City of Lacey, Washington
City Council Regular Meeting Agenda

Refer to the bottom of the agenda for meeting information.

Thursday, December 21, 2023	6:00 PM	Council Chambers and Online

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Land Acknowledgement**

   We, the City of Lacey, are on the ancestral land of the Tribal People of the Treaty of Medicine Creek, including the Nisqually Indian Tribe and Squaxin Island Tribe. We acknowledge, and remember those Tribal People not recognized today who were absorbed or relocated into other tribes for survival. We recognize the ancestors and their descendants who are still here. We recognize and respect the Tribal People of the Treaty of Medicine Creek as the traditional stewards of this land since time immemorial and their role today in taking care of these lands in perpetuity. We recognize and have the responsibility to call attention to the histories of dispossession, forced removal, and abridged treaty rights that allowed our nation, state, and city to develop as it has today. We recommend that community members read the Medicine Creek Treaty of 1854.
5. **Approval of Agenda and Consent Agenda Items:**
   - A. Council Meeting minutes of December 7, 2023
   - B. Council Worksession Meeting minutes of December 14, 2023
   - C. Approve payment of claims, wages and transfers for November 13, 2023, through December 11, 2023
   - D. City Manager Agreement Amendment No. 1
6. **Public Recognitions and Presentations:**
   - A. **Public Recognition - Tom Nelson, Running all Lacey Streets**
     Jen Burbidge, Parks, Culture and Recreation Director
   - B. **Employee Recognition - Wade Duffy, 30 Years of Service**
     Rick Walk, City Manager

C. **Recognition of Service - Councilmember Ed Kunkel Jr.**
Mayor Ryder

7. **Proclamations:**
8. **Public Comment:**
Refer to the bottom of the agenda for instructions on how to provide public comment.
9. **Public Hearing:**
10. **Resolutions:**
11. **Ordinances:**

A. **Ordinance 1652 - Reserve Designation Ordinance**
Troy Woo, Finance Director

B. **Ordinance 1653 - Adopt 2024 Budget**
Troy Woo, Finance Director

C. **Ordinance 1654 - Flood Hazard Prevention Amendments**
Samra Seymour, Senior Planner

12. **Mayor's Report:**

A. **Advisory Board Reappointment - Kyrian MacMichael, Planning Commission**
Mayor Ryder

B. **Advisory Board Appointment(s) - Elliot Kirk, Tonya Moore and Spencer Zeman to the Planning Commission**
Mayor Ryder

13. **City Manager's Report:**

A. **Contract Award - PW 2022-13 New Police Station**
Ashley Smith, Design and Construction Manager

14. **Standing General Committees:**
15. **Council Intergovernmental Boards:**

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 (EDC)
2. Lodging Tax Advisory Committee (LTAC)
3. Thurston County Coalition Against Trafficking (TCCAT)
4. Thurston Thrives

C. Councilmember Lenny Greenstein:
1. Emergency Medical Services (EMS)

2. TCOMM911

D. Councilmember Michael Steadman:
   1. Nisqually River Council
   2. Thurston County Law & Justice Council

E. Councilmember Carolyn Cox:
   1. Climate Action Steering Committee
   2. LOTT Clean Water Alliance
   3. Regional Housing 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)
   4. Thurston County Board of Health

16. Adjourn

Attendance and Public Comment

Attend Remote or In-Person
The public may attend the meeting in-person, or you may view or listen to the meeting using one of the following platforms:

In-Person	Council Chambers at Lacey City Hall 420 College Street SE, Lacey, WA 98503
Zoom:	https://us02web.zoom.us/webinar/register/WN_tbtQQC4mT0uEEJnYncE3kA
Website:	https://cityoflacey.org/government/public-meetings/
Facebook:	https://www.facebook.com/cityoflacey
YouTube:	https://www.youtube.com/watch?v=yfgo_xbwyBA
Cable:	Channel 3 with your local cable provider
Phone:	(888) 788-0099 or (877) 853-5247 (Webinar ID 826 8650 5276)

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.
Zoom:	Preregister using the following Zoom link no later than two hours prior to the meeting: https://us02web.zoom.us/webinar/register/WN_tbtQQC4mT0uEEJnYncE3kA 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.
The commenting period will close two hours before the meeting time.
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.

City of Lacey, Washington
City Council Regular Meeting Minutes
Thursday, December 7, 2023 - Council Chambers and Online

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1. Call to Order

Mayor Ryder called the meeting to order at 6:00 p.m.

2. Roll Call

Council Present
Mayor Andy Ryder
Deputy Mayor Malcolm Miller
Councilmember Carolyn Cox
Councilmember Lenny Greenstein
Councilmember Michael Steadman (remote)
Councilmember Ed Kunkel (remote)
Councilmember Robin Vazquez

Staff Present
Rick Walk, City Manager
Shannon Kelley-Fong, Assistant City Manager
Scott Egger, Public Works Director
Dave Schneider, City Attorney
Troy Woo, Finance Director
Grant Beck, Interim Community and Economic Development Director
Ryan Andrews, Planning Manager
Martin Hoppe, Transportation Manager
Ryan Jewell, Utilities Engineer
Scott Johnston, Transportation Maintenance Supervisor
Elissa Fontaine, City Clerk

3. Pledge of Allegiance

4. Land Acknowledgement

DRAFT

Mayor Ryder presented the abbreviated Land Acknowledgement.

5. Approval of Amended Agenda and Consent Agenda Items:

A. City Council Meeting Minutes of November 2, 2023

B. Council Worksession Meeting Minutes of November 9, 2023

C. City Council Meeting Minutes of November 16, 2023

D. Council Special Meeting Minutes of November 30, 2023

E. Approve payment of claims, wages, and transfers of November 1, 2023, through November 24, 2023.

F. Adopt 2024 Federal Legislative Agenda

G. Adopt 2024 State Legislative Agenda and Manual

Councilmember Greenstein moved to approve the amended agenda and consent agenda. Councilmember Vazquez seconded. Motion carried.

6. Public Recognitions and Presentations:

A. **Public Service Award - Jerry Wilkins, Civil Service Commissioner**
Mayor Ryder

Mayor Ryder and Council awarded Jerry Wilkins with the Public Service Award for serving on the Civil Service Commission from 2010-2023.

B. **Thurston County Youth Football League (TCYFL) River Ridge Hawks 8th Grade Football Champions Recognition**
Tim Claridge, Coach, TCYFL President

Mayor Ryder and Council recognized the River Ridge 8th Grade Football Team for their Thurston County Youth Football League Championship.

C. **Public Recognition - Tom Nelson, Running all Lacey Streets***
Jennifer Burbidge, Parks, Culture, and Recreation Director
*Item amended on December 5, 2023, to reschedule for a future Council Meeting

7. Public Comment:

Verbal Public Comments: The deadline to pre-register to speak via Zoom was 4:00 p.m. the day of the meeting.

Three (3) - people signed up to speak via Zoom
Two (2) - people signed up to speak at the meeting

Alexander Knerr register to provide public comment via Zoom, but was not present.

Gord Thompson provided a public comment regarding the recognition of the TCYFL River Ridge Hawks 8th Football Team.

Madelyn Knerr provided a public comment regarding Gaza civilian casualties.

Michael Wilson provided a public comment regarding the City's Maintenance Crew.

Catherine Anderson provided public comment and requested follow-up regarding a potential code enforcement topic in her neighborhood.

Written Public Comments: The deadline to submit written public comments was 4:00 p.m. the day of the meeting. Written comments are not addressed during the meeting; however, they are added to the official record.

Zero (0) written public comments were received.

8. Public Hearing:

A. **Final 2024 Proposed Budget**
Troy Woo, Finance Director

Mayor Ryder opened the Final 2024 Proposed Budget Public Hearing at 6:16 p.m.

Verbal Public Testimony: The deadline to pre-register to speak and provide public testimony was 4:00 p.m. the day of the meeting.

Zero (0) - people signed up to provide public testimony via Zoom
Zero (0) - people signed up to speak at the meeting.

Written Public Testimony: The deadline to submit written public testimony was

4:00 p.m. the day of the meeting. Written testimony is not addressed during the meeting; however, it is added to the official record.

Zero (0) - written public testimony was received.

Mayor Ryder closed the Final 2024 Proposed Budget Public Hearing at 6:19 p.m.

9. Proclamations:

10. Referral from Planning Commission:

11. Referral from Hearings Examiner:

12. Ordinances:

A. **Ordinance 1649 - Business and Occupation Tax Model Ordinance**
Troy Woo, Finance Director

Staff presented the draft ordinance and advised adoption will bring the City into compliance with State statute.

Councilmember Greenstein moved to approve Ordinance 1649 updating the business and occupation tax section of the Lacey Municipal Code. Councilmember Cox seconded. Mayor Ryder, Deputy Mayor Miller, Councilmembers Greenstein, Steadman, Cox and Vazquez voted in favor. Councilmember Kunkel voted against. Motion carried.

B. **Ordinance 1650 - Hearings Examiner Code Update**
Grant Beck, Interim Community and Economic Development Director

Staff presented the draft ordinance and highlighted the recommended changes.

Councilmember Greenstein moved to adopt Ordinance 1650 related to decisions by the Hearings Examiner and the City Council's role in the Quasi-Judicial Process. Councilmember Vazquez seconded. Motion carried.

C. **Ordinance 1651 - Council Meeting Time and Place**
Shannon Kelley-Fong, Assistant City Manager

Staff presented the draft ordinance amending Lacey Municipal Code 2.04.010. The draft ordinance maintains the current Lacey City Council meeting time of 6:00 p.m.

Councilmember Greenstein moved to adopt Ordinance 1651 amending Lacey

Municipal Code 2.04.010, Time and Place, changing Regular and Worksession meetings of the City Council from Thursdays to Tuesdays. Deputy Mayor Miller seconded. Motion carried.

13. Resolutions:

A. **Resolution 1142 - Council Policies and Procedures Manual Update**
Shannon Kelley-Fong, Assistant City Manager

Staff presented the draft resolution and highlighted the alternate Exhibit A in order to remove references to the Hearings Examiner, as previously approved under Ordinance 1650.

Councilmember Vazquez moved to approve Resolution 1142 as modified to remove references to the Hearings Examiner, amending the City Council Policies and Procedures Manual to eliminate Committee meetings and make other comprehensive updates. Councilmember Greenstein seconded. Motion carried.

14. Mayor's Report:

A. **Appointment of Hearings Examiner Pro Tem**
Grant Beck, Interim Community and Economic Development Director

Staff presented an option that will allow current development applications to proceed through the process until the City can issue a Request for Qualifications for Hearings Examiner's services.

Mayor Ryder moved to appoint Trebucket Legal Consulting LLC (TLC Law) as Hearings Examiner Pro Tempore pursuant to Section 2.30.020 Lacey Municipal Code. Deputy Mayor Miller seconded. Motion carried.

15. City Manager's Report:

A. **Contract Award - 2023 Well Rehabilitation PW 2023-42**
Scott Egger, Public Works Director

The 2023 Well Rehabilitation project was advertised for two (2) weeks and bids were opened on November 8, 2023. Two (2) bids were received. One (1) bid was rejected due to errors in the bid proposal. The remaining bid was the lowest bid received and submitted by Empire Well Drilling LLC from Wenatchee, WA.

Deputy Mayor Miller moved to award Lacey Contract number PW 2023-42 to

low bidder Empire Well Drilling LLC from Wenatchee, WA for the amount of $399,237.00. Councilmember Greenstein seconded. Motion carried.

B. **Interlocal Agreement - Pacific Ave SE Pavement Preservation**
Martin Hoppe, Transportation Manager

Thurston County received a 100% Federal Grant to overlay Pacific Avenue. Proportionately, this equates to $1,337,700 of work within the current city limits. If additional funds are needed, Transportation Benefit District (TBD) collected funds are available. TBD funds would be allowed to fund this project because the scope of work is pavement rehabilitation. The project is expected to be advertised late 2023, with construction beginning early/mid 2024.

Councilmember Greenstein moved to authorize the City Manager to sign the Interlocal Agreement with Thurston County for the Pacific Avenue Pavement Preservation Project. Councilmember Cox seconded. Motion carried.

C. **Interlocal Agreement - Marvin Road Improvement Project Phase I**
Ryan Jewell, Utilities Engineer

The City has partnered with Thurston County on the Marvin Road Intersection Improvements project, with the County as the lead agency. The project location is Marvin Road, from 22nd Ave SE to Union Mills Road.

Mayor Ryder moved to authorize the City Manager to sign the Interlocal Agreement with Thurston County for Phase 1 of the Marvin Road Upgrade Project. Councilmember Vazquez seconded. Motion carried.

D. **Interlocal Agreement - Franz Anderson Permanent Supportive Housing**
Ryan Andrews, Planning Manager

The Franz Anderson Road project located in Olympia was awarded funding through the Washington State Rights-of-Way Safety Initiative to house individuals living in the Washington State Department of Transportation right-of-way. The first phase of the project included 50 temporary tiny shelters which have been installed and are currently occupied. The second phase of the project will be to construct permanent supportive housing on the site.

Deputy Mayor Miller moved to authorize the City Manager to sign the Interlocal Agreement between the City of Olympia, City of Lacey, City of Tumwater and Thurston County for pooling and transfer of funds to support a permanent supportive housing project at Franz Anderson Road. Councilmember Cox seconded. Mayor Ryder, Deputy Mayor Miller,

Councilmembers Cox, Steadman and Vazquez voted in favor. Councilmembers Greenstein and Kunkel voted against. Motion carried.

E. **Snow and Ice Response 2023-2024**
Scott Johnston, Transportation Maintenance Supervisor

Staff provided a presentation on the City's response to winter weather and covered the following items:

- Plow Route Expansion
- Salt Storage Increased
- Accelerated De-icing Response
- Materials and Equipment

16. Standing General Committees:

A. **Land Use and Environment Committee**
November 28, 2023, Meeting Report

Councilmember Cox provided a report on the meeting.

17. Other Business:

18. Boards, Commissions and Committee Reports:

A. Mayor Andy Ryder:

1. Mayors' Forum

2. Thurston Chamber Shared Legislative Committee

3. Transportation Policy Board (TPB)

Mayor Ryder provided a report from the Thurston Chamber Shared Legislative Committee.

B. Deputy Mayor Malcolm Miller:

1. Economic Development Council (EDC)

2. Lodging Tax Advisory Committee (LTAC)

3. Thurston County Coalition Against Trafficking (TCCAT)

4. Thurston Thrives

Deputy Mayor Miller provided reports from the Economic Development Council (EDC), and Thurston Thrives.

C. Councilmember Lenny Greenstein:

1. Emergency Medical Services (EMS)

2. TCOMM911

Councilmember Greenstein provided a report from Emergency Medical Services (EMS).

D. Councilmember Michael Steadman:

1. Nisqually River Council

2. Thurston County Law & Justice Council

Councilmember Steadman did not provide any reports.

E. Councilmember Carolyn Cox:

1. Climate Action Steering Committee

2. LOTT Clean Water Alliance

3. Regional Housing Council

Councilmember Cox provided a report from LOTT Clean Water Alliance.

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)

Councilmember Kunkel provided a report from the Joint Animal Services Commission (JASCOM).

G. Councilmember Robin Vazquez:

1. Intercity Transit Authority

2. Olympic Region Clean Air Agency (ORCAA)

3. Thurston Regional Planning Council (TRPC)

4. Thurston County Board of Health

Councilmember Vazquez provided reports from the Thurston Regional Planning Council (TRPC), and the Intercity Transit Authority.

19. Adjourn

Mayor Ryder adjourned the meeting at 8:28 p.m.

MAYOR: _____

ATTESTED BY CITY CLERK: _____

DATE APPROVED: _____

City of Lacey, Washington
Lacey City Council Worksession Amended Minutes

Thursday, December 14, 2023	6:00 PM	Council Chambers and Online

1. **Call to Order**

   Mayor Ryder called the meeting to order at 6:00 p.m.

2. **Roll Call**

   Council Present
   Mayor Andy Ryder
   Deputy Mayor Malcolm Miller
   Councilmember Lenny Greenstein
   Councilmember Michael Steadman
   Councilmember Carolyn Cox
   Councilmember Robin Vazquez

   Council Excused
   Councilmember Ed Kunkel

   Staff Present
   Rick Walk, City Manager
   Shannon Kelley-Fong, Assistant City Manager
   Dave Schneider, City Attorney
   Troy Woo, Finance Director
   Ryan Andrews, Planning Manager
   Jennifer Adams, Housing Coordinator
   Elissa Fontaine, City Clerk

3. **Land Acknowledgement**

   Mayor Ryder presented the abbreviated land acknowledgment.

4. **Approval of the Amended Agenda***

   Councilmember Greenstein moved to approve the amended agenda. Councilmember Vazquez seconded. Motion carried.

5. Agenda Items

B. **Dispute Resolution Center Landlord Tenant Contract Update**
Jennifer Adams, Housing Coordinator

Staff brief the Council on an opportunity to extend the contract between the City of Lacey and the Dispute Resolution Center of Thurston County and include an amendment to expand the scope of services to include services to resolve additional types of housing and neighborhood disputes.

Mayor Ryder moved to move the existing budget over to 2024 and go on a case by case basis and add Homeowner's Associations (HOA) to allow access to the program. Deputy Mayor Miller seconded. Mayor Ryder, Deputy Mayor Miller, Councilmembers Steadman, Cox and Vazquez voted in favor. Councilmember Greenstein voted against. Motion carried.

A. **Meeting with State Delegation**
Shannon Kelley-Fong, Assistant City Manager

Council and staff welcomed Senator Sam Hunt, Representative(s) Beth Doglio and Jessica Bateman, Rob Barnes, Senior Legislative Assistant, and Brian Enslow, Government Affairs Consultant.

The following City Legislative Priorities were reviewed and discussed in detail:

- Thurston County Regional Basic Law Enforcement Academies and Training Center
- Emergency Coordination Center (ECC)
- Regional Athletic Complex LED Replacement Lights
- Long-term Funding Solutions to Support Rights of Way Initiative Housing Acquisitions
- Defense Community Compatibility Account (DCCA)
- Young Child and Family Center
- Joint Animal Services Regional Animal Facility
- I-5 Corridor Mounts Rd & Tumwater

C. **Growth Management Act Housing Allocations**
Ryan Andrews, Planning Manager

Council and staff welcomed Alison Osterberg, Planning Manager for Thurston Regional Planning Council (TRPC).

Staff and TRPC provided a briefing on the housing need allocations study that provides foundation data supporting the Comprehensive Plan update. The results of the process will be used in the updates to the Comprehensive Plan due in 2025.

Next steps include the following:

- Update to Countywide Planning Policies
- Comprehensive Plan Update: Housing Element
- Middle Housing Requirements (HB 1110)
- Accessory Dwelling Units (HB 1337)

D. **Reserve Designation Discussion**
Troy Woo, Finance Director

Staff presented the suggested committed fund balance designations. To provide timely guidance for the City's 2023 annual financial report and coordination with the 2024 Budget adoption, it is necessary for the City Council to adopt a new reserve designation ordinance prior to December 31, 2023. The reserve designation ordinance will be presented to the full City Council for adoption at the December 21, 2023, Council meeting.

The presentation included a detailed review of the following fund categories:

- General
- Utility
- Special Revenue
- Capital Project
- Debt
- Internal Services

Council expressed support for the suggested committed fund balance designations.

E. **Executive Session**
Pursuant to RCW 42.30.110(1)(g)
*Item added on December 12, 2023

The Mayor announced at 8:30 p.m. that the Council would convene for an executive session for 15 minutes, until 8:45 p.m.

The Mayor reconvened the Council Worksession meeting at 8:45 p.m. and the regular meeting was called back to order. No action was taken.

6. Adjourn

Mayor Ryder adjourned the meeting at 8:45 p.m.

LACEY CITY COUNCIL MEETING
December 21, 2023

SUBJECT: **Disbursement Approval**

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

STAFF CONTACT: Troy Woo, Finance Director

ORIGINATED BY: Troy Woo, Finance Director TW
Alix Turcotte, Senior Accountant
Carrie Bode, Accounting Technician CB

BACKGROUND:

The action requested of the City Council is by motion to approve payment of claims, wages and transfers for 11/13/2023 through 12/11/2023. The disbursements consist of the following:

Checks:	Week of	Beg. Check No.	End. Check No.	Amount
	*11/30/2023	272776	272779	1,876.52
	12/1/2023	272780	272816	174,711.84
	12/8/2023	272817	273022	1,802,428.70

Electronic Transfers:	Week of	Amount
	11/13/2023	58,045.31
	11/30/2023	64,914.45
	*11/30/2023	18,252.83
	*11/30/2023	1,759,441.43
	*11/30/2023	1,996,306.22
	12/1/2023	841,834.10
	12/1/2023	1,177,625.00
	12/8/2023	813,501.93
	12/8/2023	12.90
	12/8/2023	867.00
	12/11/2023	108,209.21

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

Significant Disbursements:

Vendor	Amount	Description
Olympia-CARPFD	$ 64,914.45	November 2023 CARPFD
Puget Sound Energy	$ 86,813.38	November 2023 Utility Bill
SCI Infrastructure	$ 735,165.58	Golf Club Rd Wtr & Wastewtr Imprv
US Bank	$ 1,095,000.00	Debt Service Principal
US Bank	$ 82,625.00	Debt Service Interest
Bud Clary Ford/Hyundai	$ 152,107.80	2023 Ford Lightnings
CDW Government, Inc.	$ 56,118.75	Crowdstrike Renewal
Lott Wastewater Alliance	$ 239,452.15	November 2023 LOTT Reserve Cap
Lott Wastewater Alliance	$ 1,211,048.39	November 2023 ERU's
Malcolm Drilling Co., Inc.	$ 96,296.75	S06 Water Rights
N. Thurston Public Schools	$ 82,739.00	November 2023 Impact Fees
Phoenix Fabricators	$ 158,839.93	Terry Cargil Reservoir
Rognlin's, Inc.	$ 69,864.07	LS 34 & 37 Rehabilitation
Softwareone, Inc.	$ 170,291.98	Microsoft Enterprise Agree. Renewal
Dept. of Revenue	$ 108,209.21	November 2023 Excise Taxes

AMENDMENT NO. 1 TO THE

CITY MANAGER EMPLOYMENT AGREEMENT

THIS AMENDMENT is to that certain City Manager Employment Agreement dated July 6, 2023 (The "Agreement"), by and between the City of Lacey, a code City of the State of Washington, hereinafter "City," and Frederick (Rick) Walk, also referred to herein as "City Manager," jointly referred to as the "Parties."

WHEREAS, the City desires to amend certain sections related to the City Manager's compensation to maintain internal equity amongst non-represented positions.

NOW, therefore, Sections 2(a) and Section 3 of the Agreement are hereby amended to read as follows:

Section 2(a)

> "Pay a beginning base salary at non-represented grade 76, step 3 of two-hundred eleven thousand, eight-hundred sixty-four and 80/100 dollars ($211,864.80) per annum. Unless directed otherwise by action of the City Council, step increases shall be implemented by Human Resources in accordance with City Policy for non-represented positions. Additionally, any Cost of Living Adjustment applied to all City non-represented positions shall be applied to maintain internal equity."

Section 3

> "This Employment Agreement shall continue until terminated in the manner specified herein. The City Council and the City Manager shall participate in an evaluation of the City Manager's performance six (6) months after the official date of appointment, twelve (12) months after the official date of appointment and annually thereafter. As part of the first twelve (12) month evaluation and each annual evaluation thereafter, the City Manager compensation package shall be reviewed."

DATED this _____ day of December, 2023.

[NO MORE TEXT ON THIS PAGE - SIGNATURES TO FOLLOW ON SUCCEEDING PAGE]

CITY OF LACEY

By: _____

Mayor

_____

Rick Walk

Approved as to form:

_____

Lacey City Attorney

CITY COUNCIL MEETING
December 21, 2023

SUBJECT: **Reserve Designations Ordinance**

RECOMMENDATION: **Motion:** To adopt Ordinance No. 1652 establishing fund balance designations as provided by governmental accounting standards board statement no. 54 and approving a summary for publication.

STAFF CONTACT: Rick Walk, City Manager RW
Troy Woo, Finance Director TW

ORIGINATED BY: Troy Woo, Finance Department

ATTACHMENTS: 1. Ordinance No. 1652
2. Summary for Proposed Ordinance

FISCAL NOTE:

WORK PLAN GOAL AND STRATEGY: None

PRIOR REVIEW: Council Worksession on December 14, 2023

BACKGROUND:

The Governmental Accounting Standards Board (GASB) issued Statement No. 54 during February 2009. Since that time, the City Council has taken actions to commit certain fund balances in alignment with City's priorities and vision. Since the current designations were adopted: (1) there are additional fund balances available for the City Council to designate, (2) some designations have been expended as intended, and (3) new priorities have been identified.

GASB Statement No. 54 provides the following classifications for fund balances:

- **Nonspendable**
  - This classification includes fund balances that are not in a spendable form, such as inventories, long-term receivables, and property held for resale. Fund balances that are legally or contractually required to remain intact, such as a corpus of a permanent fund, are also included in this classification.

- **Restricted**
  - Restricted fund balances include resources that are constrained for a specific purpose by external parties, constitutional provisions, and enabling legislation. Contractual agreements and bond covenants are examples of external parties that could require constraints that would be considered restricted fund balances.

- **Committed**
    - Committed fund balances include resources that are constrained by the highest level of decision-making authority of a government. For the City of Lacey, the highest level is the City Council.

- **Assigned**
    - Amounts that are intended to be used for a specific purpose would be considered assigned fund balance. The intent is expressed by the governing body, a subcommittee, or an official authorized by the governing body.

- **Unassigned**
    - Unassigned fund balances are available for any purpose. All remaining fund balances will automatically be classified as unassigned.

The fund balances that will be reported as nonspendable and restricted are classified automatically by the nature of the fund balance, so no action is required to classify fund balances as nonspendable or restricted.

The City Council, as the governing board, has the authorization to classify fund balances as committed by a formal action. The City Council has full discretion regarding the committed fund balances, but the action must meet specific purpose criteria standards. Committing fund balance to a specific project such as the replacement of a building meets the criteria, but a generic rainy day (stabilization) reserve does not meet the criteria. To meet the specific purpose criteria the formal action needs to identify and describe with sufficient detail the specific circumstances under which a need for restriction occurs. For example, a City Council formal action that constrains $1 million for a rainy day fund to be used only in an emergency is not allowed to be reported as a committed fund balance. This action does not provide sufficient detail to determine what would constitute an emergency. In addition, the following rules apply to committed fund balances:

- A committed fund balance constraint imposed by the City Council can only be changed or removed by the same formal action.

- In order to be reported on the face of the annual financial statements, the constraints must be adopted prior to the end of the fiscal year to be reported.

- The adoption of the budget document does not qualify as formal action to constrain the resources, because the budget authorization is only for one year.

Assigned fund balances include amounts that are *intended* to be used for specific purposes. This intent can be expressed by the City Council, a City Council Committee, or an official authorized by the governing body such as the City Manager. The residual amounts in governmental funds other than the General Fund are considered assigned. Governmental funds include the General, special revenue, capital, debt service, and special assessment funds. For example, the residual fund balance in the Lodging Tax Fund (special revenue) will be considered assigned for tourism purposes.

Historically, the City Council previously authorized the City Manager and City Finance Director to assign funds based on the intent expressed by the City Council. This provides flexibility to designate funds as priorities arise or additional funds become available. Staff recommends the same provision be included in the next ordinance.

Unassigned fund balances include all the remaining fund balances. Unassigned fund balances can be used for any purpose and typically are only reported in the General Fund.

The full City Council reviewed the proposed designations at the December 14, 2023, Council Worksession. In summary, the council review and adoption of the ordinance will help ensure the City's financial reporting remains compliant with GASB Standards and Generally Accepted Accounting Principles (GAAP). As a result, the City's Annual Comprehensive Financial Report (ACFR) will more accurately reflect the City Council's vision and intent. Finally, Periodic reviews by the City Council will better align fund balances with the annual priorities included and long-term goal and vision of the City and will ensure the City Council's commitments are still valid.

Staff requests the City Council review the proposed fund balance designations and upon concurrence adopt the proposed ordinance establishing the committed fund reserve designations and authorizing the City Manager and Finance Director to designate fund balances as assigned based on the intent of the City Council.

Next Step. Upon review and based on the above, the Lacey City Council could consider the following option:

1. Adopt Ordinance No. 1652 establishing fund balance designations as provided by governmental accounting standards board statement no. 54 and approving a summary for publication.

ORDINANCE NO. 1652

CITY OF LACEY

AN ORDINANCE ESTABLISHING FUND BALANCE DESIGNATIONS AS PROVIDED BY GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54 AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, the Governmental Accounting Standards Board ("GASB") Statement No. 54 establishes the standard for governmental fund balance reporting and governmental fund balance type definitions, and

WHEREAS, fund balance measures the net financial resources that are available for future expenditures, and

WHEREAS, the City Council finds it beneficial to designate certain fund balances as Committed for specific purposes or projects and that the City Manager or Finance Director be authorized to designate certain other fund balances as Assigned for a specific purpose,

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

Section 1. Ordinance No. 1631, an ordinance of the City of Lacey, Washington, establishing fund balance designations as provided by Governmental Accounting Standards Board Statement No. 54, is hereby rescinded.

Section 2. The fund balances of the City of Lacey designated in this Ordinance are committed for the specific purpose indicated. Amendments or modifications of the committed fund balances set forth herein shall require formal action by the City Council.

Section 3. The City Council authorizes the City Manager or City Finance Director to categorize other fund balances as assigned in order to carry out the intent of the City Council.

Section 4. The following portions of its December 31, 2023 governmental fund balances are considered committed:

Fund 001 (Current Expense):
$ 3,000,000 is committed for Budget Policy
$ 2,500,000 is committed for Strategic Investment
$ 300,000 is committed for College Street & 7th Avenue Roundabout
$ 50,000 is committed for McKinney House
$ 450,000 is committed for Mental Health & Social Services Outreach Team
$ 500,000 is committed for Rapid Response Team
$13,785,010 is committed for New Police Station Facility

$ 1,250,000 is committed for Succession Planning (Police)
$ 475,000 is committed for LERMS Records Management System Upgrade
$ 500,000 is committed for 5700 Pacific Property Improvements
$ 250,000 is committed for Trail System (Bike/Pedestrian Plan)
$ 93,750 is committed for Parks & Recreation Comprehensive Plan Priorities
$ 200,000 is committed for Regional Athletic Complex Operations & Maint.
$ 5,480,000 is committed for Greg Cuoio Park Master Plan Implementation 1A
$ 200,000 is committed for Insurance Deductibles
$ 822,500 is committed for City Hall Facility
$ 500,000 is committed for Capital Equipment Replacement
$ 50,000 is committed for Energy Conservation Projects (CR2 Plan)

Fund 005 (Community Buildings):
$ 42,500 is committed for Furniture and Equipment Replacement
$ 152,750 is committed for Community Buildings Repairs

Fund 007 (Regional Athletic Complex M&O):
$ 500,000 is committed for Regional Athletic Complex Field Replacement

Fund 101 (City Streets):
$ 350,000 is committed for Street Buildings Repair/Replacement
$ 200,000 is committed for Transportation Equipment and Improvements
$ 1,000,000 is committed for College Street & 7th Avenue Roundabout
$ 1,000,000 is committed for Transportation Facility Improvements/Expansion

Fund 302 (Capital Equipment):
$ 332,250 is committed for Capital Equipment Replacement
$ 160,000 is committed for Park Facilities Repair/Replacement
$ 695,000 is committed for Regional Athletic Complex Field Replacement
$ 50,000 is committed for Translation Technologies
$ 250,000 is committed for Teleworking Technologies
$ 500,000 is committed for IMS Communications Repair/Replace/Extension

Fund 102 (Arterial Street):
$ 18,000,000 is committed for New Police Station Facility
$ 21,000,000 is committed for Transportation Improvement Plan Priorities

Fund 301 (Building Improvement):
$ 368,546 is committed for Public Art
$ 1,137,500 is committed for City Facility Repair/Replacement
$ 300,000 is committed for Parks & Recreation Comprehensive Plan Priorities
$ 1,500,000 is committed for Capital Facilities Plan Projects
$ 350,000 is committed for Senior Center Repairs/Replacement

Fund 303 (Parks and Open Space):
$ 45,635 is committed for Parks & Recreation Comprehensive Plan Priorities
$ 82,000 is committed for Bush Park Playground Equipment

Fund 307 (Regional Athletic Complex Capital):
$ 500,000 is committed for Regional Athletic Complex Lifecycle Replacements
$ 1,000,000 is committed for Reg. Athletic Comp. Long-Term Financial Planning

Section 5. 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 6. 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 21st day of December, 2023.

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:

_____
City Attorney

SUMMARY FOR PUBLICATION

ORDINANCE NO. 1652

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on December 21, 2023, Ordinance No. 1652 entitled "**AN ORDINANCE ESTABLISHING FUND BALANCE DESIGNATIONS AS PROVIDED BY GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54 AND APPROVING A SUMMARY FOR PUBLICATION.**"

The main points of the Ordinance are described as follows:

1. The Ordinance rescinds Ordinance No. 1631.

2. The Ordinance restricts amendments or modifications of committed fund balances to formal action by the City Council.

3. The Ordinance authorizes the City Manager and Finance Director to categorize fund balances as assigned.

4. The Ordinance commits portions of governmental fund balances.

5. 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.

_____
City Clerk

Published: December 26, 2023

LACEY CITY COUNCIL MEETING
December 21, 2023

SUBJECT: **2024 Budget Ordinance**

RECOMMENDATION: **Motion to adopt the 2024 Budget ordinance, No. 1653, setting the total budget in the amount of $303,609,232 and the General Fund total budget in the amount of $87,482,207.**

STAFF CONTACT: Rick Walk, City Manager RW
Troy Woo, Finance Director TW

ORIGINATED BY: Troy Woo, Finance Department

ATTACHMENTS: 1. Ordinance No. 1653

FISCAL NOTE: 2024 Total Budget $303,609,232
2024 General Fund Budget $87,482,207

PRIOR REVIEW: Public revenue hearing and (11/2/23) and two public hearings on the budget (11/16/23 and 12/7/23) were conducted.

BACKGROUND:

After many hours of hard work by the City Council, Finance and Economic Development Committee, and City staff, the 2024 Budget process has reached the final step.

The budget ordinance that is presented for your consideration contains the following changes to the Proposed 2024 Budget document that was presented on October 21, 2023:

- Property tax was adjusted for the 2023 refund levy and a small offsetting decrease due to adjustments to new construction. These adjustments resulted in a net increase to the property tax projection of $135,322.

- General Fund professional services were increased $125,000, which includes increases to public defense and retreat preparation and facilitation.

- Due to an amendment to the Lacey Municipal Code relating to the funding of utility capital repairs and replacement adopted on November 16, 2024, water and sewer capital transfers were increased $3.5 million. This is not an increase to expenditure activity, but rather a change to the budget/accounting treatment.

The total Proposed 2024 Budget is $303,609,232. This is an increase of $79,797,075 compared to the amended 2023 Budget. The primary reasons for the increase are significantly higher one-time capital projects and related interfund transfers for proposed 2024 capital projects and purchases, which include most notably the first year of construction for the new police station facility. Workforce additions and growth to the cost of labor also contribute to the year over year increase.

The total proposed General Fund Budget is $87,482,207. This is an increase of $10,710,484 or 14.0 percent compared to the amended 2023 General Fund Budget. The primary reasons for the General Fund change are higher capital purchases and reserve transfers for significant projects including: Police Station construction and Greg Cuoio Phase 1A design and possible construction kickoff. Contributing to the increases are the aforementioned increases to the workforce and inflationary impacts.

The overall 2024 Budget focuses on meeting the increasing service demands as the City continues to grow, preserving city infrastructure investments, continuing to meet capital project requirements, addressing priorities established by the City Council, and planning for the City's future.

Next Step. Upon review, the Lacey City Council could consider the following option:

1. Based on the proposed 2024 budget maintaining services levels, includes activities necessary for the City to plan and ensure that future services can be maintained long term and is a balanced budget, staff recommends the City Council adopt the 2024 budget Ordinance No. 1653**.**

ORDINANCE NO. 1653

CITY OF LACEY

AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF LACEY FOR THE 2024 FISCAL YEAR AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, the City Manager of the City of Lacey has prepared and submitted to the City Council the preliminary budget of the fiscal year ending December 31, 2024, and has filed this preliminary budget with the City Clerk, and

WHEREAS, notice of the legislative budget hearings were published in the official newspaper of the City once a week for two consecutive weeks designating the dates, the times, and the place of said public hearings, and

WHEREAS, the City Council, at two public hearings held at Lacey City Hall on November 16, 2023 and December 7, 2023, did meet to consider the fixing of the final budget, now, therefore,

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

Section 1. The preliminary budget of the City of Lacey for the fiscal year 2024, on file with the City Clerk, as presented at the public hearings held on November 16, 2023 and December 7, 2023, as modified by the City Council after such hearings, and each and every item thereof including the salaries and positions contained therein or attached thereto, is incorporated by reference and adopted as the final budget of the City of Lacey for the fiscal year 2024. The totals of estimated revenues and appropriations for each fund and the aggregate totals for all such funds combined in said budget are as follows:

FUND NAME	ESTIMATED REVENUE	ESTIMATED EXPENDITURE
City of Lacey Budget:		
Current Expense Fund	$ 77,709,449	$ 77,709,449
Criminal Justice Fund	1,543,349	1,543,349
Community Buildings Fund	961,535	961,535
Regional Athletic Complex Fund	1,281,355	1,281,355
City Street Fund	4,745,499	4,745,499
Arterial Street Fund	26,126,804	26,126,804
Transportation Improvement Fund	5,340,000	5,340,000

Community Dev. Block Grant Fund		769		769
Hick Lake Management District Fund		48,931		48,931
GO Debt Fund		954,262		954,262
LID Debt Fund		138,134		138,134
Building Improvement Fund		29,266,359		29,266,359
Capital Equipment Fund		1,241,020		1,241,020
Parks & Open Space Fund		5,691,426		5,691,426
Regional Athletic Complex Capital Fund		1,796,354		1,796,354
Water Utility Fund		22,114,117		22,114,117
Wastewater Utility Fund		24,123,504		24,123,504
Stormwater Utility Fund		5,681,576		5,681,576
Reclaimed Water Utility Fund		2,223		2,223
Water Capital Fund		38,917,790		38,917,790
Wastewater Capital Fund		17,073,000		17,073,000
Stormwater Capital Fund		2,033,125		2,033,125
Reclaimed Capital Fund		43,177		43,177
Water Debt Fund		15,055,324		15,055,324
Wastewater Debt Fund		10,656,313		10,656,313
Stormwater Debt Fund		2,354,289		2,354,289
Equipment Rental Fund		4,553,776		4,553,776
Information Mgmt Services Fund		3,555,772		3,555,772
TOTAL CITY OF LACEY FUNDS	**$**	**303,609,232**	**$**	**303,609,232**
Joint Animal Services Budget	$	3,829,540	$	3,829,540

Section 2. Upon adoption of this ordinance, the City Clerk shall transmit a complete copy of the final budget to the Division of Municipal Corporations in the office of the Washington State Auditor and the Association of Washington Cities.

Section 3. 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 4. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, THIS 21st DAY OF DECEMBER, 2023.

_____
Mayor, Andy Ryder

ATTEST:

_____
Elissa Fontaine, City Clerk

Approved as to Form:

_____
City Attorney, David Schneider

Publish: December 26, 2023

SUMMARY FOR PUBLICATION

ORDINANCE NO. 1653

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on December 21, 2023, Ordinance No. 1653, entitled "AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF LACEY FOR THE 2024 FISCAL YEAR AND APPROVING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. The Ordinance adopts the final budget and sets forth the separate fund resources, expenditures, and aggregate totals for all funds combined for 2024.

2. The Ordinance authorizes the City Clerk to transmit copies of the budget to the Washington State Auditor and Association of Washington Cities.

3. Provides provisions for corrections.

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: December 26, 2023.

LACEY CITY COUNCIL MEETING
December 21, 2023

SUBJECT: Amendments to Chapter 14.34 LMC – Flood Hazard Prevention

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RECOMMENDATION: **Motion:** To adopt Ordinance 1654 amending LMC 14.34, Flood Hazard Prevention, to meet the requirements of the National Flood Insurance Program.

STAFF CONTACT: Rick Walk, City Manager RW
Grant Beck, Planning & Development Services Manager
Samra Seymour, Senior Planner SLS

ORIGINATED BY: Community & Economic Development Department

ATTACHMENTS: 1. Ordinance 1654
2. Proposed amendments to LMC 14.34 Flood Hazard Prevention in strikeout form.

FISCAL NOTE: Not applicable

WORK PLAN GOAL AND STRATEGY: Not applicable

OTHER POLICY DOC. ALIGNMENT: Not applicable

COMMUNICATIONS PLAN: Not applicable

HOUSING ACTION PLAN: Not applicable

PRIOR REVIEW: October 17, 2023, Planning Commission briefing
November 7, 2023, Public Hearing with Planning Commission
November 28, 2023, Land Use Committee

BACKGROUND:

Flood Hazard Areas (or Areas of special flood hazard) include land in the floodplain with a one-percent or greater chance of flooding in any given year. These areas are

identified on Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRMs). The City regulates development within frequently flooded areas through provisions in LMC 14.34 Flood Hazard Prevention.

The City's critical areas regulations and shoreline management regulations work together with the floodplain management regulations to require protection to critical areas, and necessary mitigation for impacts. For instance, setback or buffer requirements for shorelines, streams, and wetlands require structures to be placed outside of the floodplain. In fact, Chapter 14.34 prohibits development within the floodplain, except when maintaining an existing structure and for very limited public improvement projects where no alternatives are available. In the rare occasion that development must occur within the floodplain, the Flood Prevention regulations require that new development, including utilities and other infrastructure is flood-proofed to minimize risk to people and damage to property.

The National Flood Insurance Program (NFIP) is a federal flood insurance program that the City has participated in since July 16, 1980 by adopting minimum standards for development in floodplains. The NFIP has two main policy goals: (1) to provide access to primary flood insurance to property owners; and (2) to mitigate and reduce the nation's comprehensive flood risk through the development and implementation of floodplain management standards. The long-term objective is to reduce federal expenditure on disaster assistance after floods by ensuring that development in floodplains is avoided or mitigated. Participation in the NFIP allows property owners to purchase federally-backed flood insurance.

The City of Lacey is fortunate that the flood hazards within the City are very limited. To date, there have been only 34 NFIP policies issued within Lacey. Further, there have been only three (3) paid claims worth $8,088 and zero substantial damage claims to date. In Lacey, flood zones are generally located around the lakes and adjacent to Woodland Creek in areas where there is limited development.

PROPOSED AMENDMENTS

In order for the City of Lacey to remain in good standing with the NFIP and to continue to be eligible for federal disaster assistance the City must adopt amendments to the Flood Hazard Prevention chapter to ensure it meets the minimum requirements of the NFIP. (Updates to the FIRMs have been adopted by reference in LMC 14.24.030.) As part of the adoption process the State Department of Ecology has reviewed LMC 14.34

and provided guidance on updates that are considered mandatory in order to stay in compliance with the NFIP.

Lacey's current standards are largely compliant and still exceed the minimum requirement of the NFIP by prohibiting new development in the area of special flood hazard (floodplain) and limiting improvements. The required amendments include ten new and six modified definitions.

New terms added to LMC 14.34	Amended terms in LMC 14.34
• Alteration of watercourse • Area of shallow flooding • Flood elevation study • Floodplain administrator • Flood proofing • Functionally dependent use • Highest adjacent grade • Historic structure • Mean sea level • Recreational vehicle	• Area of special flood hazard • Flood or flooding • Flood insurance rate map (FIRM) • Floodway • Lowest floor • New construction

The City's floodplain performance standards are intended to prevent flood damage and to prevent the actions of one property owner from increasing flood damage to their neighbors. The amendments to the performance standards aim to improve flood prevention measures, and the changes are necessary to achieve consistency with federal and state regulations. For example, amendments include requirements for manufactured home anchoring, waterproofing of mechanical equipment and utilities, and prohibition on the storage or processing of materials that could be considered injurious to human, animal or plant life if released due to flooding.

The Lacey Planning Commission was briefed on the draft code updates on October 17, 2023, and held a public hearing on the draft updates on November 7, 2023. After close of the hearing, at which there was no public comments, the Commission voted unanimously to recommend the City Council adopt the draft updates to the flood hazard prevention code. The Land Use Committee was briefed on the draft code updates on November 28, 2023.

OPTIONS:

Option 1: Adopt the amendments to Chapter 14.34 LMC – Flood Hazard Prevention as proposed. This option will ensure that Lacey residents with structures in the 100 year floodplain will be able to obtain and maintain flood insurance through the National Flood Insurance Program.

Option 2: Adopt the amendments with changes. As the proposed amendments have been specifically requested by the Department of Ecology in order to be consistent with the NFIP, it is possible that the City may not be in compliance with NFIP requirements.

Option 3: Do not adopt the proposed amendments to Chapter 14.34 LMC. Lacey residents would no longer be able to obtain flood insurance through the NFIP and those with existing policies would be removed from the program.

ORDINANCE NO. 1654

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, RELATED TO FLOOD HAZARD PREVENTION, AMENDING SECTIONS 14.34.010, 14.34.080, 14.34.090, 14.34.100, 14.34.120, 14.34.130 AND 14.34.140, ALL OF THE LACEY MUNICIPAL CODE, AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, the City of Lacey has participated in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) since 1980; and

WHEREAS, the United States Congress created the NFIP to minimize the rising disaster relief costs and to reduce the loss of life and property caused by flooding; and

WHEREAS, the NFIP is a voluntary program that provides reasonably-priced flood insurance to participating communities; and

WHEREAS, participation in the NFIP requires the City to conform its flood hazard prevention regulations to current federal and state standards and to adopt FEMA's updated countywide Federal Insurance Rate Maps (FIRMs) and Federal Insurance Studies (FIS); and

WHEREAS, the City's flood hazard prevention regulations are codified in Chapter 14.34 of the Lacey Municipal Code (LMC); and

WHEREAS, the Washington State Department of Ecology (Ecology), in its role as the State Coordinating Agency, conducted a review of LMC Chapter 14.34 and found the regulations contained in that chapter require amendment in order to conform with federal and state standards; and

WHEREAS, the City desires to maintain its eligibility and participation in the NFIP to allow its residents and businesses to realize the benefits associated with NFIP participation; and

WHEREAS, the City's SEPA Official determined that the proposed amendments to LMC 14.34 will not result in any probably significant adverse environmental impact; and

WHEREAS, on October 7, 2023 the Lacey Planning Commission conducted a duly advertised public hearing at which no public comments were received; and

WHEREAS, the Planning Commission voted unanimously to recommend approval of the proposed amendments to LMC 14.34; and

WHEREAS, the City Council finds that adoption of the proposed amendments to LMC 14.34 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. Section 14.34.010 of the Lacey Municipal Code is hereby amended as follows:

14.34.010 Definitions.

Unless specifically defined below or in Chapter 16.06 LMC, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application:

A. "Alteration of watercourse" means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

B. ~~A.~~ "Appeal" means a request for a review of the building official's interpretation of any provisions of this chapter or a request for a variance.

C. "Area of shallow flooding" means a designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be

evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

D. ~~B.~~ "Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard"~~Designation on maps always includes the letters A and V~~.

E. ~~C.~~ "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "one-hundred-year flood." Designated on flood insurance rate maps by the letters A or V.

F. ~~D.~~ "Basement" means any area of the building having its floor sub-grade (below ground level) on all sides.

G. ~~E.~~ "Best available information" means in absence of official flood insurance rate map data, communities can use data from federal, state, or other sources provided this data has either been generated using technically defensible methods or is based on reasonable historical analysis and experience.

H. ~~F.~~ "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard or removal of substantial amounts of vegetation, or alteration of the natural site characteristics.

I. ~~G.~~ "Elevation certificate" means the official form (FEMA Form 086-0-33) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate with Section B completed by community officials.

J. ~~H.~~ "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or

2. The unusual and rapid accumulation of runoff of surface waters from any source.

3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the

surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

K. ~~I.~~ "Flood damages" includes harmful inundation, water erosion of soil, stream banks and beds, stream channel shifting and changes, harmful deposition by water of eroded and shifting soils and debris upon property or in the beds of streams or other bodies of water, damages by high water to public roads, highways, bridges, utilities and to works built for protection against floods or inundation, the interruption by floods of travel, communication and commerce, and all other high water influences and results which injuriously affect the public health and the safety of property.

L. "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

M. ~~J.~~ *Flood Hazard Area.* See "Area of special flood hazard."

N. ~~K.~~ "Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance and Mitigation Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

O. ~~L.~~ "Flood insurance study" means the official report provided by the Federal Insurance and Mitigation Administration that includes flood profiles and the water surface elevation of the base flood.

P. "Floodplain administrator" means the community official designated by title to administer and enforce the floodplain management regulations.

Q. "Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation (BFE).

R. ~~M.~~ "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."

S. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

T. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

U. "Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

    a. By an approved state program as determined by the Secretary of the Interior, or

    b. Directly by the Secretary of the Interior in states without approved programs.

V. ~~N.~~ "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this ordinance (i.e. provided there are adequate flood ventilation openings).

W. "Mean sea level" means purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

X. ~~O.~~ "New construction" means for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures~~structures for which the "start of construction" commenced on or after the effective date of this chapter~~.

Y. ~~P.~~ "Protected area" means the lands that lie within the boundaries of the floodway, and the riparian habitat zone, and the channel migration area. Because of the impact that development can have on flood heights and velocities and habitat, special rules apply in the protected area.

Z. "Recreational vehicle" means a vehicle:

1. Built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

AA. ~~Q.~~ "Replacement residential structure" means a residential structure built as a substitute for a previously existing residential structure of equivalent use and size.

BB. ~~R.~~ "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

CC. ~~S.~~ "Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground. Manufactured homes are considered structures.

DD. ~~T.~~ "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

EE. ~~U.~~ "Substantial improvement" means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

1. Before the improvement or repair is started; or

2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places; provided, that the alteration will not preclude the structure's continued designation as a historic structure.

FF. ~~V.~~ "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

Section 2. Section 14.34.080 of the Lacey Municipal Code is hereby amended as follows:

14.34.080 Establishment of development permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in LMC 14.34.030. The permit shall be for all structures permitted as an exemption under LMC 14.34.082 and for all other development

including fill and other activities, also as set forth in the "definitions." Application for a development permit shall be made on forms furnished by the building official and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, or drainage facilities; and the location of the foregoing. Specifically, the following information is required:

A. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures recorded on a current elevation certificate (FEMA Form 81-31) with Section B completed by the local official;

B. Elevation in relation to mean sea level to which any structure has been floodproofed;

C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in LMC 14.34.130(B); and

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

E. Where a structure is proposed in a V,V1-30, or VE zone, a V-zone design certificate;

F. Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and

G. Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

Section 3. Section 14.34.090 of the Lacey Municipal Code is hereby amended as follows:

14.34.090 Designation of the building official.

The building official is appointed to administer and implement this chapter by granting or by denying development permit applications in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

Section 4. Section 14.34.100 of the Lacey Municipal Code is hereby amended as follows:

14.34.100 Duties and responsibilities of the building official.

Duties of the building official shall include, but not be limited to:

A. *Permit Review.*

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;

2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;

3. Review all development permits to determine if the proposed development is located in the area of special flood hazard or floodway. If located in the area of special flood hazard or floodway, assure that permits are denied or meet exemption requirements according to the provisions of this chapter. If located in a floodway, assure that the encroachment provisions of LMC 14.34.140 are met.

4. The site is reasonably safe from flooding;

5. Notify FEMA when annexations occur in the Special Flood Hazard Area.

B. *Use of Other Base Flood Data.* When base flood elevation data has not been provided in accordance with LMC 14.34.030, the building official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer LMC 14.34.130 and 14.34.140.

C. *Information to Be Obtained and Maintained.*

1. Where base flood elevation data is provided through the flood insurance study, FIRM or is required under subsection B of this section, obtain and record the actual (as-built) elevation in relation to mean sea level of the lowest floor (including basement) of all new and substantially improved structures and whether or not the structure has a basement. The information shall be recorded on a current elevation certificate with Section B completed by the local official.

2. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIRM, flood insurance study, or as required in subsection B of this section:

a. Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed.

b. Maintain the floodproofing certification required in LMC 14.34.130(B).

3. Maintain for public inspection all records pertaining to the provisions of this chapter.

4. Certification required by Section 14.34.140(A) (floodway encroachments).

5. Records of all variance actions, including justification for their issuance.

6. Improvement and damage calculations.

7. Documentation of the elevation of the bottom of the lowest horizontal structural member in V or VE zones.

D. *Alteration of Watercourses.*

1. Except in cases where the city, state, or federal government undertakes public works projects for the benefit of the general public, alteration or relocation of any watercourses is prohibited;

2. In cases where a city, state, or federal government entity undertakes such a project all appropriate city, state, and federal permits and approvals shall be required. All identified impacts shall be fully mitigated;

3. In cases of city, state, or federal government projects the building official shall notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance and Mitigation Administration;

4. In the case of a city, state, or federal government project the building official shall require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished and all habitat functions maintained.

E. *Interpretation of FIRM Boundaries.* Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there

appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards.

F. *Review of Building Permits.* Where elevation data is not available, either through the FIS, FIRM, or from another authoritative source (as required by Section 14.34.100(B)), applications for floodplain development shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

(Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.)

G. Changes to Special Flood Hazard Area. If a project will alter the Base Flood Elevation or boundaries of the Special Flood Hazard Area, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the Base Flood Elevation or boundaries of the Special Flood Hazard Area would normally require a Letter of Map Change, then the project approval shall be conditioned accordingly.

Section 5. Section 14.34.120 of the Lacey Municipal Code is hereby amended as follows:

14.34.120 General standards for flood hazard protection applicable to exemptions of LMC 14.34.082 and 14.34.084.

In all areas of special flood hazards, the following standards are required:

A. *Anchoring.*

1. All new construction permitted under LMC 14.34.082 and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

2. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

B. *Construction Materials and Methods.*

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage;

3. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. *Utilities.*

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

2. Water wells shall be located on high ground that is not in the floodway;

3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. *Subdivision Proposals.*

1. Subdivision of areas of special flood hazard for the purpose of developing residential structures is prohibited. Where special flood hazard areas are part of an ownership with an area outside of the special flood hazard area that can be subdivided, flood hazard areas shall be designated and deeded as open space. Open space areas within a flood hazard area shall be deeded to either the subdivision lot owners association, the city of Lacey, or other public entity for protection and preservation, at the sole discretion and determination of the city of Lacey.

2. All subdivision proposals shall be consistent with the need to minimize flood damage.

3. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed outside of the area of special flood hazard.

4. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

5. Where base flood elevation data has not been provided or is not available from another authorized source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty lots or five acres (whichever is less).

E. *Storage of Materials and Equipment.*

1. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.

2. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

Section 6. Section 14.34.130 of the Lacey Municipal Code is hereby amended as follows:

14.34.130 Specific standards for pre-existing use exemptions.

In all areas of special flood hazards where base flood elevation data has been provided or can be reasonably obtained as set forth in LMC 14.34.030 or 14.34.100(B), the following provisions are required:

A. *Residential Construction.*

1. Substantial improvement of any pre-existing residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation (BFE) and shall not be permitted in the floodway (see LMC 14.34.140(B)). Mechanical equipment and utilities shall be waterproof or elevated at least one foot above the BFE.

a. The substantial improvement will not increase the footprint of the structure.

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

d. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

Alternatively, a registered engineer or architect may design and certify engineered openings.

3. Substantial improvements are only allowed as permitted by listed exemptions in LMC 14.34.082. Where a pre-existing structure is involved, maintenance or improvements shall not increase the footprint of the structure (LMC 14.34.082).

4. New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

5. New construction and substantial improvement of any residential structure in a V, V1-30, or VE zone shall meet the requirements in 14.34.135.

B. *Nonresidential Construction.*

~~1.~~ Substantial improvement of any pre-existing commercial, industrial or other nonresidential structure and new structures permitted as an exemption identified in LMC 14.34.082 and 14.34.084, shall meet the requirements of subsection 1 or 2 below.

1. Substantial improvement of any pre-existing commercial, industrial or other nonresidential structure and new structures permitted as an exemption identified in LMC 14.34.082 and 14.34.084, shall meet the requirements:

a. In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained:

Substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated least one foot above the BFE, or as required by ASCE 24, whichever is greater.

b. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

c. If located in a V, V1-30, or VE zone, the structure shall meet the requirements in Section 14.34.135.

d. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall meet the requirements of section 14.34.130(A)(2).

2. If the requirements of subsection 1 are not met, then substantial improvement of any pre-existing commercial, industrial or other nonresidential structure shall meet all of the following requirements:

~~shall have either the lowest floor, including basement, elevated to or above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:~~

a. Be dry floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans;

d. Nonresidential structures that are elevated but not floodproofed must meet the same standards for space below the lowest floor as described in subsection (A)(2) of this section;

e. The footprint of a pre-existing structure shall not be increased (LMC 14.34.082);

f. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to one foot above the base flood level will be rated at the base flood level).

Applicants who are flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building flood proofed to the base flood level will be rated as one foot below). Flood proofing the building an additional foot will reduce insurance premiums.

32. Substantial improvements are only allowed as permitted by listed exemptions in LMC 14.34.082. Where a pre-existing structure is involved, maintenance or improvements shall not increase the footprint of the structure (LMC 14.34.082).

C. *Manufactured Homes.*

1. All manufactured homes are prohibited in the area of special flood hazard.

D. *Recreational Vehicles.*

1. Be on the site for fewer than 180 days; or

2. Recreational vehicles placed on sites in areas of special flood hazard shall be fully licensed and ready for highway use, on wheels or jacking systems, attached to the site by only quick disconnect type utilities and security devices and have no permanently attached additions; or

3. Meet the requirements of 14.34.130(C), above.

E. *Enclosed Area Below the Lowest Floor.* If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

F. Detached Accessory Structures (Detached garages and small storage structures).

1. Detached accessory structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:

a. In special flood hazard areas other than coastal high hazard areas (Zones A, AE, AH, AO, and A1-30), the structure is not larger than a one-story two-car garage;

b. In coastal high hazard areas (Zones V, VE, V1 30, and VO), the structure is not larger than 100 sq. ft. in area;

c. The portions of the structure located below the BFE must be built using flood resistant materials;

d. The structure must be adequately anchored to prevent flotation, collapse, and lateral movement;

e. Any machinery or equipment servicing the structure must be elevated or floodproofed to or above the BFE;

f. The structure must comply with floodway encroachment provisions in Section 14.34.140(A);

g. The structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 14.34.130(A)(2);

h. The structure shall have low damage potential;

i. If the structure is converted to another use, it must be brought into full compliance with the standards governing such use; and

j. The structure shall not be used for human habitation.

Section 7. Section 14.34.140 of the Lacey Municipal Code is hereby amended as follows:

14.34.140 Floodways.

Located within areas of special flood hazard established in LMC 14.34.030 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Encroachments, including fill, new construction, substantial improvements, and other development, are prohibited; except as permitted by LMC 14.34.082 (exemptions). Prior to permitting, the proposed encroachment must be certified by a registered professional engineer demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

B. Construction, reconstruction, or substantial improvement of residential structures is prohibited within designated floodways.

C. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with LMC 14.34.120 and 14.34.130.

D. If Section 14.34.140(A) is satisfied or construction is allowed pursuant to Section 14.34.140(B), all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 14.34.120, General standards for flood hazard protection.

Section 8. 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 9. 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 10. 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 _____, 2023.

CITY COUNCIL

By:_____

Mayor

Approved as to form:

_____
City Attorney

Attest:

_____
City Clerk

SUMMARY FOR PUBLICATION
ORDINANCE NO 1654
CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on December 21, 2023, Ordinance No. 1654, entitled "AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, RELATED TO FLOOD HAZARD PREVENTION, AMENDING SECTIONS 14.34.010, 14.34.080, 14.34.090, 14.34.100, 14.34.120, 14.34.130 AND 14.34.140, 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 certain sections of Chapter 14.34 of the Lacey Municipal Code to conform its flood hazard prevention regulations to current federal and state standards.

2. 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: _____, 2023.

Chapter 14.34
FLOOD HAZARD PREVENTION

Sections:

14.34.005 Purpose and intent
14.34.010 Definitions
14.34.020 Lands to which this chapter applies
14.34.030 Basis for establishing the areas of special flood hazard
14.34.040 Compliance required and penalties for non-compliance
14.34.050 Abrogation and greater restrictions
14.34.060 Interpretation
14.34.070 Warning and disclaimer of liability
14.34.080 Establishment of development permit
14.34.082 Prohibition on development within areas of special flood hazard
14.34.084 General requirements applicable to exemptions permitted in LMC 14.34.082
14.34.086 Administrative requirements
14.34.090 Designation of the building official
14.34.100 Duties and responsibilities of the building official
14.34.110 Variance procedures
14.34.120 General standards for flood hazard protection applicable to exemptions of LMC 14.34.082 and 14.34.084
14.34.130 Specific standards for pre-existing use exemptions
14.34.135 AE zones with base flood elevations but no floodways
14.34.140 Floodways
14.34.145 Coastal high hazard--Zone VE
14.34.150 Wetlands management
14.34.160 Severability

14.34.005 Purpose and intent.

It is the intent of this chapter to:

A. Adopt policy and regulation restricting development and recurring flood damages within designated flood hazard areas where such development would put life and property at risk because of flood hazard;

B. Identify those areas at risk for flood hazard by reference to appropriate maps and studies that represent the best scientific information available to the city of Lacey;

C. Adopt policy and regulation for Lacey's flood hazard areas that is coordinated and consistent with Lacey's sensitive area ordinances. These ordinances protect designated environmentally sensitive area resources that generally overlap with flood hazard areas;

D. Adopt policy and regulation restricting development within designated flood hazard areas that would adversely impact the function and value of critical/sensitive area resources by reducing flood water retention capacity of wetlands or impacting critical habitat, including anadromous fish;

E. Coordinate designation and use of land under requirements of the state Growth Management Act (GMA), recognizing adequate developable land resources have been identified and zoned to accommodate forecasted growth outside of designated flood hazard areas;

F. Coordinate regulation and management of flood hazard areas and other sensitive/critical areas according to the concepts under GMA, the Comprehensive Plan, and the National Flood Insurance Program;

G. Promote the natural function and values of flood hazard areas and other critical area resources that are not compatible with urbanization and need special consideration and protection;

H. Recognize there is no compelling public need to justify the adverse impacts to the public's interest that would result from development within flood hazard areas. (Ord. 1505 §28, 2017; Ord. 1375 §17, 2011).

14.34.010 Definitions.

Unless specifically defined below or in Chapter 16.06 LMC, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application:

A. "Alteration of watercourse" means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

B. ~~A.~~ "Appeal" means a request for a review of the building official's interpretation of any provisions of this chapter or a request for a variance.

C. "Area of shallow flooding" means a designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

D. ~~B.~~ "Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".~~Designation on maps always includes the letters A and V.~~

E. ~~C.~~ "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "one-hundred-year flood." Designated on flood insurance rate maps by the letters A or V.

F. ~~D.~~ "Basement" means any area of the building having its floor sub-grade (below ground level) on all sides.

G. ~~E.~~ "Best available information" means in absence of official flood insurance rate map data, communities can use data from federal, state, or other sources provided this data has either been generated using technically defensible methods or is based on reasonable historical analysis and experience.

H. ~~F.~~ "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard or removal of substantial amounts of vegetation, or alteration of the natural site characteristics.

I. ~~G.~~ "Elevation certificate" means the official form (FEMA Form 086-0-33) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate with Section B completed by community officials.

J. ~~H.~~ "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or

2. The unusual and rapid accumulation of runoff of surface waters from any source.

3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

K. ~~I.~~ "Flood damages" includes harmful inundation, water erosion of soil, stream banks and beds, stream channel shifting and changes, harmful deposition by water of eroded and shifting soils and debris upon property or in the beds of streams or other bodies of water, damages by high water to public roads, highways, bridges, utilities and to works built for protection against floods or inundation, the interruption by floods of travel, communication and commerce, and all other high water influences and results which injuriously affect the public health and the safety of property.

L. "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

M. ~~J.~~ *Flood Hazard Area.* See "Area of special flood hazard."

N. ~~K.~~ "Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance and Mitigation Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

O. ~~L.~~ "Flood insurance study" means the official report provided by the Federal Insurance and Mitigation Administration that includes flood profiles and the water surface elevation of the base flood.

P. "Floodplain administrator" means the community official designated by title to administer and enforce the floodplain management regulations.

Q. "Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation (BFE).

R. ~~M.~~ "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."

S. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

T. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

U. Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

a. By an approved state program as determined by the Secretary of the Interior, or

~~a.~~b.Directly by the Secretary of the Interior in states without approved programs.

V. ~~N.~~ "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this ordinance (i.e. provided there are adequate flood ventilation openings).

W. "Mean sea level" means purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

X. ~~O.~~ "New construction" means for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.~~structures for which the "start of construction" commenced on or after the effective date of this chapter.~~

Y. ~~P.~~ "Protected area" means the lands that lie within the boundaries of the floodway, and the riparian habitat zone, and the channel migration area. Because of the impact that development can have on flood heights and velocities and habitat, special rules apply in the protected area.

Z. "Recreational vehicle" means a vehicle,

1. Built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck; and

~~a.~~4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

AA. ~~Q.~~ "Replacement residential structure" means a residential structure built as a substitute for a previously existing residential structure of equivalent use and size.

BB. ~~R.~~ "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

CC. ~~S.~~ "Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground. Manufactured homes are considered structures.

DD. ~~T.~~ "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

EE. ~~U.~~ "Substantial improvement" means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

1. Before the improvement or repair is started; or

2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places; provided, that the alteration will not preclude the structure's continued designation as a historic structure.

FF. ~~V.~~ "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter. (Ord. 1505 §29, 2017; Ord. 1398 §1, 2012; Ord. 1375 §18, 2011; Ord. 1265 §1, 2006; Ord. 861 §2 (part), 1989).

14.34.020 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city of Lacey. Areas of special flood hazards include zones A, AE and VE as designated on referenced flood insurance rate maps. (Ord. 1398 §2, 2012; Ord. 861 §2 (part), 1989).

14.34.030 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance and Mitigation Administration in a scientific and engineering report entitled "The Flood Insurance Study for Thurston County, Washington and Incorporated Areas" dated October 16, 2012, and any revisions thereto, with accompanying flood insurance rate maps (FIRM) dated October 16, 2012, and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study and the FIRM are on file at the Lacey City Hall, 420 College Street S.E. The best available information for flood hazard area identification as outlined in LMC 14.34.100 shall be the basis for regulation until the new FIRM is issued that incorporates data utilized under LMC 14.34.100. (Ord. 1505 §30, 2017; Ord. 1398 §3, 2012; Ord. 1265 §2, 2006; Ord. 861 §2 (part), 1989).

14.34.040 Compliance required and penalties for non-compliance.

A. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations.

B. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500.00 or imprisoned for not more than ninety days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case.

C. Additionally, violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a civil violation. Any person who violates this chapter or fails to comply with any of its requirements shall be subject to a civil penalty in accordance with Chapter 14.40 LMC.

D. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 1505 §31, 2017; Ord. 861 §2 (part), 1989).

14.34.050 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easement, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 861 §2 (part), 1989).

14.34.060 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 861 §2 (part), 1989).

14.34.070 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city of Lacey, any officer or employee thereof, or the Federal Insurance and Mitigation Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 1505 §32, 2017; Ord. 861 §2 (part), 1989).

14.34.080 Establishment of development permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in LMC 14.34.030. The permit shall be for all structures permitted as an exemption under LMC 14.34.082 and for all other development including fill and other activities, also as set forth in the "definitions." Application for a development permit shall be made on forms furnished by the building official and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, or drainage facilities; and the location of the foregoing. Specifically, the following information is required:

A. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures recorded on a current elevation certificate (FEMA Form 81-31) with Section B completed by the local official;

B. Elevation in relation to mean sea level to which any structure has been floodproofed;

C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in LMC 14.34.130(B); and

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 1398 §4, 2012; Ord. 1375 §19, 2011; Ord. 861 §2 (part), 1989).

E. Where a structure is proposed in a V,V1-30, or VE zone, a V-zone design certificate;

F. Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation; and

G. Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

14.34.082 Prohibition on development within areas of special flood hazard.

Because of the potential hazard to life and property and the restrictions already in place related to sensitive areas on those lands designated as flood hazard within the city of Lacey, development as defined in LMC 14.34.010 shall be prohibited on lands designated as flood hazard areas with only a few exemptions. Exemptions are listed below and must meet requirements of LMC 14.34.084:

A. Trails and recreational improvements for public access to water bodies consistent with the City Comprehensive Plan for Outdoor Recreation and the City Shoreline Master Program, if applicable.

B. Public works projects involving the provision or transmission of a utility where no alternative routing options are reasonable.

C. Public works projects consistent with the City Transportation Plan where no alternative routing options are reasonable.

D. Maintenance activities and improvements to pre-existing structures that do not increase the footprint of the structure and comply with the requirements contained in LMC 14.34.010(U).

E. Public activities and improvements approved by the city of Lacey determined to be in the public's best interest. (Ord. 1505 §33, 2017; Ord. 1398 §5, 2012; Ord. 1375 §20, 2011).

14.34.084 General requirements applicable to exemptions permitted in LMC 14.34.082.

All exemptions to the siting prohibitions listed in LMC 14.34.082 shall meet the following requirements:

A. All applicable requirements of this chapter are satisfied.

B. It does not increase the risk of flood hazard or displace flood waters to adjacent sites.

C. The improvement has no impact to critical habitat or any impacts are fully mitigated as determined by the Washington State Department of Fish and Wildlife.

D. Any impact to riparian habitat areas is fully mitigated and all critical area buffers and standards of Chapters 14.28 (Wetlands Protection), 14.32 (Tree and Vegetation Protection and Preservation) and 14.33 LMC (Habitat Conservation Areas Protection) are satisfied. This includes a two-hundred-foot buffer along Woodland Creek which exceeds the distance of Woodland Creek's channel migration zone (CMZ).

E. Stormwater and drainage features shall incorporate LID techniques in accordance with the current City of Lacey Stormwater Design Manual.

F. Creation of new impervious surfaces shall not exceed ten percent of the surface area of the portion of the lot in the floodplain unless mitigation is provided.

G. Any loss of floodplain storage shall be avoided, rectified or compensated for. Any compensation off site must be in a priority floodplain restoration area identified in the associated ESU Recovery Plan for listed species.

H. Uses that are not permitted in the protected area because they can adversely affect water quality, habitat and other natural values and functions include:

1. Septic tanks and drainfields;
2. Dumping of any materials;
3. Hazardous or sanitary waste landfills;
4. Receiving areas for toxic or hazardous waste;
5. Other contaminants.

I. Uses shall comply with the city's tree and vegetation protection and preservation ordinance (Chapter 14.32 LMC) which prohibits the removal of vegetation within critical areas or associated buffers. Minimal unavoidable disturbances may be permitted if fully mitigated.

J. Development may not adversely impact water quality, water quantity, flood volume, flood velocities, spawning substrate, and/or floodplain refugia for listed salmonids. Any project with impacts to these elements of the environment that are not fully mitigated will be prohibited.

K. Where an area is under the jurisdiction of the Shoreline Master Program (SMP) all requirements for protection of the natural functions and values shall be satisfied. This includes prohibition on location of new development requiring armoring for protection against natural shoreline processes and flooding.

L. New road crossing over streams in the floodplain or buffers associated with wetlands within designated flood hazard areas is prohibited. (Ord. 1505 §34, 2017; Ord. 1496 §26, 2016; Ord. 1398 §6, 2012; Ord. 1375 §21, 2011).

14.34.086 Administrative requirements.

Any application or permit for exemption under the provisions of LMC 14.34.082 and 14.34.084 shall meet the following process and tracking requirements:

A. The application for a permit to develop in the affected area must include the elevations of the ten-, fifty- and one-hundred-year floods, where such data is available.

B. The applicant must record a notice of title that the property contains land within a riparian habitat area and/or area of special flood hazard, if applicable, before a permit may be issued.

C. The permit will be tracked to consider cumulative impacts to flood storage capacity and fish habitat and mitigation shall be required for all identified impacts. If the proposed project is in an area of special flood hazard and will increase the base flood elevation, a conditional letter of map revision shall be submitted on an MT-2 form by the applicant. After project completion, if the base flood elevation increases or decreases, a letter of map revisions (LOMR) shall be submitted on an MT-2 form by the applicant. (Ord. 1505 §35, 2017; Ord. 1398 §7, 2012; Ord. 1375 §22, 2011).

14.34.090 Designation of the building official.

The building official is appointed to administer and implement this chapter by granting or by denying development permit applications in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions. (Ord. 861 §2 (part), 1989).

14.34.100 Duties and responsibilities of the building official.

Duties of the building official shall include, but not be limited to:

A. *Permit Review.*

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied;

2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;

3. Review all development permits to determine if the proposed development is located in the area of special flood hazard or floodway. If located in the area of special flood hazard or floodway, assure that permits are denied or meet exemption requirements according to the provisions of this chapter. If located in a floodway, assure that the encroachment provisions of LMC 14.34.140 are met.

4. The site is reasonably safe from flooding;

5. Notify FEMA when annexations occur in the Special Flood Hazard Area.

B. *Use of Other Base Flood Data.* When base flood elevation data has not been provided in accordance with LMC 14.34.030, the building official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer LMC 14.34.130 and 14.34.140.

C. *Information to Be Obtained and Maintained.*

1. Where base flood elevation data is provided through the flood insurance study, FIRM or is required under subsection B of this section, obtain and record the actual (as-built) elevation in relation to mean sea level of the lowest floor (including basement) of all new and substantially improved structures and whether or not the structure has a basement. The information shall be recorded on a current elevation certificate with Section B completed by the local official.

2. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIRM, flood insurance study, or as required in subsection B of this section:

a. Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed.

b. Maintain the floodproofing certification required in LMC 14.34.130(B).

3. Maintain for public inspection all records pertaining to the provisions of this chapter.

4. Certification required by Section 14.34.140(A) (floodway encroachments).

5. Records of all variance actions, including justification for their issuance.

6. Improvement and damage calculations.

7. Documentation of the elevation of the bottom of the lowest horizontal structural member in V or VE zones.

D. *Alteration of Watercourses.*

1. Except in cases where the city, state, or federal government undertakes public works projects for the benefit of the general public, alteration or relocation of any watercourses is prohibited;

2. In cases where a city, state, or federal government entity undertakes such a project all appropriate city, state, and federal permits and approvals shall be required. All identified impacts shall be fully mitigated;

3. In cases of city, state, or federal government projects the building official shall notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance and Mitigation Administration;

4. In the case of a city, state, or federal government project the building official shall require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished and all habitat functions maintained.

E. *Interpretation of FIRM Boundaries.* Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1505 §36, 2017; Ord. 1398 §8, 2012; Ord. 1375 §23, 2011; Ord. 1265 §3, 2006; Ord. 1197 §3, 2002; Ord. 861 §2 (part), 1989).

F. *Review of Building Permits*. Where elevation data is not available, either through the FIS, FIRM, or from another authoritative source (as required by Section 14.34.100(B)), applications for floodplain development shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

(Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.)

G. *Changes to Special Flood Hazard Area*. If a project will alter the Base Flood Elevation or boundaries of the Special Flood Hazard Area, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the Base Flood Elevation or boundaries of the Special Flood Hazard Area would normally require a Letter of Map Change, then the project approval shall be conditioned accordingly.

14.34.110 Variance procedures.

Variations from the terms of this chapter will be issued only in accordance with 44 Code of Federal Regulations Section 60.6 of the Rules and Regulations and the variance procedures and requirements of LMC 16.90.005 as well as the additional variance provisions:

A. Generally, the only condition under which a variance from the elevation standard may be issued is for substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.

B. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

E. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.

F. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection A of this section, and otherwise complies with LMC 14.34.120(A), (C), and (D) (general standards).

G. Any applicant to whom a variance is granted shall be given written notice that the (substantially improved structure) permitted structure will be built with its lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk.

H. The provisions of this chapter which are for the protection of the safety, health and welfare of the general public are demonstrated to not be applicable to the subject property and therefore should not be applied. (Ord. 1505 §37, 2017; Ord. 1398 §8, 2012; Ord. 1375 §24, 2011; Ord. 861 §2 (part), 1989).

14.34.120 General standards for flood hazard protection applicable to exemptions of LMC 14.34.082 and 14.34.084.

In all areas of special flood hazards, the following standards are required:

A. *Anchoring.*

1. All new construction permitted under LMC 14.34.082 and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

2. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

B. *Construction Materials and Methods.*

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage;

3. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. *Utilities.*

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

2. Water wells shall be located on high ground that is not in the floodway;

3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. *Subdivision Proposals.*

1. Subdivision of areas of special flood hazard for the purpose of developing residential structures is prohibited. Where special flood hazard areas are part of an ownership with an area outside of the special flood hazard area that can be subdivided, flood hazard areas shall be designated and deeded as open space. Open space areas within a flood hazard area shall be deeded to either the subdivision lot owners association, the city of Lacey, or other public entity for protection and preservation, at the sole discretion and determination of the city of Lacey.

2. All subdivision proposals shall be consistent with the need to minimize flood damage.

3. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed outside of the area of special flood hazard.

4. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

5. Where base flood elevation data has not been provided or is not available from another authorized source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty lots or five acres (whichever is less). (Ord. 1505 §38, 2017; Ord. 1398 §9, 2012; Ord. 1375 §25, 2011; Ord. 1265 §4, 2006; Ord. 861 §2 (part), 1989).

E. *Storage of Materials and Equipment.*

1. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.

2. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

14.34.130 Specific standards for pre-existing use exemptions.

In all areas of special flood hazards where base flood elevation data has been provided or can be reasonably obtained as set forth in LMC 14.34.030 or 14.34.100(B), the following provisions are required:

A. *Residential Construction.*

1. Substantial improvement of any pre-existing residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation (BFE) and shall not be permitted in the floodway (see LMC 14.34.140(B)). Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE.

a. The substantial improvement will not increase the footprint of the structure.

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

d. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

Alternatively, a registered engineer or architect may design and certify engineered openings.

3. Substantial improvements are only allowed as permitted by listed exemptions in LMC 14.34.082. Where a pre-existing structure is involved, maintenance or improvements shall not increase the footprint of the structure (LMC 14.34.082).

4. New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

5. New construction and substantial improvement of any residential structure in a V, V1-30, or VE zone shall meet the requirements in 14.34.135.

B. *Nonresidential Construction.*

~~1.~~ Substantial improvement of any pre-existing commercial, industrial or other nonresidential structure and new structures permitted as an exemption identified in LMC 14.34.082 and 14.34.084, shall meet the requirements of subsection 1 or 2 below.

1. Substantial improvement of any pre-existing commercial, industrial or other nonresidential structure and new structures permitted as an exemption identified in LMC 14.34.082 and 14.34.084, shall meet the requirements:

a. In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained:

Substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated least one foot above the BFE, or as required by ASCE 24, whichever is greater.

b. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

c. If located in a V, V1-30, or VE zone, the structure shall meet the requirements in Section 14.34.135.

d. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall meet the requirements of section 14.34.130(A)(2).

2. If the requirements of subsection 1 are not met, then substantial improvement of any pre-existing commercial, industrial or other nonresidential structure shall meet all of the following requirements:

~~shall have either the lowest floor, including basement, elevated to or above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:~~

a. Be dry floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans;

d. Nonresidential structures that are elevated but not floodproofed must meet the same standards for space below the lowest floor as described in subsection (A)(2) of this section;

e. The footprint of a pre-existing structure shall not be increased (LMC 14.34.082);

f. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to one foot above the base flood level will be rated at the base flood level).

Applicants who are flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building flood proofed to the base flood level will be rated as one foot below). Flood proofing the building an additional foot will reduce insurance premiums.

~~2~~3. Substantial improvements are only allowed as permitted by listed exemptions in LMC 14.34.082. Where a pre-existing structure is involved, maintenance or improvements shall not increase the footprint of the structure (LMC 14.34.082).

C. *Manufactured Homes.*

1. All manufactured homes are prohibited in the area of special flood hazard.

D. *Recreational Vehicles.*

1. Be on the site for fewer than 180 days, or

2. Recreational vehicles placed on sites in areas of special flood hazard shall be fully licensed and ready for highway use, on wheels or jacking systems, attached to the site by only quick disconnect type utilities and security devices and have no permanently attached additions; or. (Ord. 1505 §39, 2017; Ord. 1398 §10, 2012; Ord. 1375 §26, 2011; Ord. 1265 §5, 2006; Ord. 861 §2 (part), 1989).

3. Meet the requirements of 14.34.130(C), above.

E. *Enclosed Area Below the Lowest Floor.* If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

F. *Detached Accessory Structures (Detached garages and small storage structures).*

1. Detached accessory structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:

a. In special flood hazard areas other than coastal high hazard areas (Zones A, AE, AH, AO, and A1-30), the structure is not larger than a one-story two-car garage;

b. In coastal high hazard areas (Zones V, VE, V1 30, and VO), the structure is not larger than 100 sq. ft. in area;

c. The portions of the structure located below the BFE must be built using flood resistant materials;

d. The structure must be adequately anchored to prevent flotation, collapse, and lateral movement;

e. Any machinery or equipment servicing the structure must be elevated or floodproofed to or above the BFE;

f. The structure must comply with floodway encroachment provisions in Section 14.34.140(A);

g. The structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 14.34.130(A)(2);

h. The structure shall have low damage potential;

i. If the structure is converted to another use, it must be brought into full compliance with the standards governing such use; and

j. The structure shall not be used for human habitation.

14.34.135 AE zones with base flood elevations but no floodways.

In areas with base flood elevations (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zone AE on the community's FIRM, except as permitted by LMC 14.34.082 (exemptions). Prior to issuing a permit, it must be demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. (Ord. 1505 §40, 2017; Ord. 1398 §11, 2012; Ord. 1375 §27, 2011; Ord. 1265 §6, 2006).

14.34.140 Floodways.

Located within areas of special flood hazard established in LMC 14.34.030 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Encroachments, including fill, new construction, substantial improvements, and other development, are prohibited; except as permitted by LMC 14.34.082 (exemptions). Prior to permitting, the proposed encroachment must be certified by a registered professional engineer demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

B. Construction, reconstruction, or substantial improvement of residential structures is prohibited within designated floodways.

C. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with LMC 14.34.120 and 14.34.130. (Ord. 1398 §12, 2012; Ord. 1375 §28, 2011; Ord. 1265 §7, 2006; Ord. 861 §2 (part), 1989).

D. If Section 14.34.140(A) is satisfied or construction is allowed pursuant to Section 14.34.140(B), all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 14.34.120, General standards for flood hazard protection.

14.34.145 Coastal high hazard--Zone VE.

A. All new construction and substantial improvements shall be prohibited, with the exception of exemptions provided for under LMC 14.34.082 and 14.34.084 and Lacey's Shoreline Master Program, and must meet the following requirements:

1. All new construction and substantial improvements shall be elevated on pilings and columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level.

2. The pile or column foundation and structure attached thereto are anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (one-hundred-year mean recurrence interval).

3. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (A)(1) and (2) of this section.

4. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures and whether or not such structures contain a basement. The building official shall maintain a record of all such information.

B. All new construction permitted as an exemption in LMC 14.34.082 and 14.34.084 shall be located landward of the reach of mean high tide.

C. Provide that all new construction and substantial improvements, permitted as an exemption listed in LMC 14.34.082, have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty pounds per square foot (by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the design proposed meets the following conditions:

1. Breakaway wall collapse shall result from water load less than that which would occur during the base flood.

2. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (one-hundred-year mean recurrence interval).

3. If breakaway walls are utilized, such enclosed space shall be usable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

D. Prohibit the use of fill for structural support of buildings.

E. Prohibit manmade alteration of sand dunes which would increase potential flood damage.

F. Manufactured homes are prohibited.

G. Recreational vehicles shall be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions. (Ord. 1505 §41, 2017; Ord. 1398 §13, 2012).

14.34.150 Wetlands management.

In order to avoid, to the maximum extent possible, the short and long term adverse impacts associated with the destruction or modification of wetlands, especially those activities which limit or disrupt the ability of the wetland to alleviate flooding impacts, the city will:

A. Review proposals for development within base floodplains for their possible impacts on wetlands located within the floodplain;

B. Ensure that development activities in or around wetlands do not negatively affect public safety, health, and welfare by disrupting the wetlands' ability to reduce flood and storm drainage;

C. Require compliance with the city wetland protection ordinance (Chapter 14.28 LMC), habitat conservation protection ordinance (Chapter 14.33 LMC), tree and vegetation protection ordinance (Chapter 14.32 LMC) and applicable environmental plans and regulations. (Ord. 1505 §42, 2017; Ord. 1375 §29, 2011; Ord. 861 §2 (part), 1989).

14.34.160 Severability.

If any section, clause, sentence or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this chapter. (Ord. 1398 §14, 2012).

The Lacey Municipal Code is current through Ordinance 1634, passed January 19, 2023.

Disclaimer: The city clerk's office has the official version of the Lacey Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: www.ci.lacey.wa.us
Code Publishing Company

Application for Appointment to Lacey City Council Boards & Commissions

Please Note: Applicant entries are not modified or edited.

DATE OF APPLICATION:	10/18/23		
APPLICATION FOR:	Board of Park Commissioners, Historical Commission, Library B		
APPLICANT:	Elliot	C	Kirk
ADDRESS:			
EMAIL:			

Home Phone Number:	
Cell Phone Number:	
Work Phone Number:	

Do you live within the City Limits or the Urban Growth Area?
City of Lacey
How long have you been a resident?
30 years
What is your interest/objective in serving on this Board or Commission?
To serve the community to my best ability.
What is your education?
SF City college

Do you have other civic obligations and/or memberships in professional organizations?
Motebello HOA Vice President Olympia Master Builders member

Application for Appointment to Lacey City Council Boards & Commissions

Please Note: Applicant entries are not modified or edited.

What previous experience do you have serving on a board, committee, or commission?
Home Owners Commissions
Approximately how many hours each month can you volunteer for this appointment?
40
Briefly describe any special knowledge, skills, or experience that qualifies you for this appointment?
Established General Contractor for 30 years.
Where are you currently employed?
Semi Retired from General Contracting.
Briefly explain why you would like to serve on a Council Board or Commission.
To serve my community to benefit Lacey a Town I have loved and lived in for 38 years

Application for Appointment to Lacey City Council Boards & Commissions

Please Note: Applicant entries are not modified or edited.

DATE OF APPLICATION:	11/02/23		
APPLICATION FOR:	Planning Commission		
APPLICANT:	Tonya	S.	Moore
ADDRESS:			
EMAIL:			

Home Phone Number:	
Cell Phone Number:	
Work Phone Number:	

Do you live within the City Limits or the Urban Growth Area?
Lacey UGA
How long have you been a resident?
30+ years
What is your interest/objective in serving on this Board or Commission?
I have an interest in serving on the Planning Commission because I see the growth of Lacey. Lacey is my home and I have a vested interest in its growth. My daughter and her family have made Lacey home too. I want to make sure that Lacey stays a nice community to raise a family.
What is your education?
AA. 3/4 of Bachelor completed at Central Washington University for Law & Justice. I am also a Certified Court Manager.

Do you have other civic obligations and/or memberships in professional organizations?
I'm a member of the National Association of Court Managers (NACM).

Application for Appointment to Lacey City Council Boards & Commissions

Please Note: Applicant entries are not modified or edited.

What previous experience do you have serving on a board, committee, or commission?
I am a member of the NACM Membership Committee.
Approximately how many hours each month can you volunteer for this appointment?
I can volunteer 12 hours a month to this appointment
Briefly describe any special knowledge, skills, or experience that qualifies you for this appointment?
Not completed.
Where are you currently employed?
Court Operations Manager. Thurston County Superior Court. 5/1/13 to present. Kristin Jensen, Court Administrator. 360-786-5602
Briefly explain why you would like to serve on a Council Board or Commission.
Again, I would like to serve on Planning Commission because I have vested interest in its growth as it is Home and I would like to be more involved with my community. If no the Planning Commission, I would be open to serve on the Civil Service Commission or Thurston County Media Board.

Application for Appointment to Lacey City Council Boards & Commissions

Please Note: Applicant entries are not modified or edited.

DATE OF APPLICATION:	11/15/23		
APPLICATION FOR:	Planning Commission		
APPLICANT:	Spencer	N	Zeman
ADDRESS:			
EMAIL:			

Home Phone Number:	
Cell Phone Number:	
Work Phone Number:	

Do you live within the City Limits or the Urban Growth Area?
City of Lacey
How long have you been a resident?
10 years
What is your interest/objective in serving on this Board or Commission?
To ensure that housing is affordable for residents of all ages, that city zoning and planning is meeting the needs of the public, that we continue to be the premier destination in Thurston County for people to live, work, and play.
What is your education?
Certificate 2019 - Business Process Design for Strategic Management MIT Sloan School for Business Master of Arts 2008-2010 Political Science - Policy and Public Opinion (30 Hrs.) University of Central Florida Bachelor of Arts 2008 Political Science and History University of Central Florida

Do you have other civic obligations and/or memberships in professional organizations?
Capitol Area Regional – Public Facilities District Board Member Leadership Thurston County - Alumni Advisor

Application for Appointment to Lacey City Council Boards & Commissions

Please Note: Applicant entries are not modified or edited.

What previous experience do you have serving on a board, committee, or commission?
Capitol Area Regional – Public Facilities District Board Member 2023 - present Leadership Thurston County Alumni Board 2023 - present Board of Alumni Advisors Tau Kappa Epsilon - Xi-Iota 2008-2010
Approximately how many hours each month can you volunteer for this appointment?
20
Briefly describe any special knowledge, skills, or experience that qualifies you for this appointment?
As a former candidate for City Council in Lacey I am familiar with many of the issues facing the city. I hope to utilize this to be effective from the first meeting.
Where are you currently employed?
Currently unemployed - recently sold service company
Briefly explain why you would like to serve on a Council Board or Commission.
I would like to give a voice to those members of the community who may not be heard by being visible, approachable, and interested.

LACEY CITY COUNCIL MEETING
December 21st, 2023

SUBJECT: **New Police Station Project**

RECOMMENDATION: **Motion: Award Lacey Contract number PW 2022-13 base bid plus bid alternates 1A, 1B, 1C, and 1D to low bidder FORMA Construction from Olympia, Washington in the amount of $43,697,070.00.**

STAFF CONTACT: Rick Walk, City Manager RW
Scott Egger, P.E., Public Works Director SE
Troy Woo, Finance Director
Robert Almada, Chief of Police
Aubrey Collier, P.E, S.E., City Engineer
Ashley Smith, P.E., Design & Construction Manager AS
Tyson Poeckh, Project Administrator
John Swidecki, P.E., Capital Projects Engineer

ORIGINATED BY: Public Works Department

ATTACHMENTS: None

FISCAL NOTE: This project was anticipated and included in the 2023 approved budget and 2024 proposed budget. Funding for the project is provided under the fund code LPDNPF through the combined funding source number 301-0101-514.60-04.

WORK PLAN GOAL: A Safe and Secure Community

PRIOR REVIEW: The New Police Station project & property acquisition was discussed most recently at the April 26th, & September 21st, 2023, City Work & Council Sessions respectively, and is a Council priority project.

BACKGROUND:

The original police station, built in 1985, was 15,000 square feet in size. It was originally built to provide space for 25 police officers serving a population of 15,000. Minor remodeling to the police station was completed in the early 2000's expanding the facility to 18,250 square feet to accommodate 50 officers serving a population of 31,000.

In 2023, the City of Lacey reach a population of 59,430. The Lacey Police Department has also grown significantly since the early 2000's. Currently, the police department consists of 97 employees, to include 68 officers, 6 community service officers, 12 professional staff and 14 volunteers. The rapid growth of both the community and department over the past twenty years exacerbated the need to address the overcrowded and non-functional space within the Police Station.

Work began on a needs assessment in 2019 to identify the operational needs and functional space needs for the existing employees and plan for projected growth of the department to meet future needs of the Lacey Community. The assessment took into account the need for adequate public access, community meeting space, office space, evidence storage, public space, meeting rooms, evidence storage, equipment storage, secure parking and training space.

The City of Lacey contracted with KMB Architects to begin developing plans and designs for the new police station and training center. Early in the design process, due to increased construction cost estimates, it was decided to separate the training facility from the police station to reduce initial cost and focus on design and construction of the police station. The plan for the training center was to continue with design in order to be prepared for construction if a viable funding plan could be identified in a future phase.

As design work began, the 30% design stage for the police station identified an initial total project cost estimate of $44.8 million for the police station only. On October 20, 2022, the City Council approved a funding strategy for the increased costs using a combination of LTGO bonds ($15M) and reserves ($29.8M). Total project cost includes land purchase, design, inspection and administration, fees, project management, furnishings, contingency and tax costs.

At the 60% design stage, the estimated total cost increased to $56.5 million. On November 10, 2002, the City Council approved a funding strategy that increased the amount of LTGO bonds ($18M) and reserves ($38.5M) to address the increased cost. Finally, at the 90% design stage the total cost estimate increased to $61.5M due to construction pricing estimates. On April 24, 2023, the City Council approved a funding strategy to address the estimated increased cost applying an additional $5 million in reserves to the project. The following tables shows a fund breakout of the current approved funding strategy.

Approved Police Station Funding Strategy	**April 24, 2023**
LTGO Bond	$18,000,000
Real Estate Excise Tax Reserve	$18,000,000
ARPA/SLRF Funds	$6,856,924
General Fund Reserves	$13,700,000
Design/Land Reserves	$5,000,000
Total	**$61,556,924**

Based on the funding strategy approved by Council, City staff began the work to prepare the packet to solicit bids for the construction of the final design for a 48,604 square foot

two-story police station. At the time of advertising for bids construction costs were in the region were trending lower. Anticipating a favorable bidding climate, the City decided to advertise a bid package that specified the police station as the base bid and included alternate bids consisting of the training center shell, internal firing range, virtual reality training room and classroom (max occupancy 80) in priority order. If the bids for the police station came in lower than the projected estimate, then the City Council could at a minimum build the shell of the training center or complete as much of the training center as possible if not exceeding the total project cost of $61.5 million.

Bid Results:
The advertisement and request for bids was issued on September 26th, 2023 for the construction of the 48,604 square foot police station. The request for bids includes the construction of the 14,934 square feet training center as Add Alternates 1A-D. A summary of the Add alternates in priority order as a follows:

1. Add alternate 1A includes the building shell, utilities, IDF, electrical panel, fire riser, and site work.
2. Add alternate 1B includes interior build out of the firing range to full functionality, to include eight (8) available lanes, armory, and gun cleaning facilities.
3. Add alternate 1C includes interior build out of the simulator and defensive tactics training rooms, reception, and restrooms.
4. Add alternate 1D includes interior buildout of a 2,378 SF flexible classroom space.
5. Add alternate 2 includes addition of a roof structure over the vehicle car wash bay.
6. Add alternate 3 includes replacement of EV chargers with a different model that is not currently compatible with fleet vehicles.

The City of Lacey laid out the priorities for award, based upon the base bid plus any add alternates outlined in the bid specifications that were within the City's funding limits. Staff recommends award of base bid plus add alternates 1A, 1B, 1C, and 1D. City staff does not recommend award of add alternates 2 and 3 at this time, which can be advertised and constructed at a later date, completely independently of this construction phase if desired.

Constructing the shell of the training facility and completing associated site work to support the new training building concurrent with construction of the main facility minimizes disruption to City operations in the future, and provides a significant cost savings opportunity over waiting until a future undetermined date. Additionally, if construction of the training facility is postponed to a later date, the plans and specifications will need to be re-evaluated in the future to ensure that the current design does not need to be modified to comply with changing building codes at the time of bid. The bid at this time has proven to be favorable which makes this a favorable time to proceed with construction. There is also a cost benefit to completing add alternates 1B-1D, finishing of the training building interior and amenities at this time. However, deferring this expenditure while the City seeks regional partnerships and legislative funding opportunities would provide a reduction in the REET debt repayment required and free up associated cash flow for other capital projects savings.

The project was advertised for seven weeks with bids opened November 16, 2023.
Seven (7) bids were received. The bids ranged from a low of $31,530,000 base bid to a

high of $47,015,000 with alternates before tax. Forma Construction from Olympia, Washington, is low bidder if any alternates are selected for award. Neeley Construction from Puyallup, Washington, is low bidder if only the base bid is awarded. A Bid Summary Sheet is attached with the low bidder for each add alternate selection shown.

Forma Construction is qualified and capable of performing the work. Anticipated start date of the project is anticipated to be January 2024, and there are 445 working days allotted for completion. The project duration is approximately 22 months.

Please note- the submitted low bid for the police station and add alternates 1A-D was $39,906.000.00 without sales tax. Adding the estimated sales tax, the contract award will total $43,697,070.00. Total project cost will total $60,725,500.62 or $774,499.38 less than the estimated total project cost of $61,556,924

NEXT STEPS:

Option 1: Approve a motion to award base bid plus add alternates 1A, 1B, 1C, and 1D in the amount of $43,697,070.00 to Forma Construction to complete work on the new police station and training building. This option is recommended by staff.

Option 2: Approve a motion to award base bid plus add alternate 1A in the amount of $39,486,795.00 to Forma Construction to complete work on the new police station and shell of the training building.

Doing so will defer finishing of the training center, operational functions provided by the training center, and result in increased costs to outfit the center in the future due to changing building codes, energy codes and inflation. In addition, it may take several years to secure enough funding to complete the training center for the intended use. and not take advantage of the competitive bids received. This option will not take advantage of the competitive bids received.

This option is recommended by staff only if Council chooses not to approve add alternatives 1B, 1C, and 1D to complete the interior build-out and outfitting of the training facility.

CITY OF LACEY
New Police Station
PW 2022-13

Contractor	Base Bid Only	Base +1A	Base + 1A-1B	Base + 1A-1C	Base + 1A-1D	Base + 1A-1D +2
Neeley Construction	$34,525,350.00	$39,890,850.00	$42,146,550.00	$43,011,600.00	$43,997,100.00	$44,079,225.00
Forma Construction	$35,419,965.00	$39,486,795.00	$41,823,525.00	$42,744,420.00	$43,697,070.00	$43,759,485.00
Korsmo Construction	$35,776,472.91	$41,661,207.68	$44,096,946.48	$45,112,701.33	$46,106,919.72	$46,155,216.89
Bailey Construction	$35,943,375.00	$40,695,675.00	$43,173,660.00	$44,291,655.00	$45,380,085.00	$45,438,120.00
Absher Construction	$37,455,570.00	$42,310,800.00	$44,719,800.00	$45,706,395.00	$46,678,755.00	$46,749,930.00
Andy Johnson & Co	$38,215,500.00	$43,913,549.04	$46,406,055.27	$47,382,975.28	$48,386,603.40	$48,465,950.85
Walsh Construction	$40,734,000.00	$45,583,755.00	$48,246,795.00	$49,571,745.00	$50,754,345.00	$50,813,475.00
Engineer's Estimate	$43,344,480.00	$48,441,705.00	$51,329,220.00	$52,501,965.00	$53,370,300.00	$53,453,520.00