

STAFF REPORT

Date: May 26, 2022
To: City of Lacey Hearings Examiner
From: Samra Seymour, ACIP, Senior Planner, City of Lacey Community & Economic Development Department
Subject: Project# 21-81: Schneider Hicks Lake Multifamily – Shoreline Conditional Use Permit, Shoreline Substantial Development Permit, Shoreline Variance Permit, Wetland Development Permit, Site Plan Review, Class IV Forest Practices Permit

I. GENERAL INFORMATION

- A. Applicant/Property Owner: Harry Schneider, Schneider Homes I, LLC
6510 Southcenter Blvd, Suite 1
Tukwila, WA 98188
- B. Authorized Representative: Ivana Halvorsen, Barghausen Consulting Engineers
18215 72nd Avenue S
Kent, WA 98032

II. DESCRIPTION OF PROPOSAL

The proposal is to develop a 178-unit apartment complex, including three residential buildings, two recreational structures, 293 parking stalls (surface and underground) and an in-ground pool and spa, pier with floating dock, and associated site and utility improvements.

III. LEGAL DESCRIPTION OF SUBJECT PARCEL

The site address is 2712 Hazelwood Lane SE, Assessor's parcel 11828111100, located in a portion of Section 28, Township 18N, Range 1W, W.M., Lacey, Thurston County, Washington.

IV. SITE PLAN INFORMATION

Project Size: 4.98 acres
Number of Units: 178

Water: City of Lacey
Sewer: City of Lacey
Power/Natural Gas: Puget Sound Energy
Fire Protection: Lacey Fire District #3

Existing Site Characteristics:

Vegetation - The site slopes gradually from west to east, toward the shoreline of Hicks Lake. The western portion of the site is undeveloped and characterized by tree cover including Douglas fir, western hemlock, western red cedar, big leaf maple, and red alder. [Exhibit 19, pg 1] The understory is composed of salal, Oregon grape, and sword fern. The eastern portion of the site consists primarily of mown grass. Invasive, non-native plants found along the banks of Hicks Lake include field bindweed, reed canary grass, and yellow flag iris. (English Ivy and Himalayan blackberry can be found throughout the site.) [Exhibit 14, pg 9] There are a few native trees located near the Ordinary High Water Mark (OHWM). The eastern portion of the site also contains four mobile homes and associated infrastructure. All existing structures are on private septic systems.

Soils - There are two soil types present on the site. Indianola loamy sand, 3 to 15 percent slopes is present across the majority of the site. Typically, this is a somewhat excessively drained soil characterized by rapid permeability. Nisqually loamy fine sand, 0 to 3 percent slopes, soil type is found in a smaller portion of the site, in the extreme northwest corner. Nisqually loamy fine sand is a somewhat excessively drained soil with moderately rapid permeability in the surface layer and very rapid permeability in the substratum. [Exhibit 14, pgs 8,9]

Shoreline – Existing shoreline stabilization is comprised of creosote-treated timbers, metal spikes, and large automotive tires located within Hicks Lake. Debris and a dilapidated float were also found along the shoreline during a site visit by the applicant's biologist. A lake-fringe wetland is located across the entire length of the property's shoreline – Wetland A. [Exhibit 14, pg 12]

Wetlands – Wetland A is a Category III, lake fringe wetland, approximately 3,000 square feet (0.07 acres) in size, with a habitat score of 3. Onsite hydrology is provided by Hicks Lake, precipitation and surface water runoff. [Exhibit 14, pg 13] The wetland delineation and habitat assessment summarizes the wetland function:

Wetland A has moderate potential to improve water quality due to the surrounding land use and presence of powerboats on the lake. However, the lack of dense emergent and herbaceous vegetation in the wetland limits its ability to filter pollutants. Wetland A has a low potential to provide hydrologic function to the watershed due to the location predominantly within the OHWM of Hicks Lake. Wetland A has low species richness, consists primarily of aquatic bed, and is surrounded by residential development land use. As such, the habitat function of Wetland A is low. The buffer surrounding Wetland A is degraded by prior development activities and ornamental and invasive, non-native vegetation. [Exhibit 14, pg 14]

Surrounding Land Uses:

Directly adjacent to the north, is a public boat launch owned by Washington Department of Fish and Wildlife. (This parcel has carries dual zoning, High Density Residential and Shoreline Urban Conservancy.) Just north of the launch is Wanschers Community Park, owned and maintained by the City of Lacey. (The park property is zoned Open Space Institutional and Shoreline Urban Conservancy.) The southeast portion of the site is bordered by three existing single-family lots that also carry dual zoning designations of High Density Residential and Shoreline Urban Conservancy.

The property to the south (APN 11828140700) contains one existing single-family residence, but is otherwise forested. (Note: Parcel 11828140700 is also currently under review with the City for a 132 unit multifamily development.)

The property is bordered on the west by Hicks Lake Road SE. There are two apartment complexes across the street (Moderate and Low Density Residential) as well as the Donegal Hills single-family subdivision (Moderate Density Residential).

Access:

Access to the site will be gained from Hicks Lake Road and also from Hazelwood Lane, a private road on the south boundary of the site.

Zoning:

The property is zoned both High Density Residential (HDR) and Shoreline Urban Conservancy (URBCON). The upland portion of the site has the HDR designation. This zoning district allows for all types of residential development with a density of at least twelve units per acre. [LMC 16.18.020]

The shoreline jurisdiction on the property extends 200 feet landward of the OHWM, and carries the URBCON designation. This designation is applied to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring of the ecological functions of the area. [SMP 17.22.066]

V. ENVIRONMENTAL EVALUATION

The environmental checklist for this project has been reviewed and a mitigated determination of non-significance was issued on April 20, 2022. The Optional DNS process was used and the comment period for the project began on June 15, 2021 and ended on July 15, 2021. Notice of the comment period was given by posting the site and publishing a notice in The Olympian. The City received comments on the environmental checklist from the Department of Ecology, Department of Archaeology and Historic Preservation, and the Nisqually and Squaxin Indian Tribes. These comments are attached as exhibits to this report. A Mitigated Determination of Nonsignificance (MDNS) was issued in accordance with the procedures of WAC 197-11-355 and RCW 43.21C. The MDNS was issued based on review of materials submitted with the original

application on May 14, 2021 as well as all materials that were submitted to supplement the record. The MDNS is attached as an exhibit.

VI. **APPLICABLE COMPREHENSIVE GOALS AND POLICIES**

The City of Lacey and Lacey Urban Growth Area Land Use Element of the Comprehensive Plan: This document, known as the comprehensive land use plan, was prepared as a joint planning document by the City of Lacey and Thurston County for Lacey and the Lacey Urban Growth Area. There are other general policies in the Comprehensive Land Use Plan, which could apply, but the issues they cover are specifically detailed in the Lacey Zoning Code, which is reviewed in the next section, VIII. The following sections of the Comprehensive Plan apply to this proposal:

A. Chapter III Community Vision

a. Section B: Residential

- i. **GOAL 1:** Ensure sustainable and wise use of land resources to provide an adequate amount and mix of housing types for the anticipated increase in population.
 1. **Policy A:** Assign land use designations that will provide for adequate opportunity for increased densities and a diversity of housing types.
- ii. **GOAL 2:** Ensure that development regulation meet the current vision outlined in the Comprehensive Plan.
 1. **Policy B:** Achieve a level of design with innovative, creative, and efficient concepts for integration of different land use types that will facilitate development of great places that provide increased opportunities to live, work, and play.

b. Section F: Transportation

- i. **GOAL 2:** Support land use policies and plans to allow densities and a mix of uses that reduce the number and length of vehicle trips. Increase the opportunity to use public transportation and non-motorized modes of travel.
 1. **Policy B:** Encourage land development proposals to utilize the full capacity of the existing multimodal transportation system, especially transit and non-motorized modes.
- ii. **GOAL 3:** Prioritize and encourage bicycle and pedestrian trips by providing a safe, well-connected, and convenient bicycle and pedestrian circulation network throughout the City.

c. Section G: Parks and Open Spaces

- i. **GOAL 1:** The land use policies should complement and help implement requirements of the City of Lacey Comprehensive Plan for Outdoor Recreation, Regional Trail Plan, and land use regulatory requirements for the provision of open space.
 1. **Policy A:** Continue to require open space for residential and commercial development.

2. **Policy B:** Link pedestrian and bicycle pathways with greenways, priority habitat sites, wetlands, and open space between neighborhoods. Open space shall be designed into a project from the outset, with sizable and meaningful pieces set aside. It shall not be left to the end, using only those restricted and small spaces that are left over...
 3. **Policy D:** Open space shall be designed to define our community, create outdoor spaces, protect wildlife habitat and the natural environment, and create public and civic spaces.
 4. **Policy E:** Require means to ensure perpetual maintenance of wetlands and priority habitat sites for passive recreational opportunities.
- d. Section H: Utilities and Capital Facilities
- i. **GOAL 1:** Ensure that existing utility customers, and future customers, are adequately served by water, sewer, and stormwater utility services that consider both growth demand projections and asset management.
 1. **POLICY B:** All proposed development should be analyzed for anticipated impact on utilities and services, either as an element of the site plan review, subdivision review, or as part of the environmental impact assessment.
 2. **POLICY C:** Preference should be given to providing adequate public facilities to the following:
 - Settled areas and existing customers, rather than extending new services to sparsely settled or undeveloped areas.
 - Incorporated land before serving un-incorporated areas. Sewer extension shall be encouraged in areas needing ground water protection or surface water protection or in areas with existing residential, commercial, or industrial uses operation with failing systems.
 3. **Policy D:** The City plans to provide water utility services within its UGA consistent with planning policies in the City’s Water and Wastewater Comprehensive Plans. As such, the City will support local efforts and facilitate the connection of existing septic systems to City sewer, where feasible.
 - ii. **Water Resources GOAL 1:** Ensure the long term protection and preservation of both the quality and quantity of groundwater and surface waters for all uses.
- e. Section J: Health & Human Services
- i. **GOAL 1:** Work to achieve a safe, active, and healthy lifestyle for Lacey citizens through community planning and design.

- ii. **POLICY A:** Provide opportunity for a distribution of land use types located within planning areas and within walking distance at one another to encourage pedestrian activity and minimize the need for automobiles.
- i. **POLICY B:** Design neighborhoods to promote bicycling and walking, encouraging these activities and healthy lifestyle choices.
- i. **POLICY C:** Prioritize safe routes for capital improvements such as sidewalks, planter strips, street trees, traffic calming, and other pedestrian improvements. Consider incentives for infill development to add off site traffic calming and other pedestrian amenities for designated safe routes.
- ii. **GOAL 2:** Work to achieve a community where residents have convenient access to healthy food, clean water, and affordable shelter.
- iii. **POLICY A:** Provide opportunities for housing development to serve Lacey’s full demographic spectrum, including a full range of housing choices designed to meet life stage needs of those demographics.
- iv. **POLICY B:** Provide opportunities to integrate housing into core areas and arterial corridors where services and transportation options can be provided.
- v. **POLICY D:** Support environmental measures to protect critical/sensitive and resource areas and provisions for clean air, water, and soil for overall community health.

B. Chapter IV Planning Areas

a. Land Use Lakes Planning Area

- i. **GOAL 1:** Protection of environmental resources in the planning area shall be a priority.
- ii. **POLICY A:** Require development to work around environmentally sensitive areas and take advantage of and promote environmental resources as an amenity.
- iii. **POLICY B:** All development shall be sensitive to protecting environmentally sensitive areas.
- iv. **POLICY C:** In balancing competing goals and interests, the City shall weigh in favor of strict application of environmental regulations and public access requirements.
- v. **GOAL 3:** Maintain existing moderate and high density housing opportunities along major arterials with convenient access to transit where no impact to environmentally sensitive areas will occur.
- vi. **GOAL 4:** Improve infrastructure in the planning area particularly related to sewer and transportation.
- vii. **POLICY A:** Consistent with the policies of the Shoreline Master Program, extension of sewer service shall be prioritized around lakes to protect water quality.

VII. APPLICABLE MUNICIPAL CODE STANDARDS

The following table depicts the applicable sections of the Lacey Municipal Code.

- A. Title 14 – Buildings and Construction
 - a. Chapter 14.21 – Traffic Mitigation and Concurrency
 - b. Chapter 14.24 – Environmental Policy
 - c. Chapter 14.27 - Stormwater Management
 - d. Chapter 14.32 – Tree and Vegetation Protection and Preservation

- B. Title 16 – Zoning
 - a. Chapter 16.18 – High Density Residential
 - b. Chapter 16.53 – Historic Preservation
 - c. Chapter 16.54 – Environmentally Sensitive Areas
 - d. Chapter 16.57 – Environmental Performance Standards
 - e. Chapter 16.72 – Off-Street Parking and Loading*
 - f. Chapter 16.80 – Landscaping Requirements
 - g. Chapter 16.84 – Site Plan Review

- C. City of Lacey Shoreline Master Program

VIII. NOTIFICATION

The applications for Shoreline Conditional Use, Substantial Development, and Variance Permits, Wetland Development Permit, Site Plan Review, and Land Clearing and Class IV Forest Practices, were received on May 14, 2021, and was deemed complete pursuant to RCW 36.70B.070 on June 15, 2021. The comment period for the Notice of Complete Application had a 30-day comment period that ended on July 15, 2021. A notice was published in The Olympian and the site was posted with the notice of complete application. These notices are attached to this report as exhibits. The City received comments from internal departments, external agencies and adjacent jurisdictions as well as comments from members of the community. These comments are attached to this report as exhibits.

Written notice of the public hearing was sent to all property owners within 300 feet of the site on April 26, 2022, and notice was published in The Olympian on April 26, 2022, at least 30 days prior to the public hearing. Notice was posted on-site on April 26, 2022.

IX. COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT ANALYSIS

In review of the application, staff evaluated various items related to the proposal particularly as they related to consistency with the City’s Shoreline Master Program, wetland regulations, and the extent to which this proposal would further the goals of

the City of Lacey Comprehensive Plan. The following analysis provides details into the review process as well as review items that warranted special attention and conditions.

A. Background Information

The subject property was given (one of) its current zoning designation, HDR, in 1994, concurrent with the City's adoption of its first Comprehensive Land Use Plan under the Growth Management Act. The City's goal was to provide lakeside residential housing options beyond the predominately single-family development that is typical surrounding Hicks Lake. The City also saw this as an opportunity to ensure that this property would be served by City sewer service, an important goal in protecting the water quality of the lake.

B. High Density Residential

The multifamily units are located entirely within the HDR zoning on the property. LMC 16.18.020 allows for any residential use with a density of at least twelve units per acre. As an allowed use in the HDR zone, the proposed multifamily structures are subject to Site Plan Review approval. The HDR density requirement only applies to the portion of the parcel in HDR. While staff is not certain of the acreage of the parcel in HDR, for demonstrative purposes, the density of the entire parcel can be calculated, which results in approximately 36 units per acre. (178 units/4.98 acres) If the acreage of project were to be reduced to reflect the true acreage of land within the HDR zone, the density would only increase. Therefore, staff can conclude that the project exceeds the minimum density requirement of twelve units per acre.

C. Shorelines

It should first be noted that Exhibit 14 was prepared in August 2020 prior to the adoption of the City's SMP update in March 2021. (The applications were submitted on May 14, 2021 and the application was completed on June 11, 2021.) This update was largely a formatting update to streamline and simplify the previous document, as well as to ensure consistency with revised Department of Ecology definitions. Staff noted that a few citations to the SMP were inaccurate, however, the substance and criteria are consistent.

The other land use designation on the subject parcel is Shoreline Urban Conservancy (URBCON). As described above in Section IV, the shoreline jurisdiction is the land that lies 200 feet landward of the delineated OHWM.

Three separate shoreline permits are required for this proposal:

- Shoreline Substantial Development Permit – for the accessory appurtenance uses described below that are proposed in the 200-foot shoreline jurisdiction;
- Shoreline Conditional Use Permit – the proposed pier and dock serving the subject property;

- Shoreline Variance – extend the float length of the dock to 55 feet in length.

Urban Conservancy designation –

SMP 17.22.065 states the purposes of the URBCON environment to protect and restore ecological functions of the open space, flood plain and other sensitive lands where they exist in urban developed settings while allowing a variety of compatible uses. The URBCON designation was applied to shoreline properties where development is compatible with maintaining or restoring the ecological function of the area. The areas should be suitable for water-related or water-enjoyment uses, areas with sensitive areas that should be protected and should not be more intensively developed; areas with the potential for ecological restoration; areas that retain important ecological function, even though partially developed; or areas that have the potential for development that is compatible with ecological restoration. (SMP 17.22.066)

Shoreline Substantial Development Permit (SDP) –

An SDP is required for multifamily development within the URBCON designation (SMP 17.24.010 Uses and Activities Matrix). Although, as described above, the multifamily units are all located outside of the shoreline jurisdiction, other uses and/or structures are proposed within this area that are considered accessory to the primary multifamily development.

The City of Lacey’s Shoreline Master Program (SMP) provides the following definition of “Residential Development” [excerpt]:

Residential development includes single-family dwellings; duplexes; other detached dwellings; floating homes; multi-family development (apartments, townhouses mobile home parks, other similar group housing); condominiums, subdivisions; and short subdivisions, together with accessory appurtenant uses and structures normally applicable to residential uses including but not limited to garages, sheds tennis courts, swimming pools, parking areas, fences, cabanas, saunas and guest cottages. [SMP 17.15.208]

The applicant has proposed two recreational structures, twelve parking stalls, a play structure, sports court, spa and pool, patio, fire pit, barbecue, four covered shelters, picnic area, and ramp with landing within shoreline jurisdiction. These uses fall under the residential development definition cited above. According to SMP 17.24.015 Development Standards Matrix, residential development is subject to a 100-foot setback from the OHWM.

The submitted site plan shows portions of the patio, fire pit, barbecue, landscape planter, covered shelter, ramp and landing, and picnic area within the 100-foot setback. The applicant’s shoreline and wetland delineation identify these

improvements within the 100-foot setback as “water-related and enjoyment.” [Exhibit 14, pg 17]. SMP defines a water-enjoyment use in the following manner:

A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public’s ability to joy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. [SMP 17. 15.281, emphasis added by staff]

The applicant’s submittal materials did not indicate the intent to make these facilities available for use by the *general* public. With the exception to the ramp/pathway leading to the dock (which will be discussed later) all of these improvements should be removed from the 100-foot setback. Unless applicant testimony is provided at the hearing that indicates availability to the general public, the Hearings Examiner should include conditions that require the removal of these improvements from the 100-foot setback.

Shoreline Residential Development Standards -

SMP 17.26.025 contains standards pertaining to residential development within the shoreline jurisdiction. Many of these standards relate to specifically to housing standards, however, there are a number of criteria that apply to the accessory uses being proposed by the applicant.

Maximum development coverage should be carefully considered. SMP 17.26.025 references the specific URBCON standards in SMP 17.24.015 which limits impervious surface coverage to thirty percent. The applicant’s shoreline and wetland delineation, Exhibit 14, explains that there will ultimately be a net reduction in impervious surface area within the 100-foot setback area. This is due to the fact that there is an existing mobile home and driveway paving in this area that totals approximately 2,475 square feet of impervious surface. (It should be noted that if the proposed improvements in the 100-foot setback area are ultimately removed, that the net reduction in impervious area in this area will be even greater than what is described in Exhibit 14.) The hearings examiner should consider a condition that will verify development coverage within the URBCON portion of the site prior to building permit issuance.

Accessory buildings in the URBCON are limited to sixteen feet in height. This standard will be verified during the multi-family design review process, prior to building permit issuance, when the building plans are submitted for review.

Vegetation Management –

SMP 17.41.020 requires the preparation of a Shoreline Vegetation Management Plan (VMP) for Shoreline SDPs, CUPs, and Variances. However, subsection 2(E) authorizes the, “Administrator to waive the requirement for preparation of a VMP when the proposed permit or action seeks to improve ecological function of the shoreline...In this situation, the level of functional improvement resulting from the proposed action shall be proportionate to that which would be provided through implementation of a VMP, as determined by the Administrator.”

As described in Section IV – Existing Conditions above, the subject property contains multiple dwelling units near the shoreline and wetland. The applicant’s Exhibit 14 explains the current conditions further and proposed temporary impacts:

The existing 100-foot Vegetation Management Area (VMA) and the embedded 80-foot buffer of Wetland A are currently degraded due to the location of a mobile home parking area, and dominance of non-native species and lawn vegetation. The existing shoreline condition is further degraded by the presence of creosote-treated timbers, metal spikes, a dilapidated solid surface wooden float, automotive tires, and other debris. Minor temporary disturbance of the vegetation management area is proposed through removal of existing features; however, the overall project is anticipated to enhance the wetland and Hicks Lake buffer functions over the long term. [pg 26]

The applicant has proposed a wetland buffer and shoreline restoration plan to improve shoreline ecological functions. “Existing pollutant-generating shoreline stabilization treatments, a dilapidated solid-surface float, and plastic debris will be removed from the shoreline. Non-native invasive plants will be removed from the riparian areas and the shoreline will be further be restored through the installation of clean beach gravels, anchored large woody debris and rocks along the length of the subject property’s shoreline to maintain the shoreline and limit erosion due to anthropogenic uses and activities in the area. The restoration and enhancement actions will result in a net increase in wetland and shoreline functions and values and provide safe shoreline access for residential recreational use.” (Exhibit 14, pg 26) Additionally, the applicant proposes to remove 1,737 square feet of existing impervious surface (mobile home and parking area) within the wetland buffer, and 912 square feet of existing driveway and parking area will be removed from the 100-foot shoreline VMA.

Shoreline enhancement will also entail approximately 250 feet of existing shoreline armoring, a wooden float, and shoreline debris. Four hundred and seventy square feet of clean beach gravels and sand will be located landward of OHW, and approximately 1,500 square feet below OHW will be restored with clean pea gravel placed to enhance substrate conditions and fish habitat within Hicks Lake. Large woody debris and large rocks will also be carefully placed along the shoreline to enhance and maintain the approximately 250 linear feet of

shoreline. The removal of existing environmental constraints in the water and on uplands within 100 feet of Hicks Lake will restore environmental functions, the installation of native plants and natural materials to maintain the shoreline, and the proposed project design will allow for continued residential recreational water access and use. The proposed wetland buffer enhancement and shoreline enhancement actions will increase buffer and shoreline ecological functions.
[Exhibit 14, pg 27]

The proposed restoration planting plan is illustrated on page 5 of Exhibit 12. A revised restoration plan may be required if the improvements within the 100-foot shoreline setback are removed as discussed earlier in this report. The hearings examiner should consider conditions to address this potential outcome.

Pier and dock –

The applicant proposes to construct a dock within Hicks Lake. Piers and docks serving one property are subject to a Shoreline CUP. (SMP 17.24.020) The purpose of the dock is to enable water dependent recreation use by providing a location for launching and temporary mooring of small watercraft, as well as providing pedestrian access to Hicks Lake, outside the boundaries of Wetland A. The property's existing shoreline does not have a safe location for launching or accessing watercraft beyond Wetland A, as Wetland A is located along the entirety of the parcel's lakeside frontage. Therefore, the proposed dock is necessary to support water-dependent recreational uses, i.e. small craft launching and swimming [Exhibit 14, pg 20]

The criteria for piers and docks are found in SMP 17.25.010. The proposed dock is consistent with the needs assessment in the Comprehensive Plan for Outdoor Recreation that identifies the need for more swimming opportunities in the Wonderwood Planning Area. Additionally, the moorage function of this dock is intended only for temporary (or day) use; long-term moorage is not proposed at this facility. "The use of the proposed dock for launching and temporarily mooring small watercraft will assist in minimizing impacts to the shoreline of Hicks Lake that could otherwise occur from repeated launching and temporary anchoring of small watercraft along the shoreline. The proposed pier cannot avoid impacts to the Wetland A as the wetland extends across the entire length of the subject shoreline. However, the proposed dock design will minimize impacts to Wetland A by locating the float outside of Wetland A and using grated surface materials to allow light transmittal." [Exhibit 14, pg 20]

SMP 17.25.010(16) identifies multiple dimension and design criteria for proposed pier and/or docks in freshwater. The total freshwater pier/dock surface coverage for facilities serving three or more residences cannot exceed 1,000 square feet and four feet in width and fully grated with at least sixty percent (60%) open area. The surface coverage of the proposed dock is 832 square feet – below the 1,000 square foot maximum. "The proposed dock is 4 feet wide throughout its length and consists of a

128-foot long pier, 12-foot long ramp, and two floats comprising the ells-shape that are 20 and 48-feet long, which exceeds the dimensional length standard given in City of Lacey SMP 17.61.020.16.G” [Exhibit 14, pg 20] Therefore the applicant is seeking a shoreline variance to permit the proposed dock length.

Shoreline Conditional Use Permit (CUP) and Variance –

The Shoreline CUP criteria are outlined in SMP 17.30.015. The purpose of a CUP is “to provide a system within the master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020.” Uses, such as docks/piers, may be authorized provided the applicant demonstrates the following:

- *That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;*

RCW 90.58.020 recognizes the need to protect the public’s interest in shoreline protection while also recognizing and protecting private property rights consistent with public’s interest. RCW 90.58.020 directs local governments to develop local SMPs consistent with the use preferences listed. As described above, the URBCON designation gives priority to water oriented uses and uses with the potential to preserve *or restore* the ecological functions of the shoreline. The requested dock/pier is a “water dependent use incorporated within a project that includes shoreline restoration actions” [Exhibit 14, pg 21] and is consistent with both the URBCON designation and the policies of RCW 90.58.020.

- *That the proposed use will not interfere with the normal public use of public shorelines;*

According to the applicant’s analysis, “the fetch across Hicks Lake in this location is approximately 1,500 linear feet and the replacement of the existing solid surface float with a dock/pier that extends over Wetland A (160 linear feet) is eleven percent of the fetch and would not present an obstacle to the use of Hicks Lake by neighboring properties.” [Exhibit 14, pg 20]

- *That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Land Use Plan and Shoreline Master Program;*

The proposed dock/pier is consistent with the authorized uses in both the URBCON designation as well as the nearby RESIDENTIAL shoreline district.

- *That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and*

The existing shoreline area on the subject property is significantly degraded by the existing development, non-native and invasive vegetation, dilapidated wooden float and shoreline debris, as well as failing shoreline stabilization structures. Locating the dock within this shoreline area will not cause significant adverse effects to the existing shoreline. Rather, the proposed dock has been designed to minimize impacts to the shoreline environment by following Green Shoreline Guidelines in the Green Shoreline Landscaping: Examples and Guidelines that have been approved by applicable state agencies. The proposed ell is also located beyond the Wetland A aquatic bed to minimize impacts to the wetland. [Exhibit 14, pg 21]

➤ *That the public interest suffers no substantial detrimental effect.*

As described above, the proposed dock will not adversely impact public access, views along the shoreline, or the ecological functions.

The SMP also requires CUP proposals to consider the cumulative impacts of similar actions in the area. The proposed dock is intended to provide water oriented use and access to a significant number of residents of the associated multifamily development. The SMP standards in 17.25.010 prioritize the use of joint-use or community dock facilities in order to limit the overall number of docks permitted within the shorelines. The proposed dock is consistent with both this policy and those found in RCW 90.58.020. There are multiple existing docks serving single residences. If other similar zoned properties in the area were to propose joint-use docks, they would likely be replacing existing docks, and used to serve multiple residents, as opposed to limiting access to just one residence. Therefore, the cumulative impacts of more joint-use docks, designed to current standards, would not produce substantial adverse effects within the shoreline.

As noted above, a shoreline variance is required to construct a dock with dimensional standards that vary from the standards listed in SMP 17.25.16. "The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020." (SMP 17.30.020)

Variance permits for development and/or uses that will be located waterward of the OHWM or within any wetland may be authorized subject to the following provisions:

➤ *That the strict application of the bulk, dimensional or performance standards set forth in Lacey's Master Program precludes all reasonable use of the property;*

- *That the proposal is consistent with the criteria established under Section 17.30.020(2)A-F;*
 - A. *That the strict application of the bulk, dimensional or performance standards set forth in Lacey's Master Program precludes or significantly interferes with reasonable use of the property;*
 - B. *That the hardship described in (A.) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;*
 - C. *That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Land Use Plan and Shoreline Master Program and will not cause adverse impacts to the shoreline environment;*
 - D. *That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;*
 - E. *That the variance requested is the minimum necessary to afford relief; and*
 - F. *That the public interest will suffer no substantial detrimental effect.*
- *That public rights of navigation and use of the shorelines will not be adversely affected.*

The applicant contends that the number of residents intended to be served by the proposed dock, makes it infeasible to meet the dimensional standard requirements pertaining to length – 26 feet. “Applying this standard to the proposed project would not be reasonable given the need to safely accommodate several people on the pier at a single time.” [Exhibit 14, pg 22] The dock is intended to accommodate use by multiple residents at a time. In order to accommodate multiple, simultaneous users, the dock extends the float to 55 feet in length.

Staff would note that the vast majority of Lacey’s shoreline areas are dominated by single-family residential development, where the existing (and expected) dock improvements serve only one residence. As noted above, prioritizing joint use or community docks is preferred. And provided, that facilities are designed and

constructed to be consistent with Green Shoreline Guidelines and BMPs, it is reasonable to provide a variance to the dimensional standards if the overall goals and policies of the SMP are being met. Additionally, as stated in the Exhibit 14, “the majority of properties on Hicks Lake are single family residences and do not face the Applicant’s situation of providing safe water access for multiple residents.” [pg 23]

Also, as noted above in the discussion of CUP criteria, the proposed dock length spans only eleven percent of the lake’s fetch in this area, and follows the contour of the shallow portions comprising wetland A. No existing navigation occurs (or should occur) within the area spanned by the pier, and therefore the proposed dock will not hinder any current or proposed use of the water.

D. Wetlands

As with the Shoreline Master Program noted in the section above, the City of Lacey’s wetland ordinance was updated at the same time in March of 2021. That being said, the onsite Category III wetland with a habitat score of 3 (Wetland A) still results in a buffer width of 80-feet per LMC 14.28.280.C(2)c – Table 14T-69. Wetland A is considered a regulated wetland per LMC 14.28.030(OO).

As discussed above, under the SDP analysis, the applicant has proposed installing covered shelters, a picnic area, portions of a patio, and shoreline access path. All of these improvements, with the exception of the pedestrian path, must be removed from the 100-foot shoreline buffer (and therefore, the 80-foot wetland buffer) because they do not meet the definition of water-enjoyment uses – unless proposed to be open for use to the general public.

LMC 14.28.120.F identifies walkways and trails as allowed uses, provided the, “pathways are limited to minor crossings and have no adverse impact on water quality. They should be generally parallel to the perimeter of the wetland, located only in the outer twenty-five percent of the wetland buffer area, and located to avoid removal of significant trees. They should be limited to pervious surfaces no more than five feet in width for pedestrian use only.” Staff supports retaining the proposed walkways within the 100-foot shoreline setback and the 80-foot wetland buffer in order to provide community access the shoreline and dock. Access to the shoreline is a central goal of the Shoreline Master Program, and it is unreasonable to provide shoreline amenities with no safe means of access for residents. However, the pathway should be designed to be as consistent as possible with the above definition. The hearings examiner should consider a condition to limit the pathway to no more than five feet in width, and constructed from a permeable material to mitigate water quality impacts within the buffer/setback area.

The project also proposes minor wetland impacts with the construction of a pier across Wetland A. LMC 14.28.350 addresses avoidance of wetland impacts. For

regulated, water dependent activities (as defined in 14.28.030(UU) within Category III wetlands, an applicant must demonstrate that “unavoidable and necessary impacts can be demonstrated where there are no practicable alternatives which would not involve a wetland or which would not have less adverse impact on a wetland, and would not have other significant adverse environmental consequences.” The proposed pier is a water-dependent structure that cannot avoid impacts to Wetland A, as Wetland A spans the entire length of the property’s shoreline. Because impacts to Wetland A cannot be avoided, they must then, be minimized. “The proposed pier minimizes impacts by careful design and selection of materials. The pier’s design includes locating the ell outside of the wetland so that launching and temporary mooring of small watercraft will be directed outside of the wetland. The pier will also be constructed following the Green Shoreline Guidelines... to minimize impacts to the Wetland A aquatic bed.” [Exhibit 14, pg 24]

Shoreline Impacts of new development

The goals, policies, and development standards in the current Lacey Shoreline Master Program, just recently updated, emphasizes:

- Maintaining and recapturing the natural functions and values of our shoreline resources
- Establishing vegetation buffers designed to protect functions and values
- Prohibition on new septic tanks
- Natural shoreline armoring rather than bulkheads
- Consolidation of shoreline improvements

The updated Master Program recognized that continuing the single-family land use pattern around our lakes served to limit public access to the shoreline and the pattern of lawns and open space associated with residential developments significantly impact the functions of lakes for habitat. The standards in place with the updated Master Program implement better lake management practices for new developments, including multi-family developments than single family development along the lake shores in the past.

The updated Master Program also puts emphasis on water quality and preservation and restoration of natural functions and values. As an example, septic systems are now prohibited within the shoreline jurisdiction. Failing, aging, or improperly working, septic systems can contaminate nearby waterbodies with bacteria and viruses and high levels of nitrogen and phosphorus. New development projects can virtually eliminate this particular impact by hooking up to the municipal sewer system.

New development projects are required to meet the standards of Lacey’s Stormwater Drainage Manual. Contemporary stormwater regulations require low impact development for new development and redevelopment projects, this entails keeping stormwater on-site to the greatest extent feasible. These new standards

result in less pollutants entering both groundwater and surface waters, than is typical with older development patterns.

E. Trees

Sound Urban Forestry prepared a report for the subject property dated May 7, 2020. The forester identified two areas within the site with potential for tree retention: the southwest corner and along a portion of the southern property boundary. Retention of trees in these areas, as well as in the 100-foot shoreline setback, should be prioritized and incorporated into the site plan to the greatest extent possible. Prior to grading plan approval, Sound Urban Forestry should review the revised site and grading plan in order to make final tree retention recommendations.

Additionally, the site is required to retain or replant a tree tract or tracts equaling at least five percent of the gross site area. This site will require tree tract area equal to at least 10,847 square feet. Tree tract locations and calculations should be clearly identified on the site plan, as well as the landscaping plans. The hearings examiner should consider conditions to ensure prioritization of existing trees, where feasible, and identification of tree tracts on future site plan submittal.

F. Transportation

The Transportation Impact Analysis (TIA) that was prepared for the project (Exhibit 18) identified 78 new vehicle trips during the PM Peak Hour (4pm to 6pm). Comments from City of Lacey Transportation staff identified fifteen street projects that would be impacted by traffic generated by this proposal. The project will be assessed traffic mitigation fees based on a proportionate share of the total cost of the impacted street projects, consistent with LMC 14.21. (Exhibit 30a)

The TIA also analyzed the turning movements at a number of intersections, including the intersection of Ruddell Road SE and 25th Avenue SE. The City of Lacey uses the average intersection delay at stop-controlled intersections to calculate a Level of Service (LOS) for an intersection. While the TIA found that the westbound left-turn (WBLT) movement at the intersection of Ruddell Road SE and 25th Ave SE will have a LOS of E or F, the average intersection LOS will be an A. The TIA and Transportation staff determined that this intersection does not warrant a signal control. A queuing analysis found that 25th Avenue has sufficient storage in the WBLT lane to accommodate the combined queue length from both this project, and the multifamily project directly adjacent to the subject parcel, and currently under review.

Impacts on pedestrian and bicycle volumes were also reviewed cumulatively with the adjacent multifamily project. "According to the Thurston Regional Planning Council's 1999 Household Travel Survey, 5.6% of all trips are made by bicycling or

walking.” [Exhibit 30a] This results in 67 daily pedestrian and bicycle trips for this proposal. (And 50 trips for the adjacent proposal.)

There are currently no sidewalks on Hicks Lake Road between the project locations and 25th Avenue SE. Nearby attractions for pedestrians and cyclists include Wanschers Park, two bus stops along 25th Ave SE and Ruddell Road – as well as Lacey Elementary School, approximately one-half mile to the north. The Pedestrian and Bicycle Plan for the City of Lacey and Lacey UGA identifies Hicks Lake Road as a recommended sidewalk connection. [Figure 3: Recommended Pedestrian Segment Projects] Due to the increased volume of vehicles and pedestrians associated with the projects, a pedestrian facility should be constructed along the east side of Hicks Lake Road SE from the project frontage to 25th Avenue SE. The pedestrian facility will be considered a temporary facility, until such time as frontage improvements associated with Wanschers Park are installed by the City of Lacey. Therefore, the pedestrian improvement is not required to be constructed to full sidewalk standards. It should at a minimum, meet ADA requirements for accessibility. A pedestrian corridor in this location will enhance both pedestrian safety and accessibility between this project and nearby pedestrian attractions to the north. The hearings examiner should consider a condition requiring a pedestrian pathway prior to the certificate of occupancy of the first residential structure.

G. Vehicle parking standards

This project has been reviewed under older vehicle parking standards for multifamily projects. The standard the hearings examiner should consider when reviewing this application is a minimum of 1.5 vehicle stalls per unit. Bicycle parking standards remain unchanged.

H. Other agency comments

Olympic Regional Clean Air Agency submitted comments notifying the applicant of the requirement for an asbestos survey for all demolition projects and the proper procedural requirements for notifying the agency of asbestos removal and structure demolition.

Intercity Transit (IT) submitted comments that identified nearby bus stops on 25th Avenue SE, as well as Ruddell Road. The project will not be served directly by fixed-route bus service; however, the site would be used by IT’s paratransit service, Dial-A-Lift (DAL). IT requested that the final site be designed to accommodate the wheel bases of its DAL buses, as well as the turning radius of these vehicles. The hearings examiner should consider conditions to address these comments.

The Squaxin Island and Nisqually Tribe, as well as the Department of Archaeology and Historic Preservation submitted comments requesting an archaeological survey to be completed prior to any ground disturbing activity. The April 20, 2022 MDNS

addressed these comments. However, the Hearings Examiner should consider an additional condition to address inadvertent archaeological discoveries.

The Washington Department of Ecology noted existing regulations would need to be met by the proposal, including those for grading and filling, and the need to obtain a construction stormwater permit from Ecology. Department of Ecology Wetlands/Shorelands staff also submitted comments on this proposal, as discussed above.

X. HEARING EXAMINER AUTHORITY

The Hearings Examiner has the responsibility and authority to recommend action to the City Council on SHORELINE CONDITIONAL USE PERMIT, SHORELINE VARIANCE, WETLAND DEVELOPMENT PERMIT, SITE PLAN REVIEW, AND LAND CLEARING/CLASS IV FOREST PRACTICES APPLICATION permits. Pursuant to section 2.30.140 of the Lacey Municipal Code, the Examiner has the authority to render a decision on the application which may be to grant, deny, or grant with such conditions, limitations, modifications and restrictions as the Examiner finds necessary to make the application compatible with its environment, the comprehensive plan, other official policies and objectives and land use regulatory enactments.

XI. SUMMARY OF STAFF ANALYSIS

In the professional opinion of Community & Economic Development and Public Works staff who have reviewed the proposal that the Shoreline is consistent with the City Comprehensive Development Plan, the City Zoning Code, and other applicable codes and regulations provided that the conditions recommended under Section XII, are implemented.

XII. STAFF RECOMMENDATIONS CONCERNING ACTION ON THE PROPOSED SHORELINE CONDITIONAL USE PERMIT, SHORELINE VARIANCE, WETLAND DEVELOPMENT PERMIT, SITE PLAN REVIEW, AND LAND CLEARING/CLASS IV FOREST PRACTICES APPLICATION

Based upon the above analysis, city staff recommends approval of the SHORELINE CONDITIONAL USE PERMIT, SHORELINE VARIANCE, WETLAND DEVELOPMENT PERMIT, SITE PLAN REVIEW, AND LAND CLEARING/CLASS IV FOREST PRACTICES APPLICATION. The project shall proceed in substantial conformance with the plans on file, except as modified below:

A. SITE PLAN REVIEW, WETLAND DEVELOPMENT PERMIT, AND LAND CLEARING/CLASS IV FOREST PRACTICES APPLICATION

CONDITIONS OF PROJECT APPROVAL: CONDITIONS UNIQUE TO THIS APPLICATION

Community & Economic Development Department

Planning

1. This proposal shall be developed in substantial conformance with the plans submitted on May 14, 2021, except as modified by the conditions below.
2. All requirements of the MDNS issued on April 20, 2022 shall be satisfied.
3. Prior to building permit issuance for individual buildings, the developer shall receive multifamily design review approval for each building. In addition to the typical submittal materials, the design review package shall include an open space plan and analysis.
4. 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).
5. Prior to building permit issuance, a revised site plan shall be submitted to the Community and Economic Development Department for review and approval. The site plan shall be revised to include the following items:
 - Tree tract locations and calculations;
 - Removal of non-authorized uses within the 100-foot shoreline setback.
6. Prior to site disturbing work within the shoreline jurisdiction the applicant shall submit details for the pedestrian path. The pedestrian pathway leading to the pier/dock shall be limited to five feet in width, and constructed from permeable materials, and should be sited so to avoid tree removal.
7. No trees shall be removed until a grading permit has been issued. Grading plans shall be designed to consider tree retention on the site. Prior to any site clearing and/or construction activities occurring all tree protection fencing shall be placed around the perimeter or the tree protection and tree tract areas, and around any individual trees selected to be retained. Tree protection fencing shall be shown on the grading plans for the proposed project.
8. The final landscape plan shall identify and incorporate trees for retention in the designated tree tract area and within required landscaping. Tree replanting shall also be required within the tree tract if existing trees are not sufficient to meet canopy coverage requirements of LMC 14.32. The trees to be planted within the tree tracts shall be identified on the landscaping plans prepared for this project and

shall be subject to review and approval by the City of Lacey Forester. All evergreen tree species shall be resistant to laminated root rot. Landscape and a separate irrigation plan shall be submitted to the Planning section of the Community and Economic Development Department for review and approval prior to the issuance of the vertical building permits for the project.

9. The following note shall be shown on the site and landscape plans for the project:
The tree tract is designated in accordance with LMC 14.32 and shall be dedicated to the growing, protection, and preservation of trees in perpetuity. No tree removal in the tree tract, without the prior written authorization of the City of Lacey, is allowed.
10. Prior to any site construction activities taking place, a preconstruction meeting shall be held with Sound Urban Forestry to review the location of the tree protection fencing. A note stating that a preconstruction meeting shall be held with Sound Urban Forestry shall be shown on the grading plans for the project. Confirmation from the Forester that the meeting has been held shall be provided to the Community Development Department prior to the start of site construction or grading activity.
11. Prior to site construction activity the contractor completing any tree removal or logging work shall sign and submit the "Acknowledgement of Responsibilities for Professionals Doing Tree Removal in the City of Lacey". The form shall be submitted to the Planning Department prior to issuance of the grading permit.

Fire Code

12. One fire hydrant shall be installed, tested and approved prior to building permit issuance. (LMC 14.07.501.4.) Fire hydrants shall be provided every 330 feet unless the fire flow is greater than 1,500 gpm then it shall be every 300 feet in accordance with IFC table (C102.1) and (LMC 14.07) for the building. Fire hydrants shall be placed no closer than 40 feet from the building or structure protected unless approved by the Fire Code Official.
13. The required fire-flow for the building shall be no less than 2,750 gpm for 4 hours in accordance with IFC Appendix B. Fire-flow is based on square footage/ building construction type, including a 50% credit for the installation of automatic fire sprinkler systems. (IFC section 507.1 LMC 14.07.015). The initial calculation is based on type 5b wood framed construction as a worst-case scenario for fire flow. Note: The Fire Code Specialist and City of Lacey Water System Engineer shall determine fire flow based on construction type.
14. The proposed buildings shall be equipped with approved automatic sprinkler system and shall be installed in accordance with NFPA 13 (2016 Edition) standards. Additionally, a fire department connection shall be installed in accordance with

(LMC 14.07). A fire department connection shall be located within 40 feet of a fire hydrant. Any building greater than 7,500 Sq. Ft. requires a sprinkler system in accordance with (LMC 14.07). The buildings shall have their own FDC line with KNOX locking caps or plugs. This Building also requires standpipes based on the building exceeding three stories in height. (IFC Chapter 9). A fire pump may be required depending on sprinkler demand.

15. A separate building permit shall be required for the installation of fire sprinkler system underground piping. The design shall be in accordance with NFPA 24 Standards (2010 Edition) and City of Lacey Public Works Design Standards. Underground sprinkler piping shall be designed only by a Washington State Level III Certified contractor. Plans and specifications shall be submitted to the City of Lacey Building Department for review and approval prior to installation. Fire sprinkler system underground lead-in piping shall be installed only by a Washington State Level "U" Certified contractor. The submitted plans shall be accompanied by the level "U" certification of the installing contractor installing the underground piping. LMC 14.07.015; WAC 212-80-030 Please note: Fire sprinkler underground drawings are required to be submitted prior to above ground sprinkler drawings.
16. An approved addressable fire alarm system with supervised monitoring shall be provided throughout the building's in accordance with the City of Lacey Municipal Code (LMC 17.07) and NFPA 72 Standards (2016 Edition).
17. An approved 20-foot wide all-weather surface fire apparatus access roads shall be provided to within 150-feet of all exterior portions of the buildings at ground level. Said fire apparatus access road shall be located not less than 10-feet from the building. (IFC Section 503.1). The fire access road shall be able to handle imposed loads of 75,000 lbs.
18. A 26-foot-wide fire access road shall be provided on one entire side of the building if the building is greater than 30 feet at the eve. (IFC Appendix D) The aerial access road does not include a public right of way. Note: A temporary fire access road shall be provided at time of vertical permit issuance. The fire access road shall be approved by an engineer to handle the loads of fire apparatus. (LMC 14.07)

Public Works Department

Water

19. Appropriately sized water mains shall be extended throughout the proposed site to provide domestic water service to each individual building, to meet water quality, and to satisfy Lacey Fire requirements. At a minimum, an adequately water main (minimum of 10-inch) shall be extended through the site and looped back to the existing 8-inch PVC water main in Hicks Lake Road SE. The existing 6-inch and 4-inch PVC water mains in Hazelwood Lane shall be abandoned and existing services

transferred to the new 10-inch water main. Additionally, on Hicks Lake Drive, where the newly installed 10-inch main connects to the existing 8-inch main on the south end of the parcel, there is a small portion of 8-inch main (about 20 feet) that shall be upsized to 10-inch main. The section of main shall be connected to the existing 10-inch main currently existing south of the Hazelwood Lane.

20. Domestic water services shall be provided for each proposed building, each water service shall be equipped with a Reduced Pressure Backflow Assembly device. (DG&PWS, sections 6.120 F and Appendix P)
21. An irrigation meter with a double check valve assembly device is required for all landscaped areas. (DG&PWS, 6.120 F and Appendix P)

Sewer

22. The existing 8-inch gravity sanitary sewer main in Hicks Lake Drive shall be extended to the south property line at a minimum slope to allow maximum depth of the main for future extensions.
23. If all residential units cannot be served with gravity sewer, a lift station shall be constructed with this project. The area needed for the lift station improvements shall be 85-feet by 60-feet. In order to size the lift station, the force main and other improvements associated with the lift station, a lift station report will be required. Prior to submitting the report, the applicant's engineer will need to work with Brandon McAllister of the City of Lacey (360-413-4386) to determine the service area for the lift station and other lift station criteria.
24. Appropriately sized gravity sanitary sewer mains shall be extended throughout the proposed site to provide sewer service to each building. Grinder systems shall only be approved for amenity buildings unable to connect to sewer with a gravity main. Buildings with multi-family living units will not be permitted to connect to sewer with grinder systems.
25. Appropriately sized gravity mains shall be installed onsite, discharging to the gravity main in Hicks Lake Road or to the lift station. If the lift station is installed, an appropriately sized force main exiting the site and discharging to the existing gravity main on Hicks Lake Road shall be installed.
26. Prior to civil drawing approval, confirmation that the site layout satisfies maintenance vehicle requirements shall be provided. The layout shall allow a 40-foot long vector truck with an inside turning radius of 45-feet to maneuver through the site. (Auto-turn confirmation is required). Covered parking along the route may be prohibited. Parking may also be prohibited within the vicinity of the lift station to allow for vector truck movements.

27. Lift station upgrades at the downstream lift station may be required, if capacity issues have not been resolved prior to civil drawing approval.

Stormwater

28. Treatment and infiltration facilities shall be constructed for stormwater associated with the site, adjacent properties currently discharging to the site along with the half street stormwater associated with the frontage along Hicks Lake Road SE and Hazelwood Lane. The project is located in a Category I Critical Aquifer Recharge Area, stormwater treatment shall include basic, metals, and phosphorous treatment.
29. All proposed infiltration facilities shall meet setback requirements, including a minimum 20 ft. setback from the edge of any infiltration facility to any property line or structure (2016 SDM, Section 7.2.3).
30. Infiltration galleries shall be designed in conformance with Chapter 7 of the 2016 SDM. Plan details shall illustrate the applicable design criteria (for infiltration galleries, see Section 7.4.8). The constructed infiltration facilities may be subject to testing and/or monitoring for verification of performance (2016 SDM, Section 7.2).
31. The developer shall submit a registration form to the Department of Ecology's UIC program, no later than sixty (60) days prior to facility construction. The proposed infiltration galleries (i.e. "StormChamber" infiltration structures) are considered "UIC wells" per the Washington State Department of Ecology's Underground Injection Control (UIC) program. (2016 SDM, Section 7.3, and Ecology's UIC Program, 2019 update).
32. A complete Construction Stormwater Pollution Prevention Plan (SWPPP) consisting of both a narrative document and a temporary erosion & sediment control (TESC) plan is required. The complete SWPPP shall be reviewed, approved, and the site inspected by the City of Lacey prior to any site-disturbing activity such as tree removal, clearing, grading, etc.
33. The civil drawing submittal shall describe the proposed provisions for accommodating flow from the existing 24" pipe outfall on the western portion of the project site.
34. Stormwater runoff from pollution-generating surfaces shall require enhanced treatment due to location within a Category I Critical Aquifer Recharge Area. In addition, phosphorus control is required due to the proximity to the lake. This treatment level is proposed to be met with manufactured runoff water quality treatment systems, which are subject to City approval for use. The developer shall provide Ecology's "General Use Level Designation" (GULD) documentation for the proposed treatment systems in the drainage report, and provide sizing calculations

per the GULD conditions. Detail drawings and specifications for the water quality treatment systems shall be included in the civil plan set. (2016 SDM, Chapter 8).

35. Prior to civil drawing submittal the drainage report shall be revised to include description of the provisions and flow paths in the event of overflow, blockage or failure of the on-site infiltration facilities; provisions for spill control upstream of each infiltration facility; and a summary of the sizing data and calculations for each infiltration facility (2016 SDM, Sections 3.3.3 and 7.2.3).
36. A maintenance access road for each proposed location of stormwater treatment and infiltration facilities shall be provided.
37. The following information shall be provided for each proposed infiltration facility location:
 - a detail section including facility top, inflow, and base elevations;
 - seasonal high groundwater elevation and evidence of adequate vertical separation from bottom of each proposed infiltration facility to seasonal high groundwater levels;
 - describe presence of any stratification that may impact the infiltration design;
 - and determination/confirmation of design infiltration rate of soils at each proposed infiltration facility location and depth. (2016 SDM, Section 7.2.2).
38. The revised drainage report shall include map sheets of the relevant site drainage plans and details.
39. Pool maintenance shall conform to state and local requirements for source control of pollutants and prevention of illicit discharges. Include appropriate guidance in the Maintenance and Source Control Manual for the site owner (2016 SDM Chapter 9, Ecology's 2019 SWMMWW Volume IV, and LMC Chapter 14.29).

Transportation

40. Hicks Lake Road SE shall require 27 feet of half-street Right of Way. (Detail 4-4.0 dated 12/15/14 from the City of Lacey 2017 Development Guidelines and Public Works Standards Manual.) Right-of-way dedication may be required if sufficient Right-of-Way is not currently present. Prior to Certificate of Occupancy of any building associated with this project, the installation and approval of half-street frontage improvements is required.
41. Prior to occupancy of the first residential building the developer shall install a pedestrian connection from the northern property boundary on Hicks Lake Road to 25th Avenue SE.

42. Hazelwood Lane SE shall require installation of half-street commercial private road standards. In lieu of typical 5-foot sidewalk on Hazelwood Lane, the developer shall install an internal sidewalk system that provides pedestrian access to Hicks Lake Road. An access easement shall be provided to allow pedestrians that would typically access the sidewalk required along Hazelwood Lane to access the sidewalks within the Hick Lake Apartment project.
43. The traffic mitigation identified as of March 9, 2022 is \$73,628.69 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. (LMC 14.21)

CONDITIONS OF PROJECT APPROVAL: 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.

Community & Economic Development Department:

Planning

36. School impact fees shall be collected from the applicant by the City of Lacey prior to issuance of the building permit for each residential building. Fees shall be forwarded to the North Thurston School District and shall be as generated by the formula for calculating impacts fees as set forth in the Capital Facility Plan for the North Thurston School District, which has been incorporated by reference into the Lacey Municipal Code.
37. 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. (LMC 16.80)

38. 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. (LMC 16.80)
39. 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 order 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 one year. (LMC 16.80)
40. 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. (LMC 16.80)
41. All applicable requirements of the City Zoning Code shall be satisfied (LMC Title 16).
42. The applicant/developer shall be responsible for obtaining all applicable permits required for the project, including National Pollutant Discharge Elimination System Permit (NPDES) and any others. These permits will require additional review time from the appropriate agencies.

Fire

43. An approved fire department turnaround may be required if the fire department access road has a dead end in excess of 150 feet. (IFC 503.2.5)
44. Approved 12" minimum address numbers shall be provided on the building in a location facing the fire apparatus access roadway. The address numbers shall contrast the buildings color. (IFC Section 505.1; LMC 14.07.015)
45. An approved fire department and Police Department key-box shall be provided on the buildings in accordance with (IFC Section 506) and (LMC 14.07). Fire department key-box shall be installed in a location approved by the City of Lacey Fire Code Official. Key-box shall contain keys necessary for fire department and police department access to the interior of the building and any other location

necessary for fire department or police department operations. Go to knoxbox.com for City of Lacey key boxes for Lacey Fire District #3 and Lacey Police Department. Upon completion of the key-box installation, the City of Lacey Fire C Specialist shall install the necessary keys and cover. (IFC Section 506).

46. Approved fire lane marking shall be provided where necessary to discourage obstructions by the parking of private vehicles. Upon completion of final road surfaces and curbing construction, the City of Lacey Fire Code Official shall perform a site inspection to determine locations where fire lane marking will be necessary to discourage the parking of private vehicles. Said fire lane marking, where applicable, shall be provided and approved prior to final occupancy approval. IFC Section D-103.6; LMC 14.07.015
47. Fire extinguishers shall be provided every 75 feet in accordance with (LMC 14.07) fire extinguishers shall be the 2a10bc type.
48. Access gates shall be in accordance with section 103.5 of the IFC all access gates shall require a KNOX box backup key switch in addition to a strobe activated gate. @ This time it doesn't appear a fence is proposed but I left the comment if changes need to be made.
49. Emergency responder radio coverage is required for any wood framed building greater than 50,000 sq. ft.
50. 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. At least 24 hours shall be allowed for scheduling. (IFC Section 106.2)

Public Works

Water

51. When connection to the public water system is desired by a customer (or required by the City) connected to a well exempt from the provisions of Revised Code of Washington 90.44.050, the "exempt" well must be properly decommissioned per Department of Ecology (DOE) standards prior to making the connection. When connection to the public water system is desired by a customer connected to an existing well that has a water right issued by the DOE, a physical disconnect between the well and the public water system must be made and maintained. This is necessary to assure that an unapproved auxiliary water supply (the customer's well) will not contaminate the City's water supply. Provided it is in compliance with DOE setback standards and purpose of use restriction on the customers water right for said well, the customer's "permitted" well may be kept

serviceable for irrigation purposes only. In addition, if a well is to be used for irrigation, a Reduced Pressure Backflow Assembly (RPBA) is required and shall be installed as premise isolation at the public water supply service connection. If an existing well is not to be used for irrigation purposes, it must be decommissioned per DOE standards. No water meter will be installed until the RPBA is installed and cross connection inspection has been completed to the satisfaction of the City. (DG&PWS, Water, 6.120 E.)

52. For Irrigation lines located in the Right-of-Way, the following shall be stated on the irrigation plans and is a condition of approval: “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)
53. 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 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 required and available to the site. (DG&PWS, Water 6.010)
54. Show all adjacent wells within 100-feet of the proposed project with their protective radii (this will assure the proposed development will not impact any wells) (DG&PWS, Subdivisions and Short Plats, Chapter 2 – plat checklist). If site improvements encroach on existing well radii, provisions shall be made to assure the wells are properly protected.
55. Water mains shall be extended on North or East sides of roadways or drive aisles six feet off the centerline. Mains not currently satisfying this requirement shall be relocated. (DG&PWS, Water 6.020)
56. To assure adequate water is present for your project. Modeling of the water system shall occur. Please contact Brandon McAllister (360.413.4386) to coordinate the fire flow modeling.
57. If utility extensions are needed for the proposed project for roads that were paved in the last five years and the roads must be “cut”, a disruption fee will be charged in accordance with Lacey Municipal Code 12.16.055.
58. The builder/applicant/owner is required to purchase each water meter prior to the issuance of each building permit. (DG&PWS Water 6.121)

Sewer

59. All existing on-site septic tanks and drainfields shall be removed per Department of Ecology and Thurston County Department of Health.
60. All existing (if not removed with the project) and proposed structures shall be connected to sanitary sewer. (DG&PWS, Sewer 7A.010) Public mains with associated appurtenances shall be installed to serve the proposed project with sewer.
61. Provide sewer stubs to each building connecting to the public main. Sewer main extensions shall be located 6-feet off the centerline of the street/drive area on the South or West side (please relocate mains not currently meeting this standard). Side sewers for each building shall be connected to a manhole, pipes shall not connect to manholes with an angle less than 90 degrees in relation to the outlet pipe.(DG&PWS, Sewer 7A.010)
62. 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 Clean Water Alliance and Department of Ecology. (DG&PWS, Sewer 7A.010 and Subdivisions and Short Plat 2-21)

Stormwater

63. This project shall comply with the City of Lacey 2016 Stormwater Design Manual (LMC 14.27). Stormwater drainage and erosion control submittals shall be in conformance with design, formatting and content requirements described in Chapter 3 of the 2016 Stormwater Design Manual.
64. A final Stormwater Site Plan, including a drainage report and drainage plans in conformance with current Stormwater Design Manual standards, shall be provided prior to final Public Works civil approval. Some key elements to be included within the report are: the project engineer's certification; descriptions of how each of the Core Requirements is being addressed; construction SWPPP; basin map and plan drawings; hydrologic modeling inputs and results (including the WWHM 2012 Data files produced with 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).
65. In conformance with the City of Lacey 2016 Stormwater Design Manual, soil quality and depth design criteria shall be incorporated into the site design and construction.
66. This 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 & 7.2)

67. The following note shall be shown on the face of the civil engineering drawings and is a condition for approval: *Roof downspout infiltration systems shall be placed throughout the lot being developed and shall be sized to accommodate storm runoff per the City of Lacey 2016 Stormwater Design Manual.* If site conditions cannot support downspout infiltration or dispersion systems, a note must be included on the civil drawings indicating that roof and foundation drains shall be tied into stormwater system with perforated stub-out connections. (SDM 2.2.5 and 7.4.10)
68. A Construction Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to and approved by the City prior to beginning site work or construction of the project. A complete SWPPP consists of both a narrative report and a temporary erosion and sediment control plan drawing. Each of the 13 SWPPP Elements as 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 any SWPPP elements unnecessary, exemptions for each element shall be clearly justified in the narrative report.
69. A Stormwater Facility Maintenance Manual 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.
70. The maintenance manual shall be prepared as a stand-alone document for the post-development facility owner(s). The maintenance plan shall be submitted to and approved by the City prior to civil drawing approval.
71. In order to provide for long-term maintenance access to the facility, the maximum depth of an infiltration facility is 20 feet below the surrounding finished (developed) ground elevation,
72. From October 1 through April 30, clearing, grading, and other soil disturbing activities shall be prohibited 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)

Transportation

73. Street lighting levels shall satisfy City of Lacey requirements for roadways and intersections. Street lighting is required for all streets fronting this project (Street lighting per City of Lacey spacing Standards). All street light designs shall be prepared by an engineering firm capable of performing such work. (DG&PWS, Transportation, Illumination 4E.010).

74. As a condition of final Public Works Approval, 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/owner must provide a copy of a billing statement to the City. If service has not been established, the applicant/owner must provide the following information to the City to establish service: Project Name (final subdivision name), service meter's number, address of the service meter, owner's contact number and address, and the type of items are being energized by the service. All fees associated with the installation of the service shall be the responsibility of the developer. **Without the information outlined above or a copy of a previous billing statement, the service will remain in the applicant/owner's name and they will be responsible for payment of the bills until such time as the information is received by the City.**
75. Fiber optic conduit shall be installed and conform to the standards and requirements as set forth in Chapter 4 (Transportation) from the Development Guidelines & Public Works Standards (DG & PWS, Transportation 4E.035).
76. 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 & Public Works standards. (DG & PWS, Transportation 4B.025)
77. All public streets within the City and the City's UGA boundary will be planted with trees to create a distinct and pleasant character for those roadways. The street trees located in the Development Guidelines shall be required in or along the public Right-of-Way, including medians. (DG&PWS, Transportation 4G.100)
78. The following is a condition for approval: "The City of Lacey has no responsibility to build, improve, maintain, or otherwise service the private roads within or providing access to this project." (Lacey Municipal Code 15.32.190)
79. The following note is a condition for approval: "The owner shall be responsible for maintaining the private streets (along with associated parking areas) and planter strips (weeding, mowing, pruning of the street trees, etc.) in a healthy and growing manner in perpetuity". (DG&PWS, Transportation 4G.100D)

General Surveying Requirements

80. Utility easements are required for all mains, water and sewer located on private property. Easements shall include fire hydrants, water meters, sewer improvements and future extensions of mains to adjacent properties. Easements and stub outs shall be provided to serve adjoining properties as determined by the

City. Rather than being designated as water or sewer, all easements shall be identified as “utility” easements on the civil drawings and in the easement document. Specific requirements will be determined at the of plan review. All easements shall be prepared by a licensed land surveyor and submitted prior to release of approved civil drawings (DG&PWS Chapter 3.110).

81. 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)
82. 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 Lacey Public Works Department. Civil drawings shall be submitted utilizing the City of Lacey Vertical Datum. (DG&PWS 3.025)
83. Right-of-Way shall be dedicated for a project that requires Site Plan Review or for a conditional use permit approval. 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. Dedication shall be submitted and approved by the City prior to plan approval (DG&PWS, Transportation 4B.060).
84. Immediately adjacent to the public Right of Way a 10-foot joint utility easement area shall be dedicated to accommodate the installation of private and public utilities (2017 Development Guidelines and Public Works Standards Roadway details).

Other Requirements

85. All improvements shall satisfy City of Lacey Development Guideline Standards in place at the time complete application is obtained (Complete application is determined by the City of Lacey Community Development Department). (LMC)
86. 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)
87. All Public Works improvements must 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. (DGPWS 3.040)
88. All structures associated with this site shall be connected to City of Lacey utilities (DG&PWS 6.010 and 7A.010).

89. Prior to civil drawing approval, one paper set of drawings along with a PDF copy of the drainage report and civil drawings shall be submitted for all approved final plans. (DG&PWS Chapter 3.040,B)
90. Prior to final Public Works Construction approval, “as-built” bonded paper drawings along with the revised civil drawings in AutoCAD and PDF formats shall be submitted for all approved final plans. (DG&PWS Chapter 3.040, J)
91. Certificate of Occupancy for the building (s) 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)
92. 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 Works improvements. The financial guarantee may be released after 18 months if all conditions of approval have been satisfied. The financial guarantee applies to sewer, stormwater, water, frontage, landscaping/irrigation, roadway and street lighting improvements (LMC 14.20.025).
93. Along with the civil review application and the completed, signed and stamped checklist from Chapter 3 of the Development Guidelines, please provide three sets of civil drawings, two drainage reports and one electronic copy of the civil drawings (PDF format). These drawings shall be submitted directly to the City of Lacey Public Works Department. **Drawings submitted to other City departments will not satisfy this requirement.** (DG&PWS 3.040, B)
94. The property owner(s) 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. (Development Guidelines & Public Works Standards, Transportation 4G.100D).
95. 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. This language shall be included on the face of any binding site plan or easement documents submitted to the City.

96. A Bill of Sale for water, sewer and street lighting improvements being installed with this project is a requirement for approval. Prior to Final Public Works approval of the project, Bill of Sale documents shall be submitted to and approved by the City.
97. If building permits are desired prior to frontage improvements shown on the civil drawings being constructed by the applicant and approved by the City, a financial guarantee at a rate of 150% of the outstanding improvements within the Public Right-of-Way shall be submitted to the City. (DG&PWS 3.090 A.)

B. SHORELINE CONDITIONAL USE PERMIT, SUBSTANTIAL DEVELOPMENT PERMIT, AND VARIANCE

1. Prior to building permit issuance, the applicant shall submit revised shoreline restoration plans that address the following items:
 - a. All improvements, excepting the proposed ramp/walkway, shall be removed from within the 100-foot setback; OR the applicant shall submit documentation identifying the parameters for general public access, including hours of use, mode of access, etc.;
 - b. If improvements are removed from the shoreline setback, a revised restoration plan should be submitted addressing restoration of the existing degraded area, that would otherwise lay within the footprint of the improvements shown on the submitted site plan;
 - c. Revised calculation of the development (impervious surface) coverage within the entire shoreline jurisdiction.