

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

In the Matter of the Application of)	No. HTE 21-383
)	
Puna Clarke, City of Lacey Public Works)	Lift Station #3 Replacement
Department, on behalf of the City of Lacey)	
)	
<u>For Approval of a Conditional Use Permit</u>)	FINDINGS, CONCLUSIONS, AND RECOMMENDATION

SUMMARY OF RECOMMENDATION

The Hearings Examiner recommends that the Lacey City Council **APPROVE** the proposal for a Conditional Use Permit to decommission an existing sanitary lift station and to construct a new sanitary lift station in the vicinity, with associated infrastructure improvements, at 4406 26th Avenue SE. Conditions are necessary to address specific impacts of the proposed project.

SUMMARY OF RECORD

Hearing Date:

The Hearings Examiner for the City of Lacey held an open record hearing on the request on August 30, 2022, utilizing a hybrid approach allowing for participation in person or through remote access technology.

Testimony:

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

Reace Fant, City Assistant Planner
Puna Clarke, P.E., Applicant Representative
Grant Beck, City Planning and Development Services Manager

Exhibits:

The following exhibits were admitted into the record:

1. List of Exhibits
2. Staff Report, dated August 16, 2022
3. General Land Use Application, dated April 22, 2022
4. Conditional Use Permit Supplemental Application, dated March 28, 2022, with Adjacent Property Owners' Approval for Change of Protective Covenants Covering Certain Portions of Mt. View Estates Addition to Thurston County
5. Site and Grading Plan, dated February 2022
6. SEPA Environmental Checklist, dated March 28, 2022
7. Building Elevations, dated February 2022

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8. Drainage Report, Murraysmith, dated April 7, 2022
9. Preliminary Tree Protection Report, Sound Urban Forestry, LLC, dated February 9, 2022
10. Notice of Application with the Optional DNS Process
11. Notice of Application, for publication in *The Olympian* on May 24, 2022
12. Determination of Nonsignificance, dated June 29, 2022
13. Preliminary Landscaping Plan (2 Sheets), dated February 2022
14. Memorandum from City Development Review Engineer Tom Stiles, dated June 29, 2022
15. Comments from Washington State Department of Ecology, dated June 7, 2022
16. Comments from Olympic Region Clean Air Agency, dated June 1, 2022
17. Notice of Public Hearing, mailed August 12, 2022
18. Notice of Public Hearing, published August 15, 2022
19. Notice of Public Hearing, posted August 11, 2022
20. Certification of Public Notice, dated August 11, 2022
21. Comment from Frank J. Van Haren, dated August 24, 2022

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

FINDINGS

Application and Notice

1. Puna Clarke, on behalf of the City of Lacey Public Works Department (Applicant), requests approval of a Conditional Use Permit (CUP) to decommission an existing sanitary lift station located within the Gold Club Road SE right-of-way and to construct a new, replacement lift station on the parcel directly to the east of the existing lift station location. Infrastructure improvements associated with the project would include installation of a wet well, electrical building, valve vault, and driveway providing access to the new lift station from both Golf Club Road SE to the west and 26th Avenue SE to the south. The approximately 9,583 square property is located at 4406 26th Avenue SE.¹ *Exhibit 2, Staff Report, page 1; Exhibits 3 through 5; Exhibit 7.*
2. The City of Lacey (City) determined that the application was complete on May 24, 2022. The same day, the City provided notice of the application by routing notice to reviewing departments and government agencies, publishing notice in *The Olympian*, and posting notice on-site, with a comment deadline of June 7, 2022. On August 11, 2022, the City posted notice of the open record hearing associated with the application on-site. The next day, the City mailed notice of the hearing to property owners within 300 feet of the subject property. On August 15, 2022, the City published notice of the hearing in *The Olympian*. *Exhibit 2, Staff Report, page 3; Exhibit 10; Exhibit 11; Exhibits 17 through 20.*

¹ The property is identified by tax parcel number 63500202000. *Exhibit 2, Staff Report, page 1.*

3. The City received one comment on the proposal from a member of the public in response to its notice materials. Frank J. Van Haren inquired about whether the layout of the project could be modified to allow for the preservation of an existing giant sequoia tree on the property. The City also received comments concerning the environmental review of the proposal from the Washington State Department of Ecology (DOE) and from the Olympic Region Clean Air Agency (ORCAA), which are discussed in detail below. *Exhibit 15; Exhibit 16; Exhibit 21.*

State Environmental Policy Act

4. The City Community Development Department (CDD) acted as lead agency and analyzed the environmental impacts of the proposal, as required by the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). CDD consolidated notice of the SEPA review and application comment periods under the optional process provided for by Washington Administrative Code (WAC) 197-11-355, with a comment deadline of June 7, 2022. The notice materials stated that CDD expected to issue a Determination of Nonsignificance for the project. As noted above, the City received agency comments on the environmental review of the proposal from DOE and ORCAA, specifically:
 - DOE provided guidance on the on the removal, management, and disposal of hazardous materials related to the demolition of an existing single-family residence on the property. DOE also provided general comments noting the requirement that the project utilize only clean fill for all grading and filling activity and about construction activities that would require coverage under the Construction Stormwater General Permit.
 - ORCAA noted that the installation of certain types of generators would require preapproval from ORCAA. ORCAA also noted that an asbestos survey would be required to be conducted prior to the proposed demolition of the existing single-family residential structure on the property.

CDD reviewed the Applicant's environmental checklist and other information on file, including the comments submitted by DOE and ORCAA, and determined that the proposal would not have a significant adverse impact on the environment. Accordingly, CDD issued a Determination of Nonsignificance (DNS) on June 29, 2022, with an appeal deadline of July 13, 2022. The DNS was not appealed. The comments submitted by ORCAA regarding generator permit requirements have been addressed by City staff's recommended conditions of approval. *Exhibit 2, Staff Report, pages 2 and 7; Exhibits 10 through 12; Exhibit 15; Exhibit 16.*

Existing Site and Proposed Development

5. The proposed lift station, including all paved areas, would occupy approximately 5,780 square feet of the approximately 9,583 square foot City-owned parcel. The project area is relatively flat and located within a residential neighborhood. The property has been

cleared, but it previously contained a single-family residence and substation equipment. Properties surrounding the site are developed with single-family residences. As noted above, the proposed lift station would replace an existing lift station located directly to the west of the project site and within the Gold Club Road SE right-of-way. The existing lift station would be decommissioned but not fully demolished. The proposed design of the new lift station is slightly larger than the 5,000 square foot footprint typically required for a lift station, in order to provide adequate space for lift station appurtenances and to allow for safe access for maintenance crews from both 26th Avenue SE and Golf Club Road SE. A majority of the structures associated with the proposed lift station would be located underground, including the wet well, valve vault, wastewater force main, wastewater gravity line, and water service line. Above-ground structures would include safety railing around the wet well, site lighting, an electrical isolation control pedestal, an electrical control building, and an emergency generator. The emergency generator would operate only during power outages and during monthly testing. On-site lighting would be shielded, directed toward the ground, and screened by landscaping. *Exhibit 2, Staff Report, pages 1, 3, and 4; Exhibit 5; Exhibit 6; Exhibit 13.*

Comprehensive Plan and Zoning

6. The City and Thurston County prepared a joint planning document, the “City of Lacey and Lacey Urban Growth Area Comprehensive Plan” (Comprehensive Plan) under the Growth Management Act, to account for long-term growth and planning within the community. The Comprehensive Plan designates the subject property as being within the Central Planning Area, which is located in the center of Lacey and is characterized as the oldest area of the city. *Comprehensive Plan, page 4-1.* The primary function of the Central Planning Area is to serve as the city’s central commercial core, but it also contains “an extensive residential base, which includes a significant amount of affordable housing opportunities in the form of older residential units, primarily of the 50’s and 60’s vintage.” *Comprehensive Plan, page 4-1.*

City staff identified the following Comprehensive Plan goals and policies as relevant to the proposal:

- Growth Management Act Land Use Goals and County-Wide Planning Policies: Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- Environmental Quality Goal 1: All residential development should complement natural resources and environmentally sensitive areas.
- Environmental Quality Policy 1.a: Development shall be consistent with the Lacey Environmental Protection and Resource Conservation Element.
- Utilities and Capital Facilities Policy 1.a: 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.

- Utilities and Capital Facilities Policy 1.b: Preference should normally be given to providing adequate public facilities to settled areas, rather than extending new services to sparsely settled or undeveloped areas.
- Water Resources Policy 1.b: Ensure that new development is in conformation with the requirements and standards of the Drainage Design and Erosion Control Manual for Thurston Region.

Exhibit 2, Staff Report, page 2.

7. The property is zoned Low-Density Residential. Lacey Municipal Code (LMC) 16.13.010 provides that the intent of the Low-Density Residential zoning district is to:
- A. Enhance the residential quality of the city by providing a high standards of development for residential;
 - B. Allow a broad range of housing options;
 - C. Guide residential development to those areas where:
 1. Public sewers are in place prior to residential building construction, or
 2. Sewers can be extended, or
 3. New technology in the processing of domestic sewerage makes residential development in unsewered areas environmentally acceptable;
 - D. Guide development of residential areas in such manner as to encourage and plan for the availability of public services and community facilities such as utilities, police and fire protection, streets, schools, parks and recreation;
 - E. Guide development in such a manner as to provide protection between noncompatible uses.

Exhibit 2, Staff Report, page 1.

Conditional Use Permit
General Considerations

8. The municipal code makes certain uses conditional in specific zoning districts. *LMC 16.66.010 and .020.* A conditional use is a use that, “because of special requirements, unusual character, size or shape, infrequent occurrence or possible detrimental effects on surrounding property and for other similar reasons, may be allowed in certain use districts only by the granting of a conditional use permit by the city council.” *LMC 16.06.240.* Essential public facilities are allowed in the Low-Density Residential zoning district with a conditional use permit. *LMC 16.13.020.B.5; LMC 16.66.020.C.2; LMC 16.66.060.*
Exhibit 2, Staff Report, pages 4 through 6.
9. *Essential public facilities* are “public or privately owned or operated facilities while, although serving a public purpose, are typically difficult to site.” *LMC 16.66.060.A.* Essential public facilities are classified as one of three types based on the span of area

served by the facilities. LMC 16.66.060.D grants the City with authority to determine the classification of essential public facilities. Here, the City determined that the proposed facility would be classified as a Type III essential public facility because of the small service area of the facility. *LMC 16.66.060.C.3*. Unlike Type I and Type II essential public facilities, applications for Type III essential public facilities are not subject to early notification or alternative site analysis requirements. *LMC 16.66.060.E and G. Exhibit 2, Staff Report, page 4.*

10. LMC 16.66.050.A provides that the design standards established for the underlying zoning district serve as the initial base of reference in determining the design standards for conditional uses in the zoning district. LMC 16.66.050.B allows for an alteration or variation of the design standards for the underlying zone, including landscape buffer standards, when the “alteration or variation is found to be reasonable to protect adjacent properties or the health or general welfare of the community.” The Applicant has requested a variation from the 15-foot perimeter landscape buffer requirement typically required for the proposed use under LMC 16.80.030 due to size of the subject lot relative to the size of the lift station footprint. The Applicant proposes to install 15-foot landscape buffers on the north- and east-facing sides of the lift station that abut residential parcels, with small portions of this proposed buffer being reduced to allow for access walkways for maintenance staff. The south- and west-facing sides of the lift station fronting 26th Avenue SE and Golf Club Road SE, respectively, would not contain landscape screening buffers, in order to accommodate the location of the access driveway and lift station equipment. City staff reviewed the Applicant’s landscape plan and determined that it would provide adequate protections against adverse aesthetic impacts to adjacent properties. *Exhibit 2, Staff Report, pages 4 through 6; Exhibit 5; Exhibit 13.*
11. All conditional uses must satisfy the environmental standards of Chapter 16.57 LMC. The standards govern: maximum noise levels; emissions, including those of air pollutants, toxic substances, sewage, heat and glare, waste, or radioactive materials; and vibration or concussions. *LMC 16.57.030 and .040*. City staff reviewed the application and other information submitted by the Applicant and noted that: operation of the proposed replacement sanitary sewer lift station would produce little noise, which would be limited to maintenance visits by staff and occasional generator use in the event of a power loss and routine generator testing; the existing lift station has not had any odor issues, and the new lift station would be designed in accordance with the City’s Development Guidelines and Public Works Standards and with the DOE’s Criteria for Sewage Works and Design, which include controls to ensure that odor does not become an issue; and the Applicant’s proposed fencing and landscaping would ensure adequate screening of the facility from surrounding residential land uses. *Exhibit 2, Staff Report, pages 1, 5, and 6.*
12. All conditional uses must also ensure that adequate protection is provided for the locality where the use is to be permitted. *LMC 16.66.100*. As noted above, all surrounding

properties are developed with single-family residences, and City staff determined that applicable design requirements for the proposed lift station and proposed fencing and landscape buffers would ensure that the project would be compatible with surrounding residential uses. *Exhibit 2, Staff Report, pages 1, 5, and 6.*

Additional Considerations

13. Chapter 14.32 LMC provides for the protection and preservation of trees and vegetation. Sound Urban Forestry, LLC, provided a preliminary tree protection report on behalf of the Applicant, dated February 9, 2022, which determined that the six existing trees within the subject parcel would be removed due to direct conflict with site improvements. The report noted that tree protection would not be necessary because all trees within the parcel would be removed to facilitate the project. *Exhibit 9.*
14. Murraysmith provided a stormwater drainage report on behalf of the Applicant, dated April 7, 2022. The drainage report notes that there are no wetlands on or downstream of the site and that the existing drainage consists of sheet flow to one of three stormwater management structures. The report also notes that the proposed access driveway for the lift station would not be considered a pollution-generating surface because it would be infrequently used and, therefore, the project would be exempt from runoff treatment requirements. The project would implement post-construction soil quality and depth for all lawn and landscaped areas, downspout infiltration for the roof of the control building, and sheet flow dispersion for all non-roof impervious surfaces. *Exhibit 8.*
15. City Development Review Engineer Tom Stiles reviewed the proposal and provided detailed notes about requirements related to water, sewer, stormwater, and transportation improvements, as well as requirements related to surveying and development guideline standards. City staff incorporated these development notes in its recommended conditions of approval for the project. *Exhibit 2, Staff Report, pages 7 through 9; Exhibit 14.*

Testimony

16. City Assistant Planner Reace Fant testified generally about the proposal and how it would comply with the City's Comprehensive Plan, zoning ordinances, critical areas ordinances, and the requirements for a CUP under the municipal code. He noted that the existing single-family residence on the property had been demolished in accordance with applicable ORCAA requirements. Mr. Fant explained that the project is necessary to upgrade the lift station to meet current standards and to increase the size of lift station site to provide maintenance crews with safe access. He further explained that the Applicant has requested a deviation from the requirement for a 15-foot landscape buffer around the perimeter of the proposed use, as described in the findings above, due to the small size of the site and necessary site improvements, but he noted that the buffer deviation would not have significant aesthetic or visual impacts because the project would include decorative

perimeter fencing and landscaping on the sides of the site abutting residential properties.
Testimony of Mr. Fant.

17. Applicant Representative and City Engineer Puna Clarke testified on behalf of the City Public Works Department. She noted that the existing lift station is the oldest lift station within the city and is located within the Golf Club Road SE right of way and that the new replacement lift station would be constructed within the City-owned parcel directly to the east of the existing lift station. Ms. Clarke explained that the requested landscape buffer deviation is necessary to accommodate site improvements, stressing that the Applicant would install 15-foot landscape buffer along the north and east sides of the property abutting residential properties, with some reduced landscape buffer areas to accommodate access walkways for maintenance staff. She noted that the Applicant obtained permission from a majority of property owners within the Mt. View Estates Homeowner's Association to remove covenants that would have prohibited the proposed lift station from being sited on the property, which was admitted in the record as Exhibit 4. *Testimony of Ms. Clarke.*
18. City Planning and Development Services Manager Grant Beck noted that no members of the public were in attendance at City Council chambers to participate in the hearing.
Testimony of Mr. Beck.

Staff Recommendation

19. City staff determined that, with conditions, the proposal would be consistent with the Comprehensive Plan, the zoning code, other applicable codes and regulations, and the specific requirements for approval of a conditional use permit and recommends approval of the proposal. Ms. Clarke testified that the Applicant understands and would adhere to the recommended conditions of approval. *Exhibit 2, Staff Report, pages 6 through 9; Testimony of Ms. Clarke.*

CONCLUSIONS

Jurisdiction

The Hearings Examiner has authority to receive and examine all available information, conduct public hearings and prepare a record thereof, and make a recommendation to the City Council on Conditional Use Permits. *LMC 2.30.090.B.*

Criteria for Review

Conditional Use Permit

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

- Ensure that conditional uses comply with the environmental performance standards, as described in Chapter 16.57 LMC, and meet stricter environmental performance standards

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upon a finding that stricter standards are necessary and reasonable to protect adjacent properties, community health, or the general welfare. *LMC 16.66.040.A.*

- Use the design standards for permitted uses in a given district as the initial base of reference in determining the design standards for conditional uses in the same district while allowing for alternations of those design standards, including size and shape of lots, building coverage, development coverage, parking, and landscaping. *LMC 16.66.050.*
- Impose all Title 16 LMC requirements for the proposed use, as well as other conditions and safeguards necessary to secure adequate protection for the locality where the use is to be permitted. *LMC 16.66.100.*
- Recommend a time limit for beginning or completion, or both, of action on the conditional use. *LMC 16.66.100.*

The criteria for review adopted by the Lacey City Council are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with City development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

Conclusions Based on Findings

Conditional Use Permit

- 1. With conditions, the proposal would satisfy the requirements for a Conditional Use Permit under Chapter 16.66 LMC.** The City provided reasonable notice of the application and opportunity to comment on the proposal. The City received one comment from a member of the public who inquired about whether the layout of the project could be redesigned to accommodate the preservation of an existing tree on-site. The Applicant's arborist consultant, Sound Urban Forestry, LLC, indicated in its preliminary tree protection report that the removal of all six existing trees on-site would be necessary to facilitate the development of a lift station and associated appurtenances on the approximately 9,583 square foot property. The Washington State Department of Ecology provided general comments noting the requirement that the project utilize only clean fill for all grading and filling activity and about construction activities that would require coverage under the Construction Stormwater General Permit. The Olympic Region Clean Air Agency (ORCAA) provided a comment that the installation of certain types of generators would require approval from ORCAA. City staff has recommended conditions addressing ORCAA's generator permitting requirements. The City Community Development Department (CDD) reviewed the agency comments, the Applicant's environmental checklist, and other information on file, and determined that the proposal would not have a significant adverse impact on the environment. Accordingly, CDD issued a DNS, which was not appealed.

The proposal would allow for development of a sanitary lift station (an essential public facility) to replace an existing sanitary lift station located within a right-of-way directly west of the project site, with associated underground improvements that would include a wet well value vault, wastewater force main, wastewater gravity line, and water service line, as well as above-ground structures that would include safety railing around the wet well, site lighting, an electrical isolation control pedestal, an electrical control building, and an emergency generator. The existing lift station would be decommissioned but not fully demolished. The proposed new facilities would occupy approximately 5,780 square feet of the 9,583 square foot City-owned parcel that has been cleared of a single-family residence to facilitate the project.

LMC 16.66.050 requires that the design standards established for the underlying zoning district serve as the initial base of reference in determining the design standards for conditional uses in the zoning district, but it allows for a variation of these standards when the variation would provide reasonable protection for adjacent properties. Here, the Applicant requests a variation from the 15-foot perimeter landscape buffer requirement typically required for the proposed use under LMC 16.80.030. The Applicant seeks the variation due to size of the subject lot relative to the size of the lift station footprint and proposes to install 15-foot landscape buffers on the north- and east-facing sides of the lift station abutting residential properties, with small portions of this proposed buffer being reduced to allow for access walkways for maintenance staff. The south- and west-facing sides of the lift station fronting 26th Avenue SE and Golf Club Road SE, respectively, would not contain landscape screening buffers, in order to accommodate the location of the access driveway and lift station equipment. The Applicant's requested variation from the 15-foot perimeter landscape buffer requirement would adequately protect adjacent property uses from adverse aesthetic impacts of the proposed lift station in accordance with the requirements of LMC 16.66.050.

All conditional uses must satisfy the environmental standards of Chapter 16.57 LMC. The standards govern maximum noise levels; emissions, including those of air pollutants, toxic substances, sewage, heat and glare, waste, or radioactive materials; and vibration or concussions. Project plans and submitted exhibits show that the proposal would comply with these requirements. Operation of the proposed facility would produce little noise, which would be limited to maintenance visits by staff and occasional generator use in the event of a power loss and during routine testing. The proposed facility would be designed to control the emission of odor, in accord with requirements of the City's Development Guidelines and Public Works Standards and the DOE's Criteria for Sewage Works and Design.

All conditional uses must also ensure that adequate protection is provided for the locality where the use is to be permitted. *LMC 16.66.100*. As discussed above, the proposed lift station facility is not anticipated to generate any significant noise or odor emissions, and

the Applicant's proposed fencing and landscaping would adequately protect adjacent residential uses from visual impacts of the facility. The proposed lift station facility would not generate significant traffic because it would replace an existing lift station facility that would be decommissioned and because vehicles accessing the site would be limited to occasional visits by maintenance staff. Additionally, as an essential public facility providing sanitary sewer service, the proposal would provide necessary infrastructure to support surrounding land uses. The City development engineer reviewed the proposal and provided detailed recommendations that City staff incorporated into its recommended conditions of approval. The Hearings Examiner agrees with City staff's proposed conditions and incorporates those conditions in his recommendation to the City Council.

Conditions unique to the proposal and those required of all development permits are necessary to ensure development meets all requirements of the municipal code and the City's other development standards, and to ensure that all concerns raised by reviewing departments and agencies have been adequately addressed. *Findings 1 – 19.*

- 2. The Hearings Examiner recommends a time limit for completion of development of basic infrastructure related to the proposal.** The Hearings Examiner recommends that the CUP lapse if the basic infrastructure related to the proposal has not been completed within five years of CUP issuance. *Findings 1 – 19.*

RECOMMENDATION

The Hearings Examiner recommends that the proposal for a Conditional Use Permit to replace an existing sanitary lift station and to relocate the new sanitary lift station directly east of the current location of the existing lift station, with associated infrastructure improvements, at 4406 26th Avenue SE, be **APPROVED**, with the following conditions:²

1. The project shall proceed in substantial conformance with the plans on file, received April 22, 2022, except as may be modified by the conditions herein.
2. All landscaping installed in the buffers shall be irrigated with a temporary or permanent irrigation system. An irrigation plan shall be submitted to the City of Lacey Community Development Department for review and approval.
3. Site lighting shall be directed downward so as to ensure that lighting does not cross property lines. This shall require installing a light shield to ensure that lighting is directed downward.
4. The requirements of LMC 16.57 Environmental Performance Standards shall be met.

² Conditions include both legal requirements applicable to all developments and requirements to mitigate the specific impacts of this development.

5. 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).
6. On-site tree protection must follow in accordance as outlined in the “Tree Protection Plan” provided by Sound Urban Forestry dated February 9, 2022.
7. All applicable requirements of the City Zoning Code shall be satisfied (LMC Title 16).
8. The Applicant/developer shall be responsible for obtaining all applicable permits which may be required by outside agencies or departments; these may include National Pollutant Discharge Elimination System Permit (NPDES), and any others. These permits will require additional review time from the appropriate agencies.
9. All requirements of the international building and fire codes adopted by the City of Lacey shall be met.
10. All permit requirements of the Olympic Region Clean Air Authority (ORCAA) shall be satisfied. A demolition permit shall be submitted to ORCAA.
11. If the engine powering the emergency generator has a rating of 500 horsepower (373kW) or greater, a permit from ORCAA is required. The Applicant shall contact ORCAA if the engine exceeds the specified horsepower for permit requirements.
12. Stationary internal combustion engines with a rated capacity of 50 hp or greater, and used for non-emergency purposes, require approval by ORCAA through a Notice of Construction application.
13. This application requires the installation of a Reduced Pressure Backflow Assembly device for each domestic meter. If the existing domestic meter is not equipped with a Reduced Pressure Backflow Assembly device, one shall be installed with the proposed improvements. (City of Lacey 2017 DG & PWS, Appendix P)
14. In addition to all Federal and State requirements, water system improvements shall meet the requirements of the current City of Lacey City of Lacey Development Guidelines and Public Works Standards Manual, 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.

15. Sewer improvements as needed to support the lift station shall be installed.
16. 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)
17. In addition to all Federal and State stormwater requirements, this project shall comply with the current City of Lacey Development Guidelines and Public Works Standards Manual and the City of Lacey 2016 Stormwater Design Manual (LMC 14.27). Stormwater drainage and erosion control submittals shall be in conformance with the formatting and content requirements described in Chapter 3 of the 2016 Stormwater Design Manual.
18. Treatment and infiltration/flow control facilities shall be constructed for stormwater associated with the site, adjacent properties currently discharging to the site, and half-street stormwater associated with Golf Club Road SE and 26th Avenue SE.
19. 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.
20. 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.
21. A Deferral of Frontage Improvements agreement is required for frontage improvements along Golf Club Road SE and 26th Avenue SE. Golf Club Road SE is classified as a Minor Collector Type II roadway and 26th Avenue SE is classified as a Major Local Residential roadway.
22. 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)
23. 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)
 24. 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)
 25. Right-of-Way shall be set aside to assure future frontage improvements may be installed to the required roadway standards. Right-of-Way shall be dedicated in conformance with the City or Regional Transportation plans, by the approved Traffic Impact Analysis, to accommodate modifications to existing curb ramps/driveway cuts upgrading them to current Americans with Disabilities Act requirements 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).
 26. 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)
 27. The CUP lapse if the basic infrastructure related to the proposal has not been completed within five years of CUP issuance.

RECOMMENDED this 19th day of September 2022.



Andrew M. Reeves
Hearing Examiner
Sound Law Center