



Lacey Planning Commission Meeting Agenda

Refer to the bottom of the agenda for meeting information.

Wednesday, June 25, 2025

6:00 PM

Council Chambers and Online

1. Call to Order

2. Roll Call

3. 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 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 June 11, 2025 meeting minutes
 - 1. June 11, 2025 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. Public Hearing

- A. **6-Year Transportation Improvement Plan: Martin Hoppe, Transportation Manager.** The Planning Commission will conduct a public hearing to take testimony on the proposed 2026-2031 Six-Year Transportation Improvement Plan and is requested to make a recommendation on the Plan to the City Council.
 - 1. Transportation Improvement Plan attachments

9. New Business

- A. **Lacey Metropolitan Park District Presentation: Scott Egger, Public Works Director.** The Planning Commission will receive a briefing from staff on the Lacey Metropolitan Park District ballot measure.
- B. **Development Procedures Code Update: Shannon Vincent, Senior Project Planner.** The Planning Commission will receive an introductory briefing from staff on proposed amendments to the Lacey Municipal Code and the Development Guidelines and Public Works Standards related to permit processing and development code procedures.
 - 1. Development Procedures Code Update Attachments

10. Old Business

11. Communications and Announcements

- A. Planning Commission Schedule

12. Next Meeting - July 23, 2025

13. 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:	ZOOM LINK
Website:	https://cityoflacey.org/government/public-meetings/
Facebook:	https://www.facebook.com/cityoflacey
YouTube:	YOUTUBE LINK
Cable:	Channel 77 with your local cable provider
Phone:	(888) 788-0099 or (877) 853-5247 (Webinar ID #####)

Verbal Public Comment

Ballot measure endorsements (in support or opposition) are not allowed during Public Comment. This includes comments on candidates or the Lacey Metropolitan Park District (RCW 42.17A.555).

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: ZOOM LINK

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

Written Public Comment

Please email written public comments to PlanningCommission@cityoflacey.org. The comment period will close two hours before the meeting time. Commissioners will receive all written public comments provided by this deadline. Comments may not be addressed during the meeting. All comments are part of the official record.

MINUTES

Lacey Planning Commission Meeting
Wednesday, June 11, 2025 – 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 Vice-Chair Tonya Moore, as Chair Jeff Gadman was absent.

Planning Commission members present: Tonya Moore, Kyrian MacMichael, Judith Doyle, Spencer Zeman, Elliot Kirk, & Jennifer Mangione. Staff present: Ryan Andrews, Hans Shepherd, Jennifer Adams, and Erin Skelley

Tonya noted a quorum present. Judy read the Land Acknowledgement.

Spencer Zeman made a motion, seconded by Judith Doyle to approve the agenda for tonight's meeting. Kyrian made a motion, seconded by Spencer Zeman to amend and then approve the May 28th minutes. She wanted to clarify that the children who passed away in the fire were in her thoughts and prayers, not that she asked the Planning Commission to say a prayer. All were in favor, both motions carried.

- 1) **Public Comments:** None
- 2) **Commission Members Reports:** Spencer reminded the Planning Commission there would be massive protests on Saturday June 14, 2025 and to plan accordingly.
- 3) **Department Report:** Ryan Andrews stated he would be asking the Commission about future meetings they would be absent for at the end of the meeting.
- 4) **Tonya Moore suspended the regular meeting and opened the Public Hearing on proposed Sign Code Amendments at 6:05 PM.**
- 5) **Public Hearing: Sign Code Amendment-LMC 16.75.100.E Political Signs: Dave Schneider, City Attorney.** The Planning Commission conducted a public hearing to take testimony on a draft amendment to Lacey Municipal Code 16.75.100.E related to the location of political signs. No community members provided comment as part of the public hearing. After the conclusion of the public hearing, the Planning Commission made a recommendation on the amendment to the City Council.
- 6) **Tonya Moore closed Public Hearing and re-opened regular meeting at 6:11 PM**

Judith Doyle made a motion, seconded by Spencer Zeman to make a recommendation on the Sign Code Amendment-LMC 16.75.100.E to City Council. All were in favor, the motion carried.

- 7) **New Business:** None
- 8) **Old Business:**
 - a. **Comprehensive Plan Update Zoning Amendments: Hans Shepherd, Senior Planner.** The Planning Commission reviewed draft amendments to Title 16: Zoning of the Lacey Municipal Code to implement the draft update to the Comprehensive Plan and Future Land Use Map.
 - b. **Middle Housing Draft Code Amendments: Jennifer Adams, Housing Coordinator.** The Planning Commission reviewed draft code amendments to implement the middle housing requirements of HB 1110.

9) **Communications and Announcements:** Ryan went over any absences the Planning Commission might have for the upcoming meetings.

10) **Next Meeting:** June 25, 2025

11) **Adjournment:** 7:49 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=1g9MmVE65w4>



PLANNING COMMISSION

June 25, 2025

SUBJECT: 2026 Six-Year Transportation Improvement Program (TIP)

RECOMMENDATION: Hold a Public Hearing for the proposed 2026 Six-Year Transportation Improvement Program and make a recommendation to the City Council.

TO: Planning Commission

FROM: Scott Egger, Director of Public Works *SE*
Aubrey Collier, City Engineer *AC*
Martin Hoppe, Transportation Manager *MH*

FISCAL NOTE: The funds shown on the TIP do not obligate the City to any specific amount of matching dollars

PRIOR REVIEW: Annual Requirement

BACKGROUND:

The City is required to prepare an annual Transportation Improvement Program (TIP) and submit it to the Washington State Department of Transportation (WSDOT) and Thurston Regional Planning Council (TRPC). The primary purpose of the TIP is to track transportation grant funds and regionally significant projects. The funds shown on the TIP do not obligate the City to any specific amount of matching dollars. All projects on the TIP are consistent with the Transportation Comprehensive Plan.

The Public Hearing is scheduled for June 25, 2025.

NEXT STEPS:

Option 1: Approve the proposed 2026 Six-Year Transportation Improvement Program and recommend approval to the City Council.

Option 2: Recommend modifications to the Transportation Improvement Program.



Public Works - Engineering

LACEY CITY COUNCIL

Mayor Andy Ryder
Deputy Mayor Malcolm Miller
Lenny Greenstein
Michael Steadman
Carolyn Cox
Robin Vazquez
Nicolas Dunning

CITY MANAGER

Rick Walk

DATE: May 29, 2025
TO: Interested Citizen
FROM: City of Lacey Public Works Department

SUBJECT: City of Lacey Six-Year Transportation Improvement Program

Each year the cities and counties in the State of Washington are required to submit their Six-Year Transportation Program. A draft summary of the proposed program for years 2026-2031 is attached.

The City Council, Planning Commission, and your Public Works staff appreciate your continuing interest and support. A public hearing to take testimony on the Six-Year Transportation Program will be held during the Planning Commission meeting on Wednesday, June 25, 2025, at 6:00 p.m. Meeting may occur in person, remotely, or a combination of both.

The purpose of the public hearing is to give citizens an opportunity to testify to the Planning Commission regarding the program. Any interested citizen may testify. Anyone who cannot attend the meeting may give testimony in a letter addressed to: Lacey Planning Commission, 420 College St. SE, Lacey, WA 98503 or e-mailed to randrews@ci.lacey.wa.us. If your comment is received before the hearing, it will become part of the public record. Prior to the hearing, information regarding the proposal may be obtained from the Lacey Community and Economic Development Department at City Hall; or you may phone (360) 491-5642.

Please call me at 491-5600, and I will be happy to answer any questions you may have about the program.

Sincerely,

Martin A. Hoppe, PE, PTOE
Transportation Manager

Enclosure



2026 SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM SUMMARY

Current Process	LACEY STIP ID	PROJECT TITLE	2026 Total Project Cost
Planned	11-010	Carpenter Rd Capacity and Safety Improvements Pacific to Shady Lane	\$ 5,400,000
Planned	11-013	Marvin Road from Britton Parkway to Columbia Drive	\$ 19,000,000
Planned	11-014	Martin Way / I-5 Interchange Improvements	\$ 52,000,000
Planned	11-015	Carpenter Road Widening from Martin Way to Britton Parkway	\$ 23,000,000
Planned	11-018	Britton Parkway -- Phase II	\$ 2,500,000
Planned	11-021	College Street Corridor Improvements	\$ 46,000,000
Planned	11-024	Yelm Highway Improvements from Ruddell Rd to Amtrak Bridge	\$ 6,000,000
Planned	11-025	Martin Way East Roadway Improvements	\$ 6,000,000
Planned	11-026	Lacey Hawks Prairie Business District (LHPBD) Commercial Corridors	\$ 11,000,000
Pending CN Grant	19-001	College St Corridor -- Phase 3 (College St and 16th Ave Roundabout)	\$ 13,500,000
Planned	20-002	Willamette Dr and Campus Glen Dr Roundabout	\$ 2,000,000
Planned	26-001	Britton Parkway and Central Ave/ Callison Rd Roundabout	\$ 3,000,000
Planned	26-002	Britton Parkway and Western Parkway Roundabout	\$ 3,000,000
Planned	26-003	Marvin Road and Steilacoom Rd Roundabout	\$ 5,000,000
Total TIP Costs			\$ 197,400,000

Current Phase	Projects to be Removed from TIP (Funds Obligated)		
Planned	11-016	Rainier Road from Yelm Hwy to 66th Ave	\$ 3,500,000

Indicates Changes



Planning Commission Staff Report

June 25, 2025

SUBJECT: City of Lacey Code Amendment - Development Guidelines Title

RECOMMENDATION: The Planning Commission will receive an introductory briefing from staff on proposed amendments to the Lacey Municipal Code and the Development Guidelines and Public Works Standards related to permit processing and development code procedures.

STAFF CONTACT: Sarah Schelling, Current Planning and Economic Development Manager 
Shannon Vincent, Senior Project Planner 

ORIGINATED BY: Community & Economic Development

ATTACHMENTS: Development Procedures Title Draft

PRIOR REVIEW: None

BACKGROUND:

The project involves revising and consolidating several chapters of the Lacey Municipal Code (LMC) and Chapter 1 of the Development Guidelines and Public Works Standards manual under a comprehensive Development Procedures title to be adopted as part of the LMC. The new title will contain codes relevant to the processes, procedures, and timelines used for the review and approval/denial of development proposals. While a majority of the existing standards and provisions will remain intact once consolidated, some revisions are proposed to improve the land use review process. For ease of tracking proposed changes, the initial Development Procedures material is drafted as Title 11, which is currently reserved in LMC. This is subject to change after further review.

The Lacey City Council last updated Chapter 1 of the Development Guidelines and Public Works Standards manual through Ordinance No. 1669 on December 17, 2024. This update was necessary to meet the SB 5290 compliance deadline of January 1, 2025. At that time, both the Planning Commission and City Council were informed that Chapter 1 would eventually be removed from the Guidelines and codified within the LMC. Staff anticipated moving this chapter to the LMC in 2025, when there would be an opportunity to address additional procedural and process improvements. The materials before the Planning Commission represent the first draft of the proposed changes for introduction to the work and

initial comment. Staff will return to the Planning Commission at a later meeting to review the draft in detail.

Under the proposed amendments, a new title, or an existing reserved title in the LMC, will contain all chapters relevant to land use application processes and procedures. In addition to incorporating Chapter 1 from the Development Guidelines and Public Works Standards, seven chapters from LMC Title 16 are proposed for relocation to the Development Procedures Title. These include:

- Chapter 16.60 – Planned Residential Development
- Chapter 16.66 – Conditional Uses and Permits
- Chapter 16.70 – Street Merchants
- Chapter 16.82 – Development Agreements
- Chapter 16.84 – Site Plan Review
- Chapter 16.90 – Variances
- Chapter 16.96 – Amendments and Rezones

A new chapter is also proposed as part of this update: Interpretations and Amendments (chapter number to be assigned). The consolidation of related chapters into a single title is intended to streamline development procedures, making them easier to locate and navigate. The goal is to improve efficiency and provide a more user-friendly experience for staff and the public.

In addition to relocating Chapter 1 and relevant sections of Title 16, there are proposed revisions to existing language to fill gaps identified by staff and improve overall review processes. Notable changes include:

- Introducing express review criteria for conditional use permits and site plan review applications, which is currently absent from the code.
- Clarifying variance review criteria and adjusting thresholds for review authority. This allows more variances proposals to be reviewed administratively, reducing the number of quasi-judicial projects.
- Revising planned residential development (PRD) design standards to explicitly require design superiority in comparison to projects developed to underlying zoning standards. This ensures PRD projects meet their intended purpose.
- Establishing time limits for resubmittal when staff requests additional information. Failure to meet these deadlines will result in application expiration, helping reduce inactive project permits.
- Adding a chapter that outlines procedures for code interpretations, which will include provisions for how such interpretations are codified.

The materials before the Planning Commission include the initial draft of the Development Procedures title. The proposed draft is intended to consolidate, clarify, and codify the City's land use processes and procedures. Once finalized, it will streamline the permitting process for both staff and applicants.

NEXT STEPS:

Review the proposed changes to Lacey Municipal Code and Chapter 1 of the Development Guidelines and Public Works Standards at the June 25th, 2025, Planning Commission meeting. Staff requests that the Planning Commission schedule a work session on the proposed changes at the August 13th, 2025, Planning Commission meeting.

Chapter 11.01 1.000—General Provisions Development Permit Procedures and Administration

11.01.010 1.010—Purpose and Applicability

A. The purpose of this ~~Title chapter of the City of Lacey Development Guidelines and Public Works Standards~~ is to enact the processes and timelines for local land development permitting. The objectives of this ~~Title chapter~~ are to encourage the preparation of appropriate information and/or materials early in the permitting process, to process permit applications in a timely manner, to provide the general public with an adequate opportunity for review and comment, and to provide the development community with a standardized process and predictability.

B. This ~~Title Chapter~~ shall apply to permit applications for land development under the following Titles of the Lacey Municipal Code:

1. Title 14 —Buildings and Construction
2. Title 15 —Subdivisions
3. Title 16 —Zoning

C. Other laws, ordinances, regulations and plans have a direct impact on the development of land. These include, but are not limited to, the City of Lacey Development Guidelines and Public Works Standards, City of Lacey Environmental Protection and Resource Conservation Plan, City of Lacey Transportation Plan, Shoreline Master Program for the City of Lacey, City of Lacey Comprehensive Plan, and the laws, ordinances, regulations and plans of federal, state and local agencies.

11.01.020 1.020—Right to Enter

In the performance of their functions and duties, duly authorized members of a committee, commission, or review staff of the City of Lacey may enter upon any land and make examinations and surveys. Provided such entries, examinations and surveys do not damage or interfere with the use of the land by those persons lawfully entitled to the possession thereof.

Chapter 11.02 1-030 Definitions

11.02.010 Intent

A. It is the intent of this Chapter to:

1. Promote consistency and precision in the interpretation of this title; and
2. Define (and illustrate, where necessary) certain words, terms and phrases in the interest of reducing to a minimum the misunderstanding which may occur in the absence of such definition.

B. Unless the context clearly requires otherwise, the definitions in this section apply throughout this Title.

~~Unless the context clearly requires otherwise, the definitions in this section apply throughout this Title;~~

11.02.020 Closed record appeal

~~A.~~ “Closed record appeal” means an appeal on the record with no new evidence or information allowed to be submitted and only appeal argument allowed.

11.02.030 Day

~~B.~~ “Day” refers to calendar day including weekends and City-recognized holidays; “working day” refers to a day that the City of Lacey conducts official business from Monday through Friday excluding City-recognized holidays. Should a statutory deadline end on a weekend or City-recognized holiday, the deadline shall be extended to 5:00 p.m. the next working day.

11.02.040 Department

~~C.~~ “Department” means City of Lacey Community Development Department.

11.02.050 Designated food vehicle zone

“Designated food vehicle zone” is an area within a street designated for location of a food vehicles(s) by the director of public works.

11.02.060 Development agreement

“Development agreement” means an agreement between the City and the owner(s) of real property regarding the development of that property.

11.02.070 Food vehicle

“Food vehicle” means a licensed and operable motor vehicle or trailer used to serve, vend, or provide food or nonalcoholic beverages for human consumption from a fixed location or along a route in a public place.

11.02.080 Full administrative review

~~D.~~ “Full administrative review” is used when the proposed development is subject to objective and subjective standards requiring the exercise of limited discretion about non-technical issues and about which there may be limited public interest. The proposed development may or may not be subject to SEPA review. Included under this type of review are binding site plans, short subdivisions, site plan review applications,

certain wetland development permits, as prescribed in LMC 14.28.120, land clearing permits and other similar applications.

11.02.090 Handcrafted goods

“Handcrafted goods” means goods produced or created by the vendor from raw or basic materials.

11.02.100 Home owners association

“Home owners association” means an incorporated, nonprofit organization operating under recorded land agreements through which (a) each lot owner is automatically a member; (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization’s activities, such as maintaining common property; and (c) a charge, if unpaid, becomes a lien against the property.

11.02.110 Limited administrative review

~~E.~~ "Limited administrative review" is used when the proposed development is subject to clear, objective and non-discretionary standards requiring the exercise of professional judgment about technical issues and the proposed development is exempt from the State Environmental Policy Act (SEPA). Included under this type of review are interpretation of codes and ordinances, single family building permits, design review, exempt tree removal requests, accessory dwelling units and other similar applications.

11.02.120 Legislative review

~~F.~~ "Legislative review" is used when the proposed development involves the creation, implementation or amendment of ~~C~~eity policy or law. In contrast to the other procedure types, legislative review usually applies to a relatively large geographic area containing several property owners. Included under this type of review are comprehensive plan, sub-area plan, zoning and/or development code review, amendments and updates, site-specific zoning district reclassifications and other similar applications.

11.02.130 Open record hearing

~~G.~~ “Open record hearing,” means a hearing that creates the record through testimony and submission of evidence and information. An open record hearing may be held on an appeal if no open record hearing has previously been held on the application.

11.02.140 Original art

“Original art” means art crafted by the vendor or by artists the vendor acts as agent to on consignment of the art work.

11.02.150 Outdoor shopping center activities and events

“Outdoor shopping center activities and events” means activities normally taking place in parking lots of shopping centers from time to time on a temporary basis. Activities include, but are not limited to, promotions or special showings and sale of boats and recreation vehicles or miscellaneous activities such as pony rides and carnival activities. Such activities attract consumers to the shopping center, both the traveling public and pedestrians in the area, and add flavor to the shopping experience. Activities do not significantly impede parking or circulation at the site or adversely affect permanent businesses in the area.

11.02.160 Outdoor food court

“Outdoor food court” means one location (parking lot, plaza, or lot) where more than four street merchants selling food have located offering a choice of foods and vendors.

11.02.170 Party of record

~~H~~– “Party of record” means an applicant, individual, agency or department who commented in writing on the project during the public comment period for the Notice of Application, Environmental Review or provided testimony at the Public Hearing.

11.02.180 Permit assistance staff

~~I~~– “Permit ~~A~~assistance ~~S~~staff” means the staff designated by the City to handle all permit assistance questions and duties. The City has designated the Permit Technician, the Planners within the Community Development Department and the Public Works Development Review Staff as the permit assistance staff.

11.02.190 Planned residential developments

“Planned residential developments” means any development of land approved and developed in accordance with the terms of this title, including a plat or subdivision of such land.

11.02.200 Project permit application

~~J~~–“Project permit application”² means any land use or environmental permit or license required by the department for a project action, including but not limited to subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones which do not require a comprehensive plan amendment, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations.

11.02.210 Public meeting

~~K~~–“Public meeting” means an informal meeting, workshop, or other public gathering to obtain comments from the public or other agencies on an application. A public meeting does not constitute an open record hearing.

11.02.220 Public place

“Public place” means public right-of-way and the space above or beneath its surface, whether or not opened or improved, including streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, planting strips, squares, triangles, and plazas that are not privately owned.

11.02.230 Quasi-judicial review

~~L~~–“Quasi-judicial review” is used when the development or use proposed under the application requires a public hearing before a ~~H~~hearing ~~E~~examiner. Included within this type of review shall be subdivisions, conditional use permits, planned residential developments, variances, certain wetland development permits,

as prescribed in LMC14.28.110, shoreline substantial development permits administrative appeals, master plans and other similar applications.

11.02.240 Residential development

“Residential development” means any development designed and intended for residential use regardless of the type of building in which such residence is located, i.e., conventional single-family dwellings, townhouses, duplexes, fourplexes, or apartment houses.

11.02.250 Retail stand

“Retail stand” means a vending cart, street merchant structure, food vehicle or temporary seasonal structure used for retail sale of approved street merchant merchandise. The retail stand is operated from a fixed location within a parking lot, pedestrian plaza, public property, or right-of-way and designed and sized to be readily moved.

11.02.260 Street fair, outdoor food court or market

“Street fair, outdoor food court or market” means a location where multiple street merchants and activities are organized as one function, including but not limited to one site, lot or parking lot designed or converted to accommodate multiple street vendors on a permanent or seasonal basis, the Lacey Fun Fair or a seasonal farmers’ market.

11.02.270 Street merchant

“Street merchant” means a merchant selling goods from a fixed location within a parking lot, pedestrian plaza, public property or right-of-way using a vending cart, food vehicle, street merchant structure or temporary seasonal structure.

11.02.280 Street merchant structure

“Street merchant structure” means a structure typically larger than a vending cart that is not intended to be moved by one vendor. Such structure is intended to be set up and stationary in one location, is less than two hundred square feet and is not permanently affixed to its location by a permanent foundation. Examples include an espresso stand, year-round fruit and vegetable stand, or other similar building intended to be used for street merchant activity as defined in this Chapter.

11.02.290 Temporary/seasonal retail stand

“Temporary/seasonal retail stand” means a stand to sell seasonal retail items on a temporary basis. These include fireworks stands, if allowed, Christmas tree stands and local agricultural fruit stands.

11.02.300 Variance

“Variance” means a modification of the regulations because of the unusual nature, shape, exceptional topographic conditions, or extraordinary situation or conditions connected with a specific piece of property, where the literal enforcement of this title would pose undue hardship unnecessary in carrying out the spirit of this title.

11.02.310 **Vending cart**

“Vending cart” means a movable cart that is used to serve, vend, or provide food, nonalcoholic beverages, or flowers.

Chapter 11.03 Application Process ~~1A APPLICATION FORMS~~

11.03.010 ~~1A.010~~ Application Forms

- A. An application shall be made using the appropriate form adopted by the department.
- B. Each adopted application form shall, at a minimum, include the following information:
1. The application form be filled out legibly, in blue or black ink, either hand printed or typewritten.
 2. The name, mailing address and telephone number of each applicant.
 3. The name, mailing address and telephone number of the applicant's representative, if any.
 4. The name, mailing address and telephone number of each owner of the subject property, if different than the applicant(s).
 5. The name, mailing address, telephone number and contractor registration number of the applicant's prime contractor and City of Lacey business registration number, if applicable.
 6. The parcel number, legal description and assessor's parcel map for each parcel which is the subject of the proposed development.
 7. The signature of each applicant or the applicant's authorized representative and each property owner if different than the applicant(s).
 8. Any other information, documents or materials as determined by the department, which may be required in the body of the form or by an attachment to the form.
 9. Mailing addresses for parcels within a minimum of 300-feet for projects requiring a public hearing. Village Center projects require addresses for parcels within a minimum of 1,000-feet of the subject property. The mailing list shall be prepared by a Title Company and in the form of labels and a paper copy. The addresses shall be the actual mailing address for the parcel.
- C. Each application form shall require designation of a single person or entity to receive determinations and notices required under this Chapter, the Lacey Municipal Code or by RCW Chapter 36.70B. Where a determination or notice to the "applicant" is required by this Chapter, Lacey Municipal Code or RCW Chapter 36.70B, "applicant" shall mean the person or entity so designated.
- D. Each application shall contain the following statements:
1. An application shall become vested on the date a determination of completeness is made pursuant to ~~LMC 11.03.070, Section 1B.050 of the City of Lacey Development Guidelines and Public Works Standards~~. Thereafter, the application shall be reviewed under the codes, regulations and other laws in effect on the date of vesting.
 2. In the event an applicant substantially changes the proposed development after a determination of completeness, as determined by the department the application shall not be considered vested until a new determination of completeness on the changes is made pursuant ~~LMC 11.03.070, to Section 1B.050 of the City of Lacey Development Guidelines and Public Works Standards.~~

3. In the performance of their functions and duties, authorized members of a committee, commission or review staff of the City of Lacey may enter upon any land and make examinations as part of the review of a land use application.

~~1B~~ **Application Process**

11.03.020 ~~1B.010~~ **Application pProcess**

The application process shall consist of the following components:

- A. ~~_____~~ • Pre-submission Meetings
- B. ~~_____~~ • Application Submittal Review
- C. ~~_____~~ • Determination of Completeness
- D. ~~_____~~ • Notice of Application
- E. ~~_____~~ • Comment Period
- F. ~~_____~~ • Application Review
- G. ~~_____~~ • Public Hearing (if applicable)
- H. ~~_____~~ • Public Meeting (if applicable)
- I. ~~_____~~ • Notice of Final Decision

11.03.030 ~~1B.020~~ **Pre-submission Mmeetings**

A. All prospective applicants shall participate in a Pre-submission Meeting. The department may waive the requirement of a Pre-submission Meeting where proposed development is subject to Limited Administrative Review.

B. The purpose of the Pre-submission Meeting is to provide the applicant with the best available information regarding the development proposal and application processing requirements, and to assure the availability of complete and accurate information necessary for review prior to the applicant's expenditure of application fees and the scheduling of the application review process.

C. The Pre-submission Meeting provides an opportunity for the applicant, staff and other agencies to informally discuss and review the proposed development, the application and permit requirements, fees, the review process and schedule, and applicable development standards, plans, policies, and laws.

D. The Pre-submission Meeting shall take place virtually via electronic platform, or in person at the department's office, unless the department and the applicant agree upon another location. The length of the Pre-submission Meeting shall be determined by the complexity of the development proposed by the applicant.

E. An applicant may request additional Pre-submission Meetings if the proposed development changes based on information received at the previous meeting. The additional meetings shall be subject to the same procedures as the initial Pre-submission Meeting.

F. Application forms shall be made available to the applicant following a Pre-submission Meeting.

11.03.040 ~~1B.030~~ **Consolidated Aapplication Pprocess**

When more than one application for a proposed development is required, the applicant may elect to have all applications submitted for review at one time.

A. Applications for proposed development and planned actions subject to the provisions of the State Environmental Policy Act (SEPA) shall be reviewed concurrently and in accordance with state and local laws, regulations and ordinances.

B. When more than one application is submitted under a consolidated review and the applications are subject to different types of review procedures, all of the applications for the proposed development shall be subject to the most stringent level of review procedure which applies to any of the applications.

C. If an applicant elects a consolidated application process, the Determination of Completeness, the Notice of Application, and the Notice of Final Decision must include all applications being reviewed.

11.03.0501B.040- Application Ssubmittal Rreview Aappointment

A. A review of the submitted application shall be conducted at a scheduled pre-application submittal meeting with department staff to determine if the application is complete. The application submittal review shall determine if adequate information is provided in or with the application in order to begin processing the application and all required information and materials have been supplied in sufficient detail to begin the application review process. All information and materials required by the application form and from the Pre-submission Meeting must be submitted. All studies supporting the application or addressing projected impacts of the proposed development must be submitted.

B. The purpose of the aApplication sSubmittal rReview appointment is to ensure adequate information is contained in the application materials to demonstrate consistency with applicable comprehensive plans, development regulations and other applicable Ceity codes. Department staff will coordinate the involvement of agencies responsible for the review of setbacks, landscaping, parking, drainage, access, roads, traffic, signage, utilities and any other applicable requirements.

11.03.060 Contents of application

For an application to be deemed complete for purposes of beginning the formal project review and starting the review clock, the following basic submittal information shall be provided. During project review, additional information or studies may be requested in writing by the department if needed to address particular aspects of the project or site. At a minimum all of the of the following information and materials shall be included:

A. A fully completed and signed application.

B. Applicable review fees as prescribed by the City of Lacey fee schedule.

C. All information and materials described on the applicable application form.

D. A fully completed and signed environmental checklist for projects subject to review under the State Environmental Policy Act.

E. A scaled site plan prepared by a licensed engineer, surveyor, architect, or qualified professional, disclosing all existing and proposed structures and features applicable to the desired development; for example, parking, landscaping, preliminary drainage plans with supporting calculations, signage, setbacks, etc.

F. Any additional information and materials identified at the Pre-submission Meeting or required by applicable development standards, plans, policies or any other federal, state or local laws.

G. Any supplemental information or special studies identified by the department.

H. If the procedural submission requirements, as outlined on the project permit application have been provided the need for additional information or studies may not preclude a completeness determination.

I. The department may waive certain submittal requirements based on site and application specific factors.

11.03.0701B-050 _Determination of ~~C~~completeness

A. Within twenty-eight (28) days after receiving an application, the department shall complete the Application Submittal Review and provide the applicant a written determination that the application is complete or incomplete. The number of days shall be calculated by counting every calendar day.

B. An application shall be determined complete only when it contains all procedural submission requirements of the department in accordance with LMC 11.03.060, ~~as outlined on the project permit application~~. Additional information or studies may be required or project modifications may be undertaken subsequent to the procedural review of the application. ~~At a minimum all of the of the following information and materials shall be included:~~

~~1. A fully completed and signed application.~~

~~2. Applicable review fees as prescribed by the City of Lacey fee schedule.~~

~~3. All information and materials described on the applicable application form.~~

~~4. A fully completed and signed environmental checklist for projects subject to review under the State Environmental Policy Act.~~

~~5. A scaleable plot plan prepared by a licensed engineer, surveyor, architect, or qualified professional, disclosing all existing and proposed structures and features applicable to the desired development; for example, parking, landscaping, preliminary drainage plans with supporting calculations, signage, setbacks, etc.~~

~~6. Any additional information and materials identified at the Pre-submission Meeting or required by applicable development standards, plans, policies or any other federal, state or local laws.~~

~~7. Any supplemental information or special studies identified by the department.~~

~~8. If the procedural submission requirements, as outlined on the project permit application have been provided the need for additional information or studies may not preclude a completeness determination.~~

~~9. The department may waive certain submittal requirements based on site and application specific factors.~~

C. For applications determined to be incomplete, the department shall notify the applicant in writing that the procedural submission requirements have not been met and shall outline what is necessary to make the application procedurally complete. Within fourteen (14) days after its receipt of the requested requirements,

information or materials, the department shall issue a Determination of Completeness or identify the additional requirements, information, or materials still necessary for completeness.

D. A Determination of Completeness shall identify, to the extent known, other local, state or federal agencies that may have jurisdiction over some aspect of the application.

E. A Determination of Completeness shall not preclude the department from requesting additional information or studies, if additional information is required or a change in the proposed development occurs.

F. An application shall be deemed procedurally complete on the 29th day after receiving a project permit application if a determination is not provided in writing that the application is procedurally incomplete. When the department does not provide a written determination they may still seek additional information or studies to enable review of the application

G. The notice of application shall be provided within 14 days after the determination of completeness pursuant to RCW 36.70B.110

11.03.0801B.060 _Application ~~v~~Vesting

A. An application shall become vested on the date a determination of completeness is made under this Title. Thereafter, the application shall be reviewed under the codes, regulations and other laws in effect on the date of vesting.

B. In the event an applicant substantially changes the proposed development after a determination of completeness, as determined by the department, the application shall not be considered vested until a new determination of completeness on the changes is made under this Title.

11.03.090 Time limits

A. The number of days an application is in review with the City shall be calculated from the day completeness is determined, to the date the final decision is issued. The number of days shall be calculated by counting every calendar day.

B. In determining the number of days that have elapsed after the director has established that a land use permit application is complete, the following periods shall be excluded:

1. Any period following the day the City has notified the applicant, in writing, that additional information is required to further process the application and the day when the responsive information is resubmitted by the applicant;

2. Any period after the applicant has informed the City, in writing, that they would like to temporarily suspend review of the application until the time the applicant notifies the department, in writing, that they would like to resume the application;

3. Any time period after an administrative appeal is filed until the administrative appeal is resolved and any additional time period provided by the administrative appeal has expired;

4. The time periods to process a permit shall start over if an applicant proposes a change in use that adds or removes commercial or residential elements from the original application that would make

the application fail to meet the determination of procedural completeness for the new use, as required under RCW 36.70B.070.

C. An additional 30 days may be added to the time periods for action to issue a final decision for each type of project permit if:

1. The applicant informs the department, in writing, that they would like to temporarily suspend the review of the project for more than 60 days; or

2. The applicant is not responsive for more than 60 consecutive days after the City has notified the applicant that additional information is required to further process the application. Upon request for additional information the City shall provide a notice that nonresponsiveness for 60 consecutive days may result in 30 days being added to the time for review.

D. For the purposes of this subsection, “nonresponsiveness” means that an applicant is not making demonstrable progress on providing additional requested information, or that there is no ongoing communication from the applicant to the City on the applicant’s ability or willingness to provide the additional information.

E. Once the City has notified the applicant, in writing, that additional information is required to further process the application, the applicant shall have ninety days to submit the requested information to the department.

1. If the applicant does not submit the requested information within the ninety-day period, the application shall expire.

2. Prior to the expiration date, the applicant may request an extension of time in writing. The enforcing officer may grant an extension if the required studies or information warrant additional time.

3. The City shall notify the applicant upon the written request for additional information of the time limits for resubmittal. Knowledge of and compliance with all time limits shall be the responsibility of the applicant.

F. For applications subject to limited administrative review and full administrative review where the department has determined that additional information is required to further process the application, and the department has requested such information on two occasions without resolution:

1. The department shall meet with the applicant during the review process to attempt to resolve outstanding issues. Within fourteen (14) days of a second request for corrections, the department shall contact the applicant to arrange a meeting to discuss outstanding issues at a date and time agreed upon by both parties.

2. If the meeting does not resolve the issues related to the permit, and the department makes a third request for corrections or additional information, the department shall approve or deny the application upon receiving the materials unless the department and the applicant agree, in writing, to continue the review process beyond the third submittal if the project cannot be approved at that time.

G. Annual amendments to the comprehensive plan are not subject to the timeline requirements of this section.

H. Nothing in this section prohibits the City from extending the deadline for issuing a decision for a specific project permit application for any reasonable period of time mutually agreed upon by the applicant and the City.

11.03.1001B.070 _Notice of Aapplication

A. Within fourteen days after issuing a determination of completeness, the department shall issue a notice of application. However, a notice of application shall not be required for project permits that are categorically exempt under Cchapter 43.21 RCW, unless an open record public hearing is required or an open record appeal hearing is allowed on the project permit decision. The notice shall include, but not be limited to the following:

1. The date of application, the date of the Determination of Completeness, and the date of the Notice of Application.
2. A description of the proposed project action, a list of permits required for the application, and if applicable a list of any studies requested.
3. The identification of other required permits not included in the application, to the extent known by the department.
4. The identification of existing environmental documents which evaluate the proposed development and the location where the application and any studies can be reviewed.
5. A statement of the public comment period, which shall be fourteen days following the date of the Notice of Application, and a statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and receive a statement of any appeal rights. The notice shall state the date which the comment period begins and the date and time on which the comment period ends.
6. When applicable, the date, time, location and type of hearing, if scheduled at the date of the Notice of Application.
7. A statement of the preliminary determination, if one has been made at the time of Notice of Application, of those development regulations that will be used for project mitigation and of consistency with the type of land use of the proposed site, the density and intensity of proposed development, infrastructure necessary to serve the development, and the character of the development.
8. Any other information determined by the department to be appropriate.

B. Informing the pPublic

1. No notice shall be required for limited administrative review.
2. Notice shall be provided for land use applications subject to the full administrative review procedures outlined in LMC 11.04.040~~Section 1C.030~~ in the following manner, except for short

subdivision applications, which shall be subject to the notification requirements of subsection (3) below:

a. ~~Publishing the Notice of Application.~~ The notice of application shall be published in the official newspaper of the City of Lacey and include at a minimum the following information: the project location, description, type of permit required, comment period dates and location where the complete application may be reviewed.

3. Notice shall be provided for land use applications subject to the quasi-judicial or legislative review procedures outlined in LMC 11.04.050 and 11.04.060 ~~Sections 1C.050 and 1C.060~~ and short subdivisions in the following manner:

a. ~~Posting the Notice of Application.~~ The Notice of Application shall be posted on the subject property for the duration of the public comment period and at a minimum include the following information: the project location, description, type of permit required, comment period dates and location where the complete application may be reviewed. The Notice of Application shall be posted in a manner that is highly visible to the general public from the public right-of-way adjacent to the site.

b. ~~Publishing a Notice of Application.~~ The notice of application shall be published in the official newspaper of the City of Lacey, and include at a minimum the following information: the project location, description, type of permit required, comment period dates and location where the complete application may be reviewed.

C. The Notice of Application is not a substitute for any required notice of a public hearing.

11.03.110 Notice of final decision

A. A notice of final decision on an application shall be issued by the department in the following time periods based on notice requirements of the application:

1. For project permits that do not require public notice, those projects subject to limited administrative review, a final decision shall be issued within 65 days of the determination of completeness.

2. For project permits requiring a public notice, those projects subject to full administrative review, a final decision shall be issued within 100 days of the determination of completeness.

3. For project permits requiring public notice and a public hearing, those projects subject to quasi-judicial review, a final decision shall be issued within 170 days of the determination of completeness

B. The number of days in which a final decision must be issued shall be calculated in accordance with LMC 11.03.090.

C. Nothing in this section prohibits the City from extending the deadline for issuing a decision for a specific project permit application for any reasonable period of time mutually agreed upon by the applicant and the City.

D. A notice of final decision does not apply to projects subject to legislative review.

Chapter 11.04 Application Review~~1C Application Review~~

11.04.010~~1C.010~~ **Application Review standards**~~Criteria~~

A. Review of an application and proposed development shall be governed by and be consistent with the fundamental land use planning policies and decisions which have been made in adopted comprehensive plans and development regulations.

B. The review process shall consider the type of land use permitted at the proposed site, the density and intensity of the proposed development, the infrastructure available and needed to serve the development, the character of the development and its consistency with development regulations.

C. In the absence of applicable development regulations, the applicable development criteria in the comprehensive plan or sub-area plan adopted under RCW 36.70A shall be determinative.

11.04.020~~1C.020~~ **Application Review**~~c~~ **Classification**

A. An application shall be reviewed at one of four levels: Limited Administrative Review, Full Administrative Review, Quasi-Judicial Review, or Legislative Review.

B. If ~~any~~this Chapter or the Lacey Municipal Code provides that a proposed development is subject to a specific type of review, or a different review procedure is required by law, then the application for such development shall be processed and reviewed accordingly.

C. If this Title does not provide for a specific type of review and/or if a different review procedure is not required by law, then the department shall determine the type of review to be used for the type and intensity of the proposed development.

~~C~~D. Any public meeting or required open hearing may be combined by the department with any public meeting or open record hearing that may be held on the proposed development by another local, state, federal or other agency. Hearings shall be combined if requested by the applicant. However, joint hearings must be held within the City of Lacey and within the time limits of this Title and RCW Chapter 36.70B.

11.04.030~~1C.030~~ **Limited Administrative Review of Applications**

The review procedure under Limited Administrative Review shall be as follows:

A. The department may approve, approve with conditions, or deny applications subject to administrative review after the date the application is accepted as complete, without public notice. ~~A final decision on the application shall be issued within 65 days of determination of completeness.~~

~~B. Should the department determine that modifications are required to the permit materials prior to issuance of a decision and the department has requested modifications on two occasions without resolution, the department shall meet with the applicant during the review process to attempt to resolve outstanding issues. Within fourteen (14) days of a second request for corrections, the department shall contact the applicant to arrange a meeting to discuss outstanding issues at a date and time agreed upon by both parties. If the meeting does not resolve the issues related to the permit, and the department makes a third request for corrections or additional information, the department shall approved or deny the application upon receiving the materials unless the department and the applicant agree, in writing, to continue the review process beyond~~

~~the third submittal if the project cannot be approved at that time. A final decision on the application shall be issued within 65 days of determination of completeness, in accordance with LMC 11.03.070.~~

11.04.0401C.040 - Full Administrative Review of Applications

The review procedure under Full Administrative Review shall be as follows:

A. If the proposed development is subject to the State Environmental Policy Act (SEPA), the threshold determination shall be made after the closing of the public comment period associated with the Notice of Application.

B. The community development department shall distribute copies of the complete application to agencies and departments affected by the proposal or with review authority. The community development department shall set a date for return of findings and recommendations from each commenting agency or department.

C. Upon the completion of the application comment period and the issuance of an environmental determination, if applicable, the department may approve, approve with conditions, or deny the application. The department shall mail the notice of decision to the applicant and all parties of record. The decision shall include:

1. A statement of the applicable criteria and standards in the development codes and other applicable law.
2. A statement of the findings of the review authority, stating the application's compliance or non-compliance with applicable criteria, and assurance of compliance with applicable standards~~;~~
3. The decision to approve or deny the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with all applicable law~~;~~
4. A statement that the decision is final unless appealed as provided in Section 1D "Appeals" to the City of Lacey Hearings Examiner within fourteen (14) calendar days after the date the notice of decision is mailed. The appeal closing date shall be listed. The statement shall describe how a party may appeal the decision, including applicable fees and the elements of a notice of appeal~~;~~ and
5. A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for review. The notice shall list the place, days and times when the case file is available for review and the name and telephone number of the department's representative to contact to arrange for a review.

~~6. Should the department determine that modifications are required to the permit materials prior to issuance of a decision and the department has requested modifications on two occasions without resolution, the department shall meet with the applicant during the review process to attempt to resolve outstanding issues. Within fourteen (14) days of a second request for corrections, the department shall contact the applicant to arrange a meeting to discuss outstanding issues at a date and time agreed upon by both parties. If the meeting does not resolve the issues related to the permit, and the department makes a third request for corrections or additional information, the department shall approved or deny the application upon receiving the materials unless the department and the applicant agree, in writing, to continue the review process beyond the third submittal if the project cannot be approved at that time.~~

D. A final decision on the application shall be issued within 100 days of determination of completeness, in accordance with LMC 11.03.070.

11.04.0501C.050 - Quasi-judicial rReview of Applications

The review procedure under Quasi-Judicial Review shall be as follows:

A. If the proposed development is subject to the State Environmental Policy Act (SEPA), the threshold determination shall be made after the closing of the public comment period associated with the Notice of Application.

B. The community and economic development department shall distribute copies of the complete application to agencies and departments affected by the proposal or with review authority. The community and economic development department shall set a date for return of findings and recommendations from each commenting agency or department.

C. Upon the completion of the application comment period, the issuance of an environmental determination and of the environmental appeal period, the department shall schedule a hearing with the City of Lacey Hearings Examiner, when applicable.

D. At least ten (10) days before the date of a public hearing the department shall issue public notice of the date, time, location and purpose of the hearing by posting the subject site and the nearest intersection, posting at Ceity Hhall, publishing notice in the official Ceity newspaper and mailing notice to property owners of record located within a minimum of 300 feet of the subject property¹. If the applicant owns adjoining land, the distance of notification shall be measured from outside of the applicant's ownership. Failure to receive a public hearing notice shall not invalidate the hearing.

E. At least ten (10) days before the date of the public hearing, the department shall issue a written staff report, integrating the SEPA review and threshold determination and recommendation regarding the application(s), shall make available to the public a copy of the staff report for review and inspection, and shall provide a copy of the staff report and recommendation to the applicant or the applicant's designated representative. The department shall make available a copy of the staff report, subject to payment of a reasonable charge, to other parties who request it.

F. Public hearings shall be conducted in accordance with the rules of procedure adopted by the Hearings Examiner. A public hearing shall be recorded on either audio or audio-visual tape. If for any reason the hearing cannot be completed on the date set in the public notice, it may be continued during the public hearing to a specified date, time and location without further public notice required.

G. The Hearings Examiner may approve, approve with conditions or deny the application and shall provide written notice of its decision to the council, department, applicant, the applicant's designated representative, the property owner(s), and any other parties of record within fourteen (14) days of the close of the public hearing. The final decision of the Hearings Examiner shall include:

1. A statement of the applicable criteria, standards and law;
2. A statement of the findings the Hearings Examiner made showing the proposal does or does not comply with applicable approval criteria and assurance of compliance with applicable standards;
3. A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for review. The notice shall list the place, days and times when the

case file is available for review and the name and telephone number of the department representative to contact to arrange for a review;~~;~~

3. A statement that the decision is final unless appealed, pursuant to ~~Chapter 11.05 LMC~~~~Section 11.04.060~~ ~~“Appeals”~~, to Superior Court within twenty-one days of the issuance of the decision. The appeal closing date shall be listed; ~~and~~.

4. A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection. The notice shall state the place, days and times when the case file is available for inspection and the name and telephone number of the department’s representative to contact to arrange inspection.

H. A final decision shall be issued within 170 days of the determination of completeness, in accordance with LMC 11.03.070.

~~11.04.060~~~~C.060~~ Legislative ~~r~~Review of Applications

Legislative Review requires at least one public hearing before the City of Lacey Planning Commission and one public meeting before the Lacey City Council. Legislative Review shall be conducted as follows:

A. If the proposed development is subject to the State Environmental Policy Act (SEPA), the threshold determination shall be made after the closing of the public comment period.

B. Upon the completion of the comment period required by SEPA and the issuance of an environmental determination if applicable, the department shall schedule an open record hearing with the City of Lacey Planning Commission.

C. At least ten (10) days before the date of the Planning Commission open record hearing the department shall issue public notice of the date, time, location and purpose of the hearing by posting at ~~Ceity H~~ hall and publishing notice in the official ~~Ceity~~ newspaper. The notice shall include notice of the SEPA threshold determination issued by the department. If the project is site specific, in addition to the abovementioned notifications, the subject site shall be posted and notice shall be mailed to property owners of record located within a minimum of 300-feet of the subject site.

D. At least ten (10) days prior to the open record hearing, the department shall issue a written staff report regarding the application(s), shall make available to the public a copy of the staff report for review and shall mail a copy of the staff report and recommendation to the applicant or the applicant’s designated representative, and Planning Commission members. The department shall make available a copy of the staff report, subject to payment of a reasonable charge, to other parties who request it.

E. Following the public hearing, in accordance with RCW 36.70A.035, the recommendation of the Planning Commission shall be forwarded to the City Council. Upon receiving the recommendation from the Planning Commission, the City Council shall set a public meeting to consider the proposal, at which the Council may accept, modify or reject the recommendation.

F. The City Council may accept, modify, deny or remand the proposal back to the Planning Commission for further review. The approval of comprehensive plan amendments and zoning changes by the City Council shall be adopted by ordinance.

G. The final decision of the City Council shall be in writing and include:

1. A statement of the applicable criteria and law;
2. A statement of the findings indicating the application's or proposed development's compliance or non-compliance with each applicable approval criterion;
3. If denied, a statement that the decision is final unless appealed, pursuant to ~~Chapter 11.05 LMC Section 1D "Appeals"~~, to Superior Court within twenty-one (21) days of the issuance of the decision, as determined pursuant to RCW 36.70A.280. The appeal closing date shall be listed; ~~and~~
4. A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection. The notice shall state the place, days and times when the case file is available for inspection and the name and telephone number of the department representative to contact to arrange inspection.

~~1C.070 Notice of Final Decision*~~

~~A. A Notice of Final Decision on an application shall be issued by the Department in the following time periods based on notice requirements of the application:—~~

- ~~1. For project permits that do not require public notice, those projects subject to limited administrative review, a final decision shall be issued within 65 days of the determination of completeness.~~
- ~~2. For project permits requiring a public notice, those projects subject to full administrative review, a final decision shall be issued within 100 days of the determination of completeness.~~
- ~~3. For project permits requiring public notice AND a public hearing, quasi-judicial projects, a final decision shall be issued within 170 days of the determination of completeness~~

~~B. The number of days an application is in review with the City shall be calculated from the day completeness is determined, to the date the final decision is issued. The number of days shall be calculated by counting every calendar day. The following time periods shall be excluded from the number of days:~~

- ~~1. Any period following the day the City has notified the applicant, in writing, that additional information is required to further process the application and the day when the responsive information is resubmitted by the applicant;~~
- ~~2. Any period after the applicant has informed the City, in writing, that they would like to temporarily suspend review of the application until the time the applicant notifies the department, in writing, that they would like to resume the application;~~
- ~~3. Any time period after an administrative appeal is filed until the administrative appeal is resolved and any additional time period provided by the administrative appeal has expired;~~
- ~~4. The time periods to process a permit shall start over if an applicant proposes a change in use that adds or removes commercial or residential elements from the original application that would make the application fail to meet the determination of procedural completeness for the new use, as required under RCW 36.70B.070;~~
- ~~5. If, at any time, the applicant informs the department, in writing, that they would like to temporarily suspend the review of the project for more than 60 days, or if the applicant is not responsive for more than~~

~~60 consecutive days after the City has notified the applicant that additional information is required to further process the application, an additional 30 days may be added to the time periods for action to issue a final decision for each type of project permit. Written notice to the applicant that additional information is required to process the application must include a notice that nonresponsiveness for 60 consecutive days may result in 30 days being added to the time for review. “nonresponsiveness” means that an applicant is not making demonstrable progress on providing additional requested information, or that there is no ongoing communication from the applicant on the applicants ability or willingness to provide the additional information.~~

~~C. Annual amendments to the comprehensive plan are not subject to the timeline requirements of this section.~~

~~D. Nothing in this section prohibits the city from extending the deadline for issuing a decision for a specific project permit application for any reasonable period of time mutually agreed upon by the applicant and the city.~~

~~E. A notice of final decision does not apply to projects subject to legislative review.~~

Chapter 11.05 ~~1D~~ Appeals

11.05.010 ~~1D.010~~ Appeals

A. An administrative appeal of a decision of the department after Limited and Full Administrative Review shall be filed with the department by the applicant or any party of record pursuant to LMC 11.05.030 ~~Section 1D.030~~. The Hearings Examiner at a public hearing shall hear the administrative appeal as an open record appeal.

B. An appeal of a final decision by the Hearings Examiner shall be timely filed as a judicial appeal pursuant to LMC 11.05.060 ~~Section 1D.070~~.

C. An appeal of a final decision of the City Council shall be timely filed as a judicial appeal pursuant to LMC 11.05.060 ~~Section 1D.070~~.

D. The City shall have no obligation to the applicant or to any party to defend an appeal of a decision of the department, Hearings Examiner or the City Council.

E. An aggrieved person, agency or department with standing may appeal a decision made by the City of Lacey. A person, agency or department with standing is one who is a party of record, as defined in Chapter 11.02 LMC ~~Section 1D.030~~.

11.05.020 ~~1D.020~~ Stays

All proceedings on appealed action stayed unless an imminent peril. The filing of an appeal shall stay all proceedings and furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the land use ~~H~~earings ~~E~~xaminer after the notice of the appeal is filed, that by reason of facts stated in the certificate, a stay would, in the opinion of such official, cause imminent peril to life and property. In such case the proceedings shall not be stayed unless the land use ~~H~~earings ~~E~~xaminer specifically orders such a stay.

11.05.030 ~~1D.030~~ Appeals to Hearings Examiner

A. ~~Appellant~~ Appeals may be taken to the Hearings Examiner only by a party of record or by any officer, department, board, council or commission of the City affected by any order, requirement, permit, decision or determination made by an administrative official in the administration or enforcement of this ~~T~~itle or any amendment thereto. Such appeals shall be filed in writing with the Department on forms provided by the Department within fourteen (14) days after the date of decision and shall be accompanied by the required fee. The Department shall promptly forward a copy of such appeal to the Examiner.

B. ~~Basis of Appeal and Relief Sought~~. Every appeal shall state in writing:

1. The decision being appealed.
2. The name and address of the appellant and his/her interest(s) in the application or proposed development.
3. The specific reasons why the appellant believes the decision to be erroneous, including identification of each finding of fact, each conclusion, and each condition or action ordered which the appellant alleges is erroneous. The appellant shall have the burden of proving the decision is erroneous.

4. The specific relief sought by the appellant.

C. ~~Dismissal~~—Failure to state specific grounds of the appeal and relief sought may result in dismissal of such appeal. The ~~C~~city staff or any party may request dismissal of an appeal at any time with notice to all parties. Upon finding that the appeal fails to state cause to reverse or modify the decision or that the Examiner lacks jurisdiction to grant relief, the Examiner may dismiss such appeal without hearing. The Examiner shall state in writing whether such dismissal is with or without prejudice.

D. ~~Notice and Record~~—Upon the finding that an appeal has sufficient merit the Hearings Examiner shall set the time and place at which the matter will be heard. At least a ten (10) day notice of the time and place of such open record appeal hearing shall be given to the parties of record and to the official whose decision is being appealed. The Department shall transmit to the Hearings Examiner a copy of all of the records pertaining to the decision being appealed, together with written reports as the Hearings Examiner deems pertinent.

E. ~~Waiver of Hearing~~—By agreement of all parties thereto, the appeal hearing may be waived. Such appeal may be decided by the Examiner on the basis of written briefs or memoranda.

F. ~~Standard of Review~~—The Examiner shall only grant the relief requested by an appellant upon finding that the appellant has established that:

1. The staff failed to follow a prescribed administrative procedure related to the underlying action;
2. The staff's decision was an erroneous interpretation of the law;
3. The decision is not supported by substantial evidence within the context of the whole record;
4. The decision is a clearly erroneous application of the law to the facts;
5. The decision is outside the authority or jurisdiction of the decision-maker;
6. The decision violates the constitutional rights of the party seeking relief, or
7. The decision is clearly in conflict with the City's adopted plans, policies or ordinances.

G. ~~Decision~~—The decision of the Examiner shall be limited to those issues timely raised on appeal. The Examiner may not reconsider or modify aspects of a project previously considered and settled by another final decision of the City. In exercising the powers granted herein, the Hearings Examiner may, in conformity with this ~~T~~itle, reverse or affirm, wholly or in part, or may modify the order, requirements, decision or determination appealed.

H. ~~Building Code Appeals~~—All appeals filed in accordance with LMC 14.18.030 shall be heard by the Hearings Examiner. Such appeals shall follow the procedures contained herein.

11.05.040~~11.040~~—Reconsideration of ~~h~~Hearings ~~e~~Examiner decision

Decisions or recommendations of the ~~H~~earings ~~E~~xaminer may be reconsidered. Further, prior to issuing a decision, the Examiner may reconvene any hearing or continue any other proceeding in such manner as the Examiner deems appropriate to ensure a fair, timely, and reasoned decision.

A. After issuance of a final decision or recommendation any party, including the Department of Community Development, may file a motion for reconsideration on an appeal to the Hearings Examiner in accordance with subsection (B) of this Section. Such motion must be filed within fourteen days of service of the final decision or recommendation. The original of the motion for reconsideration shall be filed at the Community Development Department with a copy to the City Attorney's Office. At the same time, copies shall be served on all parties of record. Within five days of filing the motion for reconsideration, a party may file an answer to the motion for reconsideration. The Hearings Examiner may require other parties to supply an answer. All answers to motions for reconsideration shall be served on all parties of record.

B. A motion for reconsideration shall be based on at least one of the following grounds:

1. Errors of procedure or misinterpretation of fact or law, material to the party seeking reconsideration;
2. Irregularity in the hearing before the Hearings Examiner by which such party was prevented from having a fair hearing; or
3. Clerical mistakes in the final decision and order.

C. In response to a motion for reconsideration, the Hearings Examiner may deny the motion, modify its decision or recommendation, or reopen the hearing. A motion is deemed denied unless the Hearings Examiner takes action within 20 days of the filing of the motion for reconsideration. A Hearings Examiner order on a motion for reconsideration is not subject to a motion for reconsideration.

D. A decision in response to the petition for reconsideration shall constitute a final decision and order for purposes of judicial review. Copies of the final decision and order shall be served on each party or the party's attorney or other authorized representative of record, unless the decision is deemed denied following the 20-day time frame set forth in Subsection C of this Section.

E. The time for an appeal does not commence until disposition of the motion for reconsideration. If the Hearings Examiner takes no action under subsection (3) of this Section, the motion for reconsideration is deemed disposed at the end of the 20-day period. The filing of a motion for reconsideration is not a prerequisite for seeking judicial review.

11.05.0501D.050 - Clarification of Hhearings Examiner decision

A. Any interested party believing that a decision or recommendation of the Hearings Examiner is ambiguous, vague, or internally inconsistent may request clarification of the decision by the Examiner. Such a request shall be submitted to the Department with the applicable fee and shall set forth the specific provision requiring additional clarity. The Department shall forward such request to the Examiner. Upon receipt of such a request, the Hearings Examiner may take action as the Examiner deems appropriate to the circumstances.

B. A request for clarification shall not provide an opportunity for reconsideration of a decision nor for introduction of new evidence. Except as ordered by the Examiner, the filing of a request for clarification shall not alter any appeal period or delay issuance of any permit.

C. When the Examiner determines that a clarification is in order, the Examiner may issue a supplemental or clarified decision or recommendation. As deemed appropriate by the Examiner, the Examiner may order

that the supplemental or clarified decision or recommendation be subject to appropriate notice and an opportunity for appeal.

11.05.0601D.070 - Judicial ~~a~~Appeals of ~~f~~Final ~~d~~Decisions

A. Appeals of an action of the City, with respect to an application for which all administrative appeals specifically authorized have been timely exhausted, shall be filed in the Thurston County Superior Court and served on all necessary parties within twenty-one (21) days after the date of issuance of the Notice of Final Decision, as determined pursuant to RCW 36.70C.040.

B. Notice of the appeal and any other pleadings required to be filed with the Superior Court shall be served on the City Manager, the City Attorney, and the Director of Community Development within the twenty-one (21) day time period.

C. The appellant may arrange for transcription of any hearings held on the application and copies from the file. All costs of transcribing the record, copying the file, and preparing the record on appeal shall be paid by the appellant. The appellant shall, prior to the department's preparation of the record, pay an advance deposit to the department in an amount determined by the department's fee schedule for copying materials. The fee schedule shall represent the department's reasonable costs of duplicating the record. Any excess advance deposit shall be promptly refunded to the appellant.

D. The action of the City Council approving Comprehensive Plan amendments shall be final and conclusive, unless appealed to the Growth Management Hearings Board as provided under the Revised Code of Washington. The cost of preparing and certifying the transcript of records ordered by the Board shall be borne by appellant.

E. Appeals of a decision to grant, deny or rescind a shoreline permit shall be governed by the provisions of Chapter 90.58 of the Revised Code of Washington.

11.05.0701D.080 - SEPA ~~a~~Appeals

A. Any appeal brought under the State Environmental Policy Act (SEPA) shall be linked to a specific governmental action. SEPA provides a basis for challenging whether governmental action is in compliance with the substantive and procedural provisions of RCW Chapter 43.21C, WAC Chapter 197-11 and Title 14 of the Lacey Municipal Code. It is not intended to create an independent cause of action unrelated to a specific governmental action.

B. Appeals of environmental determinations made (or lacking) under SEPA shall be commenced within fourteen calendar days from the date the environmental determination is made. The environmental appeal hearing shall be consolidated into the public hearing for the underlying permit application for applications subject to quasi-judicial review. Appeals of an environmental determination associated with an application subject to full administrative review or legislative review defined as a non-project action under SEPA shall be scheduled for a public hearing before the City of Lacey Hearings Examiner.

C. Any SEPA appeal hearing associated with full administrative review shall not occur until after the underlying administrative decision has been issued.

D. Quasi-judicial hearings shall not occur sooner than 10 days from expiration of a SEPA appeal deadline.

E. A person aggrieved by a City action or failure to act has the right to a judicial appeal pursuant to RCW Chapter 43.21C, RCW Chapter 36.70C and WAC Chapter 197-11.

Chapter 11.06 Interpretations and Amendments

11.06.010 Purpose

The purpose of this Chapter is to describe the procedures and review criteria for amendments to, and interpretations of City of Lacey Municipal Code. Code interpretations provide temporary clarification of subject code. Once an interpretation is issued, the subject will be submitted to the docket for amendments.

11.06.020 Authority

In accordance with RCW 36.70A.470, a summary containing written comments on suggested development regulation amendments shall be coordinated by the Department of Community and Economic Development. The text revision process is the means to either suggest a change, or to identify needed corrections, or both. The Community and Economic Development Director has the authority to issue code interpretations of provisions within the following Titles:

A. LMC Title 11 Development Procedures; and

B. LMC Title 14 Building and Construction; and

C. LMC Title 15 Land Division; and

D. LMC Title 16 Zoning.

11.06.030 Applicability

A. Proposed amendments may be suggested by:

1. The Mayor, City Council, or Planning Commission by submitting the request in writing to the Community and Economic Development Director.
2. The Community and Economic Development Director.
3. Private parties by submitting an application to the Department of Community and Economic Development.
4. Code interpretations issued by the Community and Economic Development Director.

B. Any person may submit a written request for code interpretation to the Community and Economic Development Director, regarding any applicable title as listed in LMC 11.06.020 or any subsequent amendment thereto.

11.06.040 Review process for amendments

A. Applications for amendments may be accepted at any time and placed on the docket. Imperative amendments designated by the Mayor, City Council, or Planning Commission may be given higher priority and processed outside the annual process outlined in this section.

B. The Department of Community and Economic Development shall keep a docket of suggested amendments that includes the following:

1. Name and address of the person or agency requesting the amendment;
2. Description of the amendment;
3. Date of the request; and
4. Map of the affected area, if appropriate.

C. The Council may review the docket to determine which applications to include in the Planning Commission's annual work program.

D. The Department of Community and Economic Development shall conduct its review of the proposed amendment concurrently with Planning Commission review. However, all departmental reporting and evaluation, including necessary environmental review, shall be completed prior to the Planning Commission making recommendations on the amendments.

E. Public noticing and comment periods shall follow the process for legislative review of applications in accordance with LMC 11.04.060.

F. The Planning Commission shall forward a recommendation to the City Council after a public hearing.

G. Amendments under this Chapter shall be adopted by ordinance of the City Council after review by the City Council.

11.06.050 Review criteria for amendments

All amendments will be evaluated on their merits based upon the following:

- A. Consistency and compliance with the Comprehensive Plan; and
- B. All revisions must meet with at least one of the following criteria:
 1. The revision eliminates conflicts within the code or between the code and the Comprehensive Plan; or
 2. The revision changes code language to provide clarity, consistency, or ease of administration; or
 3. The revision directly implements policies of the Comprehensive Plan; or
 4. The revision accommodates new policy directives of the City Council or Administration.

11.06.060 Review process for interpretations

A. Requests for code interpretations shall include:

1. The section of the code that is allegedly ambiguous or needing clarification;

2. The subject matter or nature of the request; and

3. Any facts relevant to the request.

B. The Community and Economic Development Director may deny or reject the request if there is no ambiguity or need for clarification demonstrated by the requestor.

C. Once an interpretation is issued, the Director may consider the issue resolved and reject future requests to render an interpretation on the matter.

D. The Community and Economic Development Director shall post proposed interpretations on the City website for public review comment and possible appeal.

E. Approved interpretations shall follow the process of amendments in accordance with LMC 11.06.040 and be amended annually.

Chapter ~~11.0716.84~~ Site Plan Review

~~11.07.01016.84.010~~ Applicability ~~Site plan review required, application and committee membership.~~

~~A.~~ Site plan review and approval shall be required for any of the following activities:

~~1.A.~~ The use of land for the location of any commercial, industrial or public building or activity, and for the location of any building containing more than two dwelling units or lot with more than one residential structure other than a permitted accessory dwelling.

~~2.B.~~ A change of land use at an existing site or structure when the new activity requires either a change of occupancy according to the Building Code or is a change of land use according to the Standard Industrial Classification code and, in the opinion of the community and economic development director, results in an intensification of land use and will require new development conditions to comply with existing regulations. This provision may not apply to malls (buildings with ten or more tenants sharing common parking) where original conditions to establish the mall complex anticipated a range of tenants and existing facilities and where it can be shown existing infrastructure can accommodate the new intensified use.

~~3.C.~~ Expansion of an existing commercial, industrial, public or multifamily structure or use. Provided residential duplexes are exempt.

~~4.D.~~ A remodel of an existing structure where the remodel is fifty percent or more of the assessed valuation of existing structures. The remodel value shall be calculated according to methodology described in Chapter 14.04 LMC adopting the Building Code. The value of existing structures shall be the most recent value assigned by the county assessor. The fifty percent threshold shall be cumulative over the most recent five years, including calculations of all previously exempt remodels, but shall not include life/safety improvements or normal maintenance not requiring a building permit. Remodels of residential duplex, triplex, and quadraplex shall be exempt from site plan review.

~~5.E.~~ Uses and activities within designated environmentally sensitive areas or their buffers pursuant to the requirements of LMC Title 14.

~~B.~~ ~~An application, in completed form, shall be filed for site plan review and approval with the department of community and economic development. An application shall not be in completed form under this section if it fails to contain any of the information and material required under LMC 16.84.060.~~

~~C.~~ ~~The site plan review committee shall consist of the following members: Lacey staff planner, who shall serve as chairman; city manager; and the city director of public works, or their designees in their temporary absence. (Ord. 1539 §132, 2019; Ord. 1220 §55, 2004; Ord. 1208 §74, 2003; Ord. 1192 §187, 2002; Ord. 1154 §18, 2001; Ord. 1098 §19(C), 1999; Ord. 1080 §16, 1998; Ord. 1044 §28, 1996; Ord. 912 §14, 1991; Ord. 583 §2.03(A) (part), 1980).~~

~~16.84.015~~ Presubmission conference.

~~Prior to the submission of a site plan review application, the applicant shall attend a presubmission conference in accordance with Section 1B.020 of the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1192 §188, 2002).~~

11.07.02016.84.020 **Authority**~~Review by the site plan review committee (SPRC).~~

A. The Site Plan Review Committee (SPRC) shall consist of the following members:

1. City of Lacey staff planner, who shall serve as chairman;
2. City of Lacey manager; and
3. City of Lacey Director of Public Works, or their designees.

~~A.B.~~ The SPRC shall review a site plan in accordance with the full administrative review process and timelines outlined in ~~Section 1C.040 of the City of Lacey Development Guidelines and Public Works Standards LMC 11.04.040~~. The site plan shall be approved or approved with conditions to conform to the standards, provisions and policies of the ~~e~~City as expressed in its various adopted plans and ordinances. Whenever the SPRC disapproves a site plan, it shall set forth in writing its findings, which shall specify the particular standards, provisions and policies to which the site plan fails to conform and the reasons why it fails to conform.

~~B.C.~~ The ~~site plan review committee (SPRC)~~ shall have the prerogative of refusing to rule on a site plan review if in the opinion of the SPRC the site plan is sufficiently complex that it should be reviewed by the ~~H~~earings ~~E~~xaminer according to the quasi-judicial process in ~~Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards LMC 11.04.050~~. The SPRC shall decide to transfer review authority to the ~~H~~earings ~~E~~xaminer within fourteen days of the Determination of Completeness, according to ~~Section 1B.070 of the City of Lacey Development Guidelines and Public Works Standards LMC 11.03.070~~. (Ord. 1192 §189, 2002; Ord. 1035 §25, 1996; Ord. 583 §2.03(A)(1), 1980).

16.84.025 **Appeals.**

~~Any decision of the city of Lacey in the administration of Chapter 16.84 LMC may be appealed in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1192 §190, 2002).~~

11.07.030 **Review criteria**

Site plans are reviewed by the SPRC or Hearings Examiner to determine consistency between the proposed project and the applicability regulations and Comprehensive Plan provisions. Approval shall be granted upon the following determination:

A. Whether a proposed project is consistent with applicable development regulations, as governed by the underlying zoning district, such as:

1. The type of land use;
2. The level of development, such as units per acre or other measures of density;
3. Availability of infrastructure, including public facilities and services needed to serve the development; and

4. The character and elements of development. Site plan elements subject to review under this Chapter include, but are not limited to:

- a. Site layout;
- b. Building orientation;
- c. Pedestrian and vehicular access;
- d. Signage;
- e. Landscaping and natural features of the site;
- f. Integration of stormwater management techniques;
- g. Screening and buffering;
- h. Parking and loading arrangements, and illumination; and
- i. Design review

B. Whether building design and site design comply with the following provisions:

- 1. LMC Title 11, Comprehensive Plan, City-wide regulations, and the appendices that carry out these titles;
- 2. The provisions of LMC Title 14 that affect building location and general site design; and
- 3. The Washington State Environmental Policy Act (SEPA), if not otherwise satisfied.

~~16.84.030~~ — ~~Repealed~~

~~Repealed by Ord. 1192.~~

~~16.84.040~~ — ~~Repealed~~

~~Repealed by Ord. 1192.~~

~~16.84.050~~ — ~~Repealed~~

~~Repealed by Ord. 1192.~~

11.07.040~~16.84.060~~ Contents of application.

In addition to the information required by LMC 11.03.060, Each application for site plan review shall contain the following information in clear and intelligible form:

A. The title and location of the proposed development, together with the names, addresses and telephone numbers of the record owner or owners of the land and of the applicant, and, if applicable, the names, addresses and telephone numbers of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;

B. The proposed use or uses of the land and buildings;

C. A site plan drawing or drawings at a scale of not less than one inch for each fifty feet which shall include or show:

1. The location of all existing and proposed structures, including, but not limited to, buildings, fences, culverts, bridges, roads and streets on the subject property,

2. The boundaries of the property proposed to be developed and, if the property is to be divided pursuant to a final binding site plan, the boundaries of each proposed lot within the property,

3. All proposed and existing buildings and setback lines,

4. All areas, if any, to be preserved as buffers or to be dedicated to a public, private or community use or for open space under the provisions of this or any other eCity ordinance, information regarding percentage of area covered, locations and general types of landscaping,

5. All existing and proposed easements,

6. The locations of all existing and proposed utility structures and lines,

7. The stormwater drainage systems for existing and proposed structures,

8. All means of vehicular and pedestrian ingress and egress at the site and the size and location of driveways, streets and roads,

9. The location and design of off-street parking areas showing their size and locations of internal circulation and parking spaces,

10. The location of all loading spaces, including, but not limited to, truck loading platforms and loading docks,

11. Location and area, in square feet, of all signs;

D. Topographic map or maps which delineate contours, both existing and proposed, at intervals of two feet, and which locate existing lakes, streams and forested areas;

E. The existing zoning district of the proposed development site and any other zoning district within three hundred feet of the site;

F. All special districts, including, but not limited to, fire, school and water districts, in which the proposed development shall be located and all such districts within three hundred feet of the proposed development;

G. The proposed number of square feet in paved or covered surfaces, whether covered by buildings, driveways, parking lots, or any other structure covering land; and the total amount of square feet in the entire proposed development site;

H. The proposed number of dwelling units and number of bedrooms in the development;

I. The proposed number of square feet in gross floor area for each commercial and industrial use;

J. A description of each proposed commercial and industrial use;

K. The written recommendations of the health department, the building department, engineering department and fire department as to any portion of the site plan application covering areas within their respective jurisdictions.

L. For properties containing wetlands or wetland buffers pursuant to Chapter 14.28 LMC, all informational requirements specified in Chapter 14.28 LMC shall be included in the applications. (Ord. 1058 §2, 1997; Ord. 912 §16, 1991; Ord. 583 §2.03(D), 1980).

~~16.84.070~~ ~~Additional information for review.~~

~~The SPRC, hearings examiner or city council may require the applicant to submit any additional information or material which it finds is necessary for the proper review and hearing of the application. (Ord. 583 §2.03(E), 1980).~~

11.07.050~~16.84.080~~ ~~Amendment of site plan.~~

A site plan granted approval by the SPRC, Hearings Examiner or by the eCity eCouncil may be amended. If, in the opinion of the ~~director of community and economic development enforcing officer~~, the modifications are considered minor, no additional review process shall be required. If the modifications are considered significant by the ~~director of community and economic development enforcing officer~~, then the site plan shall be modified by the same procedures provided under LMC 16.84.020(A) 11.07.020. (Ord. 1539 §133, 2019; Ord. 1220 §56, 2004; Ord. 1192 §194, 2002; Ord. 583 §2.03(F), 1980).

~~16.84.090~~ ~~Repealed~~

~~Repealed by Ord. 1192~~

11.07.060 Appeals

Any decision of the City of Lacey in the administration of Chapter 11.07 LMC may be appealed in accordance with Chapter 11.05 LMC.

11.07.070~~16.84.100~~ ~~Duration of approval.~~

A. Approval of the site plan shall be effective for eighteen months from the date of approval by the SPRC site plan review committee. During this time, the terms and conditions upon which approval was given will not change. Within eighteen months of the date of approval a grading and/or building permit must be issued and work (site preparation) started, or the approval shall automatically terminate. In addition, if the

approved site plan calls for a division of land pursuant to a final binding site plan, such final binding site plan must be submitted for final approval within such eighteen-month period.

B. However, upon the application of the owner or representative, the ~~SPRC site plan review committee~~ shall extend the approval period for one six-month time period unless since the initial approval substantive change has been made in the regulations, ordinances, requirements, policies or standards which impact the site.

C. Knowledge of expiration date and initiation of a request for extension of approval time is the responsibility of the applicant. The ~~e~~City shall not be held responsible for notification of expirations, although it may notify the applicant of date of expiration. All requests for additional time must be submitted to the community development department prior to expiration of site plan approval. (Ord. 1427 §1, 2013; Ord. 1192 §196, 2002; Ord. 1058 §3, 1997; Ord. 691 §42, 1984).

16.84.105 Noncompliance ~~Penalty.~~

If the enforcing officer determines that there has been continuing noncompliance with the conditions of site plan review approval previously granted by the ~~Site Plan Review Committee~~ SPRC, such officer may schedule a meeting before such committee for purposes of determining whether such approval shall be revoked, suspended or modified. Notice of such meeting shall be provided to the current land owner and the applicant whose project has been approved. At the conclusion of such meeting, the ~~Site Plan Review committee~~ SPRC may revoke, suspend or modify a site plan review approval previously granted for the project or uses listed, if such committee determines that there has been continuing noncompliance with the conditions of such permit or other regulations governing such use. (Ord. 1220 §57, 2004).

~~16.84.110~~ ~~Repealed~~

Chapter ~~16.90~~11.08 Variances

11.08.010 Intent

Where difficulties exist rendering compliance with the zoning ordinance impractical and such compliance would create unnecessary hardship to the owners or users of land or buildings, a variance may be granted.

11.08.020 Authority

A. The enforcing officer may grant a variance in accordance with the full administrative review process and timelines outlined in LMC 11.04.040 if:

1. The variance does not exceed 25 percent of any measurable standard; or
2. The variance would alleviate the need for a Wetland Development Permit.

B. The Hearing Examiner may grant a variance in accordance with the quasi-judicial review process and timelines outlined in LMC 11.04.050 for circumstances not listed in LMC 11.08.030 (A).

11.08.030 Limitation on authority

A variance may not be granted to any of the following provisions of Lacey Municipal Code:

A. Any development standards or requirements relating to residential density minimums or maximums, units per structure or units per lot;

B. Any provision establishing the uses that are permitted to locate or that may continue to operate in any zone;

C. Any procedural or administrative provision;

D. Any provision of this Chapter; or

E. Any provision from which a variance is expressly prohibited.

11.08.040~~16.90.005~~ Review criteria~~Granted upon certain findings.~~

A land use hearings examiner shall not grant a variance shall not be granted unless the examiner makes all of the following findings are made:

A. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone that the subject property ~~, on behalf of which the application was filed,~~ is located;

B. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property ~~, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;~~

C. That the special conditions and circumstances that exist on the subject property are not a result of the applicant;

D. That the strict application of the code is found to deprive the subject property owner of rights and privileges enjoyed by other property owners in the vicinity and in the zone in which the subject property is located; and

~~EE.~~ That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated;~~;~~ ~~and~~

~~D. That the special conditions and circumstances do not result from the actions of the applicant. (Ord. 1192 §199, 2002).~~

~~16.90.010 When granted.~~

~~If all the criteria in LMC 16.90.005 can be met, the hearings examiner may grant a variance according to the quasi-judicial process and timelines outlined in Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1192 §200, 2002; Ord. 583 §2.07(A), 1980).~~

~~16.90.020 Front and rear yard setback variance.~~

~~The enforcing officer may grant a modification of up to ten percent from the front and rear setback requirements in residential zones provided the findings can be made as listed in LMC 16.90.005. This does not preclude other variances from being considered as provided in LMC 16.90.010. (Ord. 1192 §201, 2002; Ord. 691 §43, 1984).~~

11.08.50 Additional conditions of approval

Before granting a variance, the Hearing Examiner or enforcing officer, as determined by LMC 11.08.020, may prescribe appropriate conditions and safeguards that will ensure that the purpose and intent of any Title of the Lacey Municipal Code is not violated.

11.08.060 Duration of approval

A. If a building permit has not been issued, or if construction activity or operation has not commenced within three years from the date of final approval, the variance shall expire.

B. If the use or activity for which the variance was granted is vacated for a period of three years, the variance shall expire.

C. If it is determined that the variance no longer meets the conditions set forward at the time of initial approval the variance may be terminated, or such standards added will achieve compliance with the original conditions.

D. Knowledge of all expirations is the responsibility of the applicant. The City shall not be responsible for providing notification prior to expiration.

Chapter 16.66 11.09 Conditional Uses and Permits

11.09.01016.66.010 Intent.

It is the intent of this chapter to:

- A. Provide for the location of certain types of uses, services and facilities which, because of their unique characteristics, cannot (or should not) be limited to or automatically included in specific land use classification districts;
- B. Permit essential services and facilities which are needed or may be needed by or in the community, but the exact nature, scale, or location of which cannot be foreseen or predicted;
- C. Provide a classification system for essential public facilities as defined in RCW 36.70A.200 to determine those essential public facilities requiring regional review;
- D. Provide a review opportunity to surrounding jurisdictions that may be impacted by the siting of essential public facilities as defined in RCW 36.70A.200;
- E. Establish development standards for such uses and facilities in order that properties adjacent to such uses, especially properties which are of clearly different character from the use or uses identified in this Chapter, are reasonably protected from adverse effects or impact of these conditional uses;
- F. Authorize the eCity to impose reasonable conditions, restrictions and development requirements on conditional uses as may be deemed appropriate for a conditional use in any given land use district;
- G. Provide for a review process which will enable eCity officials, the general public and proponents of conditional uses to evaluate the need, location, scale and development characteristics of said uses and their impact on adjacent properties and the community as a whole, to the end that such uses may be approved, modified, or disapproved fairly and objectively;
- H. It relieves the ordinance codified in this Title and its enforcement officials from the burden of trying to identify every district in which a specific and unique use should be included as a conditional use;
- I. Just as other Chapters of this Title try to achieve flexibility by describing rather than listing permitted uses in each district, this Chapter should contribute to the desired flexibility by recognizing the limits of predictability;
- J. It further enhances flexibility since the development standards for a particular use may vary depending upon the specific location for which it is proposed. (Ord. 1236 §1, 2005; Ord. 1192 §169, 2002; Ord. 691 §38, 1984; Ord. 583 §2.27(A), 1980).

11.09.02016.66.020 Permitted uses.

Specific types permitted in accordance with the intent of this Chapter, and subject to reasonable conditions imposed by the eCity, are categorized and identified as follows:

- A. Personal or community service facilities such as:

1. Nursery schools and preschools,
2. Child day care centers when proposed in those districts specified in Chapter 16.65 LMC,
3. Funeral parlors, mortuaries and crematoria, provided these are permitted uses in the cemetery zone,
4. Senior citizen centers,
5. Nursing homes, convalescent care facilities, and
6. Cemeteries; provided once a cemetery is approved the property shall be designated as cemetery on the eCity's zoning map.

B. Places of public assembly, including:

1. Churches (or other places of worship),
2. Sports arenas or stadia,
3. Fraternal organizations and lodges, and
4. Private clubs;

C. Public utilities and their appurtenances, such as:

1. Electrical substations,
2. Pumping, lift stations or similar regulatory appurtenances for the transmission or distribution of electricity, natural gas, water and sewage, oil or steam, and storage tanks for any of the above, including water towers,
3. Solid waste disposal facilities, including transfer stations, incinerators and sanitary landfills, and
4. Radio, television or telephone stations; commercial wireless communication facilities are subject to the requirements as specified in Chapter 16.68 LMC.

D. Public safety and emergency response facilities, including:

1. Police stations,
2. Fire stations,
3. Emergency medical centers, and
4. Hospitals;

E. Public and private transport/ maintenance facilities, including:

1. Airports, landing strips, heliports or helipads, including waterborne craft,
2. Marinas, docks, piers, or breakwater devices, regardless of size or purpose,
3. Railroad terminals, switching facilities, maintenance or repair shops, and spurs,
4. Bus terminals, storage or maintenance facilities,
5. Automobile parking facilities or structures other than those specifically required in Chapter 16.72 LMC in connection with permitted uses,
6. Corporation yards;

F. Sexual offender secure community transition facilities as defined in RCW 71.09.020, which facilities are mandated by the state of Washington pursuant to Chapter 71.09 RCW. The siting of such facilities shall be subject to the conditions identified in Chapter ~~16.66~~11.09 LMC.

G. Uses which are similar or related to those uses described in subsections A through E of this section. (Ord. 1186 §1, 2002; Ord. 1080 §14, 1998; Ord. 931 §11, 1992; Ord. 927 §17, 1992; Ord. 691 §39, 1984; Ord. 583 §2.27(B)(1,2), 1980).

~~11.09.030~~16.66.030 ~~Authority~~Control of uses.

~~A. A conditional use permit may be granted by the Hearings Examiner, after public hearing and review, for those uses requiring such permits as provided for in this Title. Conditional uses permits shall be subject to the review process as provided for in in accordance with the quasi-judicial process and timelines outlined in LMC 11.04.050Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards or as otherwise noted in this chapter.~~ (Ord. 1192 §170, 2002; Ord. 691 §40, 1984; Ord. 583 §2.27(B)(3), 1980).

~~B. In reviewing a conditional use permit, the Hearings Examiner shall impose all requirements for such use, as prescribed in this Title and other conditions and safeguards as are necessary to secure adequate protection for the locality in which the use is to be permitted. The Hearings Examiner shall establish a time limit, within which action for which the conditional use is required shall be begun, completed, or both.~~

11.09.040 Review criteria

The Hearings Examiner may approve, or approve with conditions, an application for a conditional use permit if all the following findings are made:

A. The proposed use is consistent with the Comprehensive Plan;

B. The design is compatible with and responds to the existing or intended character, appearance, quality of development, and physical characteristics of the subject property and the immediate vicinity;

C. The proposed use at the proposed location will not result in substantial or undue adverse effects on the adjacent properties;

D. The use at the proposed location will not result in a detrimental overconcentration of a particular use within the City or within the immediate area of the proposed use;

E. Adequate parking is, or will be made, available for the proposed use;

F. Potential noise, light, and glare impacts from the proposed use have been, or will be, evaluated and mitigated;

G. Landscaping is, or will be, provided in all areas not occupied by buildings, paving, or critical areas. Additional landscaping may be required to buffer adjacent properties from potentially adverse effects of the proposed use;

H. The proposed use will be served by adequate public facilities including streets, fire protection, and utilities; and

I. The proposed use complies with any and all applicable standards and requirements of this code.

11.09.05016.66.040 Environmental performance standards.

A. Conditional uses shall comply with the environmental performance standards as described in Chapter 16.57 LMC, and may be required to comply with stricter standards upon a finding by the eCity that stricter standards are necessary and reasonable to protect adjacent properties or the health or general welfare of the community.

B. Specific requirements are established in this Chapter for certain conditional uses. In the event that the specific requirements are found to be in conflict with the requirements of the use district in which the conditional use is to be located, the requirements of Chapter 16.66 LMC shall govern. (Ord. 1192 §171, 2002; Ord. 583 §2.27(C)(1), 1980).

11.09.06016.66.050 Design standards.

A. The design standards for permitted uses in a given district shall be the initial base of reference in determining the design standards for conditional uses in the same district.

B. The enforcing officer is authorized to alter or vary the design of the district for a conditional use when such alteration or variation is found to be reasonable to protect adjacent properties or the health or general welfare of the community.

C. Design standards which may be altered or varied for conditional uses include but are not necessarily limited to the following:

1. Size and shape of lots (i.e., minimum area, width, depth, setbacks and building heights);
2. Maximum building coverage;
3. Maximum development coverage;

4. Off-street parking and loading;
5. Landscaping, buffering and screening.

D. All development requirements established for a conditional use in a given district shall be documented in appropriate written and/or graphic form so as to provide a permanent public record to assure compliance prior to, during and after construction of the conditional use. (Ord. 1192 §172, 2002; Ord. 583 §2.27(C)(2), 1980).

11.09.070~~16.66.055~~ Standards for ~~s~~Sexual ~~o~~ffender ~~s~~ecure ~~c~~ommunity ~~t~~ransition facilities.

A. In addition to standards identified in LMC ~~16.66.040~~11.09.050 and ~~16.66.050~~11.09.060 sexual offender secure community transition facility system shall meet such additional standards as are designed to mitigate the unique concerns of this use and are consistent with the requirements of state law.

B. No sexual offender secure community transition facility shall have more than three beds to be utilized by sexual offenders. No such facility shall, at any time, have a population of sexual offenders exceeding three.

C. This use can be considered for location only in the Light Industrial Zone, provided a site meets all other location requirements of Chapter ~~16.66~~11.09 LMC.

D. No sexual offender secure community transition facility shall be located within one quarter of a mile of another such secure community transition facility and a proposal for siting shall be in compliance with the requirements of state law regarding equitable distribution of such facilities.

E. The location of a sexual offender secure community transition facility shall not be adjacent to, immediately across a street or parking lot from, or within the line of sight of any risk potential activity or facility. "Risk Potential Activity" or "Risk Potential Facility" means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center for sexual offenders. Risk potential activities and facilities shall include but not be limited to:

1. Existing public and private schools and existing sites designated as Open Space Institutional by the ~~e~~City specifically for school sites, and designated by the North Thurston Public School District as a school site by the District's Comprehensive Plan;
2. School bus stops;
3. Licensed day care and licensed preschool activities;
4. Public parks, publicly dedicated trails, sports fields and playgrounds;
5. Recreation and community centers;
6. Churches, synagogues, temples, and mosques;
7. Public libraries;

8. Any other risk potential activity or risk potential facility identified by subsequent amendment to state statute, by the Washington State Department of Social and Health Services pursuant to its hearing process mandated by RCW 71.09.315 or in the decision of the ~~H~~earings ~~E~~xaminer or ~~e~~City ~~e~~Council granting or denying a special use permit for the siting of a sexual offenders secure community transition facility.

F. Unless otherwise ordered by a court of competent jurisdiction, all residents of a sexual offender secure community transition facility shall wear electronic monitoring devices at all times. To the extent that electronic monitoring devices that employ global positioning system technology are technically available, such devices shall be used. Such devices shall be part of a secure GPS system approved by the Department of Social and Health Services that cannot be removed by resident. The GPS system shall be capable of locating the resident wherever the resident goes. Such system shall be the best technology available and equipment to monitor the GPS devices shall be provided to the Lacey Police Department or its designee for monitoring purposes.

G. If such a facility is sited within the ~~e~~City of Lacey, the Department of Social and Health Services shall provide for training, information, coordination and capital costs of the Lacey Police Department and shall further fund the need for increased police protection, monitoring and incident response to the facility, all as provided or allowed by state law.

H. Landscaping of the facility shall provide an aesthetically attractive presentation for the zone in which it is located. The landscaping plan shall pay particular attention to mitigation of lighting impacts to adjacent properties ~~as a result of requirements of LMC 16.66.050(K)~~. Landscaping shall comply with the crime prevention through environmental design technique requirements. Additionally, the requirements of Chapter 16.80 LMC shall apply to any facility in the same manner as applied to other developments located within the Light Industrial Zone.

I. Design of the structure and site shall create an aesthetically attractive building and site which is compatible with and enhances the character of the zone in which it is located. Such design shall be subject to the design review process and principles set forth in Chapter 14.23 LMC.

J. An on-premises exterior lighting plan shall be presented to and approved by the ~~e~~Department of ~~p~~ublic ~~w~~orks and the police department of the ~~e~~City as part of the design review process and prior to the operation of the facility. The plan shall utilize the principles of the crime prevention through environmental design technique requirements to provide easy visibility of the site from the street and shall avoid spillage of light onto adjacent properties. All parking areas and premise entries shall be illuminated from dusk till dawn with a lighting system which provides an average maintained horizontal illumination of one foot candle of light, or such lesser amount as shall be approved by such reviewing departments. (Ord. 1186 §2, 2002).

~~11.09.080~~16.66.060 Essential public facilities.

A. *Essential public facilities identified.* Essential public facilities, for purposes of this ~~C~~hapter are public or privately owned or operated facilities while, although serving a public purpose, are typically difficult to site. They include but are not limited to, airports, state educational facilities, state or regional transportation facilities, prisons, jails and other correctional facilities, secure community transition facilities, solid waste handling facilities, inpatient facilities such as group homes and mental health facilities, sewage treatment facilities, and communication towers and antennas.

B. *Special regional review process and minimum standards for essential public facilities.* Essential public facilities shall be processed as a conditional use pursuant to the requirements of this Cchapter. Essential public facilities shall be subject, at a minimum, to the policies provided in adopted county wide planning policies and the City Comprehensive Land Use Plan, and all applicable standards and requirements of the zoning code and other applicable codes and regulations.

C. *Essential public facilities classified.* Essential public facilities are classified, for purposes of this section as follows:

1. Type One: Multi-county facilities. Major facilities serving or potentially affecting more than one county. These facilities include, but are not limited to, regional transportation facilities, such as: regional airports, state correction facilities, and state educational facilities.
2. Type Two: Local or Interlocal facilities serving or potentially affecting residents or property in more than one jurisdiction. They could include, but are not limited to, county jails, county landfills, community colleges, sewage treatment facilities, communication towers, and inpatient facilities, such as: substance abuse facilities, mental health facilities, and group homes.
3. Type Three: Facilities serving or potentially affecting only the eCity of Lacey and its residents.

D. *Essential public facilities determination of classification.* The eCity of Lacey shall determine the type of classification of a proposed essential public facility. In order to enable the eCity to determine the project's classification, the applicant shall identify the approximate area within which the proposed project could potentially have adverse impacts, such as: increased traffic, public safety risks, noise, glare, emissions, or other environmental impacts.

E. *Essential public facilities early notification.* Early notification and involvement of affected citizens and jurisdictions for Type One and Type Two facilities is required as follows:

1. At least ninety days before submitting an application for a Type One or Type Two essential public facility, the prospective applicant shall notify the affected public and jurisdictions of the general type and nature of the proposal, identify sites under consideration for accommodating the proposed facility, and identify opportunities to comment on the proposal. Applications for specific projects shall not be considered complete in the absence of proof of a published notice regarding the proposed project in a newspaper of general circulation in the affected area. This notice shall include the information described above and shall be published at least ninety days prior to the submission of the application.
2. Affected citizens, jurisdictions and the Thurston Regional Planning Council may provide this project sponsor and the eCity of Lacey with their comments or recommendations regarding alternative project locations during this ninety day period. The purpose of this provision is to enable potentially affected jurisdictions and the public to collectively review and comment on alternative sites for major facilities before the project sponsor has made its siting decision.

F. *Essential public facilities consideration of impact on sensitive areas.* Essential public facilities shall not have any probably significant adverse impact on critical areas or resource lands, except for lineal facilities, such as highways, where no feasible alternative exists.

G. *Essential public facilities analysis.* Applicants for Type One and Type Two essential public facilities shall provide an analysis of the alternative sites considered for the proposed facility. This analysis shall include the following:

1. An evaluation of the site's capability to meet basic siting criteria for the proposed facility, such as: size, physical characteristics, access, and availability of necessary utilities and support services;
2. An explanation of the need for the proposed facility in the proposed location;
3. The site's relationship to the service area and the distribution of other similar public facilities within the service area or jurisdiction, whichever is larger; and
4. A general description of the relative environmental, traffic, and social impacts associated with locating the proposed facility at the alternative sites which meet the applicant's basic siting criteria. The applicant shall also identify proposed mitigation measures to alleviate or minimize significant potential impacts.
5. A brief description of the process used to identify and evaluate the alternative sites. (Ord. 1236 §2, 2005).

~~16.66.070 ——— When granted.~~

~~A conditional use permit may be granted by the hearings examiner, after public hearing and review, for those uses requiring such permits as provided for in this title. (Ord. 1650 §27, 2023; Ord. 1192 §174, 2002).~~

~~16.66.080 ——— Application form.~~

~~A written application for a conditional use permit shall be submitted to the community and economic development department on forms as prescribed by the community and economic development department, and shall include such information as requested thereon. No application shall be accepted unless it complies with such requirements. (Ord. 1539 §112, 2019; Ord. 1192 §175, 2002).~~

~~16.66.090 ——— Public hearing.~~

~~One public hearing on any proposed conditional use permit shall be held by the hearings examiner according to the quasi-judicial process and timelines according to the standards in Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1192 §176, 2002).~~

~~16.66.100 ——— Action by hearings examiner.~~

~~In reviewing a conditional use permit, the hearings examiner shall impose all requirements for such use, as prescribed in this title and other conditions and safeguards as are necessary to secure adequate protection for the locality in which the use is to be permitted. The hearings examiner shall establish a time limit, within which action for which the conditional use is required shall be begun, completed, or both. (Ord. 1650 §28, 2023; Ord. 1192 §177, 2002).~~

~~11.09.09016.66.110 ——— Noncompliance-Penalty.~~

If the enforcing officer determines that there has been continuing noncompliance with the conditions of a conditional use permit previously granted by the eCity eCouncil, such officer shall schedule a public hearing before the city's land use Hhearings Examiner for purpose of hearing and making recommendation to the eCity eCouncil regarding the revocation, suspension or modification of such conditional use permit. Refusal by the enforcing officer to so schedule a hearing shall be deemed to be an administrative decision, subject to appeal by an aggrieved party pursuant to the provisions of this code. The procedures to be followed in providing for the public hearing, notice thereof recommendation by the Hhearings Examiner to the eCity eCouncil and action by the eCity eCouncil shall be the same as that action directed to be taken upon application for such a conditional use permit pursuant to the terms of this Chapter.

The eCity eCouncil, after receipt of recommendation from the Hhearings Examiner as provided in this Chapter, may revoke, suspend or modify a conditional use permit previously granted for those uses listed herein when it determines there has been continuing noncompliance with the conditions of such permit or other regulations governing such use. The options for decision before the eCity eCouncil and the final nature of such decision shall be the same as action on an original application. (Ord. 1192 §178, 2002).

Chapter ~~16.60~~11.10-Planned Residential Development

11.10.01~~16.60.010~~ Intent.

It is the intent of this Chapter to:

- A. Encourage imaginative design and the creation of permanent open space by permitting greater flexibility in zoning requirements than is generally permitted by other Chapters of ~~this~~+Title 16;
- B. Preserve or create environmental amenities superior to those generally found in conventional developments;
- C. Create or preserve usable open space for the enjoyment of the occupants;
- D. Preserve to the greatest possible extent the natural characteristics of the land, including topography, natural vegetation, waterways, views, etc.;
- E. Encourage development of a variety of housing types;
- F. Provide for maximum efficiency in the layout of streets, utility networks, and other public improvements; and
- G. Provide a guide for developers and eCity officials in meeting the purpose and provisions of this Chapter. (Ord. 583 §2.16(A), 1980).

~~16.60.020~~ Definitions.

~~Certain words and phrases as defined in this section shall govern the interpretation of this chapter.~~

~~A. "Common open space" means a parcel or parcels of land or a combination of land and water, within the site designed and intended for the use or enjoyment of residents of a planned residential development. Common open space does not include land occupied by buildings, roads, driveways, required parking areas, or the required yards for buildings or structures.~~

~~B. "Home owners association" means an incorporated, nonprofit organization operating under recorded land agreements through which (a) each lot owner is automatically a member; (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining common property; and (c) a charge, if unpaid, becomes a lien against the property.~~

~~C. "Planned residential developments" means any development of land approved and developed in accordance with the terms of this title, including a plat or subdivision of such land.~~

~~D. "Residential development" means any development designed and intended for residential use regardless of the type of building in which such residence is located, i.e., conventional single family dwellings, townhouses, duplexes, fourplexes, or apartment houses. (Ord. 583 §2.16(B), 1980).~~

11.10.02~~16.60.030~~ Where permitted.

Planned residential development may be permitted in the following land use districts consistent with the development standards in LMC ~~16.60.060~~11.10.060 through ~~16.60.140~~11.10.140:

- A. Low density residential district;
- B. Moderate density residential district;
- C. High density residential district. (Ord. 1539 §100, 2019; Ord. 583 §2.16(C), 1980).

11.10.030~~16.60.040~~ Types of uses permitted.

A. ~~Specific Types Permitted.~~ In a planned residential development, the following uses are permitted, provided that they meet the standards and criteria established in this Title:

- 1. Those uses permitted as a matter of right in the underlying zone;
- 2. Residential developments of all types as defined in this Chapter;
- 3. As a secondary use, the following neighborhood commercial uses may be permitted in a ~~PRD~~ planned residential development subject to the limitations set forth in LMC ~~11.10.120~~16.60.130 and shall be located within the interior:
 - a. Grocery store;~~;~~
 - b. Drug store;~~;~~
 - c. Barber/beauty shop;~~;~~
 - d. Laundromat; ~~and;~~
 - e. Other, unlisted, similar or related uses, provided the enforcing officer and/or the site plan review committee makes the determination that:
 - (1) The particular unlisted use does not conflict with the intent of this Chapter or the policies of the Comprehensive Land Use Plan;
 - (2) The use is appropriate in the development; and
 - (3) The development is served by the proposed use.

B. ~~Other or Related Uses Permitted.~~ Other or related uses permitted include:

- 1. Accessory uses specifically geared to the needs of the residents of the ~~PRD~~ planned residential development such as motor vehicle or boat storage structures, or structures related to open space use, subject to the building and development coverage limitations of the underlying zone;
- 2. Conditional uses as provided in Chapter ~~16.66~~11.09-LMC; and

3. Home occupations as provided in Chapter 16.69 LMC. (Ord. 1220 §50, 2004; Ord. 1192 §158, 2002; Ord. 691 §21, 1984; Ord. 583 §2.16(D), 1980).

11.10.04016.60.050 Relationship to other ordinance provisions.

A. ~~Zoning Requirements.~~ The provisions of the zoning ordinance pertaining to land use of the underlying zoning district shall govern the use of land in a planned residential development.

The specific setback, lot size, height limits and other dimensional requirements are waived, and provided the City may waive other normal design standards if it finds a proposed design provides a better approach to achieving quality and functional neighborhoods as promoted in Lacey's land use plan. ~~Regulations for PRDs shall be those indicated in LMC 16.60.140.~~

B. ~~Platting Requirements.~~ A PRD-planned residential development shall be exempt from the specific design requirements of the subdivision ordinance, except that when any parcel of land in a PRD planned residential development is intended for individual ownership, sale or public dedication, the platting and procedural requirements of the subdivision ordinance and applicable state laws pertaining to the subdivision and conveyancing of land and the preparation of maps shall be followed.

C. ~~Review Process.~~ Applications for PRDs planned residential developments shall be reviewed ~~pursuant to in accordance with~~ the quasi-judicial procedures-review process and timelines contained in LMC 11.04.050Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1192 §159, 2002; Ord. 1098 §18(A), 1999; Ord. 691 §22, 1984; Ord. 583 §2.16(E), 1980).

11.10.05016.60.060 Development standards—~~Generally.~~

The criteria and standards in LMC 16.60.070 11.10.060through 16.60.140 11.20.130 shall govern the interpretation and administration of this Cchapter. (Ord. 583 §2.16(F) (part), 1980).

11.10.06016.60.070 Relationship of PRD site to adjacent areas. Design criteria

A. Applicants must demonstrate that the proposed development will be superior to that which would result without a planned residential development.

B. Applicants must demonstrate that a proposed development will provide specifically identified public benefits that clearly outweigh any adverse impacts or undesirable effects of the proposed planned residential development, particularly those adverse and undesirable impacts to surrounding properties. Public benefits resulting from the planned residential development may include, but are not limited to:

1. Protection of critical areas that would not be protected otherwise to the same degree as without a planned residential development;

2. Preservation, enhancement, or rehabilitation of natural features of the subject property, such as significant woodlands, native vegetation, topography, or noncritical area wildlife habitats, not otherwise required by other City regulations;

3. Provision of public facilities that could not be required by the City for development of the subject property without a planned residential development; or

4. Provision of a planned residential development design that is superior to the design that would result from development of the subject property without a planned residential development. Such a design may include enhanced open space, recreational facilities, landscaping, circulation, building or site design beyond standard code requirements.

C. The design of a planned residential development shall take into account the relationship of the site to the surrounding areas. The perimeter of the ~~PRD~~ planned residential development shall be so designed as to minimize undesirable impact of the ~~PRD~~ planned residential development on adjacent properties and, conversely, to minimize undesirable impact of adjacent land use and development characteristics on the ~~PRD~~ planned residential development. (Ord. 583 §2.16(F)(1), 1980).

11.10.070~~16.60.080~~ Site acreage.

The minimum site for a planned residential development shall be a full block or a portion of a block if it was a numbered block in the original plat of the ~~e~~City, or a numbered block of a subdivision recorded prior to the adoption of the ordinance codified in this Title. For all previously unplatted areas, the minimum site shall be two acres. (Ord. 691 §23, 1984; Ord. 583 §2.16(F)(2), 1980).

11.10.080~~16.60.090~~ Access to public right-of-way.

The major internal street serving the ~~PRD~~ planned residential development shall be connected to at least one major arterial, secondary arterial or collector street. (Ord. 583 §2.16(F)(3), 1980).

11.10.090~~16.60.100~~ Lot size.

The minimum lot size provisions of other ~~C~~hapters of the zoning Title are waived in a planned residential development. (Ord. 583 §2.16(F)(4), 1980).

11.10.100~~16.60.110~~ Setback and side yard requirements.

A. Setbacks from the exterior boundary line of the ~~PRD~~ planned residential development area shall be comparable to or compatible with those of the existing development of adjacent properties, or, if adjacent properties are undeveloped, the type of development which may reasonably be expected on such properties given the existing zoning of such properties or the projections of the Comprehensive Plan. In no event shall such setback be less than twenty feet.

B. Setbacks or side yards between buildings: The standard setbacks and yard requirements between buildings may be waived in a ~~PRD~~ planned residential development. Buildings may have common walls and, therefore, built to the property line as in townhouse construction.

Wherever buildings are separated, a minimum distance of ten feet shall be maintained between such buildings. (Ord. 583 §2.16(F)(5), 1980).

11.10.120~~16.60.120~~ Off-street parking.

Off-street parking shall be provided in a ~~PRD~~ planned residential development in the same ratios for types of buildings and uses as required for the underlying zoning district, and as described in Chapter 16.72 LMC. (Ord. 583 §2.16(F)(6), 1980).

11.10.12016.60.130 Secondary use limitations-

A. Commercial uses are subject to full administrative review procedures contained in ~~Section 1C.040 of the City of Lacey Development Guidelines and Public Works Standards- LMC 11.04.040~~ and shall be provided for in the original, finally approved version of the PRD planned residential development application for the development within which the commercial use is to be integrated. "Original," as is used in this subsection, refers to the PRD planned residential development -application as it existed at the time of its final approval by the eCity eCouncil.

B. The gross floor area of the commercial use shall not exceed the product of thirty square feet multiplied by the number of dwelling units within the development.

The purpose of restricting commercial development is to prevent the PRD planned residential development process from being used as a vehicle for rezoning to commercial use which may not be at all related to the commercial needs of the area. Once a relatively large number of dwelling units have been completed or occupied, the need for such commercial development may be justified. (Ord. 1208 §67, 2003; Ord. 1192 §160, 2002; Ord. 583 §2.16(F)(7), 1980).

11.10.13016.60.140 Design standards-

A. Open space requirements shall be as follows:

1. ~~Common Open Space.~~ Each planned residential development shall provide not less than thirty percent of the gross land area for common open space which shall be either:

- a. Held in single ownership where such ownership assumes full responsibility for maintenance and operation; or
- b. Held in common ownership by all of the owners in the development area; or
- c. Dedicated for public use, if acceptable to the eCity.

2. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the PRD planned residential development; provided, that the building coverage of such building or structure combined with the building coverage of the residential structures shall not exceed the maximum permitted by the underlying zone.

3. ~~Up to fifty percent of the common open space requirement may be satisfied by the preservation of tall stands of trees and/or wetlands and/or critical area habitat and required critical area buffers in consideration of the significant passive recreation opportunities provided by said lands. Development shall be configured to take advantage of these areas as a significant site amenity. These areas should be visually accessible to the public rather than walled off from view. To the extent possible, trail networks should be integrated with these areas. For example, a trail along the wetland buffer is a desirable option. The remaining fifty percent of the common open space area must meet the criteria in subsection (A)(4) of this section. Areas containing critical areas and associated buffers that would otherwise be required to be protected shall not be counted toward the gross land area for common open space.~~

4. Common open space must meet the following design criteria:

a. Must be useable and accessible. All common open spaces intended for public use shall be physically and visually accessible from the adjacent street or major internal pedestrian route. Open spaces shall be in locations accessible to intended users--rather than simply left-over or undevelopable space in locations where very little pedestrian traffic is anticipated. Locations integrated with transit stops, for instance, would be encouraged, as there is likely to be pedestrian traffic in the area.

b. Must be inviting. Inviting open spaces feature amenities and activities that encourage pedestrians to use and explore the space. On a large scale, it could be a combination of active and passive recreational uses. It could include a fountain, sculpture, children's play area, special landscaping element, or even a comfortable place to sit and watch the world go by. In order for people to linger in an open space, it must be comfortable. For instance, a plaza space should receive ample sunlight, particularly at noon, and have design elements that lend the space a "human scale," including landscaping elements, benches and other seating areas, and pedestrian-scaled lighting. No use shall be allowed within the open space that adversely affects the aesthetic appeal or usability of the open space. (See *Table 16T-83*.)

c. ~~Must be safe.~~ Safe open spaces incorporate Crime Prevention through Environmental Design (CPTED) principles:

(1) Natural surveillance--which occurs when parks or plazas are open to view by the public and neighbors. For example, a plaza that features residential units with windows looking down on space means that the space has good "eyes" on the park or plaza.

(2) Lighting that reflects the intended hours of operation.

(3) Landscaping and fencing. Avoid configurations that create dangerous hiding spaces and minimize views.

(4) Entrances should be prominent, well lit, and highly visible from inside and outside of the space.

(5) ~~Maintenance.~~ Open spaces shall utilize commercial grade materials that will last and require minimal maintenance costs. Walls, where necessary, shall be designed and treated to deter graffiti. Use and maintain landscape materials that reduce maintenance cost and maintain visibility, where desired.

d. Provides for uses/activities that appropriately serve the anticipated residents and users of the development. For example, common open space that serves a variety of functions will attract greater usage. When designing open spaces, project applicants should consider a broad range of age groups, from small children to teens, parents, and seniors.

e. Must be designed and placed in consideration of existing and potential open space on adjacent parcels to provide consolidation or opportunities for future consolidation of neighborhood open space areas.

f. ~~Additional Criteria.~~ Additional criteria include:

(1) Consolidation of open space is encouraged to provide maximum access, visibility, usability, minimization of impacts to residential uses, and ease of maintenance.

(2) Existing trees and significant vegetation shall be retained in open space unless an alternative park/landscaping plan consistent with the criteria herein is approved by the site plan review committee.

5. Cash or like value of land area and improvements may be donated to the eCity for open space purposes to fulfill up to fifty percent of open space requirements within that specific parks planning area. Acceptance will be at the discretion of the eCity.

6. ~~Private Open Space.~~ Developments are encouraged to conform to usable open space provisions of the applicable zone. However, at a minimum, three hundred square feet of private, usable open space having a minimum of fifteen feet in depth and width shall be provided for each ground level dwelling unit ~~PRD~~ planned residential development. Such private open space should be visible and accessible from the dwelling unit. When adjacent to common open space, such private open space is to serve as a buffer between dwelling units and common open space.

B. ~~Land Area and Dwelling Unit Computations.~~ Open space, street area, etc., are computed as follows:

1. ~~Street Right of Way.~~ Streets in a ~~PRD~~ planned residential development shall be computed at twenty percent of the gross land area, regardless of the amount of land actually used for streets in the final design.

2. ~~Density.~~ The density of the underlying zone governs unless a density increase is granted as provided in this Cchapter.

3. ~~Density Increase.~~ The eCity may approve an increase in the dwelling unit density up to:

a. In the low density district, fifteen percent.

b. In the moderate density district, twenty percent.

c. In the high density district, twenty-five percent; rounded to the nearest whole number; provided, that the environmental and recreational amenities sought by this Title are met.

4. ~~Development Formula.~~ The computation of the number of dwelling units permitted, and other space requirements, shall be as follows:

DU N/M X 1.2 (1.2 is the incentive factor).
=

G Is gross land area in square feet.

S Is street area (i.e., 20% of G) in square feet.

DU	Is number of dwelling units.
M	Is minimum land area per dwelling unit.
N	Is net buildable site (G-S) in square feet.

EXAMPLE: In a hypothetical five acre site in the moderate density residential district, thirty-two dwelling units are permitted under conventional development procedures, assuming a minimum lot area of five thousand four hundred forty-five square feet, no dedication for other public use, and twenty percent of the land area dedicated for public right-of-way. The calculations are as follows:

$$\begin{aligned} G &= 5 \text{ acres} = 217,800 \text{ sq. ft., gross land area.} \\ S &= 20\% \text{ of } G = 43,560 \text{ sq. ft. of public R.O.W.} \\ G-S &= 174,240 \text{ sq. ft.} \\ DU &= 174,240/5,445 = 31.6 = 32 \text{ dwelling units.} \end{aligned}$$

On the same five acre site, under ~~PRD~~ planned residential development-procedure, thirty-eight dwellings are permitted using the formula shown below:

$$\begin{aligned} DU &= N/M \times 1.2. \\ N &= G-S = 217,800 - 43,560 = 174,240 \text{ sq. ft.} \\ M &= 5,445 \text{ sq. ft. minimum lot area.} \\ DU &= 174,240/5,445 \times 1.2 = 38.4 = 38 \text{ dwelling units.} \end{aligned}$$

C. ~~Landscaping.~~ All landscaping requirements of Chapter 16.80 LMC shall be satisfied. (Ord. 1496 §94, 2016; Ord. 1310 §43, 2008).

~~11.10.140~~16.60.145 Environmental and recreational amenities.

Four of the following five amenities must be provided as part of the ~~PRD~~ planned residential development in order to receive the density bonus as provided in LMC ~~11.10130-16.60.140~~:

- A. Develop and equip significant recreational areas within the common open space with such features as, but not limited to, swimming pools, tennis courts, bike or pedestrian path systems, children's play areas;
- B. Substantial retention of natural ground cover, bushes and trees;
- C. Vegetated LID facilities are included in the design and serve as a visual amenity;
- D. Provide significant access to a lake, river, stream or other natural water body;

E. Provide substantial and exceptional landscaping treatment either as an adjunct to or in lieu of natural landscaping beyond the minimum required. (Ord. 1496 §95, 2016; Ord. 1310 §44, 2008; Ord. 691 §25, 1984).

11.10.15016.60.150 Eligibility and ~~p~~ Review procedure.

~~A. Who May Apply.~~ Any owner or group of owners of property acting jointly, or a developer authorized to act as agent for an owner or group of owners, may submit an application for PRD development.

~~B. Review Procedure.~~ All PRD planned residential development applications shall be reviewed ~~and approved or disapproved~~ pursuant to the quasi-judicial procedures contained in LMC 11.04.050~~Section 1C.050 of the City of Lacey Development Guidelines and Public Works Standards.~~ (Ord. 1192 §161, 2002; Ord. 583 §2.16(G)(1), 1980).

11.10.16016.60.160 Required documentation.

In addition to the information required by LMC 11.03.060, an ~~A~~ application for PRD-planned residential development shall include the following:

A. Vicinity sketch showing the location of the site and its relationship to surrounding areas, including existing streets, driveways, major physiographic features such as railroads, lakes, streams, shorelines, schools, parks, and other prominent features;₃₅

B. A map or maps of the site at a scale not smaller than one hundred feet to the inch, showing all the information required for a preliminary plat plus the following:

1. Site boundaries;₃₅
2. Streets bounding or abutting the site;₃₅
3. Proposed building including dimensions, setbacks, identification of types and the number of dwelling units in each residential type;₃₅
4. Location and dimensions of open spaces;₃₅
5. Existing and proposed contours including natural features;₃₅
6. Parking facilities, their design, size and capacity;₃₅
7. Circulation plan--vehicular and pedestrian, and points of ingress and egress from the site, and their relationship to ingress and egress of neighborhood properties;₃₅
8. Existing buildings and indication of future use or disposition;₃₅
9. Landscaping plan;₃₅
10. Typical front and side elevations and exterior architectural treatments of the proposed units;₃₅ and

11. Conceptual utility plan, including water, sewer, storm drainage and lighting;

C. In addition to the graphic materials, the developer shall submit a written statement providing the following information:

1. Program for development including estimated staging or timing of development, including build-out data to be submitted to the eCity and to the North Thurston School District for each year during the construction period;
2. Proposed ownership pattern upon completion of development;
3. Basic content of restrictive covenants;
4. Provisions to assure permanence and maintenance of common open space through homeowners association formation, condominium development or other means acceptable to the eCity;
5. Statement or tabulation of dwelling unit densities proposed; and;
6. A statement describing the relationship of the proposed PRD-planned residential development to the Lacey development plan. (Ord. 1192 §162, 2002; Ord. 691 §26, 1984; Ord. 583 §2.16(G)(2), 1980).

11.10.17016.60.170 Filing time limitation for applications not involving plats.

An application for final review and approval shall be filed by the applicant within eighteen months of the date on which preliminary approval was given by the eCity eCouncil. If an application includes a plat the timing requirements of LMC Title 15 shall apply. An extension not exceeding six months may be granted by the eHearings eExaminer. If application for final approval is not made within eighteen months or within the time for which an extension has been granted, the plan shall be considered abandoned, and the development of the property shall be subject to the normal requirements and limitations of the underlying zone. (Ord. 1192 §163, 2002; Ord. 1098 §18(B), 1999; Ord. 691 §27, 1984; Ord. 583 §2.16(H)(1), 1980).

11.10.18016.60.180 Partial PRD-planned residential development -area.

An application for final review and approval may be filed for part of a PRD-planned residential development area for which preliminary approval has been granted by the eCity eCouncil. A final plan for a part of a PRD-planned residential development shall provide the same proportion of open space and the same overall dwelling unit density as the overall preliminary plan.

If that portion of the PRD-planned residential development for which final approval is requested does not provide such open space, the developer shall file in escrow a quit-claim deed in favor of the eCity for such additional land area adjacent and accessible to the site, and of sufficient size to provide the open space required to meet the standards of this Title. In the event that the developer abandons the remaining portions of the PRD-planned residential development, the escrow agent shall deliver the quit-claim deed to the eCity or to such other public or private entity as the eCity may direct.

Note: Final approval of a PRD-planned residential development plan shall not be construed to be final plat approval. Plat approval is a separate action and shall be in compliance with state and local subdivision and

platting regulations. (§164, 2002; Ord. 691 §28, 1984; Ord. 583 §2As stated in 16.60.050(B).) (Ord. 1192, 2002).

11.10.19016.60.190 ~~Required documentation.~~Final planned residential development plan

The applicant shall submit at least seven copies of the final development plan of the proposed development to the planning department for its review. The final development plan shall comply with the conditions imposed on the preliminary development plan. In addition, if the development is being subdivided, the data required of regular plats as required by the subdivision ordinance must be submitted. The plan shall include the following:

- A. Final elevation and perspective drawings of project structures;
- B. Final landscaping plan;
- C. Final plans of and including profiles of the drainage, water, sewer, lighting, streets, and sidewalks or pathways;
- D. Such other documentation, information and data not lending itself to graphic presentation such as restrictive covenants, incorporation papers and bylaws of Homeowners' Associations, dedications of easements, rights-of-way, and other conditions specifically required by the ~~h~~Hearings ~~e~~Examiner for the particular ~~PRD~~ planned residential development.

No final development plan shall be deemed acceptable for filing unless all of the above information is submitted in accurate and complete form sufficient for the purposes of planning department review. After receiving the final development plan, the planning department shall route the same to all appropriate ~~e~~City departments, and each department shall again submit to the planning department comments and recommendations.

If the ~~e~~City departments determine that the final map conforms fully with all applicable regulations and standards, the final map shall be presented to the ~~e~~City ~~e~~Council for final approval. (Ord. 1192 §165, 2002; Ord. 691 §30, 1984).

11.10.20016.60.200 ~~Permit issuance.~~

Building permits and other permits required for the construction or development of property under the provisions of this ~~C~~chapter shall be issued only when in the opinion of the enforcing ~~official~~ officer, the work to be performed meets the requirements of the final plan and program elements of the ~~PRD~~ planned residential development. (Ord. 583 §2.16(I)(1), 1980).

11.10.21016.60.210 ~~Adjustments.~~

A. Minor adjustments may be made and approved by the enforcing ~~official~~ officer when a building permit is issued. Minor adjustments are those which may affect the precise dimensions or siting of buildings, but which do not affect the basic character or arrangement of buildings approved in the final plan, nor the density of the development or the open space requirements. Such dimensional adjustments shall not vary more than ten percent from the original.

B. Major adjustments are those which, in the opinion of the enforcing officer, substantially change the basic design, density, open space or other requirements of the planned residential development. When, in the opinion of the enforcing officer, a change constitutes a major adjustment, no building or other permit shall be issued without prior review and approval by the ~~h~~Hearings ~~e~~Examiner of such adjustment. (Ord. 583 §2.16(I)(2), 1980).

11.10.220~~16.60.230~~ Duration of control.

The regulations and controls of the planned residential development ordinance in effect at the time of authorization of a ~~PRD~~ planned residential development-project shall remain in full force and effect for the life of the project. (Ord. 583 §2.16(I)(4), 1980).

11.10.230~~16.60.240~~ Parties bound.

Once the preliminary development plan is approved, all persons and parties, their successors, heirs, or assigns, who own, have, or will have by virtue of purchase, inheritance or assignment, any interest in the real property within the proposed ~~PRD~~ planned residential development, shall be bound by the conditions attending the approval of the development and the provisions of this Title. (Ord. 583 §2.16(I)(5), 1980).

16.60.25011.10.240 Commencement of construction.

A. Construction of the ~~PRD~~ planned residential development-project not involving a plat shall begin within one year from the date of the final approval of the plan.

B. An extension of time for beginning construction may be requested in writing by the applicant, and such extension not exceeding six months may be granted by the ~~council~~ enforcing officer. If construction is not begun within one year or within the time for which an extension has been granted, the plan shall be considered abandoned, and the development of the property shall be subject to the normal requirements and limitations of the underlying zone. If the final approval was a plat no timing requirements for construction shall apply. (Ord. 1098 §18(C), 1999; Ord. 583 §2.16(I)(6), 1980).

Chapter ~~11.11~~ ~~16.70~~ ~~Temporary Use Permits~~ ~~Street Merchants~~

~~11.11.010~~ ~~16.70.010~~ Purpose and Intent.

A temporary use permit allows a use or structure on private or public property on a short-term basis. Such uses or structures may be allowed subject to modified development standards which would not be appropriate for permanent uses in the zoning designation. It is the intent of this ~~C~~chapter to:

- A. Provide an opportunity for temporary uses ~~street merchants~~ in zones where the use would enhance the pedestrian experience and be supportive of the intent and vision of the commercial zone in which it is located.
- B. Provide regulations for the appropriate siting and design of temporary ~~street merchant~~ activities to provide for the compatibility of such use with adjacent retail activities.
- C. Provide standards that protect the public's health, safety and welfare with operation of these activities. (Ord. 1163 §1, 2001).

~~16.70.020~~ Definitions.

~~A. "Approving authority" means the site plan review committee or the director according to the provisions of LMC 16.70.030(B) (process for approval).~~

~~B. "Director" shall refer to the director of the community and economic development department, or his or her designee, that is responsible for administration of limited administrative review pursuant to Section 1C of the Development Guidelines and Public Works Standards.~~

~~C. "Designated food vehicle zone" is an area within a street designated for location of a food vehicles(s) by the director of public works.~~

~~D. "Food vehicle" means a licensed and operable motor vehicle or trailer used to serve, vend, or provide food or nonalcoholic beverages for human consumption from a fixed location or along a route in a public place.~~

~~E. "Handcrafted goods" means goods produced or created by the vendor from raw or basic materials.~~

~~F. "Original art" means art crafted by the vendor or by artists the vendor acts as agent to on consignment of the art work.~~

~~G. "Outdoor shopping center activities and events" means activities normally taking place in parking lots of shopping centers from time to time on a temporary basis. Activities include, but are not limited to, promotions or special showings and sale of boats and recreation vehicles or miscellaneous activities such as pony rides and carnival activities. Such activities attract consumers to the shopping center, both the traveling public and pedestrians in the area, and add flavor to the shopping experience. Activities do not significantly impede parking or circulation at the site or adversely affect permanent businesses in the area.~~

~~H. "Outdoor food court" means one location (parking lot, plaza, or lot) where more than four street merchants selling food have located offering a choice of foods and vendors.~~

~~I. “Public place” means public right of way and the space above or beneath its surface, whether or not opened or improved, including streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, planting strips, squares, triangles, and plazas that are not privately owned.~~

~~J. “Retail stand” means a vending cart, street merchant structure, food vehicle or temporary seasonal structure used for retail sale of approved street merchant merchandise. The retail stand is operated from a fixed location within a parking lot, pedestrian plaza, public property, or right of way and designed and sized to be readily moved.~~

~~K. “Street fair, outdoor food court or market” means a location where multiple street merchants and activities are organized as one function, including but not limited to one site, lot or parking lot designed or converted to accommodate multiple street vendors on a permanent or seasonal basis, the Lacey Fun Fair or a seasonal farmers’ market.~~

~~L. “Street merchant” means a merchant selling goods from a fixed location within a parking lot, pedestrian plaza, public property or right of way using a vending cart, food vehicle, street merchant structure or temporary seasonal structure.~~

~~M. “Street merchant structure” means a structure typically larger than a vending cart that is not intended to be moved by one vendor. Such structure is intended to be set up and stationary in one location, is less than two hundred square feet and is not permanently affixed to its location by a permanent foundation. Examples include an espresso stand, year round fruit and vegetable stand, or other similar building intended to be used for street merchant activity as defined in this chapter.~~

~~N. “Temporary/seasonal retail stand” means a stand to sell seasonal retail items on a temporary basis. These include fireworks stands, if allowed, Christmas tree stands and local agricultural fruit stands.~~

~~O. “Vending cart” means a movable cart that is used to serve, vend, or provide food, nonalcoholic beverages, or flowers. (Ord. 1539 §115, 2019; Ord. 1435 §1, 2014; Ord. 1163 §1, 2001).~~

~~16.70.030 ——— Licensing, review, and approval of street merchant application required.~~

~~A. All business activities shall meet requirements of Chapter 5.12 LMC for city business licensing.~~

~~B. No “street merchant,” “street fair,” “food court,” “market,” “temporary/seasonal retail stand” or “outdoor shopping center activities and events” shall be permitted to operate within the city of Lacey without first obtaining the appropriate planning approval as follows:~~

~~1. *Limited Administrative Review.* Limited administrative review shall generally be required for street merchant activities that are minor in scope and involve use of a vending cart or food vehicle located on private property or a designated pedestrian plaza. A street merchant operating from a street merchant structure located in a parking lot may also qualify for this abbreviated review depending on the size of the area to be used and the scope of activity expected. These applications shall be processed pursuant to the requirements of Section 1C.030 of the City of Lacey Development Guidelines and Public Works Standards.~~

~~2. *Site Plan Review.* Site plan review shall generally be required for street merchant activities that are larger in scope and activity than a single merchant operating from a vending cart including:~~

~~a. Outdoor food courts, shopping center activities, and street fairs and markets that involve multiple (more than three) street merchants.~~

~~b. Applications that are in public right of way that require location in a designated food vehicle zone.~~

~~c. Applications that require special consideration because of location circumstances, size of street merchant structure or area, scope of activity, or potential impacts.~~

~~These applications shall be processed pursuant to the requirements of Chapter 16.84 LMC (Site Plan Review).~~

~~3. *Determining Process.* Based upon the individual characteristics of an application, considering location, size, and scope of use and potential impacts, the director may determine that a street merchant application shall be processed either as a limited administrative review, or as a full site plan review. This determination shall be based upon which process best matches the need for review of a project, considering its individual and unique circumstances, and shall be based upon the sole discretion of the director.~~

~~C. *Complete Application and Content.* Street merchant applications shall include the following information:~~

~~1. Detailed scale drawings of the location of the stand.~~

~~2. The device to be used, materials specifications with drawings showing all four sides of the vending device, color schemes and any logos, printing or signs which will be incorporated. For existing vending devices, color photographs may be substituted for drawings.~~

~~3. The application shall contain a plan for scheduled hours of operation for the season that includes time of day, days of week, months of the year, and scheduled closings.~~

~~4. Written approval of the landowner shall also be submitted at the time of application.~~

~~D. *Permitted Street Merchant Activities.* The approving authority may approve street merchant activities meeting the definition of retail stands and temporary/seasonal retail stands. Provided, the approving authority may approve street fairs, outdoor food courts or markets, or outdoor shopping center activities and events based upon findings consistent with the intent of this chapter and the approval process as outlined in subsection B of this section.~~

~~E. *Approving Authority Consideration and Decision.* The approving authority, as described in subsection B of this section, shall ensure the following items are satisfied when acting upon an application:~~

~~1. The proposal is consistent with the standards and intent of this chapter.~~

~~2. The proposal will enhance the attractiveness of the pedestrian environment in which it is located.~~

~~3. The proposed street merchant activities are designed, oriented and operated to serve pedestrians with the exception of a street merchant structure or temporary/seasonal retail stand located in a parking lot.~~

~~F. Based upon consideration of the application and its consistency with the intent and standards of this chapter, the approving authority may approve or deny an application. In approving an application, the~~

~~approving authority may require any conditions on operation, location or design it deems necessary to ensure compliance with this chapter.~~

~~G. The approving authority may administratively approve any variances from the standards section of this chapter it deems necessary to fully satisfy the intent of this chapter to provide an exceptional pedestrian experience at strategic locations within the city.~~

~~H. When authorizing variances to retail stand criteria, the applicant should demonstrate to the approving authority's satisfaction the approved design will be compatible with surrounding architecture, will add to the pedestrian desirability of the area, and will be a benefit to the neighborhood and zone in which it is located. (Ord. 1435 §2, 2014; Ord. 1192 §183, 2002; Ord. 1163 §1, 2001).~~

11.11.020 Applicability

The standards in this Section will be used for temporary activities characterized by their short-term or seasonal nature. City-sponsored community fairs, festivals, or events, subject to the approval of the Mayor's office shall be exempt from requiring a temporary use permit. Temporary uses include but are not limited to:

A. Parking lot sales;

B. Temporary carnivals and fairs;

C. Mobile food vendors; or

D. Seasonal sales such as Christmas tree sales.

11.11.030 Temporary use categories

The following uses or structures are separated into Type I and Type II temporary use categories. Those in the Type I category are processed as limited administrative review land use applications, and those in the Type II category are processed as Site Plan Review applications, in accordance with Chapter 11.07 LMC.

A. Type I: Examples of temporary uses in this category include:

1. Street merchant activities that are minor in scope and involve use of a vending cart or food vehicle located on private property or a designated pedestrian plaza. A street merchant operating from a street merchant structure located in a parking lot may also qualify for this abbreviated review depending on the size of the area to be used and the scope of activity expected;

2. Christmas tree lots;

3. Sales events not determined to be exempt pursuant to 11.11.020; and

4. Proposed temporary uses not listed in this subsection that are found to meet the intent and purposes of this Section, as determined by the approval authority.

B. Type II: Examples of temporary uses in this category include:

1. Outdoor food courts shopping center activities;

2. Street fairs;

3. Markets that involve multiple (more than three) street merchants;

4. Applications that are in public right-of-way that require location in a designated food vehicle zone; and

5. Proposed temporary uses not listed in this subsection that are found to meet the intent and purposes of this Section, as determined by the approval authority.

11.11.040 Criteria for determining permit type

The approval authority shall consider the following factors in determining the appropriate Type of temporary use activity:

A. Consistency with the underlying zone;

B. Impact on surrounding zones;

C. Length of period of time for duration of activity; and

D. Hours of operation.

11.11.050 Waiver of requirements and fees

The approval authority may waive specific application requirements determined to be unnecessary for review of an application. The approval authority may waive the permit application fee for public service activities and nonprofit organizations.

11.11.060 Authority

The enforcing officer, in consultation with appropriate City departments, review and decide upon each application for a temporary use permit.

11.11.070 Review criteria

The approval authority officer may approve, deny, modify, or condition an application for a temporary use permit, based on consideration of the following factors:

A. The temporary use will not be materially detrimental to the public health, safety, or welfare, nor injurious to property or improvements in the vicinity of the temporary use; and

B. Adequate parking facilities and vehicle ingress and egress are provided to serve the temporary use and any existing uses on the site; and

C. Hours of operation of the temporary use are specified, and would not adversely impact surrounding uses; and

D. The temporary use will not cause nuisance factors such as noise, light, or glare which adversely impact surrounding uses; and

E. If applicable, the applicant has obtained all other required permits and business licensing.

11.11.08016.70.040 Design and development standards ~~for retail stands.~~

Temporary uses ~~Retail stands~~ shall generally comply with the following requirements:

A. Vending carts will normally not be more than sixty square feet provided the approving authority may approve any size of vending cart it determines meets the spirit and intent of this Cchapter.

B. A street merchant structure shall not be more than two hundred square feet in size.

C. A canopy or umbrella may be included with a retail stand. The canopy or umbrella shall be of vinyl, canvas, or similar durable material. All parts of such umbrella or canopy must have a minimum of seven feet of vertical clearance to the ground.

D. Retail stand materials shall be low maintenance and cleanable, preferably painted and of noncorrosive metal.

E. ~~Temporary/seasonal R~~etail stands may be of the size necessary to carry out their temporary operations as approved by the approving authority.

F. Each retail stand shall be a self-contained unit; provided, however, that self-contained electrical power generators are not permitted unless the approving authority determines noise impacts can be mitigated. Utility service connections may be permitted at permanent street merchant pads at the discretion of the Ccity. Electrical service connections may be permitted by a property owner leasing space to a street merchant or by the adjacent property owner and when the following requirements are met:

1. Electrical lines are not allowed overhead or lying on the sidewalk.
2. The outlet location must be placed outside the walkways which are accessible to public and private use.
3. Length of electrical hookup must be within fifteen feet of the stand.
4. No extension cords will be allowed.
5. Hookup must be permanently wired to the retail stand and meet National Electrical Code requirements as to type, size and grounding, terminating in an approved outside weatherproof-type receptacle.
6. Each retail stand shall require an electrical permit unless previously approved, and will require inspection prior to operation of the stand.

G. Advertising signs may only be placed on the ~~eat~~temporary use structure. Provided, street merchants selling food or nonalcoholic beverages within pedestrian plazas may have one sandwich board sign which

would be limited to two feet wide and four feet high. Such sandwich board sign must be located within the pedestrian plaza and oriented to pedestrians at the site.

H. All required licenses and permits issued by the Ccity of Lacey must be displayed in a prominent, visible manner.

I. It is the responsibility of the applicant to obtain necessary health department licenses and to adhere to best practices for food handling when undertaking temporary use ~~street merchant~~ activities involving the preparation and serving of food.

J. All persons conducting a temporary use ~~retail stand~~ business within the Ccity must keep the site clean and orderly at all times and pick up any refuse or debris and clean up liquid spillage deposited by any person using the business location. Additionally, all such persons shall provide a refuse container for litter. This container shall be of a design approved by the Ccity and must be emptied on a regular basis.

K. Support equipment and accessories shall generally be self-contained within ~~the the temporary use structure retail stand~~. Support equipment and accessories must not be placed so as to impede pedestrian or vehicular traffic or distract from the pedestrian experience.

L. Retail stands selling food within a pedestrian plaza may have accessory seating and tables. Retail stands selling art and crafts may have merchandise displays set up adjacent to the retail stand for pedestrian view only. The location of art and craft displays shall be approved by the approving authority only when it determines such accessories will enhance the pedestrian experience at the site and be compatible with the intent of the zone and neighborhood in which it is located.

M. All persons conducting a temporary use ~~retail stand~~ business shall obey any order of a police officer to temporarily move such structure ~~retail stand~~ to avoid congestion or obstruction of the surrounding area for pedestrian and/or vehicular traffic.

N. All temporary uses ~~retail stands~~ shall have fire extinguisher(s) available according to currently adopted fire code requirements.

O. Sustainable and creative designs are encouraged.

P. Street merchant designs that are fun and add interest to the street are encouraged. (Ord. 1539 §116, 2019; Ord. 1435 §3, 2014; Ord. 1208 §70, 2003; Ord. 1163 §1, 2001).

11.11.09016.70.045 Approved Permitted retail stand merchandise.

The following merchandise may be sold from retail stands:

A. Food;~~;~~

B. Nonalcoholic beverages;~~;~~

C. Newspapers and magazines;~~;~~

D. Original art and handcrafted goods; and;

E. Other items the approving authority determines are appropriate to pedestrian areas that will enhance the pedestrian experience. (Ord. 1435 §4, 2014; Ord. 1163 §1, 2001).

11.11.10016.70.050 General location standards.

A. ~~Retail stands~~ Temporary uses may only be located in the following zones:

1. All commercial zones;
2. All light industrial zones;
3. Community office zone;
4. Mixed high-density corridor and mixed moderate density corridor;
5. Along arterials and collectors at key multimodal intersections in pocket parks or pedestrian plazas as approved by the approving authority based upon findings that it will enhance the local pedestrian experience; and
6. Open space institutional zones.

B. Temporary use ~~Retail stand~~ locations shall be compatible with the pedestrian and the vehicular nature of the zone, the use of the right-of-way as a public thoroughfare, the use of parking lots as public parking areas, and/or the use of an open air plaza. The site shall be located to enhance the pedestrian nature of the zone and shall not be located so as to attract or serve vehicular traffic.

C. Temporary ~~seasonal retail stands~~ uses may be located to attract and serve vehicle traffic.

D. In determining whether or not the proposed location would be permitted, the following criteria shall be considered:

1. The type and intensity of the proposed use and the type and intensity of existing uses;
2. The width of the sidewalk, pedestrian plaza or parking lot in which it is to be located;
3. The proximity and location of existing street furniture, including but not limited to signposts, lampposts, bus shelters, benches, phone booths, trees, newsstands, as well as the presence of bus stops and truck loading areas;
4. Established or proposed pedestrian and vehicular traffic patterns;
5. The number of available retail stand sites in a given area or zone of the Ceity and the number of existing retail stands in such area; and
6. Other factors deemed relevant by the approving authority, consistent with the purpose of this Cchapter and intent of the zone proposed for the use.

E. The ~~retail stand~~ temporary use and location shall promote the diversity of retail ~~retail stand~~ activity.

F. The site and ~~temporary use retail stand~~ together shall not create a pedestrian or vehicular traffic hazard.

G. The ~~temporary use retail stand~~ shall be compatible with uses in the general vicinity and adjacent properties.

H. The ~~temporary use retail stand~~ location shall promote the pedestrian nature of the general area in which it is located.

I. The ~~temporary use retail stand~~ location shall be compatible with the public interest in the use of the sidewalk as a public right-of-way and the use of a public or private parking lot for the primary intended use of vehicular parking and, as such, shall not endanger the public health, safety and welfare. (Ord. 1500 §2, 2016; Ord. 1435 §5, 2014; Ord. 1163 §1, 2001).

11.11.11016.70.060 ~~Specific location standards.~~

A. No ~~temporary use retail stand~~ shall be placed within one hundred feet or fronting a property of a business which specializes in an item that the retail stand offers for sale unless the applicant owns the establishment or has written consent from the proprietor of the establishment, e.g., a retail stand selling ice cream may not be located within one hundred feet of an established ice cream parlor. This one-hundred-foot distance restriction shall be measured using the distance of the route of access between the two uses (the route someone would walk or drive).

B. The distance requirement of subsection A of this section may be reduced or waived if the ~~temporary use street merchant~~ is locating adjacent to a key pedestrian intersection and in a designated pedestrian plaza designed to accommodate a street merchant, or other circumstance related to the context of the application that make a lesser buffer appropriate to meet the intent of this Cchapter.

C. Each ~~temporary use retail stand~~ shall be placed so it does not obstruct or impede pedestrian or vehicular traffic.

D. Each ~~temporary use retail stand~~ shall be limited to its approved locations.

E. Only one ~~temporary use retail stand~~ site shall be approved for each pedestrian plaza or pocket park or parking lot unless the approving authority finds that additional ~~stand use~~(s) would be consistent with the intent of this Cchapter to promote the pedestrian experience and will not adversely impact pedestrian or vehicular circulation or be detrimental to the intent and vision for the surrounding zone.

F. Any ~~temporary use retail stand~~ located in a parking lot shall comply with the following minimum standards:

1. The ~~temporary use retail stand~~ shall not block entrances and exits to the parking lot or fire exit doors of any buildings;
2. Temporary ~~uses Retail stands~~ should normally not occur in parking spaces directly in front of entrances or windows of the building; and
3. The ~~temporary use retail stand~~ shall comply with all other applicable Ceity ordinances.

G. No ~~temporary use retail stand~~ shall be located within eight feet of an abutting property. (Ord. 1539 §117, 2019; Ord. 1435 §6, 2014; Ord. 1163 §1, 2001).

11.11.12016.70.065 Location and leasing of Ceity property for ~~temporary uses~~retail stand activities.

The approving authority may designate approved ~~temporary use retail stand~~ sites in any zone approved for such use on publicly owned parks, pedestrian plazas or Ceity right-of-way on a sidewalk or street side in a designated food vehicle zone. In doing so, the number of approved sites shall be limited to what the approving authority determines is appropriate to the pedestrian experience of the site and consistent with the intent and vision of the zone in which it is located. The approving authority must also find that the location of such retail stand space will not adversely affect pedestrian or vehicular traffic flow or create any undue hazard and will generally meet location ~~standardseriteria~~ of LMC 11.11.10016.70.050 and 11.11.11016.70.060. In such cases, the Ceity may competitively lease such spaces to street vendors consistent with policy for leasing of vending spaces to private entrepreneurs in Ceity parks. (Ord. 1435 §7, 2014; Ord. 1163 §1, 2001).

11.11.13016.70.070 Insurance:

If an area to be approved for a ~~temporary use~~retail stands City-owned, such as a sidewalk or street right-of-way, the applicant must obtain and retain public liability and property damage insurance coverage, naming the City as a co-insured, and must sign an agreement to indemnify and hold the City harmless. The amount of coverage shall be determined by the City. (Ord. 1163 §1, 2001).

11.11.14016.70.080 Permit limitations:

A. A ~~temporary use permit retail stand review approval~~ may not be transferred to another person or to a location other than that stated on the permit.

B. ~~Temporary use permit Retail stands~~ issued for public right-of-way or public property shall normally be reviewed once every year and may be extended each year for additional one-year increments if the approving authority finds that the ~~temporary use retail stand~~ has been operated in a way to enhance the pedestrian experience and is still a benefit to the zone in which it is located. When granting extensions, the approving authority may attach additional conditions to an approval it deems necessary to comply with this Cechapter or new Ceity regulations. This shall not prohibit the Ceity from entering into multiple-year contracts if such are considered appropriate for the site and consistent with Ceity policy.

C. Any permit or approval issued by the Ceity for a ~~temporary use retail stand~~ on private property does not affect the permittee's responsibility to secure and maintain a contract or written approval from the property owner. (Ord. 1435 §8, 2014; Ord. 1163 §1, 2001).

11.11.150 Conditions of approval

The approval authority may establish conditions as may be deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses. These include, but are not limited to, requiring that notice be given to adjacent/abutting property owners prior to approval, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirement for screening or enclosure, and guarantees for site restoration and cleanup following temporary uses.

11.11.160 Permit expiration and extension

A. A temporary use permit is valid for the timeframe listed on the permit, as specified by the approval authority.

B. An applicant can request that a permit be valid beyond one year and for up to five (5) years at time of application or prior to permit expiration. Extension requests do not require additional fees and shall be requested in writing to the approval authority.

11.11.170 Site conditions upon removal

Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of the temporary use upon completion of removal of the use.

11.11.18016.70.090 Permit revocation.

The approving authority may immediately revoke or suspend a permit or deny either the issuance or renewal thereof if the committee finds that:

A. The applicant or permittee has violated or failed to meet any of the provisions of this Cchapter or conditions of the permit;

B. The temporary use retail stand or operation is detrimental to the surrounding businesses or to the public due to either appearance or condition of the use stand;

C. Any required licenses have been suspended, revoked or cancelled;

D. The applicant or permittee does not have a current, effective insurance policy in the minimum amount provided in this Cchapter;

E. The scheduled hours of operation are not followed; or

F. The property owner has withdrawn approval or revoked the contract allowing the use on his/her property.

Upon denial, suspension or revocation, the approving authority shall notify the applicant or permittee in writing of the action the approving authority has taken and the reasons therefor. After giving such notice by mail or in person, if the temporary useretail stand has not been removed within fifteen days, the Ccity may cause a removal of any retail stand found in violation of this Cchapter, and is authorized to store such stand until the owner thereof shall redeem it by paying the removal and storage charges. (Ord. 1435 §9, 2014; Ord. 1163 §1, 2001).

11.11.19016.70.110 Appeals.

Any decision of the Ccity of Lacey, in the administration of this Cchapter, may be appealed in accordance with Chapter 11.05 LMCChapter 1D of the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1192 §184, 2002; Ord. 1163 §1, 2001).

Chapter ~~11.12~~^{16.82} Development Agreements

11.12.010 Purpose

The purposes of development agreements are as follows:

A. The lack of certainty in the approval of development projects can result in a waste of public and private resources, escalate housing costs for consumers, and discourage the commitment to comprehensive planning which maximizes efficient use of resources at the least economic cost to the public.

B. Assurance in the development review process can significantly encourage development or redevelopment of real property. This certainty is especially important for large-scale or multiphase developments that take years to complete and that require substantial financial commitments at an early stage.

C. A development agreement promotes the general welfare by balancing the public and private interests, providing reasonable certainty for a development project, and addressing other matters, including funding or providing services, infrastructure, or other facilities.

11.12.020~~16.82.005~~ **Authority:**

A. This ~~C~~^ehapter applies to development agreements authorized pursuant to RCW 36.70B.170 through 36.70B.210, as a legislative action, between the ~~e~~^eCity of Lacey and a person having ownership or control of real property within its jurisdiction. The execution of a development agreement is a proper exercise of ~~e~~^eCity police power and contract authority.

B. The ~~e~~^eCity may enter into a development agreement for real property outside its ~~e~~^eCity limits as part of a proposed annexation, or a service agreement.

C. The provisions of this ~~C~~^ehapter do not apply to or affect the validity of any contract rezone, concomitant agreement, annexation agreement or other agreement in existence on or before the effective date of this ~~C~~^ehapter, or adopted under separate authority, even though such agreements may also relate to development standards, mitigation, and other regulatory requirements.

D. The ~~e~~^eCity may enter into development agreements pursuant to this ~~C~~^ehapter. The decision whether to enter into a development agreement is discretionary with the ~~e~~^eCity ~~e~~^eCouncil. The development agreement shall provide for the scope and timing of the project, applicable regulations and requirements, mitigation requirements and other matters relating to the development process. (Ord. 1471 §1 (part), 2015).

~~16.82.010~~ ~~Purpose:~~

~~The purposes of development agreements are as follows:~~

~~A. The lack of certainty in the approval of development projects can result in a waste of public and private resources, escalate housing costs for consumers, and discourage the commitment to comprehensive planning which maximizes efficient use of resources at the least economic cost to the public.~~

~~B.— Assurance in the development review process can significantly encourage development or redevelopment of real property. This certainty is especially important for large-scale or multiphase developments that take years to complete and that require substantial financial commitments at an early stage.~~

~~C.— A development agreement promotes the general welfare by balancing the public and private interests, providing reasonable certainty for a development project, and addressing other matters, including funding or providing services, infrastructure, or other facilities. (Ord. 1471 §1 (part), 2015).~~

~~16.82.020 — Development standards.~~

~~A.— Any person intending to propose a development agreement shall first meet with the director of community and economic development or their designee for purposes of understanding the parameters of the proposal and applicable procedures.~~

~~B.— In order to encourage innovative land use techniques and to further achieve public benefits, a development agreement adopted pursuant to this chapter may impose development standards that differ from the standards of the Lacey Municipal Code and the Lacey Development Guidelines and Public Works Standards which would otherwise be applicable to a proposed development. Examples of development standards that may differ include infrastructure requirements, street standards, performance standards, and duration of approvals. All development standards imposed must achieve public benefits, respond to changing community needs, and require modifications which provide the functional equivalent or adequately achieve the purposes of otherwise applicable city standards. Any development standard imposed by the development agreement must be consistent with and further the stated intent of the Comprehensive Plan.~~

~~C.— The development standards as approved through a development agreement shall apply to and govern the development and implementation of the subject site in lieu of any conflicting or different standards or requirements elsewhere in the Lacey Municipal Code. A development agreement shall reserve authority to impose new or different regulations to the extent required by serious threat to public health and safety.~~

~~D.— Notwithstanding the foregoing, the International Building Code, International Fire Code, and other construction codes in effect in the state of Washington, and as adopted by the city of Lacey, on the date of filing a fully complete building permit application or other construction application for a building on the subject site shall apply; except that no changes to such codes taking effect after the date of the development agreement shall require redesign or modification of then-existing project utilities, facilities, or other infrastructure that was installed in accordance with the development agreement. (Ord. 1539 §131, 2019; Ord. 1471 §1 (part), 2015).~~

11.12.030 Code modifications allowed by development agreement

A development agreement may allow modifications to the City's development code, as provided below:

A. The traffic impact fees established by Chapter 14.25 LMC may be credited based on the value of developer-funded infrastructure improvements for transportation.

B. The park impact fees may be credited based on the value of developer-funded infrastructure improvements for parks.

C. In order to encourage innovative land use management and provide flexibility to achieve public benefits, a development agreement adopted pursuant to this Chapter may impose development standards that differ from the development regulations adopted in the development code; provided, that:

1. Any development standards imposed by the development agreement are consistent with the strategic objectives, goals, and policies of the comprehensive plan; and

2. The development standards do not:

a. Allow for use types or densities currently not permitted within the existing zoning category for the properties subject to the agreement;

b. Modify or alter the requirements of the City's building code;

c. Modify or alter the requirements of the City's stormwater management regulations; or

d. Modify or alter any federally required American with Disabilities Act (ADA) standards.

11.12.040 Incentives

A. A development agreement may reserve capacity in the transportation system for the proposed development's trip generation. The proposed development shall be deemed to have achieved transportation concurrency under the concurrency rules and regulations in effect on the effective date of the development agreement. The term for the concurrency determination shall be set forth in the development agreement.

B. A development agreement may reserve capacity in the city's sewer system for the proposed development. The amount of capacity reserved shall be set forth in the development agreement.

C. A development agreement may establish vesting standards subject to the following limitations:

1. Vesting for regulations adopted pursuant to the State Building Code shall not be altered.

2. The vesting period cannot be longer than 20 years from the effective date of the development agreement.

3. If the agreement provides a vesting period that is longer than five years, the agreement shall include milestones for development of the project, which shall be met in order to maintain the extended vesting period.

4. Negotiated vesting provisions cannot defeat the city's ability to require a developer to comply with latter-adopted state or federal mandates not subject to vesting, or prevent the city from taking action to prevent a public safety, welfare, or health emergency.

D. Water, sewer, and stormwater system development charges may be credited against the value of developer-funded infrastructure for the same utility. Credits shall be calculated in a manner acceptable to both parties. Prior to negotiation of a credit, the city shall obtain an opinion from its financial consultant.

11.12.05016.82.030 Contents of a development agreement contents:

~~A. A development agreement must set forth the development standards and other provisions that shall apply to, govern, and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement.~~

~~B. For purposes of this chapter, the term “development standards” means and includes, but is not limited to, the following items. In approving a development agreement, conditions of approval shall at a minimum establish:~~

- ~~1. A site plan for the entire project, showing locations of sensitive areas and buffers, required open spaces, perimeter buffers, location of residential development, and location of nonresidential development;~~
- ~~2. Project elements such as permitted uses, residential densities and nonresidential densities; range of uses authorized for any nonresidential development; intensities; and building sizes;~~
- ~~3. The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, or dedications;~~
- ~~4. Mitigation measures, development conditions, and other requirements under Chapter 14.24 LMC, Environmental Policy, and Chapter 43.21C RCW;~~
- ~~5. Design standards such as maximum heights, setbacks, streets, drainage and water quality requirements, landscaping, and other development features;~~
- ~~6. Sewer, water, stormwater and other utility plans;~~
- ~~7. Parks and open space preservation;~~
- ~~8. Phasing plan, if applicable;~~
- ~~9. Review procedures and standards for implementing decisions;~~
- ~~10. Thresholds and procedures for amendments to the agreement;~~
- ~~11. A dispute resolution process for the failure or refusal to comply with the terms of the agreement;~~
- ~~12. A build-out or vesting period for applicable standards; and~~
- ~~13. Any other development requirement or procedure deemed appropriate by the city council.~~

~~C. Nothing in this chapter is intended to authorize the city to impose impact fees, inspection fees, or dedications or to require any other financial contributions or mitigation measures except as expressly authorized by other applicable provisions of law. (Ord. 1471 §1 (part), 2015).~~

Development agreements shall include the following:

A. A site plan depicting boundaries and project elements, such as:

1. Location and acreage of active and passive recreational areas, if any;
2. Location, acreage and range of densities for residential development, if applicable;
3. Location and range of types of uses of nonresidential development, if applicable;
4. Location and size of critical areas and buffers, if any;
5. Perimeter buffers, if any; and
6. Motorized and nonmotorized circulation routes, including route connections to streets and pedestrian routes servicing and/or abutting the site.

B. The development standards and other provisions that shall apply to and govern the use and development of the real property;

C. Identification of the variations from development standards approved under LMC 11.12.30;

D. The expected build-out period and, if applicable, the phasing of development;

E. Provisions for the termination of the development agreement;

F. If environmental review is required under the State Environmental Policy Act, measures to mitigate significant adverse impacts including any impacts to public services and facilities;

G. A title report indicating proof of ownership; and

H. Other provisions the parties to the agreement mutually agree to.

16.82.040 ——— Effect and vesting.

~~A. Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period of the project specified in the agreement, and the project may not be subject to an amendment to a zoning ordinance, or development standard, or regulation adopted after the effective date of the agreement. A permit or approval issued by the city after the execution of the development agreement must be consistent with the development agreement.~~

~~B. Under subsection A of this section, a development agreement provides an alternative to vesting rights provided in Section 1B.060 of the Lacey Development Guidelines and Public Works Standards.~~

~~C. The term of the approval of a development agreement shall be determined on a project specific basis. The city council may consider modifying the term of an agreement at the request of the property owner. In order to modify the term of the agreement, the city council shall find that the agreement is consistent~~

with the city's Comprehensive Plan and modifying the term of the agreement is in the best interest of the city.

~~D. A development agreement may reserve capacity in the transportation system for the proposed development's trip generation and, in such case, the proposed development shall be deemed to have achieved transportation concurrency under the concurrency rules and regulations in effect on the effective date of the development agreement. The term for the concurrency determination shall be set forth in the development agreement. (Ord. 1471 §1 (part), 2015).~~

11.12.060 Decision criteria

The City Council may approve and enter into a development agreement if the council finds at its sole discretion that the development proposal:

A. Significantly benefits the City by contributing unique or needed amenities;

B. Stimulates development in an articulable fashion;

C. Significantly improves the local economy by adding employment opportunities and contributing to the tax base;

D. Advances the strategic objectives, goals, and policies of the City's Comprehensive Plan;

E. Is consistent with the City's development regulations, except as modified pursuant to LMC 11.12.30; and

F. Is in the City's best interests.

11.12.070~~16.82.050~~ Procedure.

A. Development agreements shall be drafted and negotiated by City staff in conjunction with developer representatives.

B. If necessary to determine the interests of the City Council prior to expending significant time on negotiations, staff may introduce the proposal for Council discussion at a Council workshop.

CA. If a development agreement is not proposed in conjunction with an action requiring "quasi-judicial review" or "legislative review" under ~~Chapter 11.04 LMC~~~~Chapter 1C of the City of Lacey Development Guidelines and Public Works Standards~~, the development agreement shall be presented to ~~e~~City ~~e~~Council at a public hearing for approval by ordinance or resolution.

DB. If the development agreement is proposed in conjunction with an action requiring "quasi-judicial review," the development agreement shall be presented to the ~~e~~City ~~e~~Council for final approval by ordinance or resolution, after a public hearing with the ~~h~~Hearings ~~e~~Examiner. The ~~h~~Hearings ~~e~~Examiner shall make a recommendation of approval or denial on the applications and the development agreement to the ~~e~~City ~~e~~Council.

EC. If the development agreement is proposed in conjunction with an action requiring "legislative review," the development agreement shall be presented to the ~~e~~City ~~e~~Council for final approval by

ordinance or resolution, after a public hearing with the ~~p~~Planning ~~e~~Council. The ~~p~~Planning ~~e~~Council shall make a recommendation of approval or denial on the applications and the development agreement to the ~~e~~City ~~e~~Council.

~~FD.~~ Prior to any required public hearing, the ~~director or their designee enforcing officer~~ shall issue a public hearing notice in accordance with the provisions for providing such notice ~~under Section 1C of the City of Lacey Development Guidelines and Public Works Standards.~~ (Ord. 1471 §1 (part), 2015).

11.12.08016.82.060 City ~~e~~Council action:

A. The ~~e~~City ~~e~~Council shall consider the proposed development at and following the public hearing. The city council may approve and enter into a proposed development agreement if the council finds, in its sole discretion, that a proposed agreement is consistent with the ~~Comprehensive Plan and the purposes of this chapter~~ the decision criteria listed in LMC 11.12.060. The decision of the ~~e~~City ~~e~~Council on a development agreement is the final decision of the ~~e~~City.

B. Notice of the final decision by the ~~e~~City ~~e~~Council shall be mailed to the applicant, to any person who submitted public comments, and to any other person who has specifically requested it.

C. The development agreement shall be recorded with the Thurston County auditor prior to the effective date of any development proposal that was submitted and reviewed concurrently with the development agreement.

D. The appeal of a final decision of the ~~e~~City ~~e~~Council shall be timely filed as a judicial appeal pursuant to ~~LMC 11.05.060Section 1D.040 of the City of Lacey Development Guidelines and Public Works Standards.~~ (Ord. 1471 §1 (part), 2015).

11.12.09016.82.070 Terms of agreement:

A. A development agreement pursuant to Chapter ~~36.70B~~ RCW and this ~~C~~chapter shall be binding on the parties and their successors during the term of the development agreement and enforceable during its term by a party to the agreement, unless the agreement is amended or terminated.

B. The ~~e~~City reserves the right to modify or terminate the development agreement upon the failure or refusal to comply with the terms of the agreement by the developer in accordance with the dispute resolution process contained in the agreement.

C. Amendments to the terms of the development agreement shall be done only by a written instrument executed by all parties pursuant to the procedures of this ~~e~~Chapter, or as may be amended. The ~~e~~City will process and decide upon application of an amendment in accordance with the thresholds and procedures for amendments contained in the project specific agreement. (Ord. 1471 §1 (part), 2015).

Chapter ~~11.13~~ **16.96 Amendments and Rezones**

~~16.96.010~~ **Amendments in land use cases.**

~~Whenever public necessity, convenience or general welfare requires, the provisions of this title or the zoning map may be amended in conjunction with individual land use applications in accordance with the following procedures:~~

~~A. *Amendments—Initiation.* Amendments of the text of this title or the zoning map may be initiated in such cases by:~~

- ~~1. A verified application of one or more owners of property which is proposed to be reclassified, filed with the community and economic development department;~~
- ~~2. The adoption of a motion by the city council requesting the hearings examiner or planning commission to set the matter for hearing and recommendation;~~
- ~~3. A recommendation by the planning commission to the city council; or~~
- ~~4. Initiation of an amendment through the joint planning process between the city of Lacey and Thurston County.~~

~~B. *Amendments or Rezones—Process.* All amendments or rezones shall be processed in accordance with Section 1C.060 of the City of Lacey Development Guidelines and Public Works Standards.~~

~~C. *Amendments—Reference to City Council.* The hearings examiner or planning commission's recommendation shall be presented for city council consideration in accordance with Section 1C.060 of the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1539 §135, 2019; Ord. 1192 §202, 2002; Ord. 1035 §29, 1996; Ord. 1024 §51, 1995; Ord. 618 §12, 1981; Ord. 583, 1980).~~

~~16.96.020~~ **Amendments of general application.**

~~Whenever public necessity, convenience or general welfare requires, the provisions of this title or the zoning map may be amended in those instances not involving individual land use applications after recommendation by the planning commission to the city council according to the process in Section 1C.060 of the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1192 §203, 2002; Ord. 618 §13, 1981; Ord. 583, 1980).~~

~~16.96.030~~ **Joint action by Lacey City Council and Board of Thurston County Commissioners.**

~~Any proposed amendment or rezone affecting the unincorporated area shall be subject to the joint planning process approval by both the City of Lacey and Thurston County. (Ord. 1024 §52, 1995).~~

11.13.010 Purpose

The purpose of this Chapter is to describe the procedure for processing applications for rezones in the City of Lacey. This Chapter addresses both rezones requiring a Comprehensive Plan amendment and rezones that do not require a Comprehensive Plan amendment.

11.13.020 Applicability

An application for a rezone of property may be made by the following:

A. Property owner, or somebody authorized on the owner's behalf; or

B City Council; or

C. Planning Commission.

11.13.030 Authority for rezones requiring a plan amendment

A. In accordance with RCW 35.63.110 the Planning Commission has the authority to recommend zoning to the legislative body requiring a Comprehensive Plan amendment after conducting a public hearing thereon. Notice shall be provided in accordance with LMC 11.03.100.

B. Upon completion of the hearing(s) on the Comprehensive Plan, or successive parts thereof, the Planning Commission, after making such changes as it deems necessary, shall forward its recommendation to the City Council for their final action.

C. The final form and content of the Comprehensive Plan shall be determined by the City Council after consideration of the Planning Commission's recommendation at a public meeting.

11.13.040 Authority for rezones not requiring a plan amendment

A. Rezone requests not requiring an amendment to the Comprehensive Plan shall be reviewed in an open public hearing held before the Hearings Examiner under the procedures and rules of the Hearings Examiner, as authorized by RCW 35.63.130. The applicant will have the burden and duty of applying for and pursuing the rezone. Notice shall be provided in accordance with LMC 11.03.100.

B. Upon completion of the hearing, or successive parts thereof, the Hearings Examiner shall forward their recommendation to the city council for their final action.

C. The final decision shall be made by the City Council after consideration of the Hearings Examiner's recommendation at a public meeting.

11.13.050 Submittal requirements

Submittal requirements and fees shall be as specified in LMC 11.03.060.

11.13.060 Decision criteria

A. Criteria for rezones requiring a Comprehensive Plan amendment: An application for a rezone of one or more properties shall require a Comprehensive Plan Amendment if the proposed zone is not implemented by the underlying Comprehensive Plan land use designation, and shall therefore be subject to the processes and review criteria for Comprehensive Plan Amendments, in addition to this Section.

B. Criteria for rezones not requiring a Comprehensive Plan amendment: The City may deny a rezone if the following criteria are not met. The City may approve or approve with conditions an application for a rezone if:

1. The rezone has merit and value for the community, and will not adversely affect public health, safety, and welfare;
2. The rezone will not be materially detrimental to the uses or properties located in the immediate vicinity thereof;
3. Since the original zoning or most recent rezone of the subject property, conditions affecting the subject property have substantially changed as a result of, but not limited to, public improvements or permitted private development;
4. The property subject to rezone was not specifically considered for a rezone at the time of the last area land use analysis and area zoning;
5. The characteristics of development upon the land subject to the rezone application are compatible with the purpose and intent of the proposed zone as well as the zone-specific policy of the proposed zone, as provided by the Comprehensive Plan; and

11.13.070 Time limitations for submission

A. Applications shall be submitted no later than the first Monday in December each year, for consideration as soon thereafter as practicable.

B. A petition for a change of zoning classification, seeking the same or substantially same relief as a prior petition, cannot be re-filed or resubmitted within a period of twelve (12) months from the date of final disapproval or rejection of such prior petition.

6/16/25

CITY OF LACEY PLANNING COMMISSION WORK SCHEDULE

**Planning Commission Meeting
June 25, 2025**

Packets due: June 20, 2025

1. **Public Hearing:** 6-Year TIP
2. **Work Session:** Development Procedures Code Update
3. **Work Session:** Lacey Metropolitan Park District Presentation (Scott E.)

**Planning Commission Meeting
July 9, 2025**

Meeting Canceled

**Planning Commission Meeting
July 23, 2025**

Packets due: July 17, 2025

1. **Work Session:** Comprehensive Plan Draft and Outreach Results

**Planning Commission Meeting
August 13, 2025**

Packets due: August 8, 2025

1. **Work Session:** Development Procedures Code Update

August 27: Comp Plan Public Hearing (Tentative)

September 10: Development Procedures Public Hearing