AGENDA
LACEY PLANNING COMMISSION MEETING
Tuesday, December 7, 2021 – 5:00 p.m.
MEETING WILL BE CONDUCTED REMOTELY, NOT IN-PERSON
Please click the link below to join the webinar:

https://us02web.zoom.us/j/85185704284

Or Telephone:
Dial(for higher quality, dial a number based on your current location):
US: +1 206 337 9723 or +1 253 215 8782 or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free)
Webinar ID: 851 8570 4284

YouTube: https://youtu.be/1EaxPRtZqwM

Call to Order: 5:00 p.m.

Approval of Agenda & Consent Items: 5:01 p.m.

A. Approval of Agenda
B. Approval of November 16 meeting minutes

Public Comments: 5:02 p.m.

Commission Members' Reports: 5:04 p.m.

Director's Report: 5:05 p.m.

New Business: 5:10 p.m.
Housing Implementation Initiatives: Ryan Andrews, Planning Manager. Staff will brief the Planning Commission on the status of various housing implementation initiatives including the Low Density Zone Consolidation, expansion of the fee waiver program, and potential extension of the Multi-Family Tax Exemption in preparation for a briefing with the City Council on December 9.

Communications and Announcements: 5:55 p.m.

Next Meeting: December 21, 2021.

Adjournment: 6:00 p.m.

CITY OF LACEY PLANNING COMMISSION
WORK SCHEDULE

Planning Commission Meeting **December 7, 2021** **Packets due: December 2, 2021**	1. **Work Session:** Housing Implementation Initiatives
Planning Commission Meeting **December 21, 2021** **Packets due: December 16, 2021**	1. **Work Session:** 2022 Work Program 2. **Nomination and Election of Officers for 2022**
Planning Commission Meeting **January 4, 2022** **Packets due: December 30, 2021**	1. **Work Session:** Stormwater Design Manual Update Intro – Doug C.

Pending Items: February 1: Stormwater Design Manual Update

MINUTES
Lacey Planning Commission Meeting
Tuesday, November 16, 2021 – 5:00 p.m.
Conducted remotely via videoconference

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

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

Dave noted a quorum present.

Gail Madden made a motion, seconded by Robin Vasquez, to approve the agenda for tonight's meeting and the October 19 minutes. All were in favor, the motion carried.

1. **Public Comments:**
   - Wayne Olsen thanked Planning Commission and staff for following his recommendation regarding EV charging ratios for multi-family and lodging developments.

2. **Commission Members Reports:**
   - Robin reported on her attendance at the Parks outreach committee meeting.
   - Dave noted that Eduardo Maldonado has resigned from Planning Commission.

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

4. **Public Hearing:**
   Parking Amendments: Ryan Andrews, Planning Manager.
   - Dave opened the public hearing.
   - Ryan gave some background information and went over the draft amendments of Multi-Family Parking LMC 16.72 and Electric Vehicle Parking LMC 16.73.
   - A brief discussion followed.
   - No public comments were given.
   - **Eddie Bishop made a motion, seconded by Peg Evans-Brown, to recommend the parking amendments to City Council for approval. All were in favor, the motion carried.**

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

6. **Next Meeting:** December 7, 2021.

7. **Adjournment:** 5:40 p.m.

PLANNING COMMISSION STAFF REPORT
December 7, 2021

SUBJECT: **Housing Implementation Initiatives**

RECOMMENDATION: Staff will brief the Planning Commission on the status of various housing implementation initiatives in preparation for a briefing with the City Council on December 9th. No action is necessary.

TO: Lacey Planning Commission

STAFF CONTACTS: Rick Walk, Community and Economic Development Director
Ryan Andrews, Planning Manager RA

ATTACHMENT(S):
1. Draft LMC 16.13: Low Density Residential District (PC Recommendation Version)
2. Draft Amendments to LMC 1.20: Fees, Charges and Bonding Requirements
3. LMC 3.64: Multifamily Tax Exemption Program

PRIOR COUNCIL/ COMMISSION/ COMMITTEE REVIEW: Various meetings beginning in 2019.

BACKGROUND:

With adoption of the Affordable Housing Strategy and Housing Action Plan, the next step is to begin to implement the recommendations within the plans. There are three major initiatives to begin implementation that are pending City Council review: the Low Density Zone Consolidation, fee waiver program, and Multi-Family Tax Exemption extension. These implementation items will be presented at a City Council work session scheduled for December 9th. The purpose of this briefing is to inform the Planning Commission on the initiatives and prepare for the work session on December 9th.

Low Density Zone Consolidation

A high priority action item identified in the City of Lacey's Affordable Housing Strategy is the reduction in lot sizes and widths in the existing Low Density 0-4 zoning district. Doing this will effectively increase density minimums in existing neighborhoods and will ultimately increase the diversity of housing stock in the zone. The following is from Action #7 in the Strategy:

> "Reducing minimum lot sizes, lot widths, and density minimums will help increase density in older, central neighborhoods, which are near utilities, transit lines, services, and jobs. Currently the lowest density zoning is 0-4 dwelling units per acre. This is primarily in the older, established neighborhoods, but also in the Urban Growth Area, with very few vacant parcels left. For example, this would allow for more duplexes in low-density neighborhoods."

To accomplish this, the Planning Commission is recommending approval of an amendment to consolidate two existing zoning districts (Low Density 0-4 and Low Density 3-6) into one zone. This new consolidated Low Density Residential zone utilizes the existing Low Density 3-6 zoning standards. Therefore, for those properties currently zoned Low Density 3-6, density standards will not change. Those properties currently zoned Low Density 0-4 will now be allowed to develop at up to 6 units per acre with reduced lot sizes. The revisions will also amend the zoning map and Comprehensive Plan which will require a Comprehensive Plan amendment to be completed in 2022.

In addition to the consolidation of the two zones, the following outlines the other major changes:

- Allowing up to six units per acre throughout all low density residential areas. This would allow limited subdivision of larger parcels (those that are generally 10,000 square feet or more) in existing neighborhoods.
- Allow a duplex or triplex on an existing lot of record and allow existing homes to be converted to duplexes or triplexes without meeting underlying density requirements.
- Potential removal of the allowance for unplatted lots of less than one acre to be subdivided into as many lots as the minimum lot size would allow.
- Potential removal of vested lot statute for maximum building coverage of 50%.

The Planning Commission conducted a public hearing on the draft amendments on October 15th, 2019. Notice of the public hearing was mailed directly to over 2,300 property owners that own property greater than 10,000 square feet in size, are within the existing LD 0-4 zone, and are adjacent or connected to sewer.

Quality of Life

The largest volume of comments received by the Planning Commission were related to quality of life issues—specifically the fear of neighborhood change and the pace associated with this change. The comments received were that people bought their home within a single-detached neighborhood and expect it to continue that way.

Staff researched this issue and was not able to find any definitive case studies or any other documented information on what could be expected related to pace of neighborhood change, however, an article was located from the Sightline Institute that documents a neighborhood in Portland where duplexes, triplexes, and fourplexes have been legal in a low-density neighborhood for nearly 40 years. Over those nearly 40 years, the neighborhood of about 200 low-density residential buildings has increased by 20 homes.

In the last 20 years, Lacey has developed with primarily single-detached structures on greenfield sites. Today there are no large parcels available for this style of development.

For the next 20 years, the Lacey city limits are expected to grow by an additional 6,000 residents according to estimates prepared by Thurston Regional Planning Council. That means that the city will have to accommodate this growth within our existing neighborhoods through infill and redevelopment. If those 6,000 new residents are averaged over 20 years, Lacey will grow by an average of 300 residents per year. If these residents are spread throughout the entirety of the city's existing neighborhoods, then there would not be a notable increase in the pace of change.

Traffic and Parking

A primary concern received in many of the comments was that duplexes or triplexes may cause traffic issues in existing neighborhoods. According to the Institute of Transportation Engineers (ITE) Manual, a single-detached residence generates .99 PM peak hour (between 4 and 6 p.m.) trip. Comparatively, a duplex generates .56 trips per unit for a total of 1.12 PM peak hour trip (a negligible increase over the single-detached home) and a triplex also generates .56 trips per unit for a total of 1.68 PM peak hour trip. The volume of traffic trips is not enough to make any marked increase within neighborhoods.

Since most new duplexes and triplexes will be located in generally older neighborhoods, it is important to consider the walking and biking infrastructure. The streets in older neighborhoods lack sidewalks and are little more than a 20-foot asphalt strip. In accordance with the City of Lacey's Development Guidelines and Public Works Standards, triplex units are required to install sidewalks or sign a deferral agreement that requires the property owner to install sidewalks at such time the City does a project to install sidewalks along the frontage. The Planning Commission is recommending that these requirements also apply to duplexes and townhomes as well.

An additional concern raised at the hearing and related to transportation is parking. Lacey's parking requirements are consistent with other neighboring jurisdictions with the amount of off-street parking required. The current requirements for the amount of off-street parking is two spaces for each single-detached unit, two spaces for each townhome or duplex unit, and 1.5 spaces per triplex unit. Concerns were also raised that in older neighborhoods, these types of homes would promote more parking on the shoulder of the street.

Trees

For all residential development applications, tree planting and/or retention is required. That means that when a development application is submitted, the applicant must demonstrate in their plans where existing trees are located, if they meet required tree ratios according to lot size and if they do not meet the tree ratio, the numbers and species of trees to be installed. The city's required tree ratio for a development proposal is 4 trees per 5,000 square feet of lot area. This means that if a typical larger lot was to develop, regardless of housing type (single-detached, duplex, townhome, or triplex) that they would have to retain or replant to reach the requirement of 8 trees on their lot.

Compatibility

To ensure that duplex and triplex units are compatible with existing neighborhoods, all units are required to comply with the design review provisions in LMC 14.23.073. This section requires duplexes and triplexes to meet the same design review requirements as new single-

detached residential units and requires compatibility with the existing neighborhood. While the City cannot regulate the quality of construction, the City can regulate aesthetics and ensure that projects comply with building codes.

Existing regulations require that these structures not only be required to meet the requirements of single-family detached structures, but also meet neighborhood compatibility requirements. These additional compatibility requirements include design treatments to ensure a duplex or triplex is complementary to single family units in the subdivision including building orientation, roof breaks, and modulation of facades.

Property Values

Property values was also brought up as an area of concern during the public hearing. Some members of the public had concerns that this would decrease the value of their existing single-detached home while others had the opposite claim that this would increase home values. Attached is a document that contains specific studies around the country on property values. The findings of the majority of the studies were that property values increased as a result of these types of regulations to allow modest home choices like duplexes and triplexes in existing neighborhoods.

Additional information is also provided from the Thurston County Assessor's Office on property values across various housing types. In 2019 the assessed value of single-detached homes rose year-over-year by 4.82%. Additionally, units termed "multi-family" which are duplexes and triplexes rose at an even greater rate at 8.70% year-over-year. Post-recession residential property values across Thurston County are rising at a significant rate.

Several individuals spoke about the increase in property taxes. When residential assessments rise, this doesn't always correspond to a rise in property taxes. According to information on the Thurston County Assessor's Office website:
"Property tax increases are generally caused by a combination of factors. For instance, when taxing districts ask for more money (that is, increase their budgets), property owners will pay more tax. Most districts set their budgets by a vote of their legislative body that may authorize increases up to their statutory or levy rate limits. This usually results in increased taxes.

Taxes can also go up when voters approve special purpose levies for community services such as school district maintenance and operation levies, building bonds, bonds for school buses, or bonds for fire trucks.

Taxes may increase when a new house is constructed on a previously vacant lot, or when a property previously receiving an exemption (such as a senior/disabled person exemption program) is sold and becomes fully taxable.

Taxes for an individual property owner may also increase when the value of their property increases at rates faster than other properties in their area of the county."

Planning Commission Recommendation

After over nine months of consideration, at their meeting on December 17, 2019, the Planning Commission voted 6 to 2 to recommend approval of Low Density zone consolidation and

associated amendments to the City Council. The Planning Commission weighed the public testimony received, the information received throughout the process, and developed an extensive record that supports the amendments.

To support the amendments, during the 2019 legislative session, the Washington State Legislature passed Engrossed Second Substitute House Bill 1923 which the governor has signed into law. E2SHB 1923 contains a variety of incentives and programs to address affordable housing. The legislation specifically encourages cities to authorize at least one duplex, triplex, or courtyard apartment on each parcel in one or more zoning districts that permits single-family residences unless a city documents a specific infrastructure or physical constraint that would make this requirement unfeasible. The legislation also specifically states that the regulations to allow duplexes and triplexes in single-detached zones would not be subject to administrative or judicial appeals. Essentially this means that, if adopted, the regulations would be final and not appealable after adoption by the City Council. In addition, during the 2020 legislative session the Washington State Legislature passed Substitute House Bill 2343 that expanded on E2SHB1923 and added to the list of planning actions that cities are encouraged to take to increase residential building capacity, among other directives and clarifications to support increasing the housing supply in Washington.

Fee Waiver

A priority action item identified in the City of Lacey's Affordable Housing Strategy is expanding the program that waives fees for non-profits building low-income housing also to private sector builders that build low-income housing. LMC 1.20 currently authorizes the City Manager to waive certain development fees for community based housing development organizations, Habitat for Humanity and the Boys and Girls Club of Thurston County. The fees eligible to be waived include building, mechanical, plumbing, electrical, plan check and water meter fees. The City Manager is authorized to also defer wastewater connection and general discharge fees for certain affordable housing development projects. Just as the City reduces fees for community based housing development organizations, the City Council could also authorize the City Manager to waive fees for private sector developers building low-income units. (Affordable Housing Strategy Action 6).

If City Council decides to consider this amendment, a program with criteria and conditions will need to be established to ensure the projects and/or units proposed for fee waiver are meeting the community's need for low income housing and state law regarding the use of public funds.

Amending LMC 1.20 to expand the waiver and deferral of certain fees to all developers would be an optional program a developer could choose to pursue. The success of the program depends on the actual demand by those in the development community who would utilize it, targeting the appropriate income range, placement of qualifying households in the units, management of the units, and adequate resources for City administration and oversight of the program.

The following criteria are initial elements of a fee waiver program that Council can consider. This list is a starting point that can be refined based on discussions and feedback from the residential, building and social service communities:

- A developer may request a fee waiver or deferral for each unit that provides housing for moderate or low-income households. Moderate income is defined as 80% of AMI and Low income is defined as 50% of AMI.
- Units receiving a waiver shall only be leased to qualifying moderate and low-income households in perpetuity.
- If the property owner would like to remove units from the program, all waived fees would be paid to the City at the value of the year the units are no longer available to moderate and low-income households.
- The developer would be required to enter into a partnership with a non-profit for leasing and management of the units designated for moderate and low-income households.
- An annual report would be provided to the City verifying occupants of all units designated for moderate and low-income housing are meeting the definitions of moderate and low-income definitions.

In 2020, staff conducted outreach to various interest groups including the Thurston Chamber and Olympia Master Builders. The purpose of the outreach was to gain any feedback on the proposed program as well as gauge interest. At that point, the builder/developer representatives were not interested in pursuing projects that would utilize a fee waiver even. The main comment received was from the membership of the Olympia Master Builders who wanted assurance that permit fees for typical building/development proposals would not increase as a result of waiving fees for low-income proposals.

Extension of the Multi-Family Tax Exemption

The Multi-Family Tax Exemption regulations (LMC 3.64) were approved by the City Council in 2014 after the adoption of the Woodland District Strategic Plan. The Woodland District Strategic Plan identified the adoption of the program as a way to increase the viability of residential projects specifically within the Woodland District. The regulations specifically exempt a multi-family project of 20 units or larger from the payment of property taxes for the residential portion of a structure for 8 years if the project is market rate and up to 12 years if the project provides a minimum of 20% of units to households making 80% or less of the area median income.

When the regulations were passed in 2014, it contained a clause where the program would sunset after 10 years unless specifically extended by the City Council. A recommendation of the recently completed Lacey Midtown Market Analysis is to extend the program given that it has a significant positive impact on the economics of redevelopment and given that there is a very limited window for future projects to take advantage of the program given development timelines.

Chapter 16.12

LOW-DENSITY RESIDENTIAL DISTRICT (0-4)

Sections:

16.12.010 Intent
16.12.020 Permitted uses
16.12.030 Prohibited uses
16.12.035 Density
16.12.040 Environmental performance standards
16.12.050 Lot area
16.12.060 Off-street parking
16.12.070 Landscaping
16.12.080 Stormwater runoff

16.12.010 Intent.

It is the intent of this chapter to:

A. Enhance the residential quality of the city by providing a high standard of development for single-family residential areas;

B. Provide a single family residential designation with an appropriate lower density and larger lot size for development adjacent to environmentally sensitive areas;

C. Provide a single family residential designation with lot sizes compatible and more easily integrated into neighborhoods with adjacent older subdivisions with larger lots;

D. Designate certain areas in which single-family structures on individual lots are the dominant type of dwelling unit;

E. Guide residential development to those areas where:

1. Public sewers are in place prior to residential building construction, or

2. Where sewers can be extended at minimal cost to the city, or

3. Where new technology in the processing of domestic sewerage makes residential development in unsewered areas environmentally acceptable;

F. Guide development of residential areas in such manner as to encourage and plan for the availability of public services and community facilities such as utilities, police and fire protection, streets, schools, parks and recreation. (Ord. 1243 §5, 2005; Ord. 1024 §25, 1995; Ord. 583 §2.12(A), 1980).

16.12.020 Permitted uses.

A. Specific types permitted in the low-density residential district:

1. Single-family detached structures on individual lots up to four dwelling units per acre dependent upon environmental sensitivity. For unplatted parcels of less than one acre, properties may be divided into the maximum number of lots the minimum lot size will permit pursuant to LMC 16.12.035. Single-family detached structures are subject to the design criteria established in LMC 14.23.072.

2. Housing for people with functional disabilities.

B. Other or related uses permitted:

1. Accessory buildings or structures clearly incidental to the residential use of the lot such as storage of personal property or for the pursuit of avocational interests. All such buildings or structures over sixteen feet in height shall comply with the design requirements of LMC 14.23.071;

2. Urban agricultural uses as provided for and limited under Chapter 16.21 LMC;

3. Home occupations as provided in Chapter 16.69 LMC;

4. Accessory dwelling as defined in LMC 16.06.055;

5. Conditional uses as provided in Chapter 16.66 LMC;

6. The keeping of common household animals or pets is permitted provided that their keeping does not constitute a nuisance or hazard to the peace, health and welfare of the community in general and neighbors in particular;

7. Family day care homes as provided in Chapter 16.65 LMC. (Ord. 1368 §15, 2011; Ord. 1310 §18, 2008; Ord. 1243 §6, 2005; Ord. 1192 §205, 2002; Ord. 1137 §2, 2000; Ord. 1044 §5, 1996; Ord. 1024 §25, 1995; Ord. 931 §5, 1992; Ord. 927 §4, 1992; Ord. 691 §7, 1984; Ord. 583 §2.12(B)(1,2), 1980).

16.12.030 Prohibited uses.

A. Kennels are prohibited.

B. Uses other than those identified or described in LMC 16.12.020 are prohibited. (Ord. 583 §2.12(B)(3), 1980).

16.12.035 Density.

Densities of up to four units per acre are permitted dependent upon environmental sensitivity. For unplatted parcels of less than one acre, properties may be divided into the maximum number of lots the minimum lot size will permit. Provided said lot has infrastructure available to it to support the lots being created and provided created lots are not less than the average lot size of adjacent developed lots. Every detached single family dwelling, with the exception of an accessory dwelling meeting the requirements of LMC 16.06.055, shall be located on its own lot. Creation of an individual lot or lots shall meet all requirements of LMC Title 15, the Lacey subdivision and short subdivision code. (Ord. 1310 §19, 2008; Ord. 1243 §7, 2005; Ord. 1218 §9, 2004; Ord. 1044 §6, 1996; Ord. 1024 §26, 1995).

16.12.040 Environmental performance standards.

A. Permitted uses shall create no noise, emissions, odors or other nuisances which are demonstrably disruptive or disturbing to other residences in the area, or which are of a quality or quantity not normally associated with residential use.

B. The construction of accessory buildings shall be encouraged in such a manner as to make them complementary to the basic architectural character of the main building on the lot, or appropriate to the accessory use.

C. Conditional uses shall comply with the development standards described for such uses in Chapter 16.66 LMC.

D. All uses shall comply with the applicable environmental performance standards of Chapter 16.57 LMC. (Ord. 1192 §132, 2002; Ord. 583 §2.12(C)(1), 1980).

16.12.050 Lot area.

The size and shape of lots shall be as follows, provided they adhere to the density requirements:

A. Minimum lot area, six thousand five hundred square feet where alleys are utilized and seven thousand five hundred square feet where alleys are not provided.

B. Minimum lot width, sixty feet where alleys are utilized, seventy feet where alleys are not provided. In the case of infill lots, the street frontage shall also be forty feet when alleys are utilized and fifty feet if alleys are not utilized.

C. Minimum front yard:

Sixteen feet.

Garages facing the street, twenty feet.

On front yard flanking streets, ten feet.

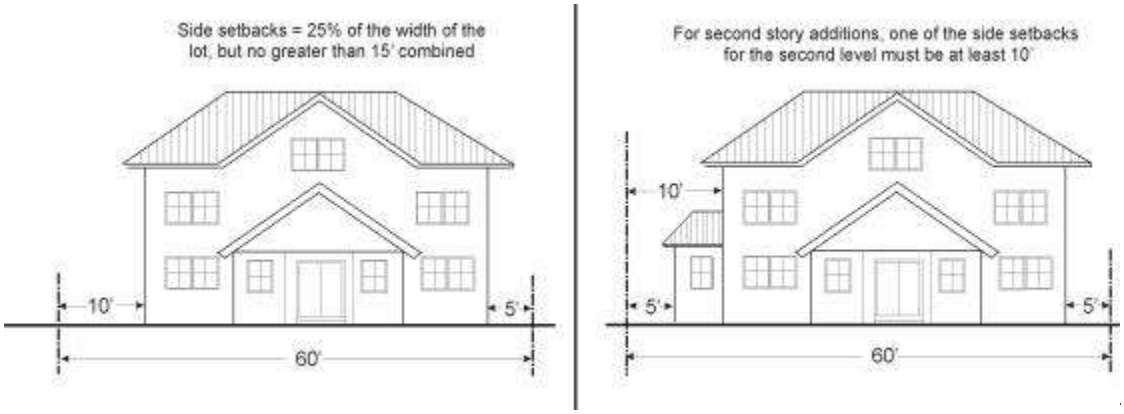
Unenclosed porches may project up to six feet into the front yard, provided the porches are at least forty-eight square feet in area with no dimension less than six feet.

D. Minimum side yards:

Minimum on one side, five feet.

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

Table 16T-72



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

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

F. Minimum usable open space:

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

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

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

Table 16T-73

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

Table 16T-74

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

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

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

I. Maximum height of buildings:

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

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

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

J. Accessory buildings: All accessory buildings must comply with the current building setbacks as stated in this chapter; provided, however, if the accessory building is less than two hundred square feet, the following setbacks are permitted:

Front yard, twenty feet.

Side yard, five feet.

Rear yard, three feet. (Ord. 1480 §§12, 28 (part), 29 (part), 2015: Ord. 1427 §4, 2013: Ord. 1310 §21, 2008; Repealed Ord. 1310 §20, 2008; Ord. 1243 §8, 2005; Ord. 1220 §5, 2004; Ord. 1218 §10, 2004; Ord. 1179 §2, 2002; Ord. 1024 §27, 1995; Ord. 691 §8, 1984; Ord. 618 §1, 1981; Ord. 583 §2.12(C)(2)(a), 1980).

16.12.060 Off-street parking.
Off-street parking shall be provided in accordance with Chapter 16.72 LMC. (Ord. 583 §2.12(C)(2)(b), 1980).

16.12.070 Landscaping.
All requirements of Chapter 16.80 LMC shall be satisfied. (Ord. 1496 §45, 2016: Ord. 1310 §22, 2008; Ord. 691 §9, 1984; Ord. 583 §2.12(C)(2)(c), 1980).

16.12.080 Stormwater runoff.
Stormwater management is required and shall comply with the current City of Lacey Stormwater Design Manual and shall be subject to the city's review and approval, and shall, moreover, comply Chapter 15.22 LMC pertaining to community facilities. (Ord. 1496 §46, 2016: Ord. 1380 §1, 2012; Ord. 583 §2.12(C)(2)(d), 1980).

Chapter 16.13

LOW-DENSITY RESIDENTIAL DISTRICT ~~(3-6)~~

Sections:

16.13.010 Intent
16.13.020 Permitted uses
16.13.030 Prohibited uses
16.13.035 Densities and infill
16.13.040 Environmental performance standards
16.13.050 Lot area
16.13.060 Off-street parking
16.13.070 Landscaping
16.13.080 Stormwater runoff

16.13.010 Intent.

It is the intent of this chapter to:

A. Enhance the residential quality of the city by providing a high standard of development for ~~single-family~~ residential areas ~~of low density~~;

~~B. Designate certain areas in which single family structures on individual lots are the dominant type of dwelling unit;~~

~~C. Provide designated areas in which certain minimum and maximum densities apply to promote the efficient use of land;~~

B~~D~~. Allow a broad range of ~~low density~~ housing options ~~from three to six units per acre to provide a range of single family land use options including innovative smaller lot uses such as Z-lot concepts~~;

C~~E~~. Guide residential development to those areas where:

1. Public sewers are in place prior to residential building construction, or

2. Sewers can be extended, or

3. New technology in the processing of domestic sewerage makes residential development in unsewered areas environmentally acceptable;

D~~F~~. Guide development of residential areas in such manner as to encourage and plan for the availability of public services and community facilities such as utilities, police and fire protection, streets, schools, parks and recreation;

E~~G~~. Guide development in such a manner as to provide protection between noncompatible uses. (Ord. 1024 §28, 1995; Ord. 769 §1 (part), 1986).

16.13.020 Permitted uses.

A. Specific types permitted in the low density residential district:

1. Single-family detached structures on individual lots with a density of not ~~less than three nor~~ more than six units per acre. ~~For unplatted parcels of less than one acre, properties may be divided into the maximum number of lots the minimum lot size will permit pursuant to LMC 16.13.035.~~ Single-family detached structures are subject to the design criteria established in LMC 14.23.072;

2. Cottage housing developments as provided in Chapter 16.62 LMC and subject to the design criteria in LMC 14.23.072;

3. Planned residential developments as provided in Chapter 16.60 LMC;

4. Townhouse developments as provided in Chapter 16.61 LMC;

5. Duplexes and triplexes on individual lots ~~A limited percentage (up to five percent of total lots) of two and three family units, as noted on particular lots on the plat,~~ provided design requirements of Chapter 14.23.073 LMC are satisfied. ~~Duplex and triplex units should not be placed adjacent to one another, but scattered throughout the development;~~

6. Housing for people with functional disabilities.

B. Other or related uses permitted:

1. Accessory buildings or structures clearly incidental to the residential use of the lot, such as buildings or structures for storage of personal property (including boats, recreational vehicles, etc.), or for the pursuit of avocational interests; or structures designed for and related to recreational needs of the residents of a residential complex. All such buildings or structures over sixteen feet in height shall comply with the design requirements of LMC 14.23.071;

2. Urban agricultural uses as permitted and limited under Chapter 16.21 LMC;

3. Home occupations as provided in Chapter 16.69 LMC;

4. Accessory dwelling as defined in LMC 16.06.055;

5. Conditional uses as provided in Chapter 16.66 LMC;

6. The keeping of common household animals or pets, provided that their keeping does not constitute a nuisance or hazard to the peace, health and welfare of the community in general and neighbors in particular;

7. Family day care homes as provided in Chapter 16.65 LMC. (Ord. 1368 §17, 2011; Ord. 1310 §23, 2008; Ord. 1192 §133, 2002; Ord. 1137 §3, 2000; Ord. 1044 §7, 1996; Ord. 1024 §28, 1995; Ord. 931 §6, 1992; Ord. 927 §5, 1992; Ord. 769 §1 (part), 1986).

16.13.030 Prohibited uses.

A. Kennels are prohibited.

B. Uses other than those identified or described in LMC 16.13.020 are prohibited. (Ord. 1024 §28, 1995; Ord. 769 §1 (part), 1986).

16.13.035 Densities and infill.

Densities ~~may range from not less than three to~~shall not exceed ~~no more than~~ six units per acre, provided that duplexes or triplexes either created by remodeling an existing single-family dwelling or constructed on an existing vacant lot of record are not subject to the maximum density limits. ~~For unplatted parcels of less than one acre, properties may be divided into the maximum number of lots the minimum lot size will permit. Provided said lot has infrastructure available to it to support the lots being created and provided created lots are not less than the average lot size of adjacent developed lots.~~ Every detached single family dwelling, with the exception of an accessory dwelling meeting the requirements of LMC 16.06.055 and every duplex or triplex, shall be located on its own lot. Creation of said lot shall meet all requirements of LMC Title 15 the Lacey subdivision and short subdivision code.

(Ord 1310 §24, 2008; Ord. 1218 §11, 2004; Ord. 1044 §8, 1996; Ord. 1024 §29, 1995; Ord. 1024 §1, 1995).

16.13.040 Environmental performance standards.

A. Permitted uses shall create no noise, emissions, odors or other nuisances which are demonstrably disruptive or disturbing to other residences in the area, or which are of a quality or quantity not normally associated with residential use.

B. Accessory buildings shall be complementary to the basic architectural character of the main building on the lot, or appropriate to the accessory use.

C. Conditional uses shall comply with the development standards described for such uses in Chapter 16.66 LMC.

D. All uses shall comply with the applicable environmental performance standards of Chapter 16.57 LMC. (Ord. 1368 §18, 2011; Ord. 1192 §134, 2002; Ord. 769 §1 (part), 1986).

16.13.050 Lot area.

A. The size and shape of ~~single-family detached~~ lots shall be as follows, provided they adhere to the density requirements:

1. Minimum lot area, four thousand five hundred square feet where alleys are utilized; five thousand square feet where alleys are not provided.

2. Minimum lot width, forty feet where alleys are utilized, fifty feet where alleys are not provided. In the case of infill lots, the street frontage shall also be forty feet when alleys are utilized and fifty feet if alleys are not utilized.

3. Minimum front yard:

Sixteen feet.

In addition, setbacks are encouraged to be staggered as provided in LMC 15.12.080(F) for the purpose of modulating the streetscape and providing more convenient opportunities for offsetting windows for privacy of individual homes and other desired design outcomes.

Garages facing the street, twenty feet.

On front yard flanking streets, ten feet.

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

4. Minimum side yards:

Minimum on one side, five feet.

Minimum total both sides, ten feet.

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

a. Other applicable standards in this chapter.

b. Design criteria in LMC 14.23.072, particularly LMC 14.23.072(L).

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

6. Minimum rear yard, ~~twenty~~ fifteen feet provided detached accessory dwelling units shall be five feet. ~~g~~Garages may be within three feet of the rear yard line, alley easement or paved surface when adjacent to an alley.

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

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

1. The health department must review and approve plans for alternative sewage disposal.

2. Lots must be clustered in a configuration that results in urban size lots with one large reserve lot for future development.

3. Clustered lots must be between five thousand and ten thousand eight hundred ninety square feet.

4. Excluding the reserve parcel, clustered lots must meet density requirements of LMC 16.13.035.

5. Subdivisions and short subdivisions must have a statement on the face of the plat or short plat that when sewer becomes available to the area clustered lots shall hook up to sewer at each lot owner's expense. Such requirement shall also be provided for in protective covenants.

D. Other lot standards:

1. Minimum usable open space:

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

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

a. A pergola or other architectural feature with landscaping;

b. An improved patio area with features for associated use such as sitting or barbeque;

c. Other design features and improvements that add to the usability, privacy and desirability of the private space.

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

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

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

Table 16T-75

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

Table 16T-76

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

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

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

4. Maximum height:

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

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

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

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

5. Accessory buildings. ~~All a~~Accessory buildings ~~must~~ shall comply with the current building setbacks as stated in this chapter; provided, however, if the accessory building is less than two hundred square feet, the following setbacks are permitted:

Front yard, ~~fifteen~~ sixteen feet.

Side yard, five feet.

Rear yard, three feet. (Ord. 1480 §§13, 28 (part), 29 (part), 2015; Ord. 1427 §5, 2013: Ord. 1310 §26, 2008; Repealed Ord. 1310 §25, 2008; Ord. 1220 §6, 2004; Ord. 1218 §12, 2004; Ord 1179 §3, 2002; Ord. 1024 §30, 1995; Ord. 769 §1 (part), 1986).

16.13.060 Off-street parking.
Off-street parking shall be provided in accordance with Chapter 16.72 LMC. (Ord. 769 §1 (part), 1986).

16.13.070 Landscaping.
All requirements of Chapter 16.80 LMC shall be satisfied. (Ord. 1496 §47, 2016: Ord. 1310 §27, 2008; Ord. 769 §1 (part), 1986).

16.13.080 Stormwater runoff.
Stormwater management is required and shall comply with the current City of Lacey Stormwater Design Manual and shall be subject to the city's review and approval, and shall, moreover, comply with Chapter 15.22 LMC pertaining to community facilities. Stormwater generated on site shall not cause pollution to any surface or ground waters, or violate local, state, or federal standards governing the quality of such waters. (Ord. 1496 §48, 2016: Ord. 1380 §1, 2012; Ord. 769 §1 (part), 1986).

Amend other sections as follows:

…

16.09.010 Land use or zoning districts established.

To carry out the purpose of this title, the city is divided into the following districts: Agricultural, McAllister Springs Geologically Sensitive Area Residential District, Low-Density Residential ~~0-4, Low Density Residential 3-6~~, Lacey Historical Neighborhood, Moderate-Density Residential, High-Density Residential, Mixed Use Moderate Density Corridor, Mixed Use High Density Corridor, Hawks Prairie District, Village Center, Neighborhood Commercial, Community Commercial, General Commercial, Central Business Districts 4-7, Saint Martin's University, Woodland

District, Community Office, Light Industrial/Commercial, Light Industrial, Industrial, Mineral Extraction, Open Space/Institutional, Cemetery, Environmentally Sensitive Areas (overlay), Limited Zone (overlay), Planned Industrial Park Development (overlay). (Ord. 1493 §8, 2016: Ord. 1355 §1, 2010; Ord. 1220 §3, 2004; Ord. 1080 §5, 1998; Ord. 1024 §22, 1995; Ord. 758 §1 (part), 1985; Ord. 583 §2.01(D)(1), 1980).

…

16.40.050 Site requirements.

Minimum site requirements shall be as follows:

A. Lot area, twenty thousand square feet.

B. Lot width, one hundred feet.

C. Side yard setback, fifteen feet.

D. Rear yard setback, twenty-five feet.

E. Front yard setback, twenty feet.

F. Buildings of more than two hundred thousand square feet shall meet the requirements of LMC 16.40.052.

G. Wherever there are multiple buildings on the same lot, a minimum separation distance, meeting the requirements of LMC 14.23.083, shall be maintained between such buildings.

H. When adjacent to a residential zoned property (LD, ~~0-4, LD 3-6~~ MD, or HD), or an open space institutional zoned property (OSI), the minimum yard setback adjacent to the residential or open space institutional zone shall be fifty feet.

I. Truck bay doors and/or loading or unloading areas shall not face residential zoned property (LD ~~04, LD 3-6~~, MD or HD), if within two hundred fifty feet of said zones, unless separated by the placement of a building without bay doors and/or loading or unloading areas facing the residential zone. (Ord. 1480 §24, 2015: Ord. 1348 §4, 2010; Ord. 1264 §11, 2006; Ord. 758 §1 (part), 1985).

…

16.41.050 Site requirements.

Minimum requirements shall be as follows:

A. Minimum Lot Size. The lot size shall be sufficient to accommodate the use(s) and requirements of the Lacey Municipal Code and Development Guidelines and Public Works Standards;

B. Setbacks.

1. Front Yard. The front yard shall be a minimum of fifteen feet.

2. Yard Area on Flanking Street or Corner Lot. The yard area on a corner lot shall be the same as the front yard under subsection (B)(1) of this section.

3. Side Yards. The side yards shall be a minimum of fifteen feet.

4. Rear Yards. The rear yards shall be a minimum of fifteen feet.

5. Setbacks required by this section may be waived by the site plan review committee pursuant to the policies of this chapter.

C. Transitional Buffer. When adjacent to residential zones (LD 0-4, LD 3-6, MD, or HD) and where parking areas, truck bay doors and or loading or unloading areas face the residential use, a yard of not less than fifty feet shall be provided. Where placement of a building without bay doors and/or loading or unloading areas face the residential zone, standard yard requirements apply; provided, that the requirements of LMC 16.80.050(B) are met for Type 1 landscaping.

D. Height Limitation. Building heights are limited to sixty feet. (Ord. 1493 §18, 2016: Ord. 1044 §22, 1996; Ord. 770 §1 (part), 1986).

…

16.61.030 Where permitted.

Townhouse developments may be permitted in the following land use districts, consistent with the development standards in this chapter:

A. Low Density 3-6 Residential District;

B. Moderate Density Residential District;

C. High Density Residential District. (Ord. 691 §32 (part), 1984; Ord. 1380; §1; 2012).

16.61.040 Development standards.

A. Density. The density of the underlying zone governs unless a density increase is granted as provided in this chapter.

B. Density Increase. The city may approve an increase in the dwelling unit density of up to fifteen percent in the Low Density 3-6 District, twenty percent in the Moderate Density District and twenty-five percent in the High Density District, rounded up to the nearest whole number; provided, that four of the five following environmental and recreational amenities are implemented:

…

16.62.020 Where permitted.

Cottage housing development shall be permitted in the following land use districts, consistent with the development standards in this chapter:

A. Low Density Residential 3-6 District.

B. Moderate Density Residential District.

C. High Density Residential District.

D. Cottage housing developments are intended to be integrated with other housing types. Specifically, no more than five clusters of cottages are permitted in any individual development, except for large developments where cottages represent less than twenty five percent of the total number of dwelling unit. (Ord. 1310, §48, 2008).

16.62.030 Development standards.

A. Density. The density of the underlying zone governs unless a density increase is granted as provided in this chapter.

B. Density Increase in the Low Density Residential (3-6) and Moderate Density Residential Districts. The city may allow two cottage units for each regular dwelling unit allowed under existing standards in the Low Density Residential (3-6) and Moderate Density Residential Districts.

…

16.67.050 Sensitive land uses.

The following uses, properties and zones are considered sensitive as referenced in LMC 16.67.030:

A. Property used for public and private schools;

B. Property used for public parks;

C. Property used for public libraries;

D. Property used for state-certified day care;

E. Property used for community teen centers;

F. Property used for churches, cemeteries or other religious facilities or institutions;

G. Property used for residential and lodging uses and property zoned primarily for residential uses, including LD~~-0-4, LD 3-6~~, MD, and HD zones;

H. Property used for organizations, associations, facilities and businesses which provide, as a substantial portion of their activities, function or business, the provision of services to children and/or youth, so that the premises of the organization, facility or business would have children and youth in attendance or at the location during a predominant portion of the operational hours of an adult entertainment facility. (Ord. 1037 §3, 1996).

…

Table 16T-13

Use	**Unit Measure**	**Optional Min**	**Max**	**Required Bicycle Parking Spaces**
BUSINESS PARK				
General business park[1]	Per 1,000 square feet	2	4	See offices
COMMERCIAL				
Banks	Per 1,000 gross square feet	2	3	See offices
Billiard halls	Per table	1	2	1 per 20 auto stalls. Minimum of 4
Bowling alleys	Per alley	3	5	1 per 20 auto stalls. Minimum of 4
Commercial recreation	Per 1,000 square feet	3	5	1 per 20 auto stalls. Minimum of 4
Daycare, preschools, nursery schools	Per teacher plus one drop-off loading area per 7 students	0.5	1	1 per 25 auto stalls. Minimum of 1

Use	Unit Measure	Optional Min	Max	Required Bicycle Parking Spaces
Hotels, motels	Per room or suite	1	2	See retail
Medical offices	Per 1,000 square feet of GFA	2	4	See offices
Mini storage	Per 100 units or a minimum of 3 spaces plus 2 for permanent on-site managers	1		None
Mortuaries, funeral homes	Per 4 seats	1	2	None
Neighborhood commercial shopping area	Per 1,000 square feet	1	2	See retail
Office building	Per 1,000 square feet of GFA			1 per 15 auto stalls. Minimum of 2
	• With on-site customer service	2	4	
	• Without on-site customer service	1.5	3	
Regional shopping centers, food and drug stores	Per 1,000 square feet of GFA	3	6	See retail
Restaurants	Per 100 square feet of dining area	1	4	See retail
Retail	Per 1,000 gross square feet	3	6	1 per 20 auto stalls. Minimum of 2
Retail in mixed use development[2]	Per 1,000 gross square feet	2	4	See retail
Service stations (mini marts are retail uses)	Per employee plus per service bay	0.5	1	None
INDUSTRIAL				
General industrial	Greatest number of employees on a single shift	0.5	1	See offices

Use	Unit Measure	Optional Min	Max	Required Bicycle Parking Spaces
	plus one square foot of parking for each square foot of display area plus one space for each vehicle owned, leased or operated by the company			
Warehouse	Per 1,000 square feet of GFA plus	1		None
	Per 400 square feet of GFA used for office or display area	1		
INSTITUTIONAL				
Convalescent facilities, nursing homes	Per 2 patient beds	1	3	See offices
Hospital	Per bed	0.5	1	See offices
Libraries	Per 200 square feet of GFA	0.5	1	1 per 20 auto stalls. Minimum of 2
Schools, elementary and junior high	Per classroom and office	1	1.5	1 per classroom
Schools, senior high	Per classroom and office plus per each 5 students of designated capacity	1	2	1 per five auto stalls. Minimum of 2
PLACES OF ASSEMBLY				
Places of assembly without fixed seats	Per 1,000 square feet of GFA[3]	10	11	1 per 25 auto stalls. Minimum of 2
Places of worship	Per 4 seats	1	2	1 per 40 auto stalls. Minimum of 4
Stadiums, auditoriums, gymnasiums, theaters[4]	Per 4 seats of the permitted assembly occupants.	1	1.5	1 per 25 auto stalls. Minimum of 4

Use	Unit Measure	Optional Min	Max	Required Bicycle Parking Spaces
RESIDENTIAL				
Accessory dwelling unit	Per dwelling unit	1		None
Single-family	Per dwelling unit	2[6]		None
Duplexes and Triplexes	Per dwelling unit	2		None
Multifamily structures greater than three units	Per dwelling unit	1.5		1 per 10 auto stalls. 2 minimum per building
Manufactured home subdivision	Per dwelling unit	2		None
Manufactured home parks[5]	Per dwelling unit	1.5		None
Rooming houses, lodging houses, bachelor or efficiency units	Per occupant	1	3	None
Senior citizen apartments	Per 3 dwelling units	1	2	See multifamily

[1] When calculating need, a lower ratio of five-tenths per one thousand square feet of GFA can be justified when a covenant is attached to the property that limits the occupancy load to ninety-five percent of the parking stalls available. In addition, the SPRC may authorize a parking ratio up to five spaces per one thousand square feet of GFA if the need can be demonstrated.

[2] If retail space in a mixed-use development exceeds forty percent of the gross floor area of the development, the retail use parking requirements of this section apply to the entire space.

[3] Gross square feet does not include enclosed or covered areas used for off-street parking or loading, mechanical floor areas or covered public spaces.

[4] School and/or public facility parking spaces may be used provided the facilities are on the same or contiguous parcels within three hundred feet of the theater or auditorium.

[5] In manufactured home parks, the parking spaces in excess of one per manufactured home may be grouped in shared parking areas.

[6] For single-family residential development, a minimum of two parking spaces is required.

The following notes apply to all of the above uses:

• Minimum automobile spaces listed in the table are optional guidelines provided in LMC 16.72.030(D)(1)(c) (optional minimum guidelines). Minimum parking spaces for bike parking are mandatory.

• Parking ratios for mixed use development projects shall be determined by calculating the percentage of GFA by use multiplied by the appropriate parking ratio for each use plus a five percent parking reduction for two uses, ten percent parking reduction for three uses and fifteen percent parking reduction for four or more uses.

• Parking spaces provided as part of the above/below grade parking amenity identified in Table 14T-12 shall be exempt from all maximum parking requirements.

• All major employers or major worksites, as defined by RCW 70.94.524, shall designate at least five percent of auto spaces as carpool spaces. These spaces must be located as close to the main employee entrance as possible and shall be called out on the site plan.

• Where adjacent roads are designed for on-street parking and approved by the public works director, parking credit may be given for on-street parking. (Ord. 1539 §120 (part), 2019; Ord. 1434 §7, 2014).

…

14.23.073 Design Criteria For Duplexes And Triplexes In Areas Predominantly Built Out With Single-Family Detached Structures.

To locate duplex and triplex units in areas developed with single-family structures will be controversial because of perceptions that rental units could potentially devalue traditional single-family units. One way to allay these perceptions is to provide duplex and triplex units that blend in with the environment. This can enrich the architectural standards and appearance of the surrounding subdivision or neighborhood. To do this, special guidelines are needed to promote outstanding design and quality of such units.

A. *Similarity to Single-Family Detached Structures.* To accomplish this, duplex and triplex units in single-family residential areas shall comply with the design criteria for detached single-family dwellings in LMC 14.23.072 unless otherwise noted below. (See *Table* 14T-39.)

B. *Supplemental Design Criteria.* Where there is a conflict with the detached single-family design criteria set forth in LMC 14.23.072, the design criteria herein shall apply.

1. *Entry Design.*

a. Use either a single entry providing access to multiple units with appearance of a single entry to a single-family house or separate distinct covered entries;

b. For duplexes located on street corners, entries shall be provided on different sides of the structure so only one entry is visible from any one street.

2. *Location of Garages.* Garages for each of the units shall be separated from one another by living units of one or more of the units, except where designed with adjacent single or tandem garages. No more than two single or tandem garages may be placed in a row.

3. *Architectural Variety.* When reviewing developments with multiple adjacent duplexes, each duplex structure shall be reviewed as an individual home or building in terms of compliance with LMC 14.23.072(J).

C. *Design Option.* Duplexes and triplexes can either be designed to look like one single-family house (containing one distinct entry) or designed to look like two or three distinct dwelling units (each with their own individual covered entry). Both design options shall utilize complementary design elements as described in subsection D of this section.

D. *Complementary Design.* Units shall have a design that provides significant architectural interest and is complementary to single-family units in the subdivision. A number of techniques can be used to achieve architectural interest:

1. Roof breaks, use of dormers, masonry chimneys;

2. Modulation of facades and fenestration;

3. Use of balconies, decks and porches.

E. *Landscaping*. Utilize native and drought-tolerant landscaping and/or vegetated LID facilities that complement the architecture of the unit. (Ord. 1539 §13, 2019; Ord. 1496 §9, 2016; Ord. 1310 §6, 2008; Ord. 1124 §7, 2000; Ord. 1024 §3, 1995).

F. *Privacy Standards.*

1. *Window Placement.* Placement of windows shall consider privacy so residents from one unit to the next cannot look directly into another unit.

2. Location and orientation of dwelling units shall consider privacy.

3. *Side Yard Screening Options.* All developments shall utilize one of the following screening methods in side yards:

a. Provide Type I, II, or III landscaping (as defined in LMC 16.80.050) between adjacent homes.

b. Provide solid wood fence or masonry wall, or combination of wood and masonry, six feet in height and located along the property line.

c. Provide a zero-lot line configuration or other similar treatment whereby one side of a home does not feature transparent windows or other openings and thus maximizing privacy on the side yard of the adjacent dwelling unit.

d. Other treatments that meet the intent of the criteria as approved by the director. Examples can include lower fencing and/or reduced or alternative landscaping treatments. (See *Table* 14T-28.)

G. *Frontage improvements*. Duplexes and triplexes shall comply with the street frontage improvement requirements of Chapter 4B of the Development Guidelines and Public Works Standards.

…

4.30.21 Draft: Fee Waiver for Affordable Housing

Chapter 1.20
FEES, CHARGES AND BONDING REQUIREMENTS

Sections:

1.20.010 Established by city council
1.20.020 Council policy regarding the waiver of building permit and other construction-related fees for community ~~-based~~ housing development organizations, Habitat for Humanity, and Boys and Girls Club of Thurston County projects
1.20.030 Deferral of wastewater connection fees and general facilities charges for certain affordable housing developments
1.20.040 Waiver of building permit and other construction-related fees for affordable housing projects
1.20.050 Project eligibility
1.20.060 Administration
1.20.070 Application review
1.20.080 Cancellation of project

1.20.010 Established by city council.

Except where a fee or charge to be paid to the city of Lacey or a specific bonding requirement is set forth specifically in this code, said fee, charge or bonding requirement shall be as established by the city council by the passage of a resolution adopting a fee, charge, and bonding requirement schedule. The city council shall further set the dollar penalty for failure to pay said fee or charge in a timely manner by passage of such resolution. (Ord. 666 §1, 1982).

1.20.020 Council policy regarding the waiver of building permit and other construction-related fees for community ~~-based~~ housing development organizations, Habitat for Humanity, and Boys and Girls Club of Thurston County projects.

The city manager is authorized, in accordance with the standards and conditions set forth in that certain council policy entitled “Waiver of Building Permit and Construction-Related Fees,” to waive the fees that otherwise would be required under the Lacey Fee Schedule adopted by

resolution of the city council and the following provisions of the Lacey Municipal Code for community housing development organizations that meet the requirements set by the U.S. Department of Housing and Urban Development (HUD), Habitat for Humanity, and Boys and Girls Club of Thurston County projects:

A. "Water Meter Only" and "Construction Water" - LMC 13.32.010.

B. Building Permit Fee - Chapter 14.04 LMC.

C. Mechanical Permit Fee - Chapter 14.05 LMC.

D. Plumbing Permit Fee - Chapter 14.06 LMC.

E. Electrical Permit Fee - Chapter 14.13 LMC.

F. Plan check fees in conjunction with the permits listed above.

G. Transportation Mitigation Fee - Chapter 14.21 LMC. (Ord. 1548 §2, 2019; Ord. 1362 §2, 2011; Ord. 1248 §2, 2005).

1.20.030 Deferral of wastewater connection fees and general facilities charges for certain affordable housing developments.

The City Manager is authorized, in accordance with the standards and conditions set forth in that certain Council policy entitled "Council Policy Regarding The Deferral Of Wastewater Connection Fees And General Facilities Charges For Certain Affordable Housing Developments" and on file with the City Clerk, to defer the connection fees which otherwise would be required under LMC 13.16.010, 13.16.027 and 13.16.028 and, if the LOTT Alliance takes similar action, to defer those certain capacity development charges levied by LMC 13.16.025. (Ord. 1314 §2, 2008).

1.20.040 Waiver of building permit and other construction-related fees for affordable housing projects.

The City Manager is hereby authorized to waive the following fees for affordable housing projects that otherwise would be required under the Lacey Fee Schedule adopted by resolution of the City Council and the provisions of the Lacey Municipal Code:

A. "Water Meter Only" and "Construction Water" - LMC 13.32.010.

B. Building Permit Fee - Chapter 14.04 LMC.

C. Mechanical Permit Fee - Chapter 14.05 LMC.

D. Plumbing Permit Fee - Chapter 14.06 LMC.

E. Electrical Permit Fee - Chapter 14.13 LMC.

F. Plan check fees in conjunction with the permits listed above.

G. Transportation Mitigation Fee - Chapter 14.21 LMC.

1.20.050 Project eligibility.

A proposed project must meet the following requirements for consideration of a waiver of fees identified in Lacey Municipal Code 1.20.040:

A. Location. The project must be located within the Lacey corporate limits.

B. Proposed Completion Date. The construction of housing units granted a waiver shall be completed within two years from the date of approval of the application.

C. Minimum Percentage. A minimum of 10 percent of the total number of proposed units within a development that is granted a waiver shall be designated affordable under section 1.20.050 (F).

D. Other Regulations. Units granted a waiver shall comply with all applicable Federal, State, and local affordability standards.

E. Targeted Area Median Income. Proposed affordable housing units shall be rented or sold to individuals with an area median income of 60% or less as established by the most recent Department of Housing and Urban Development calculation for the Olympia-Tumwater WA Metropolitan Statistical Area.

F. The applicant agrees the units granted a waiver will remain designated for those with an area median income of 60% or less as established by LMC 1.20.050(E) in perpetuity. This classification shall be established through restrictive covenants, deed restrictions, or other binding affordability agreement approved by the City. These affordability covenants or deed restrictions must be in place as a written agreement that is recorded with the deed of the property and limits transfer of the property to another qualified household. The covenants or deed restrictions will apply permanently.

G. An agency designated by the City shall monitor compliance of the affordability requirements established by LMC 1.20.050(F) for units granted waivers.

1.20.060 Administration.

A. Fee waiver grantees shall be required to provide a certified written annual report to the City of Lacey and the designated agency demonstrating continued compliance with affordable housing requirements as well as reporting occupancy and vacancy statistics of the affordable housing units.

B. If an applicant is planning to utilize a third party entity to provide and manage the affordable units, the applicant and the third party must enter into an agreement that clarifies the management, use and oversight of the affordable components. This agreement is in addition to a deed restriction and/or affordability covenant.

C. The affordable units shall be distributed proportionally throughout the development, appropriately designed and integrated with the market-rate units, and, as feasible, contain the same number of bedrooms as the market-rate units. Thirty percent (30%) of affordable units must be delivered in the first phase (where applicable) and the remainder of the units must be delivered proportionally based on the development build-out and phasing.

D. The waiving of fees will only apply to the affordable units within a development. The City will not waive fees for market-rate units.

1.20.070 Application review.

A. The City Manager may certify as eligible an application which is determined to comply with the requirements of this chapter. A decision to approve or deny an application shall be made within ninety (90) calendar days of receipt of a complete application.

B. Approval. The City Manager may approve the application upon the finding that:

1. The proposed project is or will be, at the time of completion, in conformance with all local plans and regulations that apply at the time the application is approved; and

2. The applicant has complied with all standards and guidelines adopted by the city under this ordinance.

C. The City Manager shall issue a written decision on issuance of a waiver to the applicant.

D. Availability of Waivers. The City of Lacey is limited in the number of waivers distributed each year. The number of waivers available shall be limited to 50 units per year. These waivers will be distributed on a first come, first served basis.

1.20.080 Cancellation of project.

A. If the designated agency determines the applicant is not in compliance with the terms of this chapter, the waiver of fees will be canceled. This cancellation may occur in conjunction with the annual review or at any other time when noncompliance has been determined. If a cancellation of fees occurs, the current owner of the unit will be required to reimburse the City all waived fees adjusted annually for inflation.

B. If the developer or property owner wishes to terminate their waiver of fees, they must provide thirty (30) days' written notice to the City Manager. Upon cancellation, reimbursement shall be made to the City for all waived fees adjusted annually for inflation.

C. Notice and Appeal. Upon determining that a waiver of fees is to be canceled, the City Manager shall notify the property owner by mail, return receipt requested. The property owner may appeal the determination by filing a notice of appeal with the City Manager within thirty (30) calendar days, specifying the factual and legal basis for the appeal. The Hearings Examiner will conduct a hearing at which all affected parties may be heard and all competent evidence received. The Hearings Examiner will affirm, modify, or repeal the decision to cancel the exemption based on the evidence received. Any appeal of the Hearings Examiner's decision shall be to Thurston County Superior Court.

Chapter 3.64
MULTIFAMILY TAX EXEMPTION PROGRAM

Sections:

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3.64.010 Purpose.

A. As provided for in Chapter 84.14 RCW, the purpose of this chapter is to provide limited, eight- or twelve-year exemptions from ad valorem property taxation for qualified new multifamily housing located in designated residential targeted areas.

B. To promote and incentivize the development, and redevelopment, of a balanced socio-economic mix of housing within the residential target area as a catalyst for additional investment and development of land uses that creates a vibrant, urban mixed use district. (Ord. 1452 §1 (part), 2014).

3.64.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

A. “Administrator” means the director of the city of Lacey community development department or designee assigned to carry out this chapter.

B. “Affordable housing” means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household’s monthly

income. For the purposes of housing intended for owner occupancy, "affordable housing" means residential housing that is within the means of low- or moderate-income households.

C. "Household" means a single person, family, or unrelated persons living together.

D. "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median family income adjusted for family size, for the county where the project is located, as reported by the United States Department of Housing and Urban Development.

E. "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is more than eighty percent but is at or below one hundred fifteen percent of the median family income adjusted for family size, for the county where the project is located, as reported by the United States Department of Housing and Urban Development. For cities located in high-cost areas, "moderate-income household" means a household that has an income that is more than one hundred percent, but at or below one hundred fifty percent, of the median family income adjusted for family size, for the county where the project is located.

F. "Multiple-unit housing" means a building having four or more dwelling units not designed or used as transient accommodations and not including hotels and motels. Multifamily units may result from new construction or rehabilitated or conversion of vacant, underutilized, or substandard buildings to multifamily housing.

G. "Owner" means the property owner of record.

H. "Permanent residential occupancy" means multiunit housing that provides either rental or owner occupancy on a nontransient basis. This includes owner-occupied or rental accommodation that is leased for a period of at least one month. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

I. "Rehabilitation improvements" means modifications to existing structures, that are vacant for twelve months or longer, that are made to achieve a condition of substantial compliance with existing building codes or modification to existing occupied structures which increase the number of multifamily housing units.

J. "Residential targeted area" means an area within an urban center or urban growth area that has been designated by the governing authority as a residential targeted area in accordance with this chapter. With respect to designations after July 1, 2007, "residential targeted area" may not include a campus facilities master plan.

K. "Substantial compliance" means compliance with local building or housing code requirements that are typically required for rehabilitation as opposed to new construction.

L. "Urban center" means a compact identifiable district where urban residents may obtain a variety of products and services. An urban center must contain:

1. Several existing or previous, or both, business establishments that may include but are not limited to shops, offices, banks, restaurants, governmental agencies; and

2. Adequate public facilities including streets, sidewalks, lighting, transit, domestic water, and sanitary sewer systems; and

3. A mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office, or both, use. (Ord. 1452 §1 (part), 2014).

3.64.030 Residential target area, hearing on resolution, target area designation and standards.

A. *Woodland District Target Area Classification.* Those areas as located within the Woodland District zoning district as shown on the city of Lacey Comprehensive Plan and Land Use Maps are designated as residential target areas.

B. Designation of additional residential target areas shall follow the process and procedures identified in RCW 84.14.040. (Ord. 1452 §1 (part), 2014).

3.64.040 Tax exemption for multifamily housing in target areas.

A. *Duration of Exemption.* The value of improvements qualifying under this chapter is exempt from ad valorem property taxation as follows:

1. For properties for which applications are submitted after the date of adoption of the ordinance codified in this chapter, the value is exempt:

a. For eight successive years beginning January 1st of the year immediately following the calendar year of issuance of the final certificate of tax exemption; or

b. For twelve successive years beginning January 1st of the year immediately following the calendar year of issuance of the final certificate of tax exemption, if the property otherwise qualifies for the exemption and the applicant/owner rents or sells at least twenty percent of the multifamily housing units as affordable housing to low and moderate-income households as further defined in this section. Provided, the total number of qualifying affordable housing units does not exceed thirty percent of the total number of housing units within the same project.

(1) For rental projects, at least twenty percent of the multifamily housing units in the project must be rented throughout the duration of the twelve-year exemption period as affordable housing to low-income households at eighty percent or less of median income.

(2) For ownership projects, at least twenty percent of the multifamily housing units in the project must be sold as affordable housing to low- or moderate-income households at one hundred twenty percent or less of median income.

B. *Limits on Exemption.* The exemption does not apply to the value of land or to the value of non-housing-related improvements not qualifying under this chapter, nor does the exemption apply to increases in assessed valuation of land and nonqualifying improvements. This section also does not apply to increases in assessed valuation made by the county assessor on nonqualifying portions of building and value of land, nor to increases made by lawful order of a County Board of Equalization, the Department of Revenue, or a county, to a class of property

throughout the county or specific area of the county to achieve the uniformity of assessment or appraisal required by law. (Ord. 1452 §1 (part), 2014).

3.64.050 Project eligibility and performance standards.

To qualify for exemption from property taxation under this section, the project must satisfy all of the following requirements:

A. *Location.* The project must be located within a residential target area identified in LMC 3.64.030.

B. *Size.* The qualifying new multifamily residential apartment project must include a minimum of twenty units of multifamily housing. Existing multifamily housing that has been vacant for twelve months or more does not have to provide additional units.

C. *Exception for Existing Residential Structure.* In the case of an existing occupied residential structure that is proposed for demolition and redevelopment as new multifamily housing, the project must provide as a minimum number of dwelling units in the new multifamily housing project, the greater of:

1. Replace the existing number of dwelling units and, unless the existing residential rental structure was vacant for twelve months or more prior to demolition, provide for a minimum of four additional dwelling units in the new multifamily housing project; or

2. Provide the number of dwelling units otherwise required in subsection B of this section.

D. *Exception for New Mixed Use and Mixed Use Redevelopment Projects.*

1. New and redevelopment projects of existing buildings located within the residential target area proposing a mixed use commercial, office, and/or retail project with multifamily residential units may qualify for the tax exemption if four or more residential units are included within the project.

E. *Compliance with Guidelines and Standards.* The project must be designed to comply with the city's Comprehensive Plan, building, housing, and zoning codes and any other applicable regulations in effect at the time the application is approved. Specifically, the requirements of Chapter 16.24 LMC, Woodland District, and Chapter 14.23 LMC, Design Review, must be satisfied in addition to any other standards and guidelines adopted by the city council for the residential target area in which the project will be developed.

F. At least fifty percent of the space in new, converted, or rehabilitated multiple units must be for permanent residential housing. In the case of existing occupied multifamily development, the multifamily housing must also provide for a minimum of four additional multifamily units. Existing multifamily vacant housing that has been vacant for twelve months or more does not have to provide additional units.

G. The applicant must enter into a contract with the city, approved by city council, under which the applicant agrees to the implementation of the development on terms and conditions satisfactory to the city council.

H. *Completion Deadline.* The project must be completed within three years from the date of approval of the contract by the city council. The administrator may grant one two-year extension, provided the applicant has demonstrated a good faith effort to complete the project. (Ord. 1452 §1 (part), 2014).

3.64.060 Application procedure.

A property owner who wishes to propose a project for a tax exemption shall complete the following:

A. File with the community development department the required application form, provided by the department, setting forth the grounds for tax exemption along with the required application fees. The application materials shall include the following information:

1. A brief written description of the project, and schematic site and floor plans of the multifamily dwelling units and the structure(s) in which they are proposed to be located.

2. Floor and site plans of the proposed project, which plans may be revised by the owner, provided such revisions are made and presented to the administrator prior to the city's final action on the exemption application.

3. A statement from the owner acknowledging the potential tax liability when the property ceases to be eligible for exemption under this section.

4. Verification by oath or affirmation of the information submitted.

B. *Deadline.* The application shall be submitted prior to the issuance of the building permit for the project, unless otherwise approved by the council. The administrator shall approve or deny an exemption application within ninety days of receipt of a complete application. (Ord. 1452 §1 (part), 2014).

3.64.070 Application review and conditional certification.

A. *Approval.* The administrator may approve an application if he or she finds that:

1. The owner has complied with all of the requirements of this section, including but not limited to the project eligibility requirements contained in this chapter and the applicable requirements contained within the Lacey Municipal Code; and

2. The proposed project is, or will be at the time of completion, in conformance with all approved plans, and all applicable requirements of the Lacey Municipal Code or other applicable requirements or regulations in effect at the time the application is approved.

B. *Contract Required.* If the application is approved, the owner shall enter into a contract with the city, approved by the city council, regarding the terms and conditions of the project under this section.

C. *Issuance of Conditional Certificate.* Following council approval of the contract, the administrator shall issue a conditional certificate of acceptance of tax exemption. The conditional certificate shall expire three years from the date of council approval of the contract unless an extension is granted as provided in LMC 3.64.080.

D. *Application Denial.*

1. *Denial.* The administrator shall deny an application if the criteria in this chapter are not met. The administrator shall state in writing the reasons for the denial and send notice of denial to the owner's last known address within ten days of the denial.

2. *Appeal.* The owner may appeal the administrator's decision to the hearing examiner in accordance with Chapter 1 of the City of Lacey Development Guidelines and Public Works Standards.

E. *Contract Amendment.* An owner may request an amendment(s) to the contract by submitting a request in writing to the administrator, together with the required fee, any time within three years of the date of the approval of the contract as provided for in LMC 3.64.080. The date for expiration of the conditional certificate shall not be extended by contract amendment unless all the conditions for extension are met. (Ord. 1452 §1 (part), 2014).

3.64.080 Extension of conditional certificate.

A. *Application.* The conditional certificate may be extended by the administrator for a period not to exceed twenty-four consecutive months. The owner shall submit a written request stating the grounds for the extension together with the required application fee.

B. *Approval.* The administrator may grant an extension if he/she finds that:

1. The anticipated failure to complete construction within the required time period is due to circumstances beyond the control of the owner; and

2. The owner has been acting, and could reasonably be expected to continue to act, in good faith and with due diligence; and

3. All the conditions of the original contract between the owner and the city will be satisfied upon completion of the project.

C. *Denial--Appeal.* The owner may appeal the administrator's decision to the hearing examiner in accordance with Chapter 1 of the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1452 §1 (part), 2014).

3.64.090 Final certificate.

A. *Application.* Upon completion of the construction as provided in the contract between the owner and the city, the owner may request a final certificate of tax exemption. The owner shall pay all required fees and file with the administrator such information as the administrator may deem necessary or useful to evaluate eligibility for the final certificate, which shall at a minimum include:

1. A statement of expenditures made with respect to each multifamily housing unit and the total expenditures made with respect to the entire property;

2. A description of the completed work and a statement of qualification for the exemption;

3. The total monthly rent or total sale amount of each multifamily housing unit rented or sold to date;

4. The income of each renter household to date at the time of initial occupancy and the income of each initial purchaser of owner-occupied multifamily housing units to date at the time of purchase;

5. If applicable, a statement that the project meets the affordable housing requirements of this section, along with the number, type, and specific multifamily housing units rented or sold to date, as applicable, to meet the affordable housing requirements;

6. Any additional information requested by the city pursuant to meeting any reporting requirements under Chapter 84.14 RCW; and

7. A statement that the work was completed within the required three-year period or any approved extension.

B. *Determination.* Within thirty days of receipt of all materials required for a final certificate, the administrator shall determine whether the completed work is consistent with the contract between the city and owner, whether all or a portion of the completed work is qualified for exemption under this section and, if so, which specific improvements satisfy the requirements of this section.

C. *Filing with County Assessor.* For projects that comply with the requirements of this chapter, the city shall file a final certificate of tax exemption with the county assessor within ten days of the expiration of the thirty-day period provided in subsection B of this section.

D. *Denial.* The administrator shall notify the owner in writing that the city will not file a final certificate if: (1) the administrator determines that the project was not completed within the required three-year period or any approved extension, or was not completed in accordance with the contract between the owner and the city and the requirements of this section, or the owner's property is otherwise not qualified for the limited exemption under this section; or (2) the owner and administrator cannot come to an agreement on the allocation of the value of the improvements allocated to the exempt portion of the project.

E. *Appeal.* The owner may appeal the administrator's decision to the hearing examiner in accordance with Chapter 1 of the City of Lacey Development Guidelines and Public Works Standards. (Ord. 1452 §1 (part), 2014).

3.64.100 Annual certification and report.

A. Within thirty days after the first anniversary of the date the city issued the final certificate of tax exemption and each year thereafter for the duration of the tax exemption period, the property owner shall file an annual report with the administrator. Failure to submit the annual report may result in cancellation of the tax exemption.

The certification shall contain such information as required by Chapter 84.14 RCW and as the administrator may deem necessary or useful, and shall at a minimum include the following information:

1. A statement of occupancy and vacancy of the multifamily dwelling units during the twelve months ending with the anniversary date;

2. A certification that the property has not changed use and, if applicable, that the property has been in compliance with the affordable housing requirements as described in this section since the date the city issued the final certificate of tax exemption and that the project continues to be in compliance with the contract with the city and the requirements of this section;

3. A description of any improvements or changes to the property made after the city issued the final certificate of tax exemption;

4. The total monthly rent of each multifamily housing unit rented or the total sale amount of each multifamily housing unit sold to an initial purchaser during the twelve months ending with the anniversary date;

5. The income of each renter household at the time of initial occupancy and the income of each initial purchaser of owner-occupied multifamily housing units at the time of purchase during the twelve months ending with the anniversary date;

6. If applicable, a breakdown of the number, type, and specific multifamily housing units rented or sold during the twelve months ending with the anniversary date, as applicable, to meet the affordable housing requirements of this section; and

7. Any additional information requested by the city pursuant to meeting any reporting requirements under Chapter 84.14 RCW. (Ord. 1452 §1 (part), 2014).

3.64.110 Cancellation of tax exemption.

A. *Cancellation.* If at any time the administrator determines that: (1) the property no longer complies with the terms of the contract or with the requirements of this chapter; (2) the use of the property is changed or will be changed to a use that is other than residential; (3) the project violates applicable zoning requirements, land use regulations or building code requirements; or (4) the property for any reason no longer qualifies for the tax exemption, the tax exemption shall be canceled and additional taxes, interest and penalties imposed pursuant to state law. Upon determining that a tax exemption shall be canceled, the administrator shall notify the property owner by certified mail, return receipt requested.

B. *Appeal.* The property owner may appeal the determination in accordance with Chapter 1 of the City of Lacey Development Guidelines and Public Works Standards.

C. *Change of Use.* If the owner intends to convert the multifamily housing to another use, the owner must notify the administrator and the county assessor within sixty days of the change in use. Upon such change in use, the tax

exemption shall be canceled and additional taxes, interest and penalties imposed pursuant to state law. (Ord. 1452 §1 (part), 2014).

3.64.120 Effective period.

This chapter shall remain in effect through December 31, 2024, and shall automatically expire after that date unless, prior to that date, the city council takes action to extend the same. (Ord. 1452 §1 (part), 2014).

The Lacey Municipal Code is current through Ordinance 1602, passed November 4, 2021.

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

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