July 1, 2022, to include representation by cities, tribes, and individuals representing public health and other stakeholders; and

WHEREAS, the state board of health intends to adopt rules in chapter 246-90 WAC by July 25, 2022 establishing requirements for the recruitment, selection and appointment of the local board of health members who are not elected officials; and

WHEREAS, expansion of the board of health will allow for involvement of a greater number of persons in setting health policy throughout Thurston County; and

WHEREAS, the board of county commissioners believes the expanded board of health will increase community representation to help address public health disparities in Thurston County; and

WHEREAS, in accordance with RCW 70.05.030, effective July 1, 2022, this ordinance includes provisions regarding the appointment, term, and compensation or reimbursement of expenses for members of the board of health;

NOW THEREFORE, the Thurston County Board of County Commissioners hereby ordains as follows:

Section 1. Thurston County Code Chapter 2.07 is adopted to read as follows:

BOARD OF HEALTH

2.07.010 Appointment and terms of service

The board of health shall consist of eight members who are residents of Thurston County, to include the following:

A. County and City Elected Officials

1. The three members of the board of county commissioners

2. One member who is a city elected official, selected on a rotating basis from Lacey, Olympia, Tumwater, and Yelm, beginning with Lacey, followed by Olympia, Tumwater and Yelm, and in this order thereafter. The city elected official shall serve a term of two years and until a successor is selected. A vacancy in an unexpired term shall be filled in the same manner as the original selection.

B. Tribal representative. One member who is a tribal representative selected by the American Indian Health Commission. This member shall serve a term of three years, continuing until a successor is appointed, and may serve one additional consecutive 3-year term.

C. Healthcare and community members. Three members approved and appointed by majority vote of the board of county commissioners. The members shall not be elected officials and must be selected and meet the criteria consistent with the requirements of RCW 70.05.030(1)(a), chapter 246-290 WAC, and any other applicable rules adopted by the state board of health. Each member shall serve a term of three years, continuing until a successor is appointed, and the board of county commissioners may approve reappointment for one additional consecutive 3-year term.

1. A member representing public health, health care facilities, and providers.

This member must be a person practicing or employed in the county from any of the following categories:

- a. Medical ethicists;
- b. Epidemiologists;
- c. Experienced in environmental public health, such as a registered sanitarian;
- d. Community health workers;
- e. Holders of master's degrees or higher in public health or the equivalent;
- f. Employees of a hospital located in the county; or
- g. Any of the following providers holding an active or retired license in good standing under Title 18 RCW:
 - i. Physicians or osteopathic physicians;
 - ii. Advanced registered nurse practitioners;
 - iii. Physician assistants or osteopathic physician assistants;
 - iv. Registered nurses;
 - v. Dentists;
 - vi. Naturopaths; or
 - vii. Pharmacists.

2. A member representing consumers of public health. This category consists of county residents who have self-identified as having faced significant health inequities or as having lived experiences with public health-related programs such as: the special supplemental nutrition program for women, infants, and children; the supplemental nutrition program; home visiting; or treatment services. Individuals from historically marginalized and underrepresented communities will be given

preference. These individuals may not be elected officials and may not have any fiduciary obligation to a health facility or other health agency, and may not have a material financial interest in the rendering of health services.

3. A member representing other community stakeholders. This category consists of persons representing the following types of organizations located in the county:

- a. Community-based organizations or nonprofits that work with populations experiencing health inequities in the county;
- b. Active, reserve, or retired armed services members;
- c. The business community; or
- d. The environmental public health regulated community.

The board of health must actively recruit applicants for the non-elected healthcare and community member positions in a manner that solicits a broad pool of applicants that represent a diversity of expertise and lived experience. If the board of health demonstrates that it attempted to recruit a member from each of the three categories and was unable to do so, the board may select members only from the other two categories, provided that no more than one member may be from one type of background or position.

Upon completion of its recruitment and selection process, the board of health shall refer the selection to the clerk of the board of county commissioners for consideration of appointment. The referral shall include the selected applicant's completed application and a cover letter of interest.

2.07.020 Removal, and vacancies

A. Vacancies in the board of health positions appointed by the board of county commissioners shall be filled by appointment within thirty days and made in the same manner as the original appointment. If a vacancy occurs prior to the end of the member's term, the successor shall be appointed to fill the unexpired term.

B. Removal. Any member may be removed by majority vote of the board of county commissioners. No member shall be removed during his or her term of appointment unless for cause of incapacity, incompetence, neglect of duty, malfeasance while serving on the board of health or, if required to reside in the county, for a disqualifying change of residence.

2.07.030 Meetings.

A. The board of health shall conduct its meetings in accordance with chapter 42.30 RCW, the Open Public Meetings Act. The board of health shall establish a regular meeting schedule and may adopt rules of procedure as necessary to perform its duties.

B. Quorum. A quorum shall be the majority of the members holding positions on the board of health, not including vacancies.

C. Fees set by board of health. Any decision by the board of health related to the setting or modification of permit, licensing, and application fees may only be determined by the city and county elected officials on the board.

2.07.040 Selection of officers

A. The board of health shall elect from its members a chair who shall serve a period of one year and shall thereafter select a chair on an annual basis. The board may elect other officers and may adopt rules of procedure.

B. The board of health may appoint an administrative officer. The administrative officer shall act as executive secretary and administrative officer for the local board of health, and shall be responsible for administering the operations of the board including such other administrative duties required by the board, except for duties assigned to the health officer as enumerated in RCW 70.05.070 and other applicable state law.

2.07.050 Compensation and Reimbursement of Expenses

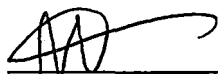
The members of the board of health shall receive no compensation or reimbursement of expenses for the performance of their duties.

Section 2. If any provision of this Ordinance or its application to any person or circumstance is declared to be invalid, illegal or unconstitutional, in whole or in part by any court or agency of competent jurisdiction, the remainder of this Ordinance and its application to other persons or circumstances shall not be affected.

Section 3. Effective date. This ordinance shall take effect upon adoption, provided that the initial terms of the city elected official, tribal representative, and healthcare and community members shall begin July 1, 2022 or thereafter.

ADOPTED: April 19, 2022

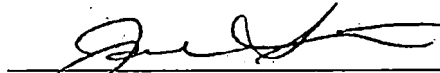
ATTEST:



Clerk of the Board

APPROVED AS TO FORM:

JON TUNHEIM
PROSECUTING ATTORNEY

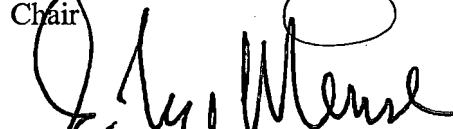


Jane Futterman
Sr. Deputy Prosecuting Attorney

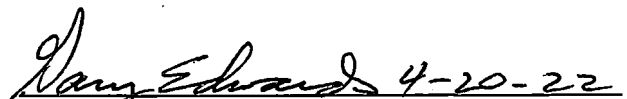
BOARD OF COUNTY COMMISSIONERS
Thurston County, Washington



Chair



Vice-Chair


4-20-22
Commissioner

CODIFY



LACEY CITY COUNCIL MEETING

June 16, 2022

SUBJECT: Lift Station 19 Replacement Project

RECOMMENDATION: Motion to award Lacey Contract Number PW 2016-12 to low bidder Pacific Civil & Infrastructure, Inc. from Tacoma, WA in the amount of \$3,225,356.78.

STAFF CONTACT: Scott Spence, City Manager *SS*
Scott Egger, P.E., Public Works Director *SE*
Peter Brooks, P.E., Water Resources Manager *PGB*
Teri O'Neal, P.E., Senior Utility Engineer *TSO*
Lisa Hull, Project Admin *LH*
Puna Clarke, P.E., Utility Engineer *LC*

ORIGINATED BY: Public Works Department

ATTACHMENTS: NONE

FISCAL NOTE: Funding for the project is provided through the fund source WA1619 411-3410.534-90.

PRIOR REVIEW: Council approved the Wastewater Capital Funds as part of the 2022 Budget. The Lift Station 19 Replacement project is listed as a 2022 Wastewater Capital Fund project.

BACKGROUND:

Lift Station #19 is a 1.0 MGD wet pit/dry pit duplex lift station located at 2631 Willamette Drive NE. Lift Station #19 was constructed in 1990 with no major upgrades since startup. Frequent ragging (clogging of fibrous debris), rocks damaging pumps and aged electrical controls in the dry well at the lift station are causing frequent maintenance issues. In the summer of 2015, the impellers of both pumps were changed due to wear and to increase impeller diameter size for increased capacity.

The project is to replace the existing lift station with a new lift station at a site east on Willamette Dr NE. The new lift station will include submersible pumps, wet well, valve vault, piping, valves, mechanical appurtenances, landscaping plus an electrical control building

with restroom. The existing lift station will be decommissioned. The project also includes a new sewer force main and gravity line.

The project was advertised for approximately 3 weeks and bids were opened June 2, 2022. Three (3) bids were received. The three bids ranged from a low of \$3,225,356.78 to a high of \$3,692,146.07. Pacific Civil & Infrastructure from Tacoma, WA is the low bidder at \$3,225,356.78. The Engineer's Estimate is \$2,547,434.79. A Bid Summary Sheet is below.

Staff has analyzed the three bid proposals and the three bids are within 15% of each other and are all reputable contractors. In addition, staff noted the significant the difference between the low bidder and the Engineer's Estimate. This is the result of unforeseen supply chain shortages and inflation, neither of which are not likely to be resolved in the near future. Therefore rebidding the project at a later date will not result in lower bids. This project is necessary and cannot be put on hold for an indefinite period of time.

Pacific Civil & Infrastructure is qualified and capable of performing the work. Start date is anticipated to be around the beginning of August and there are 300 working days allotted.

ADVANTAGES:

1. The new Lift Station 19 will provide standard Lacey lift station items as well as providing a safer ingress/egress from Willamette Dr NE for the City's operations and maintenance staff, which is a heavily travelled roadway.
2. Pacific Civil & Infrastructure is experienced with the construction of wastewater lift station of similar size and scope to the Lift Station 19 Replacement project and have also worked on constructing lift stations for the City of Lacey in the past.

DISADVANTAGES:

1. None anticipated

BID SUMMARY TABLE

City of Lacey Lift Station 19 Replacement PW 2016-12		
Contractor	Bid Amount	Pos
Pacific Civil & Infrastructure	\$3,225,356.78	1
Northwest Cascade, Inc	\$3,594,884.00	2
Ceccanti	\$3,692,146.07	3
Engineer's Estimate: \$2,547,434.79		

PROJECT LOCATION MAP



LACEY CITY COUNCIL MEETING

June 16, 2022

SUBJECT: Long Lake Parcel Acquisition

RECOMMENDATION: Approve purchase of real property located at 2802 Boat Launch Street SE for \$962,000 and authorize the City Manager to take all steps necessary to complete the acquisition.

STAFF CONTACT: Scott Spence, City Manager 
Dave Schneider, City Attorney 
Jennifer Burbidge, Director of Parks, Culture and Recreation

ORIGINATED BY: Parks, Culture and Recreation Department

ATTACHMENTS: None

FISCAL NOTE: \$962,000, plus closing costs. The City will also increase expenditures for labor and maintenance associated with this park acquisition if approved. These costs will be dependent upon the final vision for the property.

PRIOR REVIEW: None

BACKGROUND:

The City has an opportunity to purchase the real property located at 2802 Boat Launch Street SE. The City has been interested in this property for several decades. Notably, the property's owners, the late Mr. and Mrs. James R. and Marcella M. Floyd, granted to the city a Right of Purchase on October, 21 1983. The property has been in the City of Lacey Parks Master Plan since that time. The heirs of Mr. and Mrs. Floyd have decided to sell the property and inquired about the City's interest to purchase prior to putting the property on the open market.

The property is a large 1.81 acre parcel located immediately adjacent to Long Lake Park. The parcel is improved with a 2,075 square foot single-family residence and 2-car detached garage. The property boasts 420 feet of lakefront with a wood dock. The property is heavily treed with native evergreens. While the home would require improvements to become an

ADA compliant facility open to the public, it is in good condition overall. The deficiencies of the building are in line with those to be expected of a building of its age of 75 years.

The City has entered into a purchase and sale agreement for the property as-is for \$962,000. The purchase is specifically contingent upon approval by the City Council.

ADVANTAGES:

1. The proposed property acquisition is identified in Lacey Parks, Culture, and Recreation Department Comprehensive Plans.
2. The property is adjacent to Long Lake Park, and provides the opportunity to incorporate additional active and passive recreational activities at this site.

DISADVANTAGES:

1. There will be expenditures associated with additional labor and maintenance with the acquisition of this property. These costs will be incorporated in the City budget as part of Lacey overall parks and open space system.
2. The existing home will require upgrades or reconstruction depending on the ultimate use, and if accessible to the public.

FINANCE & ECONOMIC DEVELOPMENT COMMITTEE MINUTES

MAY 24, 2022

8:30 A.M. – 9:22 A.M.

REMOTE & IN-PERSON ATTENDANCE

To hear the full discussion of a specific topic, or the complete meeting, you may watch the video-stream available on the City of Lacey's YouTube Channel: <https://youtu.be/dsxnkG7rnFo>

COUNCIL PRESENT: DEPUTY MAYOR MILLER, COUNCILMEMBER GREENSTEIN

COUNCIL EXCUSED: MAYOR RYDER

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

ACTION: APPROVE FINANCE & ECONOMIC DEVELOPMENT COMMITTEE AGENDA

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

2021 YEAR-END FINANCIAL REPORT

STAFF: TROY WOO, FINANCE DIRECTOR

ACTION: INFORMATION ONLY

Troy Woo, Finance Director, presented an overview of the 2021 year-end financial report. Adjustments may need to be made to the report, so it is considered preliminary until the annual audit is complete.

As of December 31, 2021, the total General Fund Expenditures were \$50,804,140 or 84.1 percent of the adopted 2021 Budget. This is a total increase of \$575,802 or 1.2 percent compared to the 2020 total expenditure level. The net increase is a result of higher salaries, benefits, and capital transfers, which were offset by decreases relating to one-time 2020 CARES Act expenditures and 2020 Veterans Services Hub capital improvements.

All expenditure categories reported variances from the previous year. The most significant and noteworthy variances were highlighted.

As of December 31, 2021, the total General Fund Revenues were \$56,584,886 or 93.7 percent of the adopted budget. Overall General Fund Revenues increased \$2,468,166 compared to 2020. The one-time 2020 CARES Act distributions and transfers did offset revenue increases.

Year-end operating expenditures for the City's utilities were consistent with the budget projections. Operating revenues for the utilities are meeting projections and consistent with approved rate increases and customer growth.

The year-end revenue and expenditure results do not warrant any departure from Lacey's conservative approach. This approach has and continues to provide financial flexibility and ability to weather sudden downturns to the economy.

1ST QUARTER FINANCIAL REPORT

STAFF: TROY WOO, FINANCE DIRECTOR

ACTION: INFORMATION ONLY

Troy Woo, Finance Director, presented a review of the first quarter financial report for 2022, which focused on the General Fund.

As of March 31, 2022, total General Fund Expenditures were \$10,538,838 or 16.9 percent of the adopted 2022 Budget. This is a total decrease of \$203,859 or 1.9 percent compared to the first quarter 2022 total expenditure level. The overall 2022 decrease is primarily due to one-time 2021 Veterans Services Hub building and U.S. Veteran Affairs Outstation Center improvement expenditures. It was also noted that the majority of first quarter salaries and benefits do not include cost of living adjustments due to ongoing labor negotiations.

The first quarter expenditure categories show variances from the previous year. The most significant variances were highlighted.

As of March 31, 2022, total General Fund Revenues were \$13,202,477 or 20.1 percent of the adopted budget. Last year at this same time, revenues were 16.6 percent of budget. First quarter General Fund revenues increased \$3,386,299 compared to the previous year. A significant portion of the increase relates to capital project reimbursements relating to the and Veterans Services Hub and U.S. Veteran Affairs Outstation Center projects.

First quarter 2022 operating expenditures for the City's utilities were consistent with projections. The Water Utility Maintenance and Operations Fund expenditures were \$107,813 or 4.3 percent lower in 2022. Wastewater Utility Maintenance and Operations Fund expenditures were \$209,461 or 6.1 percent higher in 2022. The LOTT revenue remittance was \$144,840 higher during 2022. The Stormwater

Maintenance and Operations Fund expenditures were \$470 or 0.1 percent higher than the previous year.

Operating revenues for utilities are meeting projections and are consistent with approved rate increases and customer growth. The 2021 utility rate increases were delayed until July 1, so the first quarter comparisons for 2022 include the impacts of two rate increases.

BOND REIMBURSEMENT RESOLUTION

STAFF: TROY WOO, FINANCE DIRECTOR
ACTION: FORWARD THE RECOMMENDED BOND REIMBURSEMENT RESOLUTION TO FULL COUNCIL FOR ADOPTION
MOTION: MADE, SECONDED AND CARRIED BY COUNCILMEMBER GREENSTEIN AND DEPUTY MAYOR MILLER

Troy Woo, Finance Director, presented the recommended bond reimbursement resolution for review.

The proposed resolution authorizes the City Manager or the Finance Director to designate expenditures for reimbursement from bond proceeds that may be authorized for issuance by the City Council in the future. This resolution does not authorize capital expenditures nor obligates the City to issue any debt. Both capital expenditures and the issuance of debt require separate action or approval by the City Council.

Staff recommended the adoption of a reimbursement resolution delegating the authority to the City Manager and Finance Director to declare the intent to reimburse the City for the costs of certain capital projects from the future proceeds of debt obligations.

LOCAL REVITALIZATION FINANCING PROGRAM UPDATE

STAFF: TROY WOO, FINANCE DIRECTOR
ACTION: INFORMATION ONLY

Troy Woo, Finance Director, presented on the Local Revitalization Financing Program (LRF). The City was approved to receive an LRF project award. Action is needed prior to June 1, 2022, to avoid forfeiting the project award. The City will not meet the deadline in order to use the award.