

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

In the Matter of the Application of)	No. 20-307
)	
Tyrell Bradley, on behalf of)	Bradley Park Preliminary Plat
SSHI, LLC, dba D.R. Horton)	
)	
)	FINDINGS, CONCLUSIONS,
<u>For Approval of a Preliminary Plat</u>)	AND RECOMMENDATION

SUMMARY OF RECOMMENDATION

The Hearings Examiner recommends that the request for a preliminary plat to subdivide a 15.66-acre parcel into 82 lots for single-family residential development, located between 6th Avenue NE and 15th Avenue NE, approximately 460 feet east of Sleater Kinney Road NE, be **APPROVED** and that the request for an associated Class IV Forest Practices Permit also be **APPROVED**. 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 July 7, 2021, using remote access technology.

Testimony:

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

Sarah Schelling, City Senior Planner
Art Orth
Tom Stiles, City Development Review Engineer
Tyrell Bradley, Applicant Representative
Doug Christenson, City Stormwater Engineer

Exhibits:

The following exhibits were admitted into the record:

1. List of Exhibits, undated
2. Staff Report, dated June 28, 2021
3. General Land Use Application, received November 3, 2020
4. Preliminary Subdivision Supplemental Form, received November 3, 2020
5. Project Narrative, dated November 3, 2020
6. Plan Set (9 Sheets), dated March 22, 2021
7. Landscape Plans (4 Sheets), revised March 29, 2021
8. Land Clearing/Class IV Forest Practices Application, undated
9. Request for Additional Information Letter, dated January 2021

*Findings, Conclusions, and Recommendation
City of Lacey Hearings Examiner
Bradley Park Preliminary Plat, #20-307*

10. Applicant Response to Request for Additional Information Letter, dated March 29, 2021
11. SEPA Environmental Checklist, dated March 25, 2021
12. Preliminary Drainage Report, SCJ Alliance, dated March 16, 2021
13. Traffic Impact Analysis, Transportation Engineering NorthWest, updated March 18, 2021
14. Priority Species Mitigation Plan, EnviroVector, dated March 18, 2021
15. Tree Protection Plan, Sound Urban Forestry, LLC, dated September 17, 2020
16. Agency Routing Sheet, dated December 1, 2020
17. Notice of Application, issued December 1, 2020
18. Comment from Washington State Department of Ecology, dated December 15, 2020
19. Comment from Washington State Department of Ecology, dated April 27, 2021
20. Comment from North Thurston Public Schools, dated December 2, 2020
21. Comment from Intercity Transit, dated December 4, 2020
22. Comment from City of Olympia Transportation Engineer, dated December 10, 2020
23. Stormwater Review Memorandum, dated April 29, 2021
24. Letter from City Transportation Engineer Christopher Stolberg to Spenser Haynie, dated December 22, 2020
25. Fire Site Plan Review Comments, dated January 7, 2021
26. City Public Works Department Development Review Comments, dated May 13, 2021
27. Comment from Squaxin Island Tribe, dated December 2, 2020
28. Comment from Washington State Department of Fish and Wildlife, dated December 28, 2020
29. Comment from Washington State Department of Fish and Wildlife, dated May 17, 2020
30. Comment from Rita Amptmann, received December 7, 2020
31. Comment from Tara Manubay, dated December 14, 2020
32. Comment from Robert and Lynda Benn, dated December 6, 2020
33. Comment from Joe Graham, dated December 6, 2020
34. Mitigated Determination of Nonsignificance, issued June 3, 2021
35. Notice of Public Hearing, mailed June 24, 2021
36. Notice of Public Hearing, for publication in *The Olympian* on June 25, 2021
37. Affidavit of Notice, dated June 29, 2021
38. Comment from Robert and Lynda Benn, dated July 5, 2021
39. Comment from Art Orth, dated July 7, 2021
40. Revisions to Proposed Conditions, dated July 7, 2021

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. Tyrell Bradley, on behalf of SSHI, LLC, dba D.R. Horton (Applicant), requests approval of a preliminary plat to subdivide a 15.66-acre undeveloped parcel into 82 lots for single-family residential development. The proposal would include road, stormwater, and open space improvements, as well as an approximately 3.5-acre tract at the southern portion of

Findings, Conclusions, and Recommendation
 City of Lacey Hearings Examiner
 Bradley Park Preliminary Plat, #20-307

the property for the potential future development of a church. In addition, as discussed in more detail below, the proposal would create an approximately 0.4-acre critical habitat conservation tract that would permanently protect forested areas on-site to mitigate for the project's impacts to priority habitat and species. The Applicant also seeks approval of a Class IV Forest Practices permit to remove approximately 570,000 board feet of timber from the property prior to plat development. The property is located between 6th Avenue NE and 15th Avenue NE, approximately 460 feet east of Sleater Kinney Road NE.¹ *Exhibit 2, Staff Report, pages 1, 2, 8, and 9; Exhibits 3 through 7; Exhibit 14; Exhibit 15.*

2. The City of Lacey (City) determined that the application was complete on December 1, 2020. The same day, the City posted notice of the application on-site and provided notice of the application to applicable government departments, agencies, and tribes, including the Washington State Department of Ecology (DOE), the Washington State Department of Fish and Wildlife (WDFW), North Thurston Public Schools, Intercity Transit, and the Squaxin Island Tribe, with a comment deadline of December 15, 2020. The next day, the City published notice of the application in *The Olympian*. On June 24, 2021, the City mailed notice of the open record hearing associated with the application to property owners within 300 feet of the site. The next day, the City published notice of the hearing in *The Olympian*. On June 24, 2021, the City posted notice of the hearing on the property. *Exhibit 2, Staff Report, page 7; Exhibit 16; Exhibit 17; Exhibits 35 through 37.*
3. The City received several comments on the proposal from applicable government department, agencies, and tribes. Comments from reviewing agencies and tribes were specific to the environmental review for the proposal and are discussed in more detail below. Comments from reviewing City departments are discussed as appropriate throughout this recommendation. The City also received comments on the proposal from members of the public, specifically:
 - Rita Amptmann submitted a comment raising concerns about the project's proposed tree removal and its impacts to area wildlife. She noted that the property contains a variety of large trees and that she has observed several wildlife species in the forested area of the property, including deer, raccoons, opossums, rabbits, squirrels, chipmunks, coyote, hawks, eagles, and owls. Ms. Amptmann also raised concerns about development in the city generally, noting that the increased population in the city has led to traffic and public safety issues. She included with her comment several photographs documenting wildlife in the area.
 - Tara Manubay noted that there are current traffic and pedestrian safety issues at the intersection of Sleater Kinney Road NE and 6th Avenue NE and the

¹ The subject property is identified by Tax Parcel No. 11808430201. *Exhibit 2, Staff Report, page 1.*

intersection of Sleater Kinney Road NE and 15th Avenue NE. She requested that the City require the Applicant to make improvements to the intersections.

- Robert and Lynda Benn noted that they own four duplexes directly to the west of the proposed development. They raised concerns about the density of residential lots proposed to be located next to their property and requested that the Applicant be required to install a cedar fence between the adjacent properties. They also raised concerns about the proposal's traffic and public safety impacts.
- Joe Graham raised concerns about the proposal's traffic, stormwater, and wildlife impacts. He also raised concerns about the tree removal that would be necessary to facilitate the development.
- Art Orth submitted a comment inquiring about certain aspects of the proposal, including about the sewer and water service connections to the property.

Exhibit 2, Staff Report, page 7; Exhibits 30 through 33; Exhibit 38; Exhibit 39.

State Environmental Policy Act

4. The City 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). The City 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 December 15, 2020. The notice materials stated that the City expected to issue a Mitigated Determination of Nonsignificance (MDNS) for the project. As noted above, the City received several SEPA-specific comments from reviewing agencies and tribes:

- DOE submitted general comments noting that the project must utilize only clean fill for all grading and filling activity; all removed debris must be disposed of at an approved site; and testing of potentially contaminated media must be conducted if contamination is suspected, discovered, or occurs during the proposed development. DOE also noted that the property could contain heavy metal contamination from the old Asarco smelter in north Tacoma and that the Applicant would be required to submit information regarding temporary erosion and sediment control plans and stormwater pollution prevention plans prior to issuance of a National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit.
- North Thurston Public Schools (NTPS) noted that future students residing at the subdivision would be served by Pleasant Glade Elementary School, Chinook Middle School, and North Thurston High School. NTPS stated that the proposed development would generate approximately 61 new students that would be served by the district and requested \$358,800 in school impact fees to mitigate for the increased enrollment.
- Intercity Transit submitted a comment in support of the proposal, noting that it would provide increased density and a connection between 6th Avenue NE and 15th Avenue, which would support additional bus service in the area. Intercity

Transit requested that required frontage improvements to 15th Avenue NE be designed to support a future bus stop and loading zone.

- The City of Olympia Transportation Department submitted a comment identifying a road project in Olympia that would be directly impacted by the proposed development and requesting that the Applicant pay \$5,532 in traffic impact fees as mitigation for the project's impacts.
- Thurston County Public Works Department submitted a comment identifying three road projects in the county that would be impacted by traffic generated from the proposed development and requesting that the Applicant pay \$18,884 in traffic impact fees as mitigation for the project's impacts.
- The Squaxin Island Tribe noted that it did not have any specific cultural resource concerns for the project but requested to be contacted if any cultural resources are discovered on-site.
- WDFW requested that the Applicant submit a wildlife and habitat study to determine the proposal's impacts to priority habitat and species. Based on WDFW's comment (and Ms. Amptmann's comment described above), the City requested that the Applicant provide a wildlife and habitat study for the proposal. As discussed in more detail below, EnviroVector prepared a Priority Species Mitigation Plan for the proposal, dated March 18, 2021, which identified one priority species, the pileated woodpecker, on the subject property. WDFW reviewed the Applicant's conceptual mitigation plan addressing the project's impacts to pileated woodpecker habitat and submitted an additional comment, which noted that the Applicant's proposed measures would meet the requirements for mitigation of priority species.

Exhibit 2, Staff Report, pages 7 through 9; Exhibit 9; Exhibit 10; Exhibit 14; Exhibits 18 through 22; Exhibit 24; Exhibits 27 through 29.

5. The City reviewed the Applicant's Environmental Checklist and other information on file, including the agency comments detailed above and the Applicant's Priority Species Mitigation Plan, and determined that, with mitigation, the proposal would not likely have a significant adverse impact upon the environment. Accordingly, the City issued a Mitigated Determination of Nonsignificance (MDNS) on June 3, 2021, with an appeal deadline of June 17, 2021. The MDNS was not appealed. The MDNS requires the Applicant to pay \$5,532 in traffic impact fees to the City of Olympia and \$18,884 in traffic impact fees to Thurston County. *Exhibit 2, Staff Report, page 3; Exhibit 11; Exhibit 14; Exhibits 18 through 22; Exhibit 24; Exhibits 27 through 29; Exhibit 34.*

Comprehensive Plan, Zoning, and Surrounding Property

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 "Pleasant Glade Planning Area." The Pleasant Glade Planning Area includes areas

within the City (including the subject property) as well as areas within unincorporated Thurston County. The planning area is characterized primarily by residential development, including single-family, multifamily, and manufactured homes, with some commercial development in the southwest corner within the central business district. *Comprehensive Plan, 9-1 through 9-5.* City staff identified several Comprehensive Plan goals and policies as relevant to the proposal, which include: ensuring sustainable use of land resources to provide an adequate amount and mix of housing types for the anticipated increase in population; ensuring that development regulations meet the current vision of the Comprehensive Plan; enhancing the function, safety, and appearance of Lacey's streets; designing streets in a modified grid pattern that terminate in other streets; ensuring that private development projects, including subdivisions, facilitate measures to improve multimodal transportation; supporting Intercity Transit's efforts to meet the transportation needs of all segments of the community; implementing requirements of the Comprehensive Plan for outdoor recreation, regional trails, and open space; ensuring 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; working to achieve a safe, active, and healthy lifestyle for Lacey citizens through community planning and design; working to achieve a community where residents have convenient access to healthy food, clean water, and affordable shelter; protecting environmental amenities in the Pleasant Glade Planning Area; and providing opportunities for moderate- and high-density housing along major arterials in the Pleasant Glade Planning Area.² *Exhibit 2, Staff Report, pages 3 through 6.*

7. The property is zoned Mixed Use Moderate Density Corridor (MMD), which allows all residential uses at a density between 8 and 12 units per acre. *Lacey Municipal Code (LMC) 16.22.020.* The MMD zone is intended to gradually develop into a mixed use, moderate density residential and commercial area, with the primary commercial corridors along Sleater Kinney Road NE and Pacific Avenue and moderate density residential uses integrated throughout. *LMC 16.22.010.* The proposed density for this subdivision is 8.2 units per acre based on the area of the site being proposed for residential development. The proposal is governed both by the subdivision design standards of Chapter 15.22 LMC and the individual lot development standards for the MMD zone, Chapter 16.22 LMC. The lot development standards for MMD zone provide for a 15-foot maximum front setback to promote pedestrian friendly design, 10-foot minimum side yard setbacks, and a 15-foot minimum rear yard setback, with no minimum lot size requirement. *LMC 16.22.060.* Although the MMD zone lot development standards do not contain a minimum lot size requirement, LMC 16.22.060.A states that lots must be a shape, size,

² City staff specifically identified Comprehensive Plan Residential Goals 1 and 2 and Policies 1.A, 2.A, and 2.B; Transportation and Land Use Goals 1, 4, and 5 and Policies 1.A, 1.C, 1.E, 1.F, 4.C, 5.A, and 5.B; Parks and Open Space Goal 1 and Policies 1.A, 1.B, 1.D, and 1.E; Utilities and Capital Facilities Goal 1 and Policy 1.B; Health and Human Services Goals 1 and 2 and Policies 1.B, 1.C, 2.A, 2.B, and 2.D; and Pleasant Glade Land Use Goals 1 and 2 and Policies 1.A, 1.C, 1.D, and 2.A. *Exhibit 2, Staff Report, pages 3 through 6.*

and design appropriate to the zone and intended uses as determined by the City. In addition, the subdivision design standards of LMC 15.12.080 require that the size, shape, and orientation of lots within a subdivision be appropriate for the location and contemplated use of the subdivision. City staff determined that the lot development standards for the MMD zone were not designed for traditional single-family subdivisions and, instead, were designed for commercial and multi-family apartment building uses. City staff further determined that, under the flexibility provided in LMC 16.22.060.A and pursuant to the subdivision design standards of LMC 15.12.080, the proposal should be subject to the minimum lot size and setback standards for the Moderate Density Residential (MDR) zoning district. The Applicant's site plans demonstrate that the proposed development would meet these standards. *Exhibit 2, Staff Report, pages 7 and 8; Exhibit 6.*

8. The subject property is surrounded to the east, west, and north (across 15th Avenue NE) by residential developments of various densities and housing types, including single-family homes, multifamily apartments, duplexes, and triplexes. Property to the south, across 6th Avenue NE, is developed with North Thurston High School and Chinook Middle School. There are no requirements to provide buffers from the proposed single-family residential lots to the existing adjacent residential properties to the east and west. To mitigate for the proposed development's impacts to adjacent properties and to ensure compatibility with these adjacent residential uses, the Applicant would install a 6-foot-tall cedar fence on the property lines adjacent to existing residential development. In addition, the Applicant would plant fast-growing tree species, as deemed appropriate by the City Forester, on rear property lines of the residential lots. The proposed development would also be subject to design review under Chapter 14.23 LMC, which would ensure that the residential units would be compatible with the adjacent residential developments. *Exhibit 2, Staff Report, pages 2 and 11.*

Existing Site and Critical Areas

9. The 15.66-acre property is currently undeveloped and is bordered to the north by 15th Avenue NE, to the south by 6th Avenue NE, and to the east and west by single-family and multifamily residential developments. The northern two-thirds of the property consist of forested areas dominated by a Douglas fir canopy and a dense understory of shrubs and herbaceous vegetation. The existing trees are generally in good condition, except for a large pocket of laminate root rot on the western edge of the site. The southern third of the property consists of an open grass area. Site topography generally slopes to the northeast at an approximate two to six percent gradient. The property is located within a Category II Critical Aquifer Recharge Area and within a FEMA minimal flood hazard zone. *Exhibit 2, Staff Report, page 2; Exhibits 12 through 15.*
10. As noted above, EnviroVector prepared a Priority Species Mitigation Plan for the proposal, which identified a priority species, the pileated woodpecker, on the subject property. No other endangered, threatened, or priority species were identified on the

property, and no wetlands or streams were identified on or within 300 feet of the property. The conceptual mitigation plan proposes to retain 32 large Douglas fir trees within a 0.43-acre area that would be permanently protected in a critical habitat conservation tract. The Applicant would also relocate seven pileated woodpecker habitat trees, including feeding stations and cavity nests, to the tree preservation area. In addition, the Applicant would remove invasive weeds from the conservation tract to enhance the habitat value and would install a split-rail fence around the preservation area to discourage entry. WDFW reviewed the Applicant's conceptual mitigation plan and determined that it would adequately mitigate for the project's impacts to priority species. *Exhibit 2, Staff Report, pages 8, 9, 14, and 15.*

Access and Traffic

11. Access to the site would be from 6th Avenue NE and 15th Avenue NE. The Applicant would construct a new major local residential roadway (Road A) that would traverse the site, provide access to several of the lots within the eastern portion of subdivision, and provide a connection between 6th Avenue NE and 15th Avenue NE. The Applicant would also construct a new minor local residential roadway (Road B), which would connect to Road A at two locations within the subdivision and would provide access to the lots within the western portion of the subdivision. The proposed new roadways would be constructed consistent with the City's Development Guidelines and Public Works Standards, which would require sidewalks on both sides of the new roadways. *City Development Guidelines and Public Works Standards, Chapter 4, Details 4-4.0 and 4-4.1.* In addition, access to lots at the northwest corner of the property would be provided by private access tracts that would include a five-foot sidewalk connecting to sidewalks on Road B. *Exhibit 2, Staff Report, pages 2, 10, 11, and 18; Exhibit 6.*

12. Transportation Engineering Northwest prepared a Traffic Impact Analysis (TIA) for the proposal, updated March 18, 2021. The TIA determined that a full buildout of the subdivision as proposed would generate an estimated net increase of 774 daily trips, 61 AM peak-hour trips, and 81 PM peak-hour trips. The TIA also determined that all studied intersections would continue to operate at acceptable levels of service with the proposed development. The City uses trips generated during the PM peak hours (between 4:00pm and 6:00pm) to determine how the Applicant should mitigate impacts to the transportation network. To mitigate project impacts the Applicant would be required to pay traffic mitigation fees, currently estimated at \$94,254.67. The actual traffic mitigation fees required for the proposal would be assessed at the time of building permit issuance. *LMC 14.21.040.* In addition to paying traffic mitigation fees, the Applicant would be required to construct frontage improvements and dedicate public right-of-way along the parcel frontage associated with the project. 15th Avenue NE serves as a boundary between the City and unincorporated Thurston County, and proposed frontage improvements and right-of-way dedication along 15th Avenue NE would be within the jurisdiction of Thurston County. Improvements would include sidewalks, planter strips, curbs and gutters, and street lighting constructed to City standards (6th Avenue NE) and

to Thurston County standards (15th Avenue NE). As noted above, the MDNS would require the Applicant to pay \$5,532 in traffic impact fees to the City of Olympia and \$18,884 in traffic impact fees to Thurston County to mitigate for the proposal's traffic impacts to the respective jurisdictions. *Exhibit 2, Staff Report, pages 10, 11, 18, 19, and 26; Exhibit 13; Exhibit 22; Exhibit 24; Exhibit 34.*

Utilities and Services

13. Puget Sound Energy would provide electricity and natural gas to the site. The City would provide water and sanitary sewer. The Lacey Fire District would provide fire protection services. City Fire Code Specialist Terry McDaniel provided proposed conditions concerning requirements for fire hydrant flow, fire apparatus access roads, building address numbers, fire lane markings, and fire inspections. The proposed development would be served by schools in the North Thurston Public Schools district. Required frontage improvements, including sidewalk installation, and the required installation of sidewalks on both sides of the proposed new internal roadways would ensure safe walking conditions for future students of the subdivision to area schools or school bus stops. The Applicant would be required to pay school impact fees to North Thurston Public Schools to mitigate for the increased student enrollment generated by the proposed development. *Exhibit 2, Staff Report, pages 1, 2, and 12; Exhibit 20; Exhibit 25.*

Open Space and Tree Retention

14. LMC 15.12.120 requires that all residential subdivisions provide a minimum of 10 percent of the total site area as open space, and at least half of the required open space area must be usable for active recreation. The Applicant's site plan and conceptual landscape plan identifies several tracts, totaling 10 percent of the site area, that would be dedicated for open spaces, including active recreation areas with such amenities as a basketball half-court, maintained lawn areas, and picnic tables. The City Community and Economic Development Department would review the Applicant's final, detailed landscape and open space plan to ensure compliance with open space and design review requirements prior to construction drawing approval. *Exhibit 2, Staff Report, page 10; Exhibit 6; Exhibit 7.*
15. A Class IV Forest Practices permit was submitted as part of the consolidated review of the application. Development of the subject parcel would require removal of 570 mbf (570 thousand board feet) of timber from the property. Under Chapter 14.32 LMC, Tree and Vegetation Protection and Preservation, a minimum 5 percent tree tract would be required to be designated on-site for tree protection, retention, and replanting. The focus of the tree tract would be areas where existing trees can be retained. If there are not adequate numbers of trees within the tree tract to reach 90 percent canopy coverage in 15 years, additional trees would need to be planted to obtain that coverage requirement. The City Forester submitted, as part of the project, a tree report under LMC 14.32.060.B.2, prepared by Sound Urban Forestry, LLC, dated September 17, 2020, that made recommendations for tree retention and protection. The Applicant proposes to retain trees

within three separate tracts to satisfy the tree tract requirement. Proposed Tract A would be located at the site's northern property line, Tract I would be located at the northern central portion of the property, and Tract D, which would include the habitat conservation area, would be located to the south of the proposed residential lots and north of the proposed future development tract. The City Forester recommended that tree retention be primarily focused within the proposed Tract D, noting that the existing trees in that area are health and wind firm. The other trees tracts would need to be replanted to achieve the required coverage canopy within 15 years. Although the City Forester did not recommend tree retention outside of the southern tree Tract D, the City recommends that the Applicant work with the City Forester during civil drawing review and construction site work to determine if individual trees can be retained in tree tracts throughout the site. In addition to tree tract requirements, all residential lots are required to retain, or plant, a minimum of four trees per 5,000 square feet of lot area. Based on the proposed lot sizes, each lot would need to have a minimum of two to four trees. For lots located on the east and west property lines, trees should be planted on the rear property line to provide additional buffering to adjacent existing residence. *Exhibit 2, Staff Report, pages 9 and 10; Exhibit 6; Exhibit 7; Exhibit 15.*

Stormwater Management

16. Stormwater management for the proposal would be required to comply with the City of Lacey 2016 Stormwater Design Manual. SCJ Alliance prepared a preliminary drainage report for the project, dated March 16, 2021, addressing how stormwater would be managed on-site. Stormwater runoff from roof areas would be infiltrated in individual drywells located on each lot. Stormwater runoff from pollution-generating surfaces throughout the property would be collected and conveyed to a bioretention facility for enhanced water quality treatment before fully infiltrating on-site. In addition, conveyance swales along the east and west sides of proposed Road A would provide additional flow control and water quality treatment. City Water Resources Engineer Doug Christensen reviewed the Applicant's proposed stormwater management measures and determined that, with conditions, it would meet applicable stormwater management requirements. In addition, Development Review Engineer Tom Stiles provided detailed notes about requirements related to stormwater, water, sewer, and transportation improvements, as well as requirements related to surveying and additional plat submittal requirements. Specific to stormwater, Mr. Stiles noted that the Applicant would be required to submit a final stormwater site plan demonstrating compliance with the City of Lacey 2016 Stormwater Design Manual for final approval from the City Public Works Department and that the City would need to approve a stormwater pollution prevention plan (SWPPP) prior to site disturbance. *Exhibit 2, Staff Report, pages 17, 18, 23, and 24. Exhibit 6; Exhibit 12; Exhibit 23; Exhibit 26.*

Testimony

17. City Senior Planner Sarah Schelling testified generally about the application and explained that, after considering comments submitted by members of the public, City

departments, and other agencies, including the Washington State Department of Fish and Wildlife (WDFW), City staff determined that, with conditions, the preliminary subdivision and associated Class IV Forest Practices Permit would be consistent with the City Comprehensive Plan, the City Zoning Code, and other applicable codes and regulations. She noted that the subject property is within the Pleasant Glade Planning Area and is zoned Mixed Use Moderate Density Corridor (MMD), which allows for residential uses at densities between 8 and 12 units per acre. Ms. Schelling explained that, although single-family residential uses are permitted in the MMD zone, the lot development standards for the MMD zone were not designed for traditional single-family subdivisions and, instead, were designed to accommodate commercial and multifamily apartment building development. She stated, however, that the municipal code provides flexibility in determining appropriate lot dimension and setback requirements and, therefore, City staff recommends applying the lot development standards for the Moderate Density Residential zone to the project proposal.

Ms. Schelling stressed that, following comments from WDFW and various City departments, the Applicant submitted revised project plans and a wildlife study and mitigation plan addressing WDFW's and the City's concerns. She noted that, under the mitigation plan approved by WDFW, the Applicant would permanently protect a 0.43-acre forested area in a critical habitat conservation tract. Ms. Schelling explained that the City Forester reviewed the Applicant's tree retention plan, agreed that the proposed critical habitat conservation tract was well suited for tree retention, and determined that the project would satisfy applicable tree tract requirements under the City code. She discussed concerns raised by members of the public regarding existing traffic issues in the area, noting that the City and Thurston County reviewed the Applicant's traffic impact analysis and have recommended conditions to address the project's traffic impacts, which include the payment traffic impact fees and street frontage improvements. Ms. Schelling also discussed public concerns about the project's compatibility with adjacent residential development, explaining that, although the municipal code does not require buffering between the proposed development and adjacent residential developments, City staff has recommended conditions requiring that the Applicant install fencing along the eastern and western property lines and plant fast-growing tree species at the rear of lots along the property lines to ensure compatibility with surrounding development. *Testimony of Ms. Schelling.*

18. Art Orth testified that he owns two parcels abutting the subject property: one, a parcel fronting Sleater Kinney Road NE that is developed with two homes and, another, an undeveloped rear parcel that is currently landlocked between his front parcel and the subject property. He noted that his rear parcel does not currently have public sewer or water access and inquired whether the Applicant would align and stub out water and sewer extensions in a manner that could provide his property with future utility services. Mr. Orth also noted that he does not currently have roadway access to his rear parcel and

inquired whether the proposed subdivision could provide access to this parcel. *Testimony of Mr. Orth.*

19. City Development Review Engineer Tom Stiles responded to Mr. Orth's concerns regarding utility connections. He explained that the City of Olympia provides sewer service to several parcels in the area through a previous agreement between the City and the City of Olympia and noted that Mr. Orth's property is within the City of Olympia sewer service area. *Testimony of Mr. Stiles.*
20. Ms. Schelling responded to Mr. Orth's concerns regarding roadway access to his property. She noted that current municipal code requirements would not allow a property to be subdivided in a manner preventing roadway access to a parcel, surmising that the previous land division must have been grandfathered in. She stated that the City does not have authority to require the Applicant to provide a roadway connection from the subdivision to Mr. Orth's rear property and that Mr. Orth would have to provide access to the rear parcel from his front parcel or negotiate with adjacent property owners for access through their property. *Testimony of Ms. Schelling.*
21. Applicant Representative Tyrell Bradley testified generally about the application and focused specifically on the stormwater management and habitat conservation aspects of the proposal. He noted that the entire site is underlain with glacial till, which limits most infiltration capability across the project site. Mr. Bradley stated, however, that the Applicant's geotechnical engineer identified an area in the northeast corner of the property suitable for infiltration and, therefore, the entire stormwater management system for the project has been designed to infiltrate in this area. He explained that the Applicant did not propose to locate the critical habitat conservation tract at the northeast corner of the property, due to the required stormwater system design and in light of the City Forester's assessment that the selected location was better suited for tree preservation. Mr. Bradley testified that the Applicant would install cedar fencing along the eastern and western property lines abutting residential development. *Testimony of Mr. Bradley.*
22. City Stormwater Engineer Doug Christenson testified about how the proposal would satisfy municipal stormwater requirements, including requirements related to stormwater infiltration. He confirmed that infiltration on-site is limited to the northeast corner of the property due to existing site conditions. Mr. Christenson noted that the property is located within a Category II Critical Aquifer Recharge Area (CARA), explaining that the proposed bioretention facility would provide enhanced water quality treatment exceeding standards applicable to properties within a Category II CARA. *Testimony of Mr. Christenson.*

Staff Recommendation

23. Ms. Schelling testified that, with conditions, staff recommends approval of the subdivision and associated Class IV Forest Practices Permit. Mr. Bradley testified that

the Applicant concurs with staff's assessment of the proposal and would comply with the recommended conditions, with minor language revisions. Ms. Schelling noted that City staff has reviewed and agrees with the Applicant's proposed language revisions to the recommended conditions. *Exhibit 40; Testimony of Ms. Schelling; Testimony of Mr. Bradley.*

CONCLUSIONS

Jurisdiction

The Hearings Examiner has the authority to hear requests for preliminary plat applications and to issue a recommendation on the requests to the City Council. *LMC 2.30.090.B; LMC 14.32.060.C; LMC 15.10.090; LMC 15.10.100; City Development Guidelines and Public Works Standards (DG&PWS) Sections 1.030(L) and 1B.030(B).* Class IV forest practice applications shall be processed concurrently with, and using the same process as, the underlying land use application. *LMC 14.32.045.E.*

Criteria for Review

Preliminary Plat

To make a recommendation on a preliminary plat application, the Hearings Examiner must give due consideration to the following criteria set forth in LMC 15.10.090:

- A. To assure conformance of the proposed subdivision to the general purposes of LMC Chapter 15.10, all elements of the Comprehensive Land Use Plan and implementing legislation including the Zoning Code (LMC, Title 16), the Development Guidelines and Public Works Standards, and other applicable planning standards, specifications and policies adopted by the city council shall be considered;
- B. To inquire into the public use and interest proposed to be served by the establishment of the subdivision and/or dedication, the examiner shall determine if appropriate provisions are made for, but not limited to, the following:
 1. Prevention of overcrowding. Consideration shall be given to designations of the Comprehensive Land Use Plan and Zoning Code, and the requirements of the Development Guidelines and Public Works Standards in consideration of the physical characteristics of the land in relation to the number of persons, buildings or sites proposed to be located thereon, and also to the availability of public facilities such as water, sewers, fire protection, streets, schools, parks, etc., if not adequately provided for within the subdivision.

2. Conformance with the Transportation Plan and Development Guidelines and Public Works Standards to facilitate traffic circulation on the streets and highways. Proposed streets must be aligned or built in such a way as to best facilitate the movement of pedestrians and vehicles and reduce the possibility of crashes. Traffic calming techniques and other standards of the Development Guidelines and Public Works Standards will be required. Key pedestrian intersection improvements for pedestrians will be considered where so designated on the Comprehensive Land Use Plan Map.
3. Meeting requirements of the Zoning Code (Title 16 of the Lacey Municipal Code) and Design Review (Chapter 14.23 of the Lacey Municipal Code) to provide adequate light air and privacy by meeting setbacks, dimensional standards, yard areas and design principles. Assurance that the plat is arranged in such a way that all lots have adequate light, air, and opportunity for privacy.
4. Satisfying principles, goals and policies of the Comprehensive Land Use Plan and Comprehensive Plan for Outdoor Recreation for proper arrangement and provision of easements and pathways and other bicycle-pedestrian paths, etc. Adequate provisions for pathways, sidewalks and other pedestrian features connecting various parts of a subdivision shall be an emphasis of design. Goals and policies of the Comprehensive Land Use Plan for key pedestrian intersections and improvements shall be used when designing pedestrian movement and circulation. Consideration shall be given to key focus areas in every neighborhood, particularly considering local grade schools and open space, and how each subdivision relates to these areas and provides connectivity to key sites within each neighborhood. Provisions for trail systems in areas conducive to such (along creeks, rivers, scenic areas, etc.) shall also be considered.
5. Conformance with goals, policies and standards of the Comprehensive Plan for Outdoor Recreation and standards of this title for provision of adequate recreation and open space and buffers. Sufficient guaranteed open space and recreational areas shall be designed and provided to adequately serve the subdivision. Plans for connectivity between subdivisions and throughout neighborhood areas shall be provided to residents of the subdivision and shall be implemented in the design of each subdivision. This shall include trail systems, key pedestrian

intersection concepts, sensitive area buffers and corridors with trails systems and other global circulation concepts (including more than just the local circulation of the individual subdivision) for the neighborhood and community.

- C. To consider the physical characteristics of the proposed subdivision site. The hearings examiner may recommend disapproval because of flood, inundation or wetland or other sensitive area conditions pursuant to the standards of Title 14 of the Lacey Municipal Code. The examiner may recommend the construction of protective improvements be required as a condition of approval, with such improvements to be noted on the final plat in order to assure that:
1. All such proposals are consistent with the need to minimize flood damage;
 2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage; and
 3. Adequate drainage is provided so as to reduce exposure to flood hazards;
 4. Other purposes as described in the City Environmental Protection and Resource Conservation Plan and implementing legislation of Title 14 of the Lacey Municipal Code are achieved.

LMC 15.10.090.

In addition, RCW 58.17.110(1) provides that a proposed subdivision shall not be approved unless appropriate provisions are made for the public health, safety, and general welfare; for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds; and for all other relevant facts, including sidewalks and other planning features, that assure safe walking conditions for students who walk to and from school, and unless the public interest will be served by the platting of such subdivision and dedication.

Land Clearing/Class IV Forest Practices

LMC 14.32.020 provides the following criteria used for the issuance of Land Clearing/Class IV Forest Practices:

- A. To implement strategies for the management and protection of Lacey's urban forest resources pursuant to the goals and policies of the Lacey Urban Forest Management Plan;

- B. To implement the purposes of the State Growth Management Act relating to conservation of natural resources, including Lacey's urban forest resources, pursuant to RCW 36.70A.050, 36.70A.060 and 36.70A.080;
- C. To implement the purposes of the State Growth Management Act pursuant to RCW 36.70A.172, considering the many environmental benefits of the urban forest as described in Lacey's Urban Forest Management Plan;
- D. To promote the public health, safety, and general welfare of the citizens of Lacey without preventing the reasonable development of land;
- E. To preserve and enhance the city's physical and aesthetic character by preventing indiscriminate removal or destruction of trees and ground cover and to insure the protection of trees chosen to remain during construction;
- F. To minimize surface water and ground water runoff and diversion and to prevent erosion and reduce the risk of slides;
- G. To retain and utilize trees to assist in site planning, considering the abatement of noise, visual screening, protection from wind, and other site design issues;
- H. To acknowledge that trees and ground cover have significant environmental and quality of life benefits as identified in Lacey's Urban Forest Management Plan, such as the production of pure oxygen from carbon dioxide, the reduction of air pollution, help in providing clean water, control of soil erosion, use in design for energy efficiency and temperature control, noise attenuation, and wildlife habitat;
- I. To promote building and site planning practices that are consistent with the city's natural topography, soils, and vegetation features. At the same time certain factors may require the removal of certain trees and ground cover for things such as, but not limited to disease, danger of falling, proximity to existing and proposed structures and improvements, interference with utility services, protection of scenic views, protection of solar access and the realization of a reasonable enjoyment of property;
- J. To insure prompt development, restoration, replanting, and effective erosion control of property after land clearing;
- K. To reduce water pollution from siltation in the city's streams and lakes;
- L. To implement the goals and objectives of the Washington State Environmental Policy Act;
- M. To implement and further the City's Comprehensive Land Use Plan and its Environmental Protection and Resource Conservation Element;

- N. To encourage protection of wildlife and/or wildlife habitat whenever possible.

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

Preliminary Plat

- 1. With conditions, the proposed preliminary plat would conform to the City of Lacey Comprehensive Land Use Plan, the City Zoning Code, and the City Development Guidelines and Public Works Standards.** The proposed subdivision would conform to the City's Comprehensive Land Use Plan goals and policies. There are adequate public services, including water, sewer, and fire protection, available to serve the proposed development. The proposed development would consist of residential land use that is consistent with the Pleasant Glade Planning Area designation. The proposed development would incorporate residential development of a density within the range of densities permitted in the Mixed Use Moderate Density Corridor zoning district and would comply with lot development and setback standards for the Moderate Density Residential zone, which are suitable for the proposed single-family residential subdivision and may be applied to the project proposal under the flexibility provided in LMC 16.22.060.A and pursuant to the subdivision design standards of LMC 15.12.080.

The City provided reasonable notice and opportunity for members of the public to comment on the application. The City received several comments from members of the public, which raised concerns about proposal's impacts to wildlife, stormwater, and traffic, as well as impacts to adjacent residential properties. The Applicant submitted a wildlife study and conceptual mitigation plan that identified a priority species, the pileated woodpecker, on-site. To mitigate for the project's impacts to pileated woodpecker habitat, the Applicant would retain and permanently preserve a 0.43-acre forested area in a critical habitat conservation tract and would relocate existing pileated woodpecker habitat trees to the conservation tract. The Applicant would also remove invasive weeds from the conservation tract to enhance habitat value and would install a split-rail fence around the preservation area to discourage entry. The Washington State Department of Fish and Wildlife reviewed the Applicant's conceptual mitigation plan and determined that it would meet the requirements for mitigation to priority species habitat. City Development Review Engineer Tom Stiles reviewed the Applicant's proposed stormwater management design and determined that, with conditions, it would comply with the requirements of the City of Lacey 2016 Stormwater Design Manual, including requirements for enhanced water quality treatment for development within a Category II CARA. The City would review the Applicant's final stormwater management plan for

compliance with applicable requirements prior to final approval from the City Public Works Department. The Applicant provided a traffic impact analysis for the proposal, which determined that the proposed development would generate an additional 81 PM peak-hour trips. The Applicant would be required to pay traffic impact fees and make street frontage improvements to mitigate for the project's traffic impacts. The Applicant would also be required to pay traffic impact fees to the City of Olympia and to Thurston County as conditions of the Mitigated Determination of Nonsignificance.

City sewer and water services are available to the site. Puget Sound Energy would provide power and natural gas service to the site. A proposed internal road system would serve all the proposed lots and would provide a connection between 6th Avenue NE and 15th Avenue NE. The Applicant would provide sidewalks within the subdivision and along the property's frontage with 6th Avenue NE and 15th Avenue NE to provide students residing at the subdivision with safe walking conditions to area schools or school bus stops.

Conditions unique to the proposal and those required of all subdivision projects, as detailed below, are necessary to ensure that the development complies with the municipal code and the City Development Guidelines and Public Works Standards, as well as all other state and local requirements. *Findings 1 – 23.*

- 2. With conditions, the proposed preliminary plat would provide appropriate provisions to serve the public use and interest.** The proposed project meets the density restrictions for the Mixed Use Moderate Density Corridor zone and would not lead to overcrowding. Public services, including water, sewer, and fire protection, are available. To ensure compatibility with adjacent residential development, the Applicant would install a 6-foot-tall cedar fence on the eastern and western property lines abutting existing residential development. In addition, the Applicant would plant fast-growing tree species, as deemed appropriate by the City Forester, on rear property lines of the residential lots. The proposed development would also be subject to design review under Chapter 14.23 LMC, which would further ensure that the proposed development would be compatible with surrounding development. The proposal would include open space areas, including active recreation open space areas, meeting municipal code requirements. The Applicant would pay traffic impact fees and would construct required frontage improvements along 6th Avenue NE and 15th Avenue NE. The City reviewed the Applicant's environmental checklist and other information on file and issued a Mitigated Determination of Nonsignificance, which was not appealed. With the conditions detailed below, the proposal would serve the public use and interest and would satisfy all local and state requirements for plat development. *Findings 1, 4 – 23.*
- 3. The physical characteristics of the proposed subdivision have been considered.** The 15.66-acre undeveloped property generally slopes to the northeast and contains forested areas in the northern two-thirds of the site and an open grass area in the southern third of

the site. Stormwater runoff from pollution-generating surfaces throughout the property would be collected and conveyed to a bioretention facility at the property's northeast corner for enhanced water quality treatment meeting Category II CARA requirements before fully infiltrating on-site. No evidence was presented of any flood hazards or flood damage that would occur from the proposed development. The Applicant would be required to comply with the City Forester's recommendations for tree retention and protection and would work with the City Forester to determine if there are other individual trees in open space areas that are suitable for retention. Pileated woodpecker habitat was identified on-site, and the Applicant would employ appropriate measures to mitigate for the project's impacts to the priority species habitat, which would include permanently preserving a 0.43-acre forested area in a critical habitat conservation tract. *Findings 1 – 23.*

Forest Practices Permit

- 4. With conditions, the proposal would meet the requirements for a Class IV Forest Practices Permit.** Development of the subject parcel would require removal of 570 mbf (570 thousand board feet) of timber from the property. Under Chapter 14.32 LMC, Tree and Vegetation Protection and Preservation, a minimum 5 percent tree tract would be required to be designated on-site for tree protection, retention, and replanting. Conditions unique to the proposal are necessary to ensure that the Applicant's proposal satisfies the requirements of the municipal code and would be consistent with the criteria for approval of a Class IV Forest Practices Permit. *Findings 15 and 17.*

RECOMMENDATION

The Hearings Examiner for the City of Lacey recommends to the Lacey City Council that the request for a preliminary plat to subdivide a 15.66-acre parcel into 82 lots for single-family residential development, located between 6th Avenue NE and 15th Avenue NE, approximately 460 feet east of Sleater Kinney Road NE, be **APPROVED**, and that the request for an associated Class IV Forest Practices Permit also be **APPROVED**, with the following conditions:³

Conditions Unique to the Application

The conditions below are intended to mitigate impacts associated with an approval of this application.

1. All requirements of the MDNS issued on June 3, 2021, shall be satisfied.
2. Setbacks and lot size for the single-family lots shall be consistent with the Moderate Density zoning district.

³ This recommendation includes conditions required to reduce project impacts as well as conditions required to meet municipal code standards.

3. The project shall proceed in substantial conformance with the preliminary plat drawing and application resubmitted on March 31, 2021, except as modified by the conditions below.
4. 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 (LMC 14.25.060).
5. The Applicant shall coordinate with Intercity Transit to locate and design a bus loading zone within the 15th Avenue NE right-of-way area dedicated with this plat.
6. Design review approval shall be obtained prior to the issuance of the building permits for each lot. All buildings shall meet the applicable criteria of LMC 14.23 and 14.23.072. Building design shall focus on compatibility with existing residential structures particularly in regard to the units on the east and west property lines of the subdivision. Additional measures to ensure compatibility on the west property line shall include tree planting on the rear property line per minimum tree per lot requirements and screening fencing a minimum of six feet in height on the property line.
7. Prior to construction drawing approval, a final detailed landscaping and open space 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 timeline for completion of the improvements. Additionally, details of proposed amenities such as benches, trashcans, and play equipment shall be submitted to the Planning Department. 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).
8. Pursuant to LMC 14.32 Tree and Vegetation Protection and Preservation, a minimum tree per lot threshold must be maintained on each lot of the subdivision. Prior to issuance of building permits, verification will be required showing that the minimum tree threshold requirements are being met based on the square footage of the lot. Lots located on the east and west sides of the plat, adjacent to existing residences, shall plant the minimum trees per lot on the rear property line. Tree species for these lots shall be fast growing to create a visual buffer between uses.

9. No trees shall be removed until a grading permit has been issued. The location of all save trees and tree protection fencing shall be shown on the grading plans and civil drawings.
10. Prior to final approval of the Class IV Forest practices permit, the site map submitted with the permit application shall be resubmitted and shall identify the tree tract area, the priority habitat species area, and the location of tree protection fencing.
11. Tree protection and preservation shall be coordinated Kevin McFarland of Sound Urban Forestry. Tree protection shall follow the recommendations of Preliminary Tree Protection report dated September 17, 2020. All trees to be retained shall be shown on all applicable development plans, including the grading and erosion control plans submitted for the project. In addition to the trees identified in the tree report, the Applicant shall coordinate with the City of Lacey Forester during development of the grading plans to determine if there are other individual trees located in open space areas that are candidates for retention. If there are no trees that are candidates for retention, then additional documentation from the Forester shall be provided.
12. Trees to be saved shall be protected throughout all phases of construction by temporary chain link fencing on driven posts located at the edge of the critical root zone. The location of the protective fencing shall be identified on the grading plans and a detail of the fencing shall be included on the plans.
13. 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.
14. 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.
15. The preliminary habitat mitigation plan submitted on March 31, 2021, is approved. All mitigation measures identified in the Priority Species Mitigation Plan shall be satisfied and shall be in place prior to final plat approval. All requirements of the Washington Department of Fish and Wildlife shall be satisfied and all permits required from WDFW and any other agency shall be obtained.
16. Pursuant to LMC 14.33.200, the Applicant shall create a separate sensitive area tract containing all the area as identified in the priority species mitigation plan submitted with the application materials on March 31, 2021. The critical habitat conservation area shall

be set aside in a separate tract to be protected in perpetuity. The Applicant shall establish and record a permanent and irrevocable deed restriction on the property title, on the subdivision map, and in homeowner's association agreements, covenants, and articles of incorporation. The tract shall be designated as common open space and shall be protected in perpetuity from development, alteration, or disturbance of vegetation except for the purposes of habitat enhancement as part of an enhancement project that has received prior written approval from the City of Lacey, and any other agency with jurisdiction over the activity. The critical habitat area, or a portion thereof, can also serve as the tree tract required for the project (LMC 14.33.200).

17. The following language shall be included on the deed restriction, construction drawings, and final plat map, as appropriate, submitted for the project (LMC 14.33.200C):
 - a) "Before beginning and during the course of any grading, building construction, or other development activity adjacent to the common area subject to this deed restriction, the common boundary between the area subject to the deed restriction and the area of development activity shall be fenced or otherwise marked in the field to the satisfaction of the City of Lacey."
 - b) Responsibility for maintaining the open space tracts shall be help by a lot or homeowners association or other appropriate entity as approved by the City of Lacey.
 - c) The following note shall be on the face of the final plat and shall be recorded on the title for all lots within the development for the critical habitat tract:

NOTE: The association shall be responsible for maintenance and protection of the tracts. No alteration shall occur and all vegetation shall remain undisturbed unless the express written authorization of the city of Lacey has been received.

18. The common boundary between the critical area tract and the adjacent land shall be permanently identified and fenced. The identification shall include permanent signs made of an enamel-coated metal face and attached to a metal post or another non-treated material of equal durability. Signs shall be posted at an interval of one every fifty feet or one per lot if the lot is less than fifty feet wide. The sign(s) shall be maintained by the homeowners association in perpetuity. The signs shall be worded as follows:

"Protection of this natural area is in your care. Alteration or disturbance is prohibited by law. Please call the city of Lacey for more information." (LMC 14.33.200D)

19. The location of the outer extent of the priority habitat area shall be marked in the field by a qualified habitat biologist; the area shall be protected with construction fencing throughout all phases of construction activity. The field marking shall be approved by the City of Lacey prior to construction activity.

20. The location of the critical area habitat fencing shall be shown on the grading plans, and all applicable construction plans prior to issuance of the grading plans or civil approval for the project.
21. A detailed estimate from the habitat biologist shall be submitted to the city of Lacey planning department and shall include all costs associated with completion of the mitigation elements associated with the Priority Species Mitigation Plan.
22. A financial security in the amount of 150% of the biologist's estimate shall be submitted to the City of Lacey Planning Department prior to the issuance of the building permits for the project. The financial security may be released when the following have been satisfied:
 - a) All activities, including any required mitigating conditions, have been completed in compliance with the terms and conditions of the approval and the requirements of LMC 14.33;
 - b) Upon posting of a financial security in the amount of 20% of the cost of improvements associated with the critical habitat area. The security shall be to ensure that structures, improvements, and mitigation required perform satisfactorily and shall be held for a minimum of two years (LMC 14.33.210).
23. 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).
24. The site requires a minimum of 600 feet between fire hydrants. One fire hydrant shall be installed prior to sign off on the vertical permit. The required fire flow for buildings shall be not less than 750 gpm for 2 hours in accordance with IFC Appendix B. The fire flow is based on square-footage and building construction type, including a 50% credit for the installation of automatic fire sprinkler systems (LMC 14.07 and IFC Appendix D).
25. To provide domestic water service for each building, meet fire protection, and water quality requirements, the following water mains shall be installed: A 10-inch water main shall be extended to and through the project site, within the proposed north/south roadway (Road A). This main shall connect to the 10-inch main located in 6th Avenue NE and the 8-inch main located in 15th Avenue Northeast. From the primary main,

adequately sized mains shall be extended to serve the remaining lots with water. To meet water-looping requirements, the 10-inch main located on the west property line shall be extended to the 10-inch main on road A.

26. A 25-foot easement shall be provided for the proposed water and sewer mains in Tracts B and C.
27. A 10-inch stub with a blow off shall be provided to tract 'E' in order to avoid cutting roads in the future.
28. Domestic water services shall be provided for each lot/new building. If duplexes are constructed each side shall be individually metered (DG&PWS, Water 6.120F).
29. An irrigation meter with a Double Check Valve Assembly, backflow prevention device shall be provided for the planter strip irrigation system and all other landscaped areas (DG&PWS 6.120F).
30. The existing 8-inch gravity sanitary sewer main located in Abernethy Road shall be extended to-and-throughout the site as necessary to provide sanitary sewer service to each proposed lot.
31. Per section 3.130B of the City of Lacey 2017 Development Guidelines and Public Works Standards Manual, utilities shall be extended to and through the extremes of the property. For this application to satisfy to-and-through requirements, the sanitary sewer main shall be extended through the site to Tract E (in road A). When Tract E develops, the sewer main shall be extended to the southwest corner of tract E to 6th Avenue. On 15th Avenue sewer shall be extended to the private cul-de-sac slightly west of the proposed north entrance to Bradley Park. A latecomer agreement can be submitted to recover costs associated with the sewer main extensions when they are completed.
32. An 8-inch sewer stub with a clean out at the right-of-way shall be provided for tract E to avoid cutting roads in the future. The side sewer for tract E 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).
33. The proposed sewer mains in Tract B and C shall be constructed as public mains. At angle points, manholes are required rather than the cleanouts proposed.
34. A complete Construction Stormwater Pollution Prevention Plan (SWPPP) shall be submitted, reviewed, and approved, and the site shall be inspected by the City of Lacey prior to any site disturbing activities such as clearing or grading.

35. All stormwater facilities shall comply with the applicable criteria specified in the City of Lacey 2016 Stormwater Design Manual.
36. Bioretention facilities generally have a maximum ponding depth of 12 inches and surface ponding drawdown time of 24 hours. The tract G bioretention facility as proposed exceeds the ponding depth criteria, but with a rapid drawdown expected. Provide information in the drainage report to support/justify the proposed maximum ponding depth and address potential issues (e.g. plant inundation, safety, etc.).
37. The base of the proposed Tract G bioretention facility (below the bioretention soil mix) shall be set in undisturbed native soil.
38. The proposed Tract G bioretention facility has a contributing drainage area exceeding one acre, thus more detailed infiltration receptor analysis and/or performance testing may be required (2016 SDM, section 7.4.4 and section 7.2.2).
39. A section detail for each stormwater treatment/flow control facility, including existing grade, design elevations, inflow and outflow conveyances, emergency overflow, etc. For bioretention facilities, include criteria for the bioretention soil mix, mulch layer, and planting plan.
40. Stormwater facilities shall provide adequate setback distances per 2016 SDM, Chapter 7.
41. Design infiltration rate(s) shall be determined for the actual proposed infiltration location(s), depths, and materials, and facility design adjusted as needed. The drainage report shall include the data and calculations for determining long-term infiltration rates. Methodology shall be per Appendix 7A of the 2016 SDM.
42. Stormwater treatment and infiltration facilities shall be constructed for stormwater associated with all site improvements, adjacent properties currently discharging to the site and with the half-street stormwater associated with the 15th Avenue frontage.
43. A 6.5-foot planter strip (with street trees, irrigation, and street lighting, etc.) and a 6-foot sidewalk shall be constructed for 6th Avenue Northeast, in accordance with Major Collector Type II roadway standards, per detail 4-3.3 dated December 15, 2014, from the Development Guidelines and Public Works Standards Manual. Existing overhead utilities shall be located underground. Right-of-way dedication will be required if the existing right-of-way does not encompass the required sidewalks and planter strip.
44. Right-of-way dedication and the installation of half-street frontage improvements are required for this project. Frontage improvements will include the following: 1-foot of free area; an 8-foot sidewalk; a 7-foot planter strip (with street trees, irrigation, street

lighting, etc.) curb and gutter, a 5-foot bike lane, two 11-foot travel lanes, 1-foot of shy distance, and five feet of the ten-foot median.

45. A north/south roadway shall be constructed between 6th Avenue Northeast and 15th Avenue Northeast. The roadway is classified as a Major Local Residential roadway, designed per detail 4-4.0 of the Development Guidelines and Public Works Standards, and requires 54-feet of right-of-way.
46. All other roadways within the subdivision shall be constructed to Minor Local Residential roadway standards, per detail 4-4.1 from the Development Guidelines and Public Works Standards. Minor Local Residential roadways require 50-feet of right-of-way.
47. Access tracts 'B' and 'C' shall be constructed as paved, 20-foot roadways with rolled curb and gutter on one side of the tract and a five-foot sidewalk, six inches thick, (or other design as approved by the City) tying to Road 'B.'
48. Where the major local residential roadway connects to 6th Avenue and to 15th Avenue, the roadway at the intersection shall meet Major Collector Type II standards. The Applicant shall confirm access points to 15th Avenue and 6th Avenue are properly designed prior to submittal of the civil drawings.
49. The traffic mitigation identified as of December 22, 2021 is \$94,254.67 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).
50. The Traffic Impact Analysis is approved based on the recommendation from Chris Stolberg, City of Lacey Transportation Engineer. All mitigation measures volunteered by the developer and mitigation required by the City and reviewing agencies shall be satisfied.

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.

51. 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 timeline 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).

52. 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).
53. 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).
54. 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).
55. A sign permit shall be issued by the City of Lacey prior to the installation of any signs on the subject site (LMC 16.75).
56. All applicable requirements of the City Zoning Code shall be satisfied (LMC Title 16).
57. The Applicant/Developer shall be responsible for obtaining all applicable permits required for the project, including National Pollutant Discharge Elimination System Permit (NPDES), ORCAA permits, and any others. These permits will require additional review time from the appropriate agencies.
58. A Homeowners' Association shall be established to insure proper maintenance of common facilities within the single-family subdivision. In order to insure proper responsibility and authority to carry out necessary maintenance activities, the Homeowners' Association shall, at a minimum, include the following provisions:

- a. Membership in the Homeowners' Association will be mandatory for all lot owners.
- b. The Homeowners' Association shall have the power to levy fees and dues necessary to successfully accomplish necessary activities.
- c. The Homeowners' Association shall have the provision for the collection of attorney fees extended in collecting delinquent assessments from lot owners.
- d. Responsibility of the Homeowners' Association in maintenance of common areas shall be specifically detailed.

Assessment of the Association dues shall initially be established by the Applicant and approved by the Department of Community Development. Protective covenants and declarations establishing the Homeowners' Association shall be approved by the Department of Community Development as adequate to satisfy the intent and the function of this condition to assure proper maintenance of common facilities.

59. Approved 20-foot-wide all-weather fire apparatus access roads shall be provided to within 150-feet of all exterior portions of the buildings at ground level. The fire apparatus access roads shall be located not less than 10 feet from the building (IFC Section 503.1).
60. The inside turning radius of the fire lane shall be 28 feet (IFC Appendix D).
61. An approved fire department turn around may be required if the fire department access road has a dead end in excess of 150 feet (IFC 503.2.5).
62. Four-inch address numbers shall be provided on the building in a location facing the fire apparatus access roadway. The numbers shall contrast with the building colors (IFC Section 505.1; LMC 14.07.015).
63. Approved fire lane marking shall be provided where necessary to discourage obstructions by the parking of private vehicles. The City of Lacey Fire Code Official shall conduct a site inspection following completion of the road surfaces to determine the location of fire lane markings (IFC Section D103.6; LMC 14.07.015).
64. All applicable requirements of the 2018 edition of the International Fire Code and most recently published NFPA shall be satisfied.
65. The City of Lacey fire code official shall conduct the necessary inspections or witness required tests to ascertain compliance with applicable codes. The Applicant shall contact the City of Lacey to schedule required inspections; inspections shall be requested a minimum of 24 hours in advance.

66. The project shall comply with all of the codes and ordinances adopted by the City of Lacey, including the 2018 International Building Code, 2018 International Fire Code, and the 2018 International Existing Code.
67. When connection to the public water system is required for development of a property where there is an existing well exempt from the provisions of the Revised Code of Washington 90.44.050, the ‘exempt’ well shall be properly decommissioned per the Department of Ecology (DOE) Standards prior to making connection to the public system. When connection to the public water system by a customer with a well with a water right issued by the Department of Ecology, a physical disconnect between the well and the public water system shall be made and maintained. This is to ensure that the well will not contaminate the public water supply. Provided the well is in compliance with Ecology setback standards and purpose of use restriction on the customer water right for the well, the customer’s ‘permitted’ well may be kept serviceable for irrigation purposes only. If the well is to remain for irrigation purposes, a Reduced Pressure Backflow Assembly (RPBA) is required and shall be installed as premise isolation at the public water supply service connection. If the existing well is not to be used for irrigation, then it shall be decommissioned per Ecology 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).
68. For irrigation lines located in the right-of-way, the following shall be on the plat:
“The Homeowners Association Owners will be responsible for maintaining and locating all irrigation lines located in the public right-of-way” (DG&PWS, Water, Irrigation 6.210).
69. Water system improvements shall meet the requirements of the City of Lacey, the Coordinated Water System Plan (CWSP), Department of Health (DOH), City of Lacey Water System Plan, AWWA, Department of Ecology, Thurston County Environmental Health, and the City of Lacey Fire Code Official’s standards. Actual main size, loop closures, and possible off-site improvements, including the number and location of fire hydrants, will depend on fire flows required and available to the site (DG&PWS, Water 6.010).
70. All wells located on-site, or within 100-feet of the proposed plat, shall be shown with their protective radii on the plat maps (DG&PWS, Subdivisions and Short Plats, Chapter 2 – plat checklist).
71. Water mains shall be extended on the north or east sides of roadways or drive aisles, six feet off centerline (DG&PWS, Water 6.020).

72. To ensure adequate water is present for the project, modeling of the water system shall occur. The contact for water modeling is Brandon McAllister at (360)491-5600.
73. The water meter shall be purchased prior to the issuance of each building permit (DG&PWS, Water 6.121).
74. If utility extensions are required for the project that require roads paved in the last five years to be 'cut', a disruption fee will be charged in accordance with LMC 12.16.055.
75. New sewer main extensions shall be on the South or West side of each roadway or drive area six feet off centerline. Along Abernethy Road, 6th Avenue, and 15th Avenue sewer mains shall be installed in locations as approved by the City.
76. All structures shall be connected to sanitary sewer. Public mains with associated appurtenances shall be installed to serve the project with sewer (DG&PWS, Sewer 7A.010).
77. Sewer stubs shall be provided for each parcel for connection of each building to the public main.
78. Sanitary sewer improvements associated with this project shall meet the requirements of the City of Lacey Comprehensive Sanitary Sewer Plan, Thurston County Department of Health, Washington State Department of Health, the LOTT Cleanwater Alliance and the Department of Ecology (DG&PWS, Sewer 7A.010 and Subdivisions and Short Plat 2-21).
79. The 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 the formatting and content requirements described in Chapter 3 of the 2016 Stormwater Design Manual.
80. A final stormwater site plan, including a drainage report and drainage plans in conformance with current Stormwater Design Manual standards shall be submitted prior to final Public Works civil approval. Key elements to be part of the report include: the project engineers certification; descriptions of how each of the Core requirements are being addressed; construction SWPPP; basin map and plan drawings; hydrologic modeling inputs and results (including 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).
81. The project shall retain, disperse, and infiltrate stormwater on-site to the maximum extent feasible. Design of infiltration facilities requires site infiltration analysis, to determine

wet-season soil and groundwater conditions and to establish a long-term design infiltration rate (SDM 2.2.5 & 7.2).

82. In order to provide for long-term maintenance access to the stormwater facility, the maximum depth of an infiltration facility is 20-feet below the surrounding finished (developed) ground elevation (SDM).
83. The following note shall be on the face of the civil engineering drawings:
‘Roof downspout infiltration systems shall be placed on each lot being developed and shall be sized to accommodate storm runoff per the City of Lacey 2016 Stormwater Design Manual.’
84. If site conditions cannot support downspout infiltration or dispersion systems, a note shall be included on the civil drawings indicating that roof and foundation drains shall be tied into the stormwater system with perforated stub out connections (SDM 2.2.5 and 7.4.10).
85. 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.
86. A Stormwater Facility Maintenance Plan, per chapter 3 of the 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. The maintenance manual shall also 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.
87. Clearing, grading, and other soil disturbing activities shall be prohibited between October 1 and April 30, unless shown to the City of Lacey that sediment-laden runoff will be prevented from leaving the site (SDM 5.2.3).
88. Post utility/roadway construction site stabilization improvements as shown on the erosion control plans on the approved civil drawings shall be completed prior to issuance of building permits for construction of buildings associated with the site. Elements of the plans shall include, but are not limited to, placing straw, provide concrete wash areas, and other best management practices to assure erosion of the site does not occur.
89. Residential subdivisions shall provide signage to enhance protection of the storm drainage system. Signage for stormwater facilities and pet waste stations is a condition

of approval and shall be installed by the developer prior to final Public Works approval. Details of signage are available at the City of Lacey.

90. All residential projects that abut a boulevard, an arterial, or any class collector street are required to establish a 20-foot buffer from such street. The buffer shall be a separate tract of land, 20-feet in width, with in the subdivision and is to be maintained by the homeowners association (DG&PWS, Transportation 4B.065).
91. Street lighting levels shall satisfy City of Lacey requirements for roadways and intersections. If street lighting does not meet current City of Lacey standards, additional lighting shall be required for all streets adjacent to the project to assure it is in conformance with spacing standards. All streetlight designs shall be prepared by an engineering firm capable of performing such work. (DG&PWS, Transportation, Illumination 4E.010).
92. Fiber optic conduit shall conform to the standards and requirements as set forth in Chapter 4 (Transportation) from the Development Guidelines and Public Works Standards (DG&PWS Transportation 4E.035).
93. Minimum intersection curb radii and centerline radius requirements must be satisfied. All radii shall be labeled on the final plat (DG&PWS 4B.020).
94. Street trees per requirements of the Development Guidelines and Public Works Standards shall be planted in planter strips and medians (DG&PWS, Transportation 4G.100).
95. 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 shall provide a copy of the billing statement to the City. If service has not been established, the Applicant shall provide the following information to the City: project name; service meter's number, address of the service meter; owner's contact number and address; and the type of items 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 herein, or a copy of a previous billing statement, the service will remain in the Applicant's/Owner's name and they will be responsible for payment of bills until such time as the information is received by the City.
96. Access shall be provided to the property owner 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 (DG&PWS, Transportation 4B.025).

97. All existing and proposed driveways associated with the plat shall be shown on the civil plans (DG&PWS, Subdivisions and Short Plats 2-2.1)
98. Roadway sections cannot be constructed in saturated ground areas. If separation from the water table cannot be obtained, the site must be filled to accommodate the roadways.
99. The following notes shall be included on the plat:
 - ‘The City of Lacey has no responsibility to build, improve, maintain (including stormwater improvements), or otherwise service the private roads and/or alleys within or providing access to the property described in this plat’ (LMC 15.32.190).
 - ‘The homeowners association 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).
100. Utility easements are required for all water and sewer mains located on private property. Easements shall be included for 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. All easements shall be identified as ‘utility’ easements on the civil drawings and in the easement documents. Specific requirements will be determined at the time of plan review. All easements shall be prepared by a licensed land surveyor and submitted prior to release of approved civil drawings (DG&PWS Chapter 3.110).
101. 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).
102. City of Lacey vertical datum has elevations referenced to the National Geodetic Vertical Datum of 1929 (NGVD29). Units are expressed in feet. A benchmark listing can be obtained from the Lacey Public Works Department. Civil drawings shall be submitted utilizing the City of Lacey Vertical Datum (DG&PWS 3.025).
103. Right-of-way shall be dedicated for a subdivision. 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 prepared by a professional land surveyor and shall be submitted to and approved by the City prior to plan approval (DG&PWS, Transportation 4B.060).
104. A 10-foot joint utility easement, immediately adjacent to the public right-of-way (all roadways – both sides of each roadway) shall be dedicated to accommodate the

installation of private and public utilities (2017 Development Guidelines and Public Works Standards, Roadway Details).

105. All improvements shall satisfy City of Lacey Development Guidelines and Public Works Standards in effect at the time of complete application, as determined by the Department of Community and Economic Development.
106. All Public Works improvements shall be designed by an engineer licensed in the State of Washington and shall be submitted to the City of Lacey Public Works Department for review and approval (DG&PWS 3.040).
107. Land use approval shall be obtained prior to submitting Public Works civil drawings.
108. All structures associated with the site shall be connected to City of Lacey utilities (DG&PWS 6.010 & 7A.010).
109. Prior to civil drawing approval, one paper set of drawings, with a PDF copy of the drawing report and civil drawings shall be submitted for all approved final plans (DG&PWS Chapter 3.040B).
110. Prior to final Public Works Construction approval, “as-built” bonded paper drawings, with the revised civil drawings in AutoCAD and PDF formats, shall be submitted for all approved final plans (DG&PWS, Chapter 3.040J).
111. Certificate of Occupancy for the buildings will not be issued until all improvements shown on the civil plans are installed by the Applicant and approved by the City (DG&PWS 4B.080).
112. 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 and irrigation in public rights-of-way, roadway and street lighting improvements (LMC 14.20.025).
113. With the civil review application and completed, signed, and stamped checklist from Chapter 3 of the Development Guidelines and Public Works Standards, please submit three sets of civil drawings, two drainage reports and one electronic copy of the civil drawings (pdf format) directly to the Public Works Department. Drawings submitted to other departments as a part of their approval process will not satisfy this requirement (DG&PWS 3.030B).

114. The following language shall be state on the final plat:
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 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 and approval (DG&PWS, Transportation 4G.100D)
115. The following language shall be on the face of any easement documents submitted for the project:
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.
116. A bill of sale for water, sewer, and street lighting improvements installed for the project shall be submitted to the Public Works Department prior to final Public Works approval of the project.

Recommended this 21st day of July 2021.



ANDREW M. REEVES
Hearings Examiner
Sound Law Center