

**BEFORE THE HEARINGS EXAMINER  
FOR THE CITY OF LACEY**

In the Matter of the Application of	)	No. 21-306
	)	
<b>Tammy Buyok, on behalf of</b>	)	Multicare Health System CUP
<b>Multicare Health System</b>	)	and SPR
	)	
For Approval of a Conditional Use Permit	)	FINDINGS, CONCLUSIONS,
<u>and Site Plan Review</u>	)	AND RECOMMENDATION

**SUMMARY OF RECOMMENDATION**

The Hearings Examiner recommends that the Lacey City Council **APPROVE** the proposal for a conditional use permit and site plan review to allow construction of a 10,000 square foot emergency medical office building, with associated parking, stormwater facilities, and landscape improvements, at 4312 Pacific Avenue SE, to provide urgent (but not traumatic) medical care 24-hours a day, 7-days a week. Conditions are necessary to address specific impacts of the proposed project.

**SUMMARY OF RECORD**

Hearing Date:

The Hearings Examiner for the City of Lacey held an open record hearing on the request on April 19, 2022, using remote access technology.

Testimony:

The following individuals presented testimony under oath at the open record hearing:

Greg Johnson, Project Architect  
Blake Lord, Project Civil Engineer  
Will Callicoa, Multicare Capital Medical Center President  
Sarah Schelling, City Senior Planner

Exhibits:

The following exhibits were admitted into the record:

1. List of Exhibits
2. Staff Report, dated April 9, 2022
3. General Land Use Application, dated November 16, 2021
4. Conditional Use Permit Application, dated November 22, 2021
5. Conditional Use Permit Narrative, dated November 22, 2021
6. Boundary Line Adjustment Application, undated
7. Boundary Lot Adjustment Plan Set (3 Sheets), dated November 24, 2021

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8. Preliminary Civil Plan Set (14 Sheets), dated December 3, 2021
9. Preliminary Landscape Plan Set (4 Sheets) dated December 2, 2021
10. MEP Site Photometric Plan, dated December 3, 2021
11. Exterior Elevations, dated November 30, 2021
12. Floor Plans, dated November 30, 2021
13. Preliminary Drainage Report, KPFF Consulting Engineers, dated December 3, 2021
14. Commercial Traffic Generation Worksheet, dated April 4, 2022
15. Zoning Analysis Memorandum, HCMP, dated November 10, 2021
16. City of Lacey Transmittal Memorandum, dated January 5, 2022
17. Notice of Application
18. Stormwater Conditions Memorandum from Doug Christenson, dated March 2, 2022
19. Site Plan Review Conditions Memorandum from Tom Stiles, dated February 14, 2022
20. Fire and Building Site Plan Review Comments from Terry McDaniel, dated January 7, 2022
21. Commercial Traffic Fee Estimate, created April 6, 2022
22. Review Comments, Kelli Dineen, Thurston County Assessor, dated January 12, 2022
23. Boundary Line Adjustment Comments from Ryan Stevens, dated January 19, 2022, with attached redlined Boundary Lot Adjustment Plan Set (3 Sheets)
24. City Addressing Comment from Marci Price, dated January 6, 2022
25. Comment from Phil VanDevanter, dated January 20, 2022
26. Comment from Leslie Baily, dated January 13, 2022
27. Comment from Dawn Davie, dated January 13, 2022
28. Comment from Amber M, dated January 14, 2022
29. Notice of Public Hearing, undated, with Overall Site Plan, dated December 3, 2021
30. Notice of Public Hearing, with Official Ad Proof, for publication in *The Olympian* on April 10, 2022
31. Certification of Public Notice, dated April 11, 2022
32. Applicant Presentation
33. City Staff Presentation

The Hearings Examiner enters the following findings and conclusions based upon the testimony and exhibits admitted at the open record hearing:

## **FINDINGS**

### Application and Notice

1. Tammy Buyok, on behalf of Multicare Health System (Applicant), requests approval of a conditional use permit (CUP) and site plan review (SPR) to allow construction of a 10,000 square foot emergency medical office building on a 1.96-acre property that currently consists of five parcels that would be consolidated into a single lot through a separate boundary line adjustment application process. Associated improvements would include installation of a parking lot, stormwater facilities, and landscaping. The proposed facility would provide emergency medical care to a low volume of walk-in patients 24-

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hours per day, 365 days per year. The emergency medical building would not provide surgery facilities, trauma facilities, or in-patient beds but would include a total of 10 observation beds, along with a diagnostic lab, radiology services, and a point-of-care pharmacy. The property is located at 4312 Pacific Avenue SE.<sup>1</sup> *Exhibit 2, Staff Report, pages 1, 2, and 5 through 13; Exhibits 3 through 12.*

2. The City of Lacey (City) determined that the application was complete on January 5, 2022. The same day, the City provided notice of the application by routing notice to reviewing departments and agencies and by posting notice near the subject property, with a comment deadline of January 19, 2022. On January 7, 2022, the City published notice of the application in *The Olympian*. On April 8, 2022, the City provided notice of the open record hearing associated with the Application by mailing notice to property owners within 300 feet of the subject property and by posting notice near the subject property. On April 10, 2022, the City published the notice in the *Olympian*. *Exhibit 2, Staff Report, page 5; Exhibit 16; Exhibit 17; Exhibits 29 through 31.*
3. The City received several comments from reviewing City departments addressing various technical aspects of the proposed development related to stormwater, utilities, transportation infrastructure improvements, fire safety requirements, and requirements of the building code. The City reviewed the comments from the City departments and, where it deemed them appropriate, included the comments as proposed conditions of approval for the project. The City also received comments from four members of the public in response to its notice materials. Philip VanDevanter noted that the project site is located at a critical intersection of the Woodland Trail, which he stated is the backbone of Lacey's bicycle network and inquired about several potential frontage improvements associated with development of the site, and in the vicinity, that would further benefit the city's bicycle/pedestrian trail network. Leslie Baily, Dawn Davie, and "Amber M.," submitted comments in support of the proposed development, noting that there are existing issues with receiving adequate emergency medical care in the area. *Exhibits 18 through 20; Exhibits 22 through 28.*

#### State Environmental Policy Act

4. City staff determined that the proposal is categorically exempt from review under the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW), in accord with Washington Administrative Code (WAC) 197-11-800(1)(c) and Lacey Municipal Code (LMC) 14.24.060.A.2 because it would involve the construction of a 10,000 square foot building with associated parking for up to 54 vehicles. WAC

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<sup>1</sup> The property is identified by tax parcel numbers 69200000700, 69200000800, 69200001000, 69200001200, and 69200001201. *Exhibit 2, Staff Report, page 1.* Legal descriptions of the subject parcels are included with the boundary line adjustment plan set. *Exhibit 7.* If the Lacey City Council ultimately approves the project with the recommended conditions, the address for the site would be 1055 Golf Club Road Southeast. *Exhibit 2, Staff Report, page 10.*

197-11-800(1)(b)(iv) provides a categorical exemption for the construction of an office, school, commercial, recreational, service, or storage building with up to 4,000 square feet of gross floor area and associated parking facilities designed for up to 20 automobiles. WAC 197-11-800(1)(c) and (d), however, provide the City with authority to raise this exemption level to up to 30,000 square feet and 90 parking spaces. Pursuant to this authority, LMC 14.24.060.A.2 provides a categorical exemption for the “construction of an office, school, commercial, recreational service, or storage building up to thirty thousand square feet and associated parking designed for up to ninety parking spaces.” *Exhibit 2, Staff Report, page 3.*

#### Existing Site, Comprehensive Plan, and Zoning

5. The 1.96-acre property is relatively flat, generally rectangular in shape, and bound by Golf Club Road SE to the east, Pacific Avenue SE to the south, and Selma Street SE to the west. The northern three parcels comprising the subject property contain vacant homes that would be demolished as part of the project. The two southern parcels were previously developed with commercial buildings that were demolished several years ago. The site contains overgrown brush and vegetation, along with paved driveways, walkways, and landscaped areas. There are a total of 17 trees on-site, 2 of which would be preserved while the remaining 15 tree would be removed. No streams or wetlands are located within or adjacent to the project site, and no wellhead protection areas, flood zones, or known underground fuel tanks are located within the site. The project site is within a Category 1 Critical Aquifer Recharge Area and within the Henderson Watershed Protection Area. There are six existing septic tanks from previous single-family residences that would be removed in accordance with Thurston County Health Department and Department of Ecology (DOE) requirements. Remedial testing would be performed per DOE requirements following septic tank removal to ensure all contaminants have been properly remediated. *Exhibit 2, Staff Report, pages 1 and 2; Exhibit 13; Exhibit 15.*
6. The parcels are surrounded by retail, commercial, and office uses to the north, south, and east. Lacey Market Square, which includes a Fred Meyer grocery store, is located directly north of the project site. A bank and office building are located to the east across Golf Club Road SE, and various commercial and retail buildings are located to the south across Pacific Avenue SE. Properties to the west across Selma Street SE are developed with a 24-hour veterinarian clinic and residential homes. *Exhibit 2, Staff Report, pages 1 and 2; Exhibit 13; Exhibit 15.*
7. The City and Thurston County prepared a joint planning document, the “City of Lacey and Lacey Urban Growth Area Comprehensive Plan” (Comprehensive Plan), under the Growth Management Act to account for long-term growth and planning within the community. The Comprehensive Plan designates the subject property as being within the Woodland District of the Central Planning Area. The Central Planning Area is

characterized as the oldest area of the city and primarily functions as the central commercial core, but it also contains an extensive residence base that includes a significant amount of affordable housing opportunities in the form of older residential units. *Comprehensive Plan, page 4-1*. City staff identified the following Comprehensive Plan goals and policies as relevant to the proposal:

- It is the City's overall goal to enrich the quality of life in Lacey for all our citizens by building an attractive, inviting, and secure community. The City will work in partnership with the community to foster community pride, to develop a vibrant and diversified economy, to plan for the future, and to preserve and enhance the natural beauty of our environment. All policies and proposed development code and zoning changes should be reviewed with this goal in mind. [Framework Land Use Policy A]
- Lacey's land use pattern should accommodate carefully planned levels of development that promote efficient use of land, reduce sprawl, encourage alternative modes of transportation, safeguard the environment, promote healthy neighborhoods, protect existing neighborhood character, and maintain Lacey's sense of community. [Framework Land Use Policy B]
- Support efforts for job creation, new livable wage jobs, and promote the diversification of the community's businesses and employment sector. [Framework Land Use Policy C]
- Plan for and promote an economically healthy City center that is unique; attractive; and offers a variety of retail, office, service, residential, cultural, civic; and recreational opportunities. [Framework Land Use Policy D]
- Provide for a healthy and vigorous core area as a destination commercial center and central hub for the City. [Central Planning Area Goal 1]
- Implement the Downtown 2000 Plan and the Woodland District Strategic Plan. [Central Planning Area Goal 1 - Policy A]
- Provide an exceptional transportation network that interconnects all uses with the central business district including employers, retail establishments, parks, and neighborhoods. [Central Planning Area Goal 4]
- Encourage emphasis on interconnection of pedestrian corridors and development of pedestrian opportunities throughout the Central Business District and outlying residential areas. Specifically, the Golf Club Road SE corridor should be improved to full City standards to link pedestrians in residential areas with businesses and services. [Central Planning Area Goal 4 - Policy A]
- Continue to support the implementation of the Woodland District Strategic Plan and the 25 prioritized action items. [Central Planning Area Implementation Strategy 1]

*Exhibit 2, Staff Report, pages 4 and 5.*

8. The property is zoned Woodland District. The intent of the Woodland District is to:
  1. Encourage density and a diverse mix of uses in the core area;
  2. Create a core area that is strongly pedestrian-oriented and transit friendly;
  3. Create a strong identity for the core area that supports the policies of the Downtown Comprehensive Plan, the Downtown 2000 Plan, and the Woodland District Strategic Plan;
  4. Create places that provide for the needs of a diverse population;
  5. Provide a comfortable pedestrian experience and commercial-retail opportunities;
  6. Promote the development of an office hub within the Woodland District that supports the surrounding retail component; and
  7. Promote high density residential in mixed-use patterns throughout the Woodland District.

*LMC 16.24.010.A; Exhibit 2, Staff Report, page 2.*

9. The Woodland District is divided into three subdistricts, each of which has specific development standards designed to achieve the stated goals for the subdistrict. *LMC 16.24.010.B.* The southern portion of the property, where the proposed emergency medical office building and a portion of the associated parking and stormwater facilities would be located, is within the Urban Neighborhood 2 subdistrict. The northern portion of the property that would contain the remaining areas for parking and stormwater facilities is within the Urban Neighborhood 1 subdistrict. Emergency Medical Centers<sup>2</sup> are allowed in all Woodland District subdistricts with a conditional use permit. *LMC 16.24.030.B; LMC 16.66.020.* Although the proposed parking area and stormwater facilities would be contained in both the Urban Neighborhood 1 and Urban Neighborhood 2 subdistricts, the standards for surface parking, setbacks, design, and landscaping are consistent across the subdistricts of the Woodland District zone. *Exhibit 2, Staff Report, page 3.*
10. The goals for the Urban Neighborhood 1–Woodland Square promote development that strives to combine commercial and housing uses on a single site or in close proximity. The form-based code (FBC)

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<sup>2</sup> LMC 16.06.310 defines *Emergency Medical Center* as:

a facility that is structurally separate and distinct from a hospital; is staffed by doctors, nurses and medical support staff; is open twenty-four hours; provides level 3 to level 5 trauma and emergency medical care and may have an ambulance bay to allow for hospital transport. Services typically include imaging and radiology services and equipment that may include CT scanners, ultrasounds and x-ray machines, and an on-site lab. Emergency medical centers do not have operating or inpatient rooms, meaning patients who need hospital admission for observation, enhanced treatment or surgeries are transported to a hospital.

allows increased development on busier streets without fostering a strip commercial appearance. Development will support transit use and provide new housing opportunities in the city. The emphasis of the commercial uses is primarily on commercial, service, medical, educational, office, and locally-serving retail. Development is intended to consist primarily of businesses on the ground floor with services and/or housing on upper stories. Development is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk, especially at corners, with through block connections that provide access between properties, and a pedestrian-scale grid of streets.

*LMC 16.24.010.B.1.*

11. The goals for Urban Neighborhood 2–Pacific Avenue promote low- and medium-intensity development with a local or regional emphasis along Pacific Avenue SE. This subdistrict is intended to prevent the appearance of strip commercial development. Development is expected to balance the needs of pedestrians, bicycles, automobiles, and transit with a mixture of commercial, service, and residential uses. Although Pacific Avenue SE is the primary street for lots and parcels, infill blocks that have multiple frontages where the site (parcel) abuts the Woodland Trail development may use the trail as a ground level street-facing elevation of buildings and will take advantage of pedestrian connection to the trail. Development will balance the needs of autos, pedestrians, and transit users.

*LMC 16.24.010.B.2.*

#### Conditional Use Permit

##### *General Considerations*

12. The municipal code makes certain uses conditional in specific zoning districts. *LMC 16.66.010 and .020.* A *conditional use* is a use that, because of special requirements, unusual character, size or shape, infrequent occurrence or possible detrimental effects on surrounding property, or other, similar reasons, is allowed in certain districts only with a CUP granted by the City Council. *LMC 16.06.240. Exhibit 2, Staff Report, page 5.*
13. LMC 16.66.050 provides that the design standards established for the underlying zoning district serve as the initial base of reference in determining the design standards for conditional uses in the zoning district. The proposed development is subject to the form-based code standards of the Woodland District zone. *LMC 16.24.010.* City staff reviewed the proposal for compliance with these standards, including standards related to building and lot frontage, building siting, form, and pedestrian connectivity. City staff determined that the Applicant’s project plans demonstrate that the proposal would meet all applicable form-based code standards, apart from proposed landscaping along the

portion of Golf Course Road SE where there is not a building at the build-to line. City staff notes in this regard that on-site landscaping is not a permitted frontage screening type for Golf Course Road SE and, instead, must be screened with either a low-wall and trellis frontage screening type or an urban fence and wall frontage screening type. *LMC Table 16.24.050-2; LMC 16.24.070.B; LMC Figure and Table 16.24.070-5; LMC Figure and Table 16.24.070-6.* City staff determined that, with a condition requiring the Applicant to revise the plans to include one of the permitted frontage screening types, the proposal would meet applicable form-based code standards. *Exhibit 2, Staff Report, pages 7 and 8; Exhibits 9 through 12.*

14. Conditional uses must comply with the environmental performance standards, as described in Chapter 16.57 LMC, and meet stricter environmental performance standards upon a finding that stricter standards are necessary and reasonable to protect adjacent properties, community health, or the general welfare. *LMC 16.66.040.A.* These environmental standards govern maximum noise levels; emissions, including those of air pollutants, toxic substances, sewage, waste, or radioactive materials; and vibration or concussions. *LMC 16.57.030 and .040.* The City determined that the use is subject to noise ordinance requirements specified in Chapter 16.57 LMC and shall not exceed noise levels specified in LMC 16.57.030. In addition, because patients would not arrive by ambulance except in rare emergencies, the impact of sirens on adjacent uses is expected to be minimal. The emergency facility operator would, however, be required to enter into a contract with their private ambulance providers to limit the use of sirens and lights during transport from the facility. *Exhibit 2, Staff Report, pages 2 and 7.*
15. All conditional uses must ensure that adequate protection is provided for the locality where the use is to be permitted. *LMC 16.66.100.* City staff reviewed the proposal and determined that, with conditions, adequate protections would be provided for surrounding uses in the Woodland District, noting:
  - This site is located in a primarily commercial area. Pacific Avenue SE and Lacey Boulevard are heavily traveled commercial roadways lined with various commercial, retail, and service uses.
  - Hours of operation of the facility would not generally affect most adjacent users. The building is proposed to be located on the southern end of the project site, and this is where the bulk of the impacts associated with drop off, loading and unloading of patients, and other site activities would occur. These uses are generally compatible with adjacent properties and the commercial nature of the Pacific Avenue SE site frontage.
  - Proposed driveways into the site have been evaluated and traffic to and from the facility would not have a negative impact on existing roadways and intersections.
  - There are existing residential uses across Selma Street SE to the northwest where there is potential for impacts related to parking-lot lighting and vehicle traffic after normal business hours. Because of the low volume of patients expected,



vehicular traffic is generally anticipated to be low, especially in the late-night hours. A condition requiring the Applicant to submit and obtain approval of a lighting plan demonstrating that lighting fixtures would be oriented to avoid direct glare on adjacent properties would address potential lighting impacts to the existing residential uses.

*Exhibit 2, Staff Report, pages 6 and 7; Exhibit 10; Exhibit 15.*

*Additional Considerations*

16. Chapter 14.32 LMC provides for the protection and preservation of trees and vegetation. A minimum of four trees per 5,000 square feet of site area shall remain, or be planted if not retained, on-site. The Applicant proposes to retain 2 of the 17 existing trees on-site and to plant additional trees on-site to meet this requirement. City staff reviewed the Applicant's preliminary landscape plans and determined that the plans demonstrate that the project would comply with the City's tree protection and preservation requirements. *Exhibit 2, Staff Report, page 13; Exhibit 8.*
17. The Applicant submitted a Preliminary Drainage Report prepared by KPPF Consulting Engineers, dated December 3, 2021. The Applicant's proposed stormwater management system would be designed in accordance with the requirements of the City of Lacey 2016 Stormwater Design Manual, including requirements for enhanced water quality treatment applicable to Category I Critical Aquifer Recharge Areas. Stormwater runoff from pollution generating surfaces would be collected and conveyed to mechanical treatment facilities for water quality treatment before discharging into an infiltration facility designed to infiltrate 100 percent of runoff generated on-site. Runoff from roof areas would directly tie into the infiltration facility. Runoff from offsite improvements along Pacific Avenue SE and Golf Club Road SE would continue to be collected and conveyed in the existing City system. Runoff from the half street improvements at Selma Street SE would be routed to the on-site treatment and infiltration facilities. *Exhibit 2, Staff Report, pages 12 and 13; Exhibit 13.*
18. Access to the site is proposed from Selma Street SE and from Golf Club Road SE. The access from Golf Club Road SE would be a new connection lining up with 10th Avenue SE to the east. Two access points are proposed from Selma Street SE to the parking lot of the medical facility. The Applicant submitted a Commercial Traffic Generation Worksheet, dated April 4, 2022. The City determined that the proposed project would generate 13 new PM peak hour trips, with an estimated commercial traffic mitigation fee of \$5,413.45. *Exhibit 2, Staff Report, pages 2 and 6; Exhibit 14; Exhibit 21.*
19. Chapter 16.72, LMC regulates parking lots and stall counts for commercial and residential parking and allows 2 to 4 parking stalls per 1,000 square feet of gross floor area for this type of use. *LMC 16.72.030, Table 16T-13.* The Applicant proposes 54 parking stalls, which exceeds the permitted parking space limit by 14 stalls. Although LMC 16.72.030.D.1.C allows for additional parking stalls if the Applicant provides a

compelling reason to increase the number of stalls over the maximum permitted, the Applicant has not yet provided any such justification. Accordingly, the Applicant must revise the proposal to reduce the total number of parking stalls, unless it submits for review and approval by the Site Plan Review Committee documentation explaining why parking above the code maximum is necessary. *Exhibit 2, Staff Report, page 7; Exhibit 8.*

20. City Fire Code Specialist Terry McDaniel reviewed the proposal and provided detailed notes about requirements related to the fire hydrant installation, minimum fire flow, sprinkler systems, fire alarms, fire apparatus access, and fire inspections, as well as Building Department comments. City Development Review Engineer Tom Stiles also reviewed the proposal and provided detailed notes about requirements related to water, sewer, stormwater, transportation, and surveying. *Exhibit 19; Exhibit 20.*

#### Site Plan Review

21. Under LMC 16.84.020, the site plan must be approved, with any necessary conditions, to conform to the standards, provisions, and policies of the City as expressed in its various adopted plans and ordinances. This review is normally done administratively. City staff reviews the proposal to ensure it complies with specific zoning requirements and other applicable requirements of the municipal code. Here, the Applicant requested consolidated review, and accordingly, the Hearings Examiner has authority to issue a recommendation on Site Plan Review concurrent with the recommendation being issued on the CUP application under LMC 2.30.110. City staff reviewed the proposal to ensure it would be consistent with the specific standards, provisions, and policies of the municipal code and other applicable regulations and provided its analysis of such review (as detailed above). *Exhibit 2, Staff Report, pages 1 through 20; Exhibit 8.*

#### Testimony

22. The Applicant's project architect, Greg Johnson, provided a presentation showing renderings of the proposed emergency medical office building and testified generally about how it would meet the design requirements of the municipal code. *Testimony of Mr. Johnson.*
23. The Applicant's civil engineer, Blake Lord, of KPFF Consulting Engineers, testified generally about how the proposed site plan and building design would meet the applicable form-based code requirements for development within the Woodland District. He noted that the project would include frontage improvements along Golf Club Road SE, Pacific Avenue SE, and Selma Street SE, consistent with the form-based code requirements, which would include sidewalks, landscaping, and screening. Mr. Lord also noted that vehicular and pedestrian circulation would be provided throughout the site. He acknowledged that the proposal currently includes parking in excess of that allowed under the municipal code, but he stated that the Applicant would either reduce the

number of parking stalls or provide a parking demand justification as requested by City staff. Mr. Lord stated that the project would also include utility improvements necessary to serve the proposed use and that the improvements would be constructed in accordance with applicable standards and regulations. He explained that the site plan would be revised to replace the originally proposed landscape screening type, along the portion of Golf Course Road SE frontage where there is not a building at the build-to line, with an approved frontage screening type, such as a low-wall and trellis or urban fence and wall. Mr. Lord stated that the proposed stormwater management system would provide enhanced water quality treatment required for Category I Critical Aquifer Recharge Areas and would be designed for 100 percent infiltration. He noted that the subject property is currently comprised of five previously developed parcels, which would be consolidated into a single lot through a separate process not before the Hearings Examiner. *Testimony of Mr. Lord.*

24. Multicare Capital Medical Center President Will Callicoat testified that the proposed use would provide increased access to emergency medical care, noting that excessive wait times at hospitals in the area is common. He explained that the Applicant wishes to begin construction as soon as possible and, ideally, would complete the project next year. *Testimony of Mr. Callicoat.*
25. City Senior Planner Sarah Schelling testified generally about the proposal and how it would comply with the Comprehensive Plan, zoning ordinances, and the requirements for a conditional use permit and for site plan review approval. She provided a description of the project site and the surrounding area, consistent with the findings above. Ms. Schelling explained that development in the Woodland District is subject to a form-based code, which focuses less on use and more on creating a building form and built environment comfortable for pedestrians. She stated that, with a condition requiring the Applicant to revise the site plans to replace the proposed landscape screening type along Golf Course Road SE with a permissible screening type, the proposal would comply with all form-based code requirements. Ms. Schelling also explained that all the elements required for site plan review approval were included with the conditional use permit application materials and, therefore, a consolidated review and recommendation by the Hearings Examiner would be appropriate. She further explained that the Applicant's request to consolidate the multiple lots comprising the subject property is not before the Hearings Examiner. Finally, Ms. Schelling noted that the City would review the Applicant's landscaping plans to ensure that the project would meet the requirements for parking lot landscaping and for minimum trees on the property. *Testimony of Ms. Schelling.*

#### Staff Recommendation

26. Ms. Schelling testified that City staff determined that, with conditions, the proposal would be consistent with the City's Comprehensive Plan, zoning code, and other

applicable codes and regulations, and consistent with the requirements for a conditional use permit and for site plan review approval. Accordingly, the City recommends approval of the proposal. Mr. Lord testified that the Applicant understands and would comply with City staff's recommended conditions. *Exhibit 2, Staff Report, pages 8 through 21; Testimony of Ms. Schelling; Testimony of Mr. Lord.*

## **CONCLUSIONS**

### Jurisdiction

The Hearings Examiner has authority to receive and examine all available information, conduct public hearings, and prepare a record thereof, and make a recommendation to the City Council on applications for a Conditional Use Permit and, though the City's consolidated permit process, for Site Plan Review approval. *LMC 2.30.090.B.5; LMC 2.30.110.*

### Criteria for Review

#### *Conditional Use Permit*

Conditional use permits are reviewed under Chapter 16.66 LMC. In order to recommend approval of a conditional use permit, the Hearings Examiner must:

- Ensure that conditional uses comply with the environmental performance standards, as described in Chapter 16.57 LMC, and meet stricter environmental performance standards upon a finding that stricter standards are necessary and reasonable to protect adjacent properties, community health, or the general welfare. *LMC 16.66.040.A.*
- Use the design standards for permitted uses in a given district as the initial base of reference in determining the design standards for conditional uses in the same district while allowing for alternations of those design standards, including size and shape of lots, building coverage, development coverage, parking, and landscaping. *LMC 16.66.050.*
- Impose all Title 16 LMC requirements for the proposed use, as well as other conditions and safeguards necessary to secure adequate protection for the locality where the use is to be permitted. *LMC 16.66.100.*
- Recommend a time limit for beginning or completion, or both, of action on the conditional use. *LMC 16.66.100.*

#### *Site Plan Review*

Under LMC 16.84.020, the site plan must be approved, with any necessary conditions, to conform to the standards, provisions, and policies of the City as expressed in its various adopted plans and ordinances. Whenever a site plan is disapproved, it must be set forth in written findings that specify the particular standards, provisions, and policies to which the site plan fails to conform and the reasons why it fails to conform. *LMC 16.84.020.*

The criteria for review adopted by the Lacey City Council are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW

36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with City development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

Conclusions Based on Findings

*Conditional Use Permit*

- 1. With conditions, the proposal would satisfy the requirements for a Conditional Use Permit under Chapter 16.66 LMC.** The City provided reasonable notice and opportunity to comment on the application. The City received comments from four members of the public in response to its notice materials, which generally expressed support for the proposal. City staff reviewed the proposal and determined that, with conditions, it would comply with all applicable regulations related to the design of sidewalks and pedestrian infrastructure. City staff determined that the proposal is exempt from SEPA environmental review, in accord with WAC 197-11-800(1)(c) and LMC 14.24.060.A.2. No streams or wetlands are located within or adjacent to the project site, and no wellhead protection areas, flood zones, or known underground fuel tanks are located within the site.

The proposed emergency medical office building would provide emergency medical care to a low volume of walk-in patients 24-hours per day, 365 days per year, and would include a total of 10 observation beds, along with a diagnostic lab, radiology services, and a point-of-care pharmacy. The proposed facility would not include surgery facilities, trauma facilities, or in-patient beds. The Comprehensive Plan designates the property as being within the Woodland District of the Central Planning Area, which primarily functions as the City's central commercial core. The proposal would be consistent with several goals and policies of the Comprehensive Plan by providing an emergency medical facility within an appropriate area primarily characterized by surrounding commercial development adequately served by existing transportation and utility infrastructure while including design elements consistent with the form-based code requirements of the Woodland District.

The property is zoned Woodland District, with the northern portion of the property located within the Urban Neighborhood 1 subdistrict and the southern portion of the property located within the Urban Neighborhood 2 subdistrict. Emergency Medical Center uses are allowed within all subdistricts of the Woodland District zone with a conditional use permit. City staff reviewed the proposal for compliance with the form-based code standards of the Woodland District zone and determined that, with conditions, it would comply with these standards. The proposal currently proposes landscape screening along the portion of Golf Course Road SE where there is not a building at the build-to line. The form-based code, however, does not permit this screening type at this location and, therefore, a condition is necessary to ensure that this portion of the Golf Course Road SE frontage includes a permissible screening type, such as a low-wall and

trellis frontage screening type or an urban fence and wall frontage screening type. The proposal's consistency with the Woodland District form-based code, as conditioned, would ensure compatibility with surrounding commercial and residential development in the Woodland District.

City staff also determined that, with conditions, the proposal would comply with the environmental performance standards governing maximum noise levels; emissions, including those of air pollutants, toxic substances, sewage, waste, or radioactive materials; and vibration or concussions. The Hearings Examiner concurs with City staff's assessment. Unlike a typical hospital emergency room, patients of the proposed emergency medical building are not expected to arrive by ambulance except in rare emergencies, and the facility operator would be required to contract with their private ambulance providers to limit the use of sirens and lights during transport from the facility. In addition, the proposed use would be subject to the City's noise ordinance.

All conditional uses must ensure that adequate protection is provided for the locality where the use is to be permitted. With conditions, the proposed emergency medical office building would meet this requirement by being located in a primarily commercial area with supporting transportation and utility infrastructure; by locating the proposed building at the southern end of the property, away from the adjacent residential uses to the northwest; and by ensuring that light impacts to adjacent properties would be adequately addressed through approval of a lighting plan. The Applicant would retain two of the existing 17 trees on-site and would plant additional trees on the property to ensure the project complies with the requirements of the City's tree code. The City determined that the proposal would generate 13 new PM peak hour trips. The Applicant would mitigate for the project's impacts to the City's transportation network through the payment of traffic impact fees.

The Applicant's proposed stormwater management system would be designed in accordance with the requirements of the City of Lacey 2016 Stormwater Design Manual, including requirements for enhanced water quality treatment applicable to Category I Critical Aquifer Recharge Areas. The Applicant currently proposes parking in excess of that allowed under City code for the proposed 10,000 square foot emergency medical office building. Accordingly, the Applicant must revise the proposal to reduce the number of parking stalls or, alternatively, submit documentation (and receive approval by the Site Plan Review Committee) explaining why additional parking spaces are necessary. Conditions unique to the proposal and those required of all development permits are necessary to ensure development meets all requirements of the municipal code and the City's other development standards, and to ensure that all concerns raised by reviewing departments and agencies have been adequately addressed. *Findings 1 – 26.*

2. **The Hearings Examiner recommends a time limit for completion of development of basic infrastructure related to the proposal.** Multicare Capital Medical Center President Will Callicoat testified at the hearing that the Applicant desires to start construction as soon as possible after receiving project approval. Accordingly, the Hearings Examiner recommends that the CUP lapse if the construction activity related to the proposal has not been commenced within five years. *Finding 24.*
  
3. **With conditions, the proposal would meet the requirements for Site Plan Review approval under LMC 16.84.020.** City Senior Planner Sarah Schelling testified at the hearing that the all the elements required for site plan review approval were included with the conditional use permit application materials submitted by the Applicant. The Hearings Examiner has reviewed the Applicant’s site plan and associated materials and determines that it conforms to the standards, provisions, and policies of the City as expressed in its various adopted plans and ordinances, including standards related to site design, traffic mitigation and concurrency, stormwater management, tree and vegetation protection and preservation, protection of critical aquifer recharge areas, and specific zoning requirements of the Woodland District, as detailed above in Conclusion 1. As noted above in Conclusion 1, conditions unique to the proposal and those required of all proposals are necessary to ensure development meets all requirements of the municipal code and the City’s other development standards and to ensure that all concerns raised by reviewing departments and agencies have been adequately addressed. *Findings 1 – 26.*

**RECOMMENDATION**

The Hearings Examiner recommends that the proposal for a conditional use permit and site plan review to allow the construction of a 10,000 square foot emergency medical office building, with associated parking, stormwater, and landscape improvements, at 4312 Pacific Avenue SE be **APPROVED**, with conditions:<sup>3</sup>

Conditions Unique to this Application:

*The conditions below are those that have been determined to be necessary to address unique aspects of this application.*

Conditions unique to this application: Community and Economic Development Department Planning Section

1. The project shall be developed in substantial conformance with the site plans submitted on December 3, 2021, except as modified by the conditions below.
  
2. All lot frontage requirements from the Woodland District Form Based Code shall be satisfied. This includes the requirements for either a Low Wall and Trellis Landscape

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<sup>3</sup> Conditions include both legal requirements applicable to all developments and requirements to mitigate the specific impacts of this development.

frontage type, as called out in LMC 16.24.070-5, or an Urban Wall or Fence Landscape Frontage type, per LMC 16.24.070-6, for the entire length of the frontage of Golf Club Road SE where the building is not located on the build-to line. The site plan and landscape plans shall be revised to show the required frontage types for Golf Club Road SE.

3. The use is subject to noise ordinance requirements specified in Chapter 16.57 LMC. Operations on site shall not exceed noise levels specified in LMC 16.57.030.
4. The Applicant/building owner or user shall enter into an agreement with the private ambulance companies that transport patients from the site. The agreement shall be designed to limit the use of sirens and lights, particularly in the overnight hours, during patient transport. A copy of the agreement shall be submitted to the Community and Economic Development Department prior to issuance of the certificate of occupancy for the building.
5. As shown on the submitted site plans, the site is over-parked for the proposed building size. The site plan shall be revised to reduce the parking stalls to meet maximum parking requirements of 2-4 stalls per 1000 square feet of floor area; or materials must be submitted to the Site Plan Review Committee, for review and approval, that justifies the need for additional parking.
6. Per LMC 16.72.050B6 parking shall be designed and with a minimum of thirty percent and a maximum of fifty percent of the required number of spaces for compact cars. The site plans shall be revised to reflect this requirement.
7. The building elevations submitted with the application materials for the medical center on December 3, 2021, are approved. Major modifications to the building elevations shall be reviewed by the Planning Department prior to submittal of the building permit. Minor alterations to the plans may be reviewed through the building permit process.
8. The project shall meet the requirements of Chapter 14.32 LMC 'Tree and Vegetation Protection and Preservation' for minimum number of trees per lot. A minimum of four trees per 5,000 square feet of site area shall remain, or be planted if not retained, on site. The project landscape plans shall show how this requirement is being met.
9. Pedestrian walkways providing connections between the proposed buildings and the adjoining sidewalks, shall be integrated into the site plan. All pedestrian walkways crossing the parking lot and drive lanes shall be surfaced with a material that provides a contrast to the asphalt drive and parking areas. Suitable materials include concrete, colored stamped concrete or brick pavers. Painted asphalt will not be acceptable. The



material and color shall be approved by the City of Lacey Community Development Department and shown on the revised site plan and construction drawings.

10. Lighting fixtures shall complement project design and shall be oriented to avoid direct glare onto adjacent properties while providing adequate safety for pedestrians. Details of all site lighting fixtures shall be submitted with the design review materials for review and approval. A lighting and photometric plan shall be submitted for review and approval.
11. Details of all site furnishings, including benches, bike racks, site lighting fixtures, refuse and dumpster enclosures shall be submitted to the Community and Economic Development Department for review and approval.
12. Future additions to, or expansions of, the facility shall be reviewed through the appropriate land use process and will be subject to all applicable codes and ordinances in place at the time of complete land use application.
13. The following note shall be on the building, grading and land clearing permits: When an unanticipated discovery of protected cultural materials (e.g. bones, shell stone tools, beads, ceramics, old bottles, hearths, etc.) or human remains are discovered, the property owner or contractor will immediately stop all work, completely secure the location, and contact the Washington State Department of Archeology and Historic Preservation and other contacts as identified in the City of Lacey Standard Inadvertent Archeological and Historic Resources Discovery Plan (LMC 16.53.080).
14. Buildings shall not cross property lines or conflict with required setbacks. The boundary line adjustment/lot consolidation application process shall be completed and the map recorded with the Thurston County Assessor prior to issuance of building permits. The below comments address changes need to the BLA map:  
City of Lacey and Thurston County Assessor Comments
  - 1) Original legal descriptions for 69200001200 & 69200001201 are incorrect; (1) both should read LOT 12, (2) "parcel B" includes then excludes the North 70' (should not exclude).
  - 2) Need address for NEW Lot. The new address is 1055 Golf Club Road SE, Lacey Washington 98503.
  - 3) BLA Number needs to be on map. The BLA number is BLA#21-0010LA
  - 4) Include Auditor's Index listing  $\frac{1}{4}$   $\frac{1}{4}$ , in Title Block.
  - 5) Label NEW Lot.
  - 6) Remove parcel numbers from map.
  - 7) A page index shall be added.
  - 8) Corners need to be set (LMC 15.04.060)

- 9) Controlling monuments for Pacific Avenue SE shall be shown. Building and Fire Code Requirements.
15. The address for the site shall be 1055 Golf Club Road SE, Lacey Washington 98503. This address shall be shown on the BLA map and on any building permits submitted for this project.
16. One fire hydrant shall be installed, tested and approved prior to the issuance of the building permit (LMC 14.07.501).
17. An approved 20-foot-wide all-weather surface fire apparatus access road shall be provided to within 150-feet of all exterior portions of the buildings at ground level. Fire apparatus access roads shall be located not less than 10-feet from the building (IFC Section 503.1).
18. An approved aerial fire apparatus access roadway shall be provided along one entire side of the building when any portion of the building is in excess of 30-feet in height from the grading median of the building to the roofing eaves. The aerial fire-apparatus access road shall not be less than 26-feet in width and less than 15-feet away from or further than 30-feet away from the building. Aerial and fire access roadways shall be constructed in accordance with AASHTO HB-17 Standards for a single axle weight load of 46,000 pounds and a gross weight load of 65,000 pounds (IFC Section D105).
19. An approved fire department turnaround may be required if the fire department access road has a dead end in excess of 150 feet. This may include the ambulance entrance area, please provide modeling showing how emergency vehicles can turn around and park in this area (IFC Section 503.2.5).
20. The inside turning radius on the fire apparatus access roadways shall be not less than 28-feet (IFC Section D).
21. The drive-thru canopy must have a clearance height of 13 feet 6 inches (IFC Section D).
22. The required fire-flow for the building shall be at least 1,500 gpm for 3 hours. The fire flow is based on building square footage and includes a 50% credit for the installation of an automatic fire sprinkler system (IFC Appendix B, IFC Section 507.1, LMC 14.07.015).
23. Fire hydrants shall be provided every 300 feet and shall be placed no closer than 40-feet from the building or structure protected; fire hydrants can be placed closer at the discretion of the fire code official. A fire department connection shall also be installed

within 40 feet of a fire hydrant. The building shall have its own FDC line with KNOX locking caps or plugs (IFC Table C102.1, Chapter 14.07 LMC).

24. The building shall be equipped with an approved automatic fire sprinkler system and shall be installed in accordance with NFPA 13 (2016 Edition) standards.
25. An approved addressable voice evacuation fire alarm system with supervised monitoring shall be provided throughout the buildings per Chapter 14.07 LMC and NFPA 72 (2016 Edition) Standards.
26. A 12-inch water main shall be extended from Golf Club Road SE to Selma Street SE. From the extension to Selma Street SE, an 8-inch main shall be installed in Selma Street SE and shall be connected to the existing 12-inch main located in Pacific Avenue SE.
27. To avoid disrupting frontage improvements installed with the proposed project, it is suggested that the 8-inch main be extended within Selma Street at this time to the Project #21-306 Lacey OCED – Conditional Use Permit Page 12 of 21 north property line and connected to the existing 8-inch main in the alley north of this project. With this extension, the existing 2-inch poly water line shall be decommissioned and any remaining services transferred to the 8-inch main.
28. A domestic water service equipped with a Reduced Pressure Backflow Assembly device shall be installed on the building (DG&PWS Section 6.120F; Appendix P).
29. An irrigation meter with a Double Check Valve Assembly Backflow Prevention device shall be installed for all landscaped areas (DG&PWS 6.120F).
30. The building shall be provided with a sewer lateral. The lateral shall connect to a utility hole. The lateral shall not connect to manholes with an angle less than 90 degrees in relation to the outlet pipe. A utility hole shall be set in Selma Street to provide sewer to the building.
31. Dumpsters and enclosures shall not be located over water and sewer mains.
32. The project site is located in a Category I Critical Aquifer Recharge Area, thus enhanced treatment of stormwater runoff from pollution-generating surfaces is required.
33. A complete Construction Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to and approved, and the site inspected by the City of Lacey prior to any site disturbing activities such as clearing or grading.

34. All stormwater management BMPs and facilities shall be designed and constructed in compliance with the applicable criteria specified in the City of Lacey 2016 Stormwater Design Manual.
35. Cross-section details shall be provided in the plan set for each stormwater infiltration location and depth per Chapter 7 of the 2016 Stormwater Design Manual, and facility design adjusted as needed for compliance with City criteria. The drainage control plan shall include all data and calculations for determination of long-term design infiltration rates. Methodology shall be per Appendix 7A of the 2016 SDM.
36. Infiltration facilities not fully meeting the criteria in the 2016 Stormwater Design Manual may be subject to further analysis (e.g. mounding analysis) and/or performance testing.
37. Site plans, details, and the stormwater maintenance and source control manual shall clearly state that pavement may need to be removed, and other site improvements may be affected due to infiltration system maintenance, repair, or replacement.
38. Treatment and infiltration facilities shall be constructed for stormwater associated with the site, stormwater associated with adjacent properties currently discharging to the site, and with half-street stormwater associated with Selma Street.
39. Soil quality and depth design criteria shall be incorporated into the site design and depth criteria in conformance with the City of Lacey 2016 Stormwater Design Manual.  
Specific Transportation
40. A 10-foot sidewalk and a four-foot planter strip shall be constructed with required landscape and irrigation, shall be stalled adjacent to Pacific Avenue SE. Right-of-way to support these improvements shall be dedicated with the project.
41. A 7.5-foot sidewalk, and a four-foot planter strip, with landscaping and irrigation, shall be installed on Golf Club Road SE. Right-of-way to support these improvements shall be dedicated with the project.
42. The following improvements are required for Selma Street; five-foot sidewalk, six-foot planter strip with street trees, streetlights, irrigation, etc., an 11-foot travel lane and an additional landscaped/irrigated area between the sidewalk and the property line. This section of roadway requires 30-feet of half-street right-of-way; dedication may be required to support the installation of these improvements.
43. Overhead utilities on Selma street shall be undergrounded (DG&PWS, General Public Works Considerations 3.100D).

44. A pedestrian connection between Golf Club Road SE and Selma Street SE shall be provided. The connection shall align approximately with 10th Avenue. Pedestrian improvements shall include a 10-foot sidewalk with a 6-foot planter strip on each side, per the requirements of LMC 16.24.050-1 and Figure and Table 16.24.050-9.
45. Access to the property shall be provided as determined and approved by the City of Lacey. All access points shall meet minimum access spacing, minimum corner clearance, sight distance and minimum or maximum width requirements as outlined in the Development Guidelines and Public Works Standards Manual. Full access points are permitted onto Selma Street SE, as proposed. A full access onto Golf Club Road SE, aligning with 10th Avenue Southeast will also be permitted.
46. The traffic mitigation fee estimate identified as of April 6, 2022 is \$5,413.45, and will mitigate off site traffic impacts for this project. The actual fee will be determined at the date of payment for issuance of building permits, water meters or other approval process. The fees increase annually in an amount equal to the increase in the Engineering News Record Construction Cost Index over a date one year earlier (Chapter 14.21 LMC).

#### General Conditions

*The conditions below are summaries of ordinances and standards that apply to approval of this application regardless of any specific impacts of this proposed development. The list is intended as a courtesy notice and not as an exhaustive list of legal requirements that may apply to an approval of the application. The list is also a summary of the legal requirement; if there is a conflict between the summary and the ordinance, the language of the ordinance controls.*

47. A detailed landscaping plan shall be prepared by a licensed landscape architect, nursery person, or landscaper and submitted to the Planning Department for review and approval. The plan shall include the type, number, and location of the vegetative improvements as well as a specific time line for completion of the improvements. A separate irrigation plan must also be submitted showing the location of all irrigation lines, location of sprinkler heads, and approximate coverage areas. The plans must include a note stating that the property owner is responsible for maintaining all plants in a healthy growing condition for the life of the project. All requirements of Chapter 16.80 of the Zoning Code shall be satisfied (Chapter 16.80 LMC).
48. A detailed estimate from a landscape installer must be submitted to the Planning Department. The estimate should include all costs associated with installing landscaping and irrigation as called out on the approved plans, including labor (Chapter 16.80 LMC).
49. If Certificate of Occupancy/Final Inspection is requested prior to the installation of the approved landscaping and irrigation, a letter of credit or assignment of savings must be provided to the Planning Department in the amount of 150 percent of the above

mentioned landscape estimate. The City shall release this financial security once the landscaping for the project is installed and approved by the Planning Department and a financial security is in place to ensure that all plant materials are properly maintained. This security device shall be in the amount of 20 percent of the value of the vegetative improvements and shall be held for a period of two years, three years for type I landscaping (Chapter 16.80 LMC).

50. Prior to final occupancy approval a financial security in the amount of 20% of the value of the on-site vegetative improvements shall be submitted to the Planning Department and shall be held for a period of two years, three years for type I landscaping (Chapter 16.80 LMC).
51. A note shall be placed on the face of the landscaping and irrigation plans stating that any irrigation lines placed within tree protection zones established for the project must be installed in such a manner as to not cause damage to the root protection zone, such as by cutting roots, digging trenches, operation of machinery, etc. Special care must be taken (hand digging trenches, designing lines to stay out of these areas where possible, etc.) to ensure damage to the trees does not occur. In the event damage to these areas does occur, the City may require, at their discretion, replacement of the comparable landscape value of the trees damaged or other means to make up that loss (Chapter 16.80 LMC).
52. A sign permit shall be issued by the City of Lacey prior to the installation of any signs on the subject site (Chapter 16.75 LMC).
53. All applicable requirements of the City Zoning Code shall be satisfied (Title 16 LMC).
54. The Applicant/developer shall be responsible for obtaining all applicable permits required for the project, including National Pollutant Discharge Elimination System Permit (NPDES), Forest Practices Application, Construction Stormwater General Permit and any others. These permits will require additional review time from the appropriate agencies.
55. The project shall comply with the requirements of the 2018 International Building Code, 2018 International Fire Code, and the 2018 Washington State Energy Code and all other codes adopted by the City of Lacey.
56. The project shall comply with the accessibility requirements of the 2009 ICC A117.1-2009 – Accessible and Usable Buildings and Facilities.
57. A grading permit is required for the project.
58. A Geotechnical Engineering Report shall be submitted for the project.
59. A Washington State licensed architect and engineer are required for the project.

60. 12” minimum address numbers shall be provided on the building in a location facing the fire apparatus access roadway. The address numbers shall contrast with the buildings color (IFC Section 505.1; LMC 14.07.015).
61. Fire extinguishers shall be provided every 75 feet; extinguishers shall be the 2a10bc type (Chapter 14.07 LMC).
62. Fire department and police department KNOX boxes are required for the building in multiple locations (Chapter 14.07 LMC).
63. The City of Lacey Fire Code official shall conduct the necessary inspections or witness required tests to ascertain compliance with applicable fire codes. The Applicant shall contact the City of Lacey Building Department at (360)491-5642, to schedule the required inspection or to request witness of required tests; 24-hours’ notice shall be provided for scheduling tests and inspections.
64. The following shall be stated on the irrigation plans: “The property owner adjacent to the public right-of-way will be responsible for maintaining and locating all irrigation lines located in the public right-of-way” (DG&PWS, Water, Irrigation 6.210).
65. Water system improvements shall meet the requirements of the City of Lacey, the Coordinated Water System Plan (CWSP), Department of Health (DOH), City of Lacey Water System Plan, AWWA, Department of Ecology, Thurston County Environmental Health, and the City of Lacey Fire Code Official’s standards. Actual main size, loop closures, and possible off-site improvements, including the number and location of fire hydrants, will depend on the fire flows available to the site (DG&PWS, Water 6.010).
66. Water mains shall be extended throughout the project site to satisfy City of Lacey Water Comprehensive Plan requirements and to assure fire, water quality, and domestic water requirements can be satisfied. Water mains shall be extended on the north or east sides of road or drive aisles, 6 feet off centerline (DG&PWS, Water 6.020).
67. Modeling of the water system shall occur in order to assure adequate water is available for the project. Contact Brandon McAllister, Water Resources Engineer, to facilitate the fire flow modeling.
68. If utility extensions are required for the project that require roads that were paved within the last five years to be “cut”, a disruption fee will be charged in accordance with Lacey Municipal Code 12.16.055.

69. The water meter shall be purchased prior to the issuance of the building permit (DG&PWS Water 6.121).
70. All existing on-site septic systems and drainfields shall be decommissioned per the requirements and standards of the Department of Ecology and the Thurston County Department of Health.
71. Public sewer main extensions shall be located six feet off centerline on the south or west side of the road/drive areas (DG&PWS, Sewer 7A.010).
72. All structures shall be connected to sanitary sewer. Public mains with associated appurtenances shall be installed to serve the project with sewer (DG&PWS, Sewer 7A.010).
73. Sanitary sewer improvements associated with this project shall meet the requirements of the City of Lacey Comprehensive Sanitary Sewer Plan, Thurston County Health Department, Washington State Department of Health (DOH), the LOTT Alliance and the Department of Ecology (DG&PWS, Sewer 7A.010).
74. The project shall comply with the City of Lacey 2016 Stormwater Design Manual. Stormwater drainage and erosion control submittals shall be in conformance with the formatting and content requirements described in Chapter 3 of the 2016 Stormwater Design Manual (Chapter 14.27 LMC).
75. A final stormwater site plan, with a drainage report and drainage plans, in conformance with current Stormwater Design Manual standards, shall be submitted prior to final Public works civil drawing approval. The report shall include the following key elements: the project engineer's certification; descriptions of how the core requirements are addressed; a construction SWPPP; basin map and plan drawings; hydrologic modeling inputs and results (including the WWHM 2012 data files produced by the model); summary data of sub-basin areas, design calculations, and facility sizing; soils report and infiltration analysis; soil management plan; maintenance agreement/covenant; and a stormwater facilities maintenance manual (SDM 2.2.1).
76. The project shall retain, disperse, and infiltrate stormwater on-site to the maximum extent feasible. Design of infiltration facilities requires site infiltration analysis, to determine wet-season soil and groundwater conditions and to establish a long-term design infiltration rate (SDM 2.2.5 and 7.2).
77. An individual roof drain infiltration system shall be installed for the building. Stormwater shall be dispersed throughout the site to simulate pre-development infiltration to the maximum extent possible.



78. A construction Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to and approved by the City prior to the start of site work or construction of the project. A complete SWPPP consists of a narrative report, and a temporary erosion and sediment control plan drawing. Each of the 13 required SWPPP elements identified in Chapter 5 of the City of Lacey 2016 Stormwater Design Manual shall be addressed and included in the construction SWPPP. If site conditions render and SWPPP elements justified in the narrative report.
79. A Stormwater Facility Maintenance Manual, prepared per Chapter 3 of the City of Lacey 2016 Stormwater Design Manual, shall be submitted to and approved by the City of Lacey. The maintenance manual shall be included in the drainage report as part of the Stormwater Site Plan and shall also be prepared to serve as a standalone document for the post-development facility owner(s). The maintenance plan shall also be submitted to and approved by the City prior to civil drawing approval.
80. Clearing, grading, and other soil disturbing activities shall be prohibited from October 1 through April 30 unless shown to the satisfaction of the City of Lacey that sediment laden runoff will be prevented from leaving the site (SDM 5.2.3).
81. The maximum depth of an infiltration facility is 20 feet below the surrounding finished (developed) ground elevation in order to provide for long-term maintenance access to the facility.
82. Existing curb ramps or other improvements that do not meet current Americans with Disability Act standards associated with the site shall be brought into current standards with the site development (DG&PWS, 4C.030.7).
83. Street lighting levels shall satisfy City of Lacey requirements for roadways and intersections. Street lighting is required for all streets fronting this project. All street light designs shall be prepared by an engineering firm capable of performing such work (DG&PWS, Transportation, Illumination 4E.010).
84. Electrical services associated with street lighting, pump stations, or other applications for the public benefit as agreed to by the City, shall be transferred into the City's name. In order to change service, the Applicant shall provide a copy of a billing statement to the City. If service has not been established, the Applicant/owner shall provide the following information to the City so that service can be established: project name; service meter's number; address of the service meter; owner's contact number and address; and the types of items being energized by the service. All fees associated with the installation of the service are the responsibility of the developer. Service will remain in the

Applicant/owners name, all they will be responsible for payment of all bills, until the information outlined above is submitted to the City.

85. Fiber optic conduit shall be installed with this project and shall conform to the standards and requirements as set forth in Chapter 4 (Transportation) from the Development Guidelines and Public Works Standards (DG&PWS, Transportation 4E.035).
86. Access shall be provided to the property as determined and approved by the City. All access points shall meet minimum access spacing, minimum corner clearance, sight distance and minimum or maximum width requirements as outlined in the Development Guidelines and Public Works Standards (DG&PWS, Transportation 4B.025).
87. Street trees, per the Development Guidelines and Public Works Standards), shall be planted in planter strips and/or medians as part of the required frontage improvements for the project (DG&PWS Transportation 4G.100).
88. Utility easements are required for all water and sewer mains located on private property. Easement shall include fire hydrants, water meters, sewer improvements and future extensions of mains to adjacent properties. Easements and stubouts shall be provided to serve adjoining properties as determined by the City. All easements shall be designated as 'utility' easements on the civil drawings and in the easement documents. Specific requirements will be determined at the time of plan review. All easements shall be prepared by a licensed land surveyor and submitted prior to the release of approved civil drawings (DG&PWS Chapter 3.110).
89. The City of Lacey Coordinate System is a ground scale coordinate system derived from the Washington Coordinate System, NAD 83/91. Units are expressed in feet; data can be obtained from Lacey Public Works Department. Civil drawings shall be submitted utilizing the City of Lacey coordinate system (DG&PWS 3.025)
90. City of Lacey Vertical Datum has elevations referenced to the National Geodetic Vertical Datum of 1929 (NGVD29). Units are expressed in feet. A benchmark listing can be obtained from the Lacey Public Works Department. Civil drawings shall be submitted utilizing the City of Lacey Vertical Datum (DG&PWS 3.025).
91. Right-of-way shall be dedicated for a project that requires a conditional use permit. The requirement to dedicate right-of-way shall be determined by the City or Regional Transportation plans, by a Traffic Impact Analysis, or as determined by Public Works. Dedications shall be determined by a professional land surveyor. Dedications shall be submitted and approved by the City of Lacey prior to plan approval (DG&PWS, Transportation 4B.060).

92. A 10-foot joint utility easement immediately adjacent to the public right-of-way shall be dedicated to accommodate the installation of private and public utilities (DG&PWS 2017 Roadway Details).
93. All improvements shall satisfy the City of Lacey Development Guideline Standards in place at the time of complete application as determined by the City of Lacey Community and Economic Development Department.
94. If any part of these comments as established by existing plans, guidelines, codes and the like as established by ordinances shall be found invalid, all other parts shall remain in effect (DG&PWS 3.035).
95. All Public Works improvements shall be designed by an engineer licensed in the State of Washington and submitted to the City of Lacey Public Works Department for review and approval (DG&PWS 3.040).
96. All structures associated with this site shall be connected to the City of Lacey utilities (DG&PWS 6.010 and 7A.010).
97. Certificate of Occupancy of the building will not be issued until all improvements shown on the approved civil drawings are installed by the Applicant and approved by the City (DG&PWS 4B.080).
98. Prior to civil drawing approval, one paper set of drawings and a PDF copy of the drainage report shall be submitted for all approved final plans (DG&PWS Chapter 3.040B).
99. Prior to final Public Works Construction approval “as-built” bonded paper drawings and the revised civil drawings in AutoCAD and PDF formats shall be submitted for all approved final plans (DG&PWS Chapter 3.040J).
100. A 20 percent maintenance bond or financial guarantee of the engineer’s estimate or approved bid estimate is required for a period of 24 months upon construction completion and approval of Public Improvements. The financial guarantee may be released after 18 months if all conditions of approval have been satisfied. This financial guarantee applies to sewer, stormwater, frontage and landscaping irrigation improvements (LMC 14.20.025).
101. If building permits are desired prior to the installation and city approval of civil improvements, a financial guarantee at a rate of 150% of the outstanding improvements within the right-of-way shall be submitted to the City.

102. A completed, signed and stamped checklist from chapter 3 of the Development Guidelines and Public Works Standards Manual shall be submitted with three sets of civil drawings, two drainage reports, and one electronic copy of the civil drawing in PDF format, shall be submitted to the Public Works Department for review and approval. Drawings submitted to other departments WILL NOT satisfy this requirement.
103. The property owner adjacent to the public right-of-way shall be responsible for maintaining the planter strip and street trees (weeding, pruning, irrigating, mowing, etc.) in the public right-of-way in a healthy and growing manner in perpetuity. If the planter strip and/or trees are being maintained by another group or organization, then a maintenance agreement (or adequate documentation) that verifies the planter strip and/or trees are being and will continue to be maintained shall be submitted to the City for review (DG&PWS, Transportation 4G.100D).
104. The following language shall be included on the face of any easement documents submitted to the City: To protect the public interest on private property, utility mains located on private property shall be protected from damage. If on-site settling or other phenomenon occurs causing valve boxes, sewer manholes or other appurtenances to protrude above or settle below the driving surfaces or ground elevations, the owner will be notified and the problem shall be fixed within 30 days of notification. If the problem is not fixed within the 30-day time period, the City will fix the problem and bill the property owner.
105. A bill of sale for water and sewer being installed with the project shall be submitted to the City of Lacey Public Works Department prior to final Public Works approval of the project.

**RECOMMENDED** this 3<sup>rd</sup> day of May 2022.



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ANDREW M. REEVES  
Hearings Examiner  
Sound Law Center