



City of Lacey, Washington

Lacey Planning Commission Meeting Agenda

Refer to the bottom of the agenda for meeting information.

Wednesday, May 22, 2024

6:00 PM

Council Chambers and Online

1. Call to Order

2. Roll Call

3. Land Acknowledgment

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 they have today. We recommend that community members read the Medicine Creek Treaty of 1854.

4. Approval of Agenda and Consent Agenda Items

- A. Approval of Agenda
- B. Approval of April 24, 2024 meeting minutes
 - 1. April 24, 2024 Minutes

5. Public Comment

Refer to the bottom of the agenda for instructions on how to provide public comment.

6. Commission Members' Reports

7. Department Report

8. New Business

- A. **Critical Areas Ordinance Update: Hans Shepherd, Senior Planner.**

1. Staff will provide an introductory briefing on the update to the Critical Areas Ordinance required as part of the Comprehensive Plan Update to incorporate legislative changes and best available science.

Critical Areas Attachments

B. Comprehensive Plan Outreach: Ryan Andrews, Planning Manager.

1. Staff will provide an overview of the public engagement plan in development for the Comprehensive Plan Update including a high-level schedule, outreach strategies and communications, and branding.

9. Old Business

10. Communications and Announcements

A. Planning Commission Schedule

11. Next Meeting - June 5, 2024

12. Adjournment

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_63oNzUE9SZiboF4gXSXWPw

Website: <https://cityoflacey.org/government/public-meetings/>

Facebook: <https://www.facebook.com/cityoflacey>

YouTube: <https://www.youtube.com/watch?v=GwxNVsu7LeA>

Cable: Channel 77 with your local cable provider

Phone: (888) 788-0099 or (877) 853-5247 (Webinar ID 817 5496 3772)

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 at the meeting location.

Zoom: Preregister using the following Zoom link no later than two hours prior to the meeting:
https://us02web.zoom.us/webinar/register/WN_63oNzUE9SZiboF4gXSXWPw



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



MINUTES

Lacey Planning Commission Meeting
Wednesday, April 24, 2024 – 6:00 p.m.
Lacey City Hall Council Chambers - 420 College St SE – and via Zoom

Meeting was called to order at 6:00 p.m. by Jeff Gadman

Planning Commission members present: Jeff Gadman, Daphne Retzlaff, Kyrian MacMichael, Judith Doyle, Gail Madden, Spencer Zeman, Elliot Kirk and Tonya Moore. Staff present: Ryan Andrews, Hans Shepherd, and Erin Skelley

Jeff noted a quorum present. Elliot read the Land Acknowledgment.

Daphne Retzlaff made a motion, seconded by Kyrian MacMichael to add an update on tree recommendations for Neighborhood Commercial Zones to the meeting's agenda and approve the minutes from April 10, 2024. All were in favor, the motion carried.

- 1) **Public Comments:** None
- 2) **Commission Members Reports:** Kyrian reported that she attended the County's DEI (Diversity, Equity and Inclusion) meeting. Members are from Lacey, Olympia, Tumwater, and the County. She said it was a great opportunity to see all the positive ways our community is becoming more inclusive. She asked Ryan Andrews how this could be incorporated into the Comprehensive Visioning Plan. Jeff Gadman stated that Thurston County has activated a DEI Leadership Committee that includes a representative from every County department.
- 3) **Department Report:** Ryan Andrews reported that Grant Beck was retiring. Ryan thanked Grant for his service and for being a great resource for the City. Ryan reported that Ken Balsley would have a memorial bench dedicated on May 30, 2024 at the South Sound Civic Plaza.
- 4) **New Business: Comprehensive Plan Visioning: Ryan Andrews, Planning Manager; Hans Shepherd, Senior Planner.** The Planning Commission participated in a visioning session related to the development of the 2025 Comprehensive Plan Update.
- 5) **Old Business: Update on Tree Recommendation Pertaining to Neighborhood Commercial Zones: Hans Shepherd, Senior Planner.** Hans updated the Planning Commission on the tree recommendation after the vote on April 10, 2024
- 6) **Communications and Announcements:** Ryan Andrews provided the Planning Commission schedule.
- 7) **Next Meeting:** May 22, 2024
- 8) **Adjournment:** 7:45 PM

To hear the full discussion of a specific topic, or the complete meeting, watch the recorded video available on YouTube <https://www.youtube.com/watch?v=annJl1jklao>



Planning Commission May 22nd 2024

SUBJECT: Critical Areas Ordinance - 2025 Periodic Update

RECOMMENDATION: Briefing item only. Staff will provide a briefing to the Planning Commission on the update to the Critical Areas Ordinance required as part of the Comprehensive Plan Update to incorporate legislative changes and best available science. No action is required.

STAFF CONTACTS: Vanessa Dolbee, Community & Economic Development Director *VLD*
Ryan Andrews, Planning Manager *RA*
Hans Shepherd, Senior Planner *HS*

ATTACHMENT(S): 1. Commerce Critical Areas Checklist

PRIOR REVIEW: None.

BACKGROUND:

Consistent with the Growth Management Act (GMA) and RCW 36.70A.130(1), the City of Lacey is required to periodically review and, if needed, revise its comprehensive plan and development regulations.

As a part of this review, the City of Lacey is required to review and revise its policies and regulations on critical areas to incorporate the best available science. The statutory deadline to update critical area regulations has been extended through December 31st, 2026.

Within the City of Lacey, “Best Available Science (BAS)” is defined as:

“Current scientific information used in the process to designate, protect, or restore critical areas, that is derived from a valid scientific process as defined in WAC [365-195-900](#) through [365-195-925](#).”

There are five chapters in [Title 14](#) of the Lacey Municipal Code (LMC) that comprise our critical areas regulations; Chapter 14.28, [Wetland Protection](#); Chapter 14.33, [Habitat Conservation Areas Protection](#); Chapter 14.34, [Flood Hazard Prevention](#); Chapter 14.36, [Critical Aquifer Recharge Areas Protection](#); and Chapter 14.37, [Geologically Sensitive Areas Protection](#).

The City of Lacey last conducted a full code review of its critical area ordinances as part of the 2016 Comprehensive Plan Update process. Following a staff analysis of opportunities to

include BAS within existing critical areas regulations and Planning Commission review and recommendation, the City Council passed [Ordinance No. 1505](#) on January 3rd, 2017, adopting updated best available science regulations for City of Lacey critical areas.

Within the State of Washington, the following departments are responsible for developing resources and publishing guidance specific to critical areas BAS:

- Department of Ecology: wetlands, aquifers, and frequently flooded areas
- Department of Fish and Wildlife (WDFW): priority habitats and species, water resource inventory areas, riparian management zones
- Department of Natural Resources: Geologically hazardous areas

The Department of Commerce maintains a Critical Areas Checklist (*Attachment 1*) that is updated on an annual basis. This checklist is provided to municipalities planning under the GMA in support of their critical areas review. Commerce also publishes a [Guide to the Periodic Update Process Under the Growth Management Act](#) intended to assist municipalities in identifying and sourcing the latest legislation, updated interpretations, refined best practices, and new scientific studies relevant to critical areas.

Recent agency publications and BAS updates include guidance on the following topics:

- No net loss of ecosystem functions and values (2018 WDFW)
- No exemptions for agricultural activities (2018 WDFW)
- Modified habitat score ranges for wetlands (2018 Ecology)
- Riparian Management Zones guidance (2020 WDFW)
- Additional wetland and wellhead protection area definitions (2021 Ecology)
- Guidance on protecting functions and values of aquifer recharge areas (2021 Ecology)
- Clarification of existing wetland guidance (2022 Ecology)
- Expansion of impact minimization measures (2022 Ecology)
- Updated guidance on the use of habitat corridors (2022 Ecology)
- Updated frequently flooded areas based on FEMA guidance (2022 Ecology)
- Monitoring and Adaptive Management of Critical Areas (Commerce 2022)
- Emphasizing avoidance within all critical areas (2023 Commerce)
- Updates to WAC 365-190-100 Critical Aquifer Recharge Areas (Commerce 2023)

Following a review of BAS publications and our existing Critical Areas Ordinance, staff will identify and recommend necessary updates to remain consistent with state requirements and grant funding eligibility.

NEXT STEPS:

A second Planning Commission worksession will be scheduled later in 2024 to continue this review. The Planning Commission will consider the staff analysis, suggest any additional amendments to the draft code, and make a formal recommendation to the Lacey City Council. Should additional information be needed prior to making a formal recommendation, the Planning Commission is requested to direct staff on the necessary information.

Critical Areas Checklist

A Technical Assistance Tool from Growth Management Services – updated March 2024

Name of city or county: City of Lacey

Staff contact, phone, and e-mail address: Hans Shepherd, (360) 438-2637, Hans.Shepherd@CityofLacey.org

INSTRUCTIONS

This checklist is intended to help local governments update their development regulations, pursuant to the schedule in **RCW 36.70A.130(5)**. **We strongly encourage but do not require jurisdictions to complete the checklist and return it to Growth Management Services (GMS), along with their updates.** This checklist may be used by all jurisdictions, including those local governments planning for resource lands and critical areas only. For general information on update requirements, refer to [A Guide to the Periodic Update Process Under the Growth Management Act – Fully Planning Counties & Cities, 2022](#) and [WAC 365-196-610](#).

Bold items are a GMA requirement or may be related requirements of other state or federal laws. Underlined items are links to Internet sites and may include best practices or other ideas to consider.

Commerce WAC provisions are advisory under Commerce’s statutory mandate to provide technical assistance, **RCW 43.330.120** which states that the Department of Commerce “...*shall help local officials interpret and implement the different requirements of the act through workshops, model ordinances, and information materials.*” If you have questions, call GMS at (360) 725-3066.

How to fill out the checklist

Using the current version of your critical areas regulations, fill out each item in the checklist. Select the check box or type in text fields, answering the following question:

Is this item addressed in your current Critical Areas Ordinance (CAO)? If YES, fill in the form with citation(s) to where in the plan or code the item is addressed. We recommend using citations rather than page numbers because they stay the same regardless of how the document is printed. If you have questions about the requirement, follow the hyperlinks to the relevant statutory provision or rules. If you still have questions, visit the [Commerce Growth Management Services Web page](#) or contact one of the [Commerce planners](#) assigned to your region.

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CRITICAL AREAS

Regulations protecting critical areas are required by **RCW 36.70A.060(2)** and **RCW 36.70A.172(1)**. [WAC 365-195-900 through 925](#) provide guidelines. Guidance can also be found in [Commerce's Critical Areas Handbook](#) (2022); the Minimum Guidelines [WAC 365-190-080 through 130](#); Best Available Science [WAC 365-195](#); and Procedural Criteria, [WAC 365-196-485](#) and [WAC 365-196-830](#), and on Growth Management's [Critical Areas](#) webpage.

Regulations required to protect critical areas	Addressed in current plan or regulations? If yes, note where
OVERALL REQUIREMENTS The CAO includes best available science to clearly designate and protect all critical areas that might be found within the jurisdiction. 1. Designation of Critical Areas RCW 36.70A.170(1)(d) requires all counties and cities to designate critical areas. RCW 36.70A.170(2) requires that counties and cities consider the Commerce Minimum Guidelines pursuant to RCW 36.70A.050 . RCW 36.70A.050 directs Commerce to adopt the Minimum Guidelines to classify critical areas. WAC 365-190-080 through 130 provide guidance on defining or "designating" each of the five critical areas. WAC 365-190-040 outlines the process to classify and designate natural resource lands and critical areas. 2. Definition of Critical Areas RCW 36.70A.030(11) provides definitions for critical areas. Sections (20) regarding geologically hazardous areas; and (48) regarding wetlands were updated in 2010. WAC 365-190-030 provides definitions in the Minimum Guidelines. 3. Protection of Critical Areas RCW 36.70A.060(2) requires counties and cities to adopt development regulations that protect the critical areas required to be designated under RCW 36.70A.170 . RCW 36.70A.172(1) requires the inclusion of best available science in developing policies and development regulations to protect the functions and values of critical areas. In addition, counties and cities must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.	Was BAS documented in the record for the review and updates to the critical areas regulations? ☒ Yes ☐ No Location in Text: https://lacey.municipal.codes/LMC/14.28.030(D) https://lacey.municipal.codes/LMC/14.33.020(A) https://lacey.municipal.codes/LMC/14.34.030 https://lacey.municipal.codes/LMC/14.36.170(A)(5) Do your regulations address no net loss and require compensatory mitigation? ☒ Yes ☐ No Location in Text: https://lacey.municipal.codes/LMC/14.28.020(A) https://lacey.municipal.codes/LMC/14.28.455 https://lacey.municipal.codes/LMC/14.33.117(E)(2)

[WAC 365-196-830](#) provides guidance on protection of critical areas.

[https://lacey.municipal.codes/LMC/14.33.030\(O\)](https://lacey.municipal.codes/LMC/14.33.030(O))

[https://lacey.municipal.codes/LMC/14.34.084\(G\)](https://lacey.municipal.codes/LMC/14.34.084(G))

4. Inclusion of Best Available Science

RCW 36.70A.172(1) requires inclusion of the best available science (BAS).

[WAC 365-195-900 through 925](#) outlines recommended criteria for determining which information is the BAS, for obtaining the BAS, for including BAS in policies and regulations, for addressing inadequate scientific information, and for demonstrating “special consideration” to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

[WAC 365-195-915](#) provides criteria for including BAS in the record.

“Best available science” means current scientific information used in the process to designate, protect, or restore critical areas, that is derived from a valid scientific process as defined by WAC 365-195-900 through 365-195-925.

[https://lacey.municipal.codes/LMC/14.33.117\(B\)](https://lacey.municipal.codes/LMC/14.33.117(B))

5. No net loss of critical area functions and values is a requirement for development regulations in [WAC 365-196-830\(4\)](#). If development regulations allow harm to critical areas, they must require compensatory mitigation of the harm.

“Although counties and cities may protect critical areas in different ways or may allow some localized impacts to critical areas, or even the potential loss of some critical areas, development regulations must preserve the existing functions and values of critical areas. Avoidance is the most effective way to protect critical areas. If development regulations allow harm to critical areas, they must require compensatory mitigation of the harm. Development regulations may not allow a net loss of the functions and values of the ecosystem that includes the impacted or lost critical areas.”

All activities, uses, and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to, adhering to the following standards:

a. Activities shall be timed to occur only during the allowable work window as designated by the Department of Fish and Wildlife for the applicable species;

b. An alternative alignment or location for the activity is not feasible;

c. The activity is designed so that it will not degrade the functions or values of the fish habitat or other critical areas; and

d. Any impacts to the functions and values of the habitat conservation area are mitigated in accordance with an approved critical area report.

WETLANDS DEFINITION The definition of wetlands is consistent with RCW 36.70A.030(48).	Is the wetland definition consistent with RCW 36.70A.030(48)? ☒ Yes ☐ No ☐ N/A Location in Text: https://lacey.municipal.codes/LMC/14.28.030(VV)
WETLANDS DELINEATION Wetlands are delineated using the approved federal wetland delineation manual and applicable regional supplements in accordance with WAC 173-22-035. See Ecology's Wetland Delineation page and WAC 365-190-090 for additional assistance.	Are wetlands delineated using the approved Federal Wetland Delineation Manual and Regional Supplements? ☒ Yes ☐ No ☐ N/A Location in Text: https://lacey.municipal.codes/LMC/14.28.030(VV)
WETLANDS PROTECTION Policies and regulations protect the functions and values of wetlands. RCW 36.70A.172(1). Counties and cities are encouraged to make their actions consistent with the intent and goals of "protection of wetlands", Executive Order 89-10 as it existed on September 1, 1990. WAC 365-190-090(3) recommends using a wetlands rating system that evaluates the existing wetland functions and values to determine what functions must be protected. Ecology updated its recommended wetlands rating systems effective January 2015. For information on the rating system, including the July 2018 adjustments to ranges for habitat scores, see: • 2014 Updates to the Washington State Wetland Rating Systems • Washington State Wetland Rating System for Western Washington • Washington State Wetland Rating System for Eastern Washington For other resources and guidance on protecting wetlands, go to Ecology's Local Wetland Regulations: Growth Management Act technical assistance and see: • Wetland Guidance for Critical Areas Ordinance (CAO) Updates: Western and Eastern Washington (2022)	Do the regulations use a rating system to determine wetlands protection? ☒ Yes ☐ No ☐ N/A Location in Text: https://lacey.municipal.codes/LMC/14.28.100

CRITICAL AQUIFER RECHARGE AREAS Policies and regulations protect the functions and values of critical aquifer recharge areas. RCW 36.70A.172(1). Policies and regulations protect the quality and quantity of groundwater used for public water supplies. RCW 36.70A.070(1) and WAC 365-196-485(1)(d). The following references also relate to protection of groundwater resources: • RCW 90.44 – Regulation of Public Groundwaters • RCW 90.48 – Water Pollution Control • RCW 90.54 – Water Resources Act of 1971 • RCW 36.36.020 - Creation of aquifer protection area (1985) • WAC 365-190-100 Critical Aquifer Recharge Areas 2023 • WAC 173-100 Groundwater Management Areas and Programs (1988) • WAC 173-200 Water Quality Standards for Groundwaters of the State of Washington (1990) • WAC 365-196-735 Consideration of state and regional planning provisions (list) (2010) The Critical Aquifer Recharge Areas Guidance Document (2021) provides information on protecting functions and values of critical aquifer recharge areas, best available science, how to work with state and local regulations and adaptive management.	If groundwater is used for potable water, do regulations protect the quality and quantity of ground water? ☒ Yes ☐ No ☐ N/A Location in text: https://lacey.municipal.codes/LMC/14.36.020 https://lacey.municipal.codes/LMC/14.36.140(E)(11) https://lacey.municipal.codes/LMC/14.36.160(C)(10)
CRITICAL AQUIFER RECHARGE AREAS Also, consider the following: • Prohibiting or strictly regulating hazardous uses in critical aquifer recharge areas (CARAs) and designating and protecting wellhead areas. See Ecology's guidance on Critical Aquifer Recharge Areas. • Limiting impervious surfaces to reduce stormwater runoff, as required under Phase I and II municipal stormwater permits. Ecology's Stormwater Manual for Western Washington (2012) includes low impact development (LID) related definitions, requirements, and an LID performance standard. See Stormwater Management and Design Manuals on Ecology's web page. • For additional guidance on LID resources, see Commerce's Incentivizing low-impact development guidebook.	Are the critical aquifer recharge regulations consistent with current mapping of these critical areas? ☒ Yes ☐ No ☐ N/A Location in text: https://services2.arcgis.com/iupFdNb5Kk6t83r/arcgis/rest/services/Wellhead_Protection_Area/FeatureServer Originally produced by Golder Associates circa 2011. Last updated 2017 https://gisdata-thurston.opendata.arcgis.com/datasets/5d117bd88cc4ff9ac85ee0b9e2b0cfb_0/about

	TC data last updated in 2017 using USDA NRCS Soils data and Department of Natural Resources Geologic Data https://lacey.municipal.codes/LMC/14.36.160
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FREQUENTLY FLOODED AREAS	Are frequently flooded
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Regulations protect the functions and values of frequently flooded areas and safeguard the public from hazards to health and safety. [RCW 36.70A.172\(I\)](#).

[WAC 365-196-830](#) provides: “Protection” in this context means preservation of the functions and values of the natural environment, or to safeguard the public from hazards to health and safety.”

[WAC 365-190-110](#) directs counties and cities to consider the following when designating and classifying frequently flooded areas:

- (a) Effects of flooding on human health and safety, and to public facilities and services;
- (b) Available documentation including federal, state, and local laws, regulations, and programs, local studies and maps, and federal flood insurance programs, including the provisions for urban growth areas in [RCW 36.70A.110](#);
- (c) The future flow flood plain, defined as the channel of the stream and that portion of the adjoining flood plain that is necessary to contain and discharge the base flood flow at build out;
- (d) The potential effects of tsunamis, high tides with strong winds, sea level rise, and extreme weather events, including those potentially resulting from global climate change;
- (e) Greater surface runoff caused by increasing impervious surfaces.

Classification of and regulations for frequently flooded areas should not conflict with the FEMA requirements for the [National Flood Insurance Program \(NFIP\)](#). See [Ecology’s Frequently Flooded areas: Critical Areas Ordinance](#) webpage and [44 CFR 60](#).

Communities that are located on Puget Sound or the Strait of Juan de Fuca, or have lakes, rivers or streams that directly or indirectly drain to those water bodies, are subject to the NFIP Biological Opinion (BiOp) for Puget Sound. The biological opinion required changes to the implementation of the NFIP in order to meet the requirements of the Endangered Species Act (ESA) in the Puget Sound watershed. FEMA Region X has developed an implementation plan that allows communities to apply the performance standards contained in the Biological Opinion by implementing:

- 1) [a model ordinance](#);
- 2) [a programmatic Checklist](#); or
- 3) on a permit-by-permit basis as long as it can be demonstrated that there is no adverse effect to listed species. Communities have the option of utilizing their CAOs as part of a programmatic response to address the requirements of the biological opinion. FEMA must approve a community’s biological opinion compliance strategy.

areas designated and regulated using FEMA and Ecology guidance?

☒ Yes

☐ No

☐ N/A

Location in Text:

<https://lacey.municipal.codes/LMC/14.34.020>

<https://lacey.municipal.codes/LMC/14.34.030>

Are you utilizing your CAO as part of a programmatic response to the BiOp?

☒ Yes

☐ No

☐ N/A

Location in Text:

[https://lacey.municipal.codes/LMC/14.34.084\(J\)](https://lacey.municipal.codes/LMC/14.34.084(J))

[https://lacey.municipal.codes/LMC/14.33.117\(E\)\(8\)](https://lacey.municipal.codes/LMC/14.33.117(E)(8))

[https://lacey.municipal.codes/LMC/14.33.116\(E\)](https://lacey.municipal.codes/LMC/14.33.116(E))

<https://lacey.municipal.codes/LMC/14.34.082>

[https://lacey.municipal.codes/LMC/14.33.020\(C\)](https://lacey.municipal.codes/LMC/14.33.020(C))

Additional resources:

[RCW 86.12](#) Flood Control by Counties

[RCW 86.16](#) Floodplain Management

[RCW 86.26](#) State Participation in Flood Control Maintenance

[RCW 86.16.041](#) Floodplain Management Ordinance and Amendments

[WAC 173-158-070](#) Requirements for construction in Special Flood Hazard Areas

DEFINITION OF GEOLOGICALLY HAZARDOUS AREAS The definition of geologically hazardous areas is consistent with RCW 36.70A.030(20) and WAC 365-190-120(1). “Geologically hazardous areas” means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.	Is the geologically hazardous areas definition consistent with RCW 36.70A.030(20)? ☒ Yes ☐ No ☐ N/A Location in Text: https://lacey.municipal.codes/LMC/14.37.030(I)
PROTECTION OF GEOLOGICALLY HAZARDOUS AREAS Regulations protect the functions and values of geologically hazardous areas and safeguard the public from hazards to health and safety. RCW 36.70A.172(1). WAC 365-196-830 provides: “Protection” in this context means preservation of the functions and values of the natural environment, or to safeguard the public from hazards to health and safety.” Geologically hazardous areas are designated, and their use is regulated or limited consistent with public health and safety concerns. RCW 36.70A.030(20) WAC 365-190-120 describes the different types of hazardous areas: • Geologically hazardous areas include: • Erosion hazards • Landslide hazards • seismic hazards • tsunami hazards • volcanic hazards • channel migration zones • areas subject to other geological events such as coal mine hazards including: mass wasting, debris flows, rock falls, and differential settlement. The Department of Natural Resource’s Washington Geological Survey Geologic Hazards and the Environment website includes information on earthquakes and faults, landslides, volcanoes and lahars, tsunamis, hazardous minerals, emergency preparedness, historic mines and includes geologic hazard maps that can be accessed from the Geologic Information Portal.	Are uses in geologically hazardous areas designated and regulated or limited consistent with public health and safety? ☒ Yes ☐ No ☐ N/A Location in Text: https://lacey.municipal.codes/LMC/14.37.060 https://lacey.municipal.codes/LMC/14.37.030(G) https://lacey.municipal.codes/LMC/14.37.030(L) https://lacey.municipal.codes/LMC/14.37.030(O) https://lacey.municipal.codes/LMC/14.34.010(Y) https://lacey.municipal.codes/LMC/14.37.150 https://lacey.municipal.codes/LMC/14.37.210
DEFINITION OF FISH AND WILDLIFE HABITAT AND CONSERVATION AREAS The definition of fish and wildlife habitat conservation areas is consistent with WAC 365-190-030(6). The definition of fish and wildlife habitat conservation areas was amended to state that they do not include: “<i>such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company</i>”.	Is the FWHCA definition consistent with WAC 365-190-030(6)? ☒ Yes ☐ No ☐ N/A Location in Text: https://lacey.municipal.codes/LMC/14.33.030(K)

PROTECTION OF FISH AND WILDLIFE HABITAT AND CONSERVATION AREAS

Policies and regulations protect the functions and values of fish and wildlife habitat conservation areas. [RCW 36.70A.172\(1\)](#) and [WAC 365-190-030\(6\)](#).

[WAC 365-190-130\(4\)](#) says local jurisdictions must consult current information on priority habitats and species identified by [WDFW](#). Additional information that must be consulted is available from DNR's [natural heritage program](#) and [aquatic resources program](#). BAS regarding biodiversity areas and corridors has advanced significantly. Recent updates and resources include:

- [Aquatic Habitat Guidelines](#)
- [Priority Habitat and Species maps](#)
- [Priority Habitats and Species List](#) (updated June 2023)
- [Priority Habitats and Species: Management recommendations:](#)
 - [Landscape Planning for Washington's Wildlife](#) (2009)
 - [Land Use Planning for Salmon, Steelhead and Trout](#) (2009)
 - [Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications](#) (2020)
 - [Riparian Ecosystems, Volume 2: Management Recommendations](#) (2020)
 - [Riparian Management Zone Checklist for CAOs](#) (2023)
 - [Shrub-Steppe Management Recommendations](#) (2020)
 - [Oregon White Oak Woodlands Ecosystems Management Recommendations](#) (1998)
 - [Management recommendations for Washington's Priority Species](#) (by taxa)
- [Puget Sound Kelp Conservation and Recovery Plan](#) (2020)
- [Stream Habitat Restoration Guidelines](#) (2012)
- [Water Crossing Design Guidelines](#) (2013)

“Areas where endangered, threatened, and sensitive species have a primary association” must be considered per [WAC 365-190-130\(2\)\(a\)](#). Consult WDFW's [Threatened and Endangered Species list](#) and U.S. Fish and Wildlife Service's [Information for Planning and Consultation](#) resources for up-to-date information on all state and federal listed species.

- Also see the [Puget Sound Partnership's Salmon Recovery website](#) for Water Resource Inventory Area (WRIA) Plans in Puget Sound.

Have you reviewed your regulations regarding any applicable changes in management recommendations for priority habitats and species?

☒ Yes

☐ No

☐ N/A

Location in Text

[https://lacey.municipal.codes/LMC/14.33.060\(B\)\(2\)](https://lacey.municipal.codes/LMC/14.33.060(B)(2))

Have you reviewed your regulations regarding any changes in species listings?

☒ Yes

☐ No

☐ N/A

Location in Text

[https://lacey.municipal.codes/LMC/14.33.030\(T\)](https://lacey.municipal.codes/LMC/14.33.030(T))

[https://lacey.municipal.codes/LMC/14.33.030\(K\)](https://lacey.municipal.codes/LMC/14.33.030(K))

DESIGNATING AND PROTECTING WATERS OF THE STATE

RCW 90.48.020 defines waters of the state, which include all surface waters, salt waters, groundwater and all other water courses in Washington. [WAC 365-190-130\(2\)\(f\)](#) recommends designating all waters of the state as fish and wildlife habitat conservation areas (FWHCAs).

Stream types are classified in [WAC 222-16-030](#) with field verification, or an alternate system that considers factors listed in [WAC 365-190-130\(4\)\(f\)\(iii\)](#). See <http://www.dnr.wa.gov/forest-practices-water-typing> to use Washington State Department of Natural Resources (DNR)'s stream typing system.

Establish riparian management zones to maintain no net loss of riparian ecosystem functions and values.

Designate areas that risk contaminating or harming shoreline resources including tidelands and bedland suitable for shellfish harvest, kelp and eelgrass beds and forage fish spawning areas.

Do you designate waters of the state as FWHCAs?

☒ Yes

☐ No

☐ N/A

Location in Text:

[https://lacey.municipal.codes/LMC/14.33.030\(K\)\(6\)](https://lacey.municipal.codes/LMC/14.33.030(K)(6))

Do your regulations protect waters of the state?

☒ Yes

☐ No

☐ N/A

Location in Text:

[https://lacey.municipal.codes/LMC/14.33.060\(B\)\(7\)](https://lacey.municipal.codes/LMC/14.33.060(B)(7))

[https://lacey.municipal.codes/LMC/14.33.117\(E\)](https://lacey.municipal.codes/LMC/14.33.117(E))

ANADROMOUS FISHERIES

Policies and regulations for protecting critical areas give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries. **RCW 36.70A.172(1)** is the requirement and [WAC 365-195-925](#) lists criteria involved. This requirement applies to all five types of critical areas.

[WAC 365-190-130\(4\)\(i\)](#) recommends sources and methods for protecting fish and wildlife habitat conservation areas, including salmonid habitat. Counties and cities may use information prepared by the United States Department of the Interior Fish and Wildlife Service, National Marine Fisheries Service, the Washington State Department of Fish and Wildlife, the State Recreation and Conservation Office, and the Puget Sound Partnership to designate, protect and restore salmonid habitat. Counties and cities should consider recommendations found in the regional and watershed specific salmon recovery plans (see the [Governor's Salmon Recovery Office webpage](#) and the Puget Sound Partnership's [Salmon Recovery webpage](#)).

[Land Use Planning for Salmon, Steelhead and Trout](#): A land use planner's guide to salmonid habitat protection and recovery (October 2009) is an excellent resource.

Do your regulations give special consideration to anadromous fisheries?

☒ Yes

☐ No

☐ N/A

Location in Text:

[https://lacey.municipal.codes/LMC/14.33.117\(B\)](https://lacey.municipal.codes/LMC/14.33.117(B))

[https://lacey.municipal.codes/LMC/14.33.060\(B\)\(1\)](https://lacey.municipal.codes/LMC/14.33.060(B)(1))

REASONABLE USE EXCEPTIONS

The **Critical Areas Ordinance (CAO)** allows for “reasonable use” if the **CAO** would otherwise deny all reasonable use of property. Reasonable use provisions should limit intrusions into critical areas to the greatest extent possible and apply the mitigation sequence as needed for no net loss of ecosystem functions and values **RCW 36.70A.370**. Common exemptions include emergencies, remodels that do not further extend into critical areas, surveying, walking, and development that has already been completed with critical areas review under a previous permit. See [*Critical Areas Handbook, Chapter 3: Structuring Critical Areas Regulations, p.10 \(Updated 2022\)*](#).

Do you have reasonable use provisions?

☒ Yes

☐ No

Location in Text:

[https://lacey.municipal.codes/LMC/14.28.350\(E\)](https://lacey.municipal.codes/LMC/14.28.350(E))

[https://lacey.municipal.codes/LMC/14.33.030\(J\)](https://lacey.municipal.codes/LMC/14.33.030(J))

<https://lacey.municipal.codes/LMC/14.34.082>

[https://lacey.municipal.codes/LMC/14.37.180\(E\)\(1\)](https://lacey.municipal.codes/LMC/14.37.180(E)(1))

FOREST PRACTICES APPLICATION REGULATIONS

If applicable, regulations for forest practices have been adopted: **RCW 36.70A.570**.

RCW 76.09.240, requires many counties over 100,000 in population, and the cities and towns within those counties to adopt regulations for forest practices. These are often included in clearing and grading ordinances.

Have you adopted forest practices regulations?

☒ Yes

☐ No

☐ N/A

Location in Text:

<https://lacey.municipal.codes/LMC/14.32>

GOOD IDEAS

Non-regulatory measures to protect or enhance functions and values of critical areas may be used to complement regulatory methods. These may include:

- public education
- stewardship programs
- pursuing grant opportunities
- water conservation
- joint planning with other jurisdictions and non-profit organizations
- stream and wetland restoration activities
- [transfer of development rights](#)

Monitoring and adaptive management is encouraged in [WAC 365-195-905\(6\)](#) to improve implementation of your regulations. See Commerce's Monitoring and Adaptive Management chapter in the [Critical Areas Handbook](#), **Chapter 7: Monitoring and Adaptive Management of Critical Areas (2022)**.

Are you using non-regulatory measures to protect critical areas?

☒ Yes

☐ No

Location in Text:

[https://lacey.municipal.codes/LMC/14.29.040\(D\)\(2\)](https://lacey.municipal.codes/LMC/14.29.040(D)(2))

<https://cityoflacey.org/wp-content/uploads/sites/3/2023/07/LJPD-CHI.pdf>

<https://lacey.municipal.codes/LMC/16.06.745>

<https://lacey.municipal.codes/LMC/16.58>

Do you have a monitoring and adaptive management program for your CAO?

☐ Yes

☒ No

Location in Text:

5/13/24

CITY OF LACEY PLANNING COMMISSION WORK SCHEDULE

Planning Commission Meeting
May 22, 2024

1. **Work Session:** Comp Plan Update Public Engagement
2. **Work Session:** Critical Areas Ordinance

Packets due: May 17, 2024

Planning Commission Meeting
June 12, 2024

1. **Public Hearing:** Transportation Improvement Program
2. **Work Session:** Housing/Climate Program Updates

Packets due: June 7, 2024

Planning Commission Meeting
June 26, 2024

1. **Work Session:** Comp Plan Education

Packets due: June 21, 2024

Planning Commission Meeting
July 10, 2024

Cancel (Tentative)

Packets due: July 5, 2024