

1 **BEFORE THE HEARING EXAMINER FOR THE CITY OF LACEY**

2 Phil Olbrechts

3 RE: Morel Meadows PRD 4 Preliminary Plat and PRD 5 File No. 23-0180	<b>FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL DECISION</b>
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7 **SUMMARY**

8 DR Horton is requesting approval of a 179-lot preliminary plat and planned residential  
9 development (PRD) for a 32-acre project site located at 8322 Steilacoom Road SE. DR  
10 Horton also requests approval of a Class IV forest practices permit for the project site.  
The applications are approved subject to conditions imposed at the end of this decision.

11 The project drew several comments from neighbors. The primary concerns were traffic  
12 and protection of oak trees. As to traffic, the proposal will not increase traffic beyond  
13 that generated by the prior use of the site as a mushroom facility. Since the project  
14 won't be increasing off-site traffic over historical use, the Applicant can't be required  
15 to provide additional off-site traffic mitigation. Under several Washington and United  
16 State supreme court cases, cities are prohibited from requiring a developer to mitigate  
17 more than its own proportionate share of impacts. *See, e.g. Dolan v. City of Tigard,*  
18 *512 US 374 (1987); Nollan v. California Coastal Commission, 483 US 825 (1987).*

19 DR Horton has adopted significant mitigation to protect the oak trees. The oak trees  
20 are protected by City regulations. As required, DR Horton will retain the majority of  
21 the oak tree stands, which are located along the northern and eastern perimeter of the  
22 project site. The retained oak stands will create a minimum 20-foot buffer along these  
23 perimeters, serving as an effective and aesthetic buffer to surrounding residential uses.  
24 The large, consolidated tree preservation area will likely preserve the habitat functions  
25 of the trees. DR Horton's habitat management plan is missing some required  
information as outlined in Finding of Fact No. 5A below. A condition of approval  
requires the plan to be supplemented with the missing information.

22 **ORAL TESTIMONY**

23 A computer-generated transcript of the hearing has been prepared to provide an  
24 overview of the hearing testimony. The transcript is provided for informational purposes  
25 only as Appendix A. The transcript is not intended to provide a precisely accurate  
rendition of testimony but generally identifies the subjects addressed during the hearing.

## EXHIBITS

Exhibits 1-21 identified in the Exhibit List prepared by staff were admitted during the public hearing. The following documents were also admitted into the record during the December 14, 2023 hearing:

Exhibit 22: 12/13/23 Letter from Nancy Poultney  
Exhibit 23: 12/7/23 Arsenic and Lead Soil Sampling and Testing Report  
Exhibit 24: 12/8/23 Enviro Vector Critical Areas Report  
Exhibit 25: 9/18/23 Draft Drainage Control Plan  
Exhibit 26: Civil Plans  
Exhibit 27: Revised Conditions

## FINDINGS OF FACT

### Procedural:

1. Applicant. SSHI, LLC dba D.R. Horton, 11241 Slater Avenue NE, Suite 200 Kirkland, WA 98033
2. Hearing. A hybrid in-person and Zoom hearing was held on the application on December 14, 2023 at 10 am.

### Substantive:

3. Site Proposal/Description. DR Horton is requesting approval of a 179-lot preliminary plat and planned residential development (PRD) for a 32-acre project site located at 8322 Steilacoom Road SE. DR Horton has also applied for a Class IV forest practices permit.

The purpose of going through a PRD in this case is to reduce required lot size. The Applicant is not seeking to increase maximum authorized density. Minimum lot size in the LD zone is 4,500 square feet to 5,000 square feet, contingent on the alley load status of the respective lots. The Applicant proposes lots ranging in size from 2,700 square feet to 4,500 square feet. The alternate lot sizing will enable an increase in open/natural space and preservation of protected Gary Oak trees.

The terrain features gentle to moderate downward slopes, with the steepest inclines measuring approximately 17%. Previously, the location served as the Ostroms Mushroom facility, which has since been decommissioned and abandoned. Remnants of the former production facility, stormwater retention facilities, and various elements of its prior use are currently present on the site. The northern section of the site is densely wooded, housing oak species documented in the forester report exhibit.

4. Characteristics of the Area. The site is bordered by Hawks Ridge Subdivision to the north. The Lacey Fire District 3, Station 34 and the Regional Athletic Complex are located to the south. To the east of the project site is the Rainier Vista mobile home park and to the west is Nisqually Middle School.

1 5. Adverse Impacts. There are no adverse impacts associated with the development.  
2 A SEPA Mitigated Determination of Non-Significance (MDNS) was issued on October  
3 18, 2023. Pertinent impacts are addressed as follows:

4 A. Critical Areas. There are no critical areas at the project site except for Gary  
5 Oak stands that qualify as fish and wildlife conservation areas under the City's  
6 critical areas ordinance. The report notes that there are no wetlands, protected  
7 streams, highwater groundwater hazard areas, "mapped" priority habitats<sup>1</sup> or  
8 FEMA mapped floodways at the project site. With a recommended condition of  
9 approval identified below, the proposal is found to adequately protect the Gary Oak  
10 stands

11 The Applicant prepared a habitat management plan (HMP) that identified and  
12 mapped the presence of oak trees on the project site. Ex. 9. The HMP accurately  
13 identified that six oak stands on the project site qualify as fish and wildlife  
14 conservation areas under LMC 14.33.030 and 14.33.060. The accuracy of the oak  
15 mapping was verified by third party review. See Ex. 9.

16 Curiously, the HMP states at Section 7 that "*No project is proposed at this time.  
17 Thereby, no impacts are anticipated.*" A comparison of the proposed open space  
18 tract in Ex. 26 with the oak trees mapped in the HMP reveals that numerous oak  
19 trees will be removed from the project site. There does not appear to be any  
20 information in the record as to how many oak trees will be removed by the project.  
21 LMC 14.33.116A prohibits all new structures and land alterations within habitat  
22 conservation areas "*except in accordance with this title.*" There is no explanation  
23 in the record as to what provisions of Title 14 LMC, if any, were used to justify  
24 removal of some of the protected oak trees.

25 The HMP recommended mitigation is as follows:

*Recommended mitigation would consist of replacing the existing non-  
native invasive weeds in the understory with native plant species  
typically associated with high quality oak habitat. Perhaps a stormwater  
pond could be installed in the oak area but surrounded by restored oak*

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21 <sup>1</sup> Oddly, the critical areas report doesn't identify the Gary Oak protected habitat. EnviroVector, who  
22 wrote the critical areas report, also wrote the habitat management plan that identifies Gary Oak as a  
23 priority habitat located on the project site. Apparently, the Gary Oak might not have been identified in  
24 the critical areas report because it wasn't "mapped" by the Washington State Department of Fish and  
25 Wildlife.

26 As noted the report found no highwater groundwater hazard area at the project site. However, the  
27 Applicant's stormwater report, Ex. 25, notes that the receiving waters will be Category 1 and Category  
28 2 aquifers. Category 1 and 2 aquifers are critical areas protected by the City's critical areas ordinance  
29 in Chapter 14.36 LMC. The proposed water quality measures taken to protect the aquifers in the  
30 Applicant's drainage plan will be subject to City public works review to assure conformance to Chapter  
31 14.36 LMC aquifer protection standards.

1           *habitat. Another option may be to install oaks as part of the landscaping.*  
2           *Landscaping with the Oregon white oak and associated native plant*  
3           *species would improve oak habitat on the subject property. Oaks could*  
          *be preserved in open space areas or tree tracts as part of a mitigation*  
          *strategy.*

4           There is no condition of approval recommended by staff that requires conformance  
5           to the HMP mitigation above. LMC 14.33.116E requires that mitigation shall  
6           achieve equivalent or greater biological function. There is no opinion from a  
7           qualified expert anywhere in the record that conformance to the mitigation above  
          within the open space tracts of the proposal will achieve equivalent or greater  
          biological function.

8           At hearing the Applicant submitted civil plans, Ex. 26, that designate areas where  
9           understory will be replaced with native plant species. A condition of approval  
10          requires that the HMP be revised to identify how many protected Gary Oak will be  
11          removed by the project and that the proposed mitigation in Ex. 26 will achieve  
12          equivalent or greater biological function as required by LMC 14.33.116E. The  
          added information and mitigation shall be verified by third party review. The HMP  
          shall also identify how the proposed removal of protected trees is done in  
          accordance with Title 14 LMC as required by LMC 14.33.116A.

13          B.     Trees. The proposal provides for adequate protection of trees through  
14          demonstrated compliance with the City’s tree retention standards.

15          In addition to protection of the Gary Oak as fish and wildlife conservation area in  
16          the City’s critical areas ordinance, the City also has tree retention standards that  
17          apply to all trees. LMC 14.32.064A requires tree tracts for subdivisions that cover  
18          five percent or more the project site. Staff calculated that the site will require tree  
19          tract areas equal to at least 1.6 acres or 69,696sf. Once the subdivision receives  
20          final approval, the ordinance requires trees to be planted on each individual lot as  
21          they are developed based on a tree to lot size ratio specified in LMC Table 14T-18.  
22          As an example, lots 3,500 square feet or smaller are to have a minimum of two  
23          trees. Trees are to be conifers a minimum of 7 to 8 feet in height or 2” caliper  
24          deciduous trees. Replanting plan typical for individual lots shall be submitted prior  
25          to final plat approval identifying the type and location of trees on a typical lot to  
          ensure that appropriate tree species and planting locations are selected for the best  
          possible long-term growing conditions. This shall be submitted with the overall  
          landscaping plans and shall be subject to the review and approval of the City of  
          Lacey contract forester. Condition No. 7 requires trees to be planted prior to the  
          building department issuance of a certificate of occupancy for the individual  
          parcels. The minimum tree per lot thresholds are triggered by any land disturbance  
          on a lot including building construction. Typically, this requirement is triggered by  
          an application for building permit, and is a requirement for all lots within the City.

1 C. Compatibility. The proposal is compatible with surrounding development.  
2 Most significantly, the 10-acres of open space separate and buffer the proposed  
3 development from the residential development to the north and east. The uses to  
the south and west, an athletic complex, a middle school and a fire hall, will not be  
adversely affected by the proposal.

4 D. Tacoma Smelter Plume. As identified in correspondence from the  
5 Washington State Department of Ecology, Ex. 20, the This project is located in an  
6 area that may have been contaminated with heavy metals due to the air emissions  
7 originating from the old Asarco smelter in north Tacoma. Soil contamination from  
8 the old Asarco poses risks the human health and the environment. The project  
9 MDNS includes a condition requiring soil sampling protocols recommended by  
10 DOE to ensure that the project site is not contaminated, along with measures to be  
taken is contamination is found. At hearing the Applicant identified that soil  
sampling has already been conducted. As reflected in a report on the sampling, Ex.  
23, the Applicant has found that the arsenic and lead levels do not trigger any  
requirements for soil remediation. The report has been submitted to DOE for  
concurrence. DOE makes the final decision on whether any remediation is required.

11 6. Adequacy of Infrastructure/Public Services. The project will be served by adequate  
12 and appropriate infrastructure and public services. Overall, city staff with significant  
13 expertise have closely reviewed all infrastructure needs of the project and  
14 recommended dozens of conditions and project revisions to assure compliance with the  
15 City's infrastructure standards, compliance of which establishes appropriate and  
adequate infrastructure. As shown in Ex. 20, the City's building and fire code specialist  
16 reviewed the proposal for conformance to the fire code, the City's traffic engineer  
17 reviewed the proposal for conformance to traffic standards, the City's water resource  
engineer reviewed the proposal for conformance to stormwater standards and the City's  
Public Works Division reviewed the proposal for conformance to water and sewer  
standards. Adequacy is more specifically addressed as outlined below:

18 A. Water and Sewer Service. The proposal provides for adequate water and sewer  
19 infrastructure and service. The City of Lacey will provide both water and sewer to  
20 the proposal. Conditions of approval identify what improvements the Applicant  
must install to connect to the City's water and sewer systems.

21 B. Drainage. The proposal provides for adequate and appropriate stormwater  
22 controls. The Applicant has prepared a preliminary storm drainage report, Ex. 25,  
23 that proposes a preliminary stormwater conveyance system that the City's water  
24 resource engineer has reviewed for conformance to the City's stormwater  
standards. Specifically, the proposed stormwater controls have been designed to  
25 comply with the City of Lacey Stormwater Design Manual as governed by Chapter  
14.27 LMC. Those standards require off-site flows and velocities not exceed the  
pre-developed, forested conditions of the project site. Hydrologic modelling is  
employed to identify the stormwater controls necessary to meet this standard. The

1 Manual also imposes rigorous standards for maintaining acceptable levels of water  
2 quality.

3 The Applicant has prepared a draft drainage plan, Ex. 25, to establish compliance  
4 with the Manual. As detailed in Ex. 25, the Applicant proposes to constrict three  
5 bioretention cells for stormwater treatment and tree retention ponds to infiltrate the  
6 stormwater. The Applicant's stormwater design and construction will be subject to  
7 approval by the City's public works department.

8 D. Open Space. The proposal provides for adequate open space since it complies  
9 with the open space requirements to PRDs.

10 The PRD ordinance mandates a 30% allocation for open space. The subject  
11 property proposes the establishment of 10.57 acres of open space, constituting  
12 approximately 35% of the total area. The proposed open space design encompasses  
13 the preservation of trees, including several oak groves, and vegetative buffers along  
14 the site's perimeter. Active recreation elements comprise a community playground  
15 serving dual roles as both a recreational space and a community courtyard.

16 The staff report identifies that "*a network of walking paths and trails,*  
17 *complemented by extensive landscaping, will interconnect various open space and*  
18 *community areas.*" LMC 16.60.140A3 provides that for open space areas  
19 protecting tall trees, "[t]o the extent possible, trail networks should be integrated  
20 with these areas." The civil plans in Ex. 26 don't appear to show any such walking  
21 paths or trails beyond sidewalks. Condition No. 7 requires that such trails be  
22 depicted in the Applicant's landscape plans.

23 Incorporating stormwater drainage into open space areas with vegetated features is  
24 part of the plan, and the storm drainage site will be strategically positioned in the  
25 lower portions of the site to preserve the land's natural characteristics.

26 The site's location is also conducive to utilizing the Regional Athletic Complex,  
27 which houses multiple ball fields for recreational purposes. Although not included  
28 in the overall acreage for site open space calculation, this facility should be taken  
29 into consideration.

30 F. Streets and Traffic. The proposal provides for adequate streets and roads.

31 Two access points are proposed for the project site. The first access will be through  
32 the existing road access the south of the site from Steilacoom Rd SE. A secondary  
33 access is proposed on the west side of the project site off of Marvin Rd SE. As  
34 reflected in the recommended conditions of approval, frontage improvements will  
35

1 be required along Steilacoom and Marvin roads requiring conformance to the City's  
2 street design standards.

3 The City's traffic division has determined that no traffic mitigation is required  
4 because the project will generate less traffic than the prior use of the site as the  
5 Ostrom's Mushroom facility. The Mushroom facility generated 152 AM peak trips  
6 and 165 PM peak trips. In contrast, the proposed use anticipates 125 AM peak trips  
7 and 168 PM peak trips, a reduction of 27 AM trips and an increase of 3 PM trips,  
8 resulting in a net reduction of 24 trip.

9 H. Schools. The proposal makes adequate provisions for schools. As required  
10 by City ordinance, school impact fees will be collected prior to issuance of the  
11 building permit for each residential building. Fees shall be forwarded to the North  
12 Thurston School District and shall be as generated by the formula for calculating  
13 impacts fees as set forth in the Capital Facility Plan for the North Thurston School  
14 District, which has been incorporated by reference into the Lacey Municipal Code.

## 15 CONCLUSIONS OF LAW

### 16 **Procedural:**

17 1. Authority of Hearing Examiner. Section 1C.050 of the City of Lacey Development  
18 Guidelines and Public Works Standards, as recently amended by Lacey Ordinance No.  
19 1650, provides that the hearing examiner shall hold hearings and make final decisions  
20 on quasi-judicial permit applications.

### 21 **Substantive:**

22 2. Zoning. The project site is zoned LD, Low Density Residential.

23 3. Review Criteria and Application. LMC 15.10.090 sets forth the criteria applicable  
24 to subdivision review. Applicable criteria are quoted in italics and applied via  
25 associated conclusions of law. The findings and conclusions in the staff report  
regarding conformance to PRD criteria and the Class IV Forest Practices<sup>2</sup> application

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<sup>2</sup> The staff report and record contain very little information on how the project meets  
Class IV permit criteria. The public notice for the hearing fails to identify that one of  
the permits under review was a Class IV permit. This is likely why Examiner Reeves  
was uncertain at the hearing as to whether such a permit was under consideration.  
However, the combination of Gary Oak analysis in Exhibits 8 and 9 along with the  
numerous conditions requiring protection of retained trees provide the tree assessment,  
protection and retention contemplated in the Class IV standards delineated in LMC

1 are adopted by reference to conclude that the proposal meets the criteria for those  
2 applications.

3 **LMC 15.10.090:** *The hearings examiner's obligation to review the preliminary plat  
4 shall be as follows:*

5 *A. To assure conformance of the proposed subdivision to the general purposes of this  
6 chapter, all elements of the Comprehensive Plan and implementing legislation  
7 including the Zoning Code (LMC Title 16), the Development Guidelines and Public  
8 Works Standards, and other applicable planning standards, specifications and policies  
9 adopted by the city council shall be considered;*

10 4. Criterion met. The criterion is met. As identified in Finding of Fact No. 6,  
11 conformance to the City's development standards is verified through the work of  
12 several City qualified professionals, the result of which is the several dozen staff  
13 recommended conditions. As identified in the staff report, the proposal is consistent  
14 with the City's comprehensive plan and all pertinent zoning standards, including PRD  
15 standard and those necessary to justify the proposed reduction in lot sizes. From this  
16 staff review and application of the preliminary plat criteria, it is concluded that the  
17 proposal at this stage of conceptual development review meets all applicable City  
18 development standards.

19 **LMC 15.10.090B:** *To inquire into the public use and interest proposed to be served  
20 by the establishment of the subdivision and/or dedication, the examiner shall determine  
21 if appropriate provisions are made for, but not limited to, the following:*

22 *1. Prevention of overcrowding. Consideration shall be given to designations of the  
23 Comprehensive Plan and Zoning Code, and the requirements of the Development  
24 Guidelines and Public Works Standards in consideration of the physical characteristics  
25 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.*

5. Criterion met. The criterion is met. The proposal does not result in overcrowding  
since the proposal will be served by adequate and appropriate facilities as determined  
in Finding of Fact No. 6 while also protecting natural resources as required by the City's  
Critical Areas Ordinance and tree preservation standards as determined in Finding of  
Fact No. 5A and 5B. Further, the densities of the project site have been set in part to

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14.32.060B2. For these reasons, the proposal is found to meet the criteria for Class IV  
forest practices approval.

1 accommodate the growth targets of the Growth Management Act, which in essence sets  
2 state-wide policies on what should be considered overcrowding in urbanized areas.

3 **LMC 15.10.090B2:** *Conformance with the Transportation Plan and Development*  
4 *Guidelines and Public Works Standards to facilitate traffic circulation on the streets*  
5 *and highways. Proposed streets must be aligned or built in such a way as to best*  
6 *facilitate the movement of pedestrians and vehicles and reduce the possibility of*  
7 *crashes. Traffic calming techniques and other standards of the Development*  
8 *Guidelines and Public Works Standards will be required. Key pedestrian intersection*  
9 *improvements for pedestrians will be considered where so designated on the*  
10 *Comprehensive Plan Map.*

11 6. Criterion met. The criterion is met. As noted in Finding of Fact No. 6, the project  
12 has been reviewed by the City's public works department and has been significantly  
13 conditioned to assure conformance to the City's street design standards, which assures  
14 safe and efficient vehicular and pedestrian circulation. As shown in the civil plans, Ex.  
15 26, interior streets will have sidewalks and the conditions of approval require sidewalks  
16 along project frontage on Marvin and Steilacoom streets. As noted in Finding of Fact  
17 No. 6, the proposal will generate less traffic than the prior use of the site, so the  
18 surrounding road network has already been designed to accommodate the traffic of the  
19 proposal.

20 **LMC 15.10.090B3:** *Meeting requirements of the Zoning Code (LMC Title 16) and*  
21 *Design Review (Chapter 14.23 LMC) to provide adequate light air and privacy by*  
22 *meeting setbacks, dimensional standards, yard areas and design principles. Assurance*  
23 *that the plat is arranged in such a way that all lots have adequate light, air, and*  
24 *opportunity for privacy.*

25 7. Criterion met. The criterion is met. Considerations of light, air and privacy have  
been balanced under the City's PRD ordinance to allow homes on smaller lots in  
exchange for more open space. As determined by City staff, the proposal meets the  
City's PRD standards and setback standards and thus provides for adequate light, air  
and opportunity for privacy.

**LMC 15.10.090B4:** *Satisfying principles, goals and policies of the Comprehensive*  
*Plan and Parks and Recreation Comprehensive Plan 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 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.*

1 8. Criterion met. The criterion is met. All interior streets have sidewalks that connect  
2 to frontage sidewalks along Steilacoom and Marvin Roads. Semi-centralized open  
3 space provides additional pedestrian connections to the interior roads. The Nisqually  
4 Middle School and the Lacey Regional Athletic Complex are literally across the street  
5 from the project site, thus enabling the required frontage improvements to provide safe  
6 access to these major facilities. As noted in Finding of Fact No. 6, public works have  
7 reviewed the proposal for conformance to the City's public works standards, which  
8 includes design and safety standards for pedestrian facilities.

9 **LMC 15.10.090B5:** *Conformance with goals, policies and standards of the Parks and  
10 Recreation Comprehensive Plan and standards of this title for provision of adequate  
11 recreation and open space and buffers. Sufficient guaranteed open space and  
12 recreational areas shall be designed and provided to adequately serve the subdivision.  
13 Plans for connectivity between subdivisions and throughout neighborhood areas shall  
14 be provided to residents of the subdivision and shall be implemented in the design of  
15 each subdivision. This shall include trail systems, key pedestrian intersection concepts,  
16 sensitive area buffers and corridors with trails systems and other global circulation  
17 concepts (including more than just the local circulation of the individual subdivision)  
18 for the neighborhood and community.*

19 9. Criterion met. The criterion is met. As determined in Finding of Fact No. 5A, 5B  
20 and 6D, the proposal provides for adequate and appropriate open space, trees and  
21 critical areas. Sufficient connectivity is assured through required frontage  
22 improvements. No additional potential for addition connectivity to adjoining uses is  
23 evident from the record.

24 **LMC 15.10.090C:** *To consider the physical characteristics of the proposed  
25 subdivision site. The hearings examiner may recommend disapproval because of flood,  
inundation or wetland or other sensitive area conditions pursuant to the standards of  
LMC Title 14. 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:*

- 26 1. *All such proposals are consistent with the need to minimize flood damage;*
- 27 2. *All public utilities and facilities, such as sewer, gas, electrical and water systems  
28 are located, elevated and constructed to minimize or eliminate flood damage;*
- 29 3. *Adequate drainage is provided so as to reduce exposure to flood hazards; and*
- 30 4. *Other purposes as described in the implementing legislation of LMC Title 14 are  
31 achieved.*

10. Criterion met. The criterion is met. As noted in Finding of Fact No. 5A, there are no mapped floodplains at the project site. As further noted in Finding of Fact No. 6B, the City’s stormwater regulations prohibit generation of off-site flows that exceed pre-developed, forested conditions. Given these parameters, the proposal will not involve any construction that increases the risk of flood damage.

### DECISION

The proposed preliminary plat, PRD and Class IV forest practice applications are approved subject to the conditions identified below. As conditioned, the proposal is found to be consistent with all applicable development regulations for the reasons identified in the Conclusions of Law above:

1. This proposal shall be developed in substantial conformance with the plans submitted on June 21, 2023, except as modified by the conditions below.
2. All requirements of the MDNS issued on October 18, 2023 shall be satisfied.
3. Prior to building permit issuance, the developer shall receive Residential design review and landscaping review.
4. Tree tract locations and calculations shall be clearly identified on a revised site plan, as well as landscaping plans. Plans shall be reviewed and approved by Planning staff and Sound Urban Forestry before submittal of building and grading permits.
5. No trees shall be removed until a grading permit has been issued. Grading plans shall be designed to consider tree retention on the site. Prior to any site clearing and/or construction activities occurring all tree protection fencing shall be placed around the perimeter or the tree protection and tree tract areas, and around any individual trees selected to be retained. Tree protection fencing shall be shown on the grading plans for the proposed project. A protection plan shall be submitted for review by Sound Urban Forestry.
6. 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.
7. 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, including any replacement trees required by Chapter 14.32 LMC, as

1 well as a specific time line for completion of the improvements. A separate irrigation  
2 plan must also be submitted showing the location of all irrigation lines, location of  
3 sprinkler heads, and approximate coverage areas. The plans must include a note stating  
4 that the property owner is responsible for maintaining all plants in a healthy growing  
5 condition for the life of the project. All requirements of Chapter 16.80 of the Zoning  
6 Code shall be satisfied. (LMC 16.80). All required landscaping and replacement trees  
7 shall be installed prior to issuance of a certificate of occupancy. The landscaping plans  
8 shall include a network of trails in the proposed open space as encouraged by LMC  
9 16.60.140A3.

10 8. A detailed estimate from a landscape installer must be submitted to the Planning  
11 Department. The estimate should include all costs associated with installing  
12 landscaping and irrigation as called out on the approved plans, including labor. (LMC  
13 16.80)

14 9. A letter of credit or assignment of savings must be provided to the Planning  
15 Department in the amount of 150 percent of the above-mentioned landscape  
16 estimate. The City shall release this financial security once the landscaping for the  
17 project is installed and approved by the Planning Department and a financial security  
18 is in order to ensure that all plant materials are properly maintained. This security  
19 device shall be in the amount of 20 percent of the value of the vegetative  
20 improvements and shall be held for a period of one year. (LMC 16.80)

21 10. A note shall be placed on the face of the landscaping and irrigation plans stating  
22 that any irrigation lines placed within tree protection zones established for the project  
23 must be installed in such a manner as to not cause damage to the root protection zone,  
24 such as by cutting roots, digging trenches, operation of machinery, etc. Special care  
25 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)

11. Prior to site construction activity the contractor completing any tree removal or  
logging work shall sign and submit the "Acknowledgement of Responsibilities for  
Professionals Doing Tree Removal in the City of Lacey". The form shall be submitted  
to the Planning Department prior to issuance of the grading permit.

12. 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.

1 13. All applicable requirements of the City Zoning Code shall be satisfied (LMC Title  
2 16).

3 14. The applicant/developer shall be responsible for obtaining all applicable permits  
4 required for the project, including National Pollutant Discharge Elimination System  
5 Permit (NPDES), Forest Practices Application, and any others. These permits will  
6 require additional review time from the appropriate agencies.

7 15. A Homeowners' Association shall be established to insure proper maintenance of  
8 common facilities. In order to insure proper responsibility and authority to carry out  
9 necessary maintenance activities, the Homeowners' Association shall, at a minimum,  
10 include the following provisions:

11 a. Membership in the Homeowners' Association will be mandatory for all lot  
12 owners.

13 b. The Homeowners' Association shall have the power to levy fees and dues  
14 necessary to successfully accomplish necessary activities.

15 c. The Homeowners' Association shall have the provision for the collection of  
16 attorney fees extended in collecting delinquent assessments from lot owners.

17 d. Responsibility of the Homeowners' Association in maintenance of common areas  
18 shall be specifically detailed.

#### 19 Building & Fire:

20 16. One fire hydrant shall be installed, tested and approved prior to building permit  
21 issuance. (LMC 14.07.501.4.) Fire hydrants shall be provided every 660 feet in  
22 accordance with IFC table (C102.1) and (LMC 14.07) for the building. Fire hydrants  
23 shall be placed no closer than 40 feet from the building or structure protected unless  
24 approved by the Fire Code Official.

25 17. The required fire-flow for the building's shall be not less than 750 gpm for 2 hours  
in accordance with IFC Appendix B. This is based on building square footage not being  
provided for the largest building on the site. Said fire-flow is based on square footage/  
building construction type, including a 50% credit for the installation of automatic fire  
sprinkler systems. (IFC section 507.1 LMC 14.07.015). The initial calculation is always  
based on type 5b wood framed construction as a worst-case scenario for fire flow. Note:  
The Fire Code Specialist and City of Lacey Water System Engineer will determine fire  
flow based on construction type. As stated above we start with a "worst case scenario"  
fire flow and a larger water main size and can come down from that based on  
construction type and building size.

18. An approved 20-foot-wide all-weather surface fire apparatus access roads shall be  
provided to within 150-feet of all exterior portions of the buildings at ground level to  
meet hose lay. Said fire apparatus access road shall be located not less than 10-feet  
from the buildings. (IFC Section 503.1). Provide a model of Lacey Fire District #3

1 Truck 31 specifications turning movements on civil plans for fire code review. The fire  
2 access road shall be able to handle imposed loads of 75,000 lbs. Note: A temporary fire  
3 access road shall be provided at time of vertical permit issuance. The fire access road  
4 shall be approved by an engineer to handle the loads of fire apparatus. (LMC 14.07)

5 19. Approved 4" minimum address numbers shall be provided on the building in a  
6 location facing the fire apparatus access roadway. The address numbers shall contrast  
7 the buildings color. (IFC Section 505.1; LMC 14.07.015)

8 20. Approved fire lane marking shall be provided where necessary to discourage  
9 obstructions by the parking of private vehicles. Upon completion of final road surfaces  
10 and curbing construction, the City of Lacey Fire Code Official shall perform a site  
11 inspection to determine locations where fire lane marking will be necessary to  
12 discourage the parking of private vehicles. Said fire lane marking, where applicable,  
13 shall be provided and approved prior to final occupancy approval. IFC Section D-  
14 103.6; LMC 14.07.015

15 21. Please note we are under the International Fire Code 2018 Edition and all NFPA  
16 code requirements of the most recent year published.

17 22. The City of Lacey fire code official shall conduct the necessary inspections or  
18 witness required tests to ascertain compliance with applicable fire codes. The applicant  
19 shall contact the City of Lacey Building Department, at (360) 491-5642, to schedule  
20 the required inspection or to request witness of required tests. At least 24 hours shall  
21 be allowed for scheduling. (IFC Section 106.2)

22 23. The proposed project shall comply with the applicable requirements of the 2018  
23 International Building Code, 2018 International Fire Code, the 2018 Washington State  
24 Energy Code and all other codes adopted by the City of Lacey.

25 24. A demo permit is required from Olympic Regional Clean Air Authority prior to  
demo permit submittal to the City of Lacey Community and Economic Development  
Department for building permits.

26 25. A grading permit is required for the proposed scope of work.

27 26. Energy calculations shall be submitted with the architectural plans. The energy  
28 calculation form can be found on The City of Lacey website under Community and  
29 Economic Development Building Code Division forms.

30 27. A third-party special inspection testing agreement form is required for permit  
31 issuance. The form can be found on the city website under Community and Economic  
Development Building Code Division forms.

32 28. Prior to grading permit issuance, a preconstruction meeting shall be scheduled with  
Dylan Call @ 360-491-5642 or Dcall@ci.lacey.wa.us

1 29. Prior to the buildings going vertical a building preconstruction meeting shall be  
2 scheduled with Carlos Aviles Ortiz @ 360-491-5642.

3 30. A Washington State Licensed Architect and Engineer will be required for the  
4 project.

5 31. Addressing will be assigned by the City of Lacey please contact  
6 Building@ci.lacey.wa.us for assistance.

7 Public Works Department:

8 Specific Water Improvements:

9 32. A 12-inch water main shall be extended internally within the plat from the main in  
10 Steilacoom Road near the SE corner of the project to the main in Marvin Road at the  
11 entrance to the plat, other appropriately sized shall be installed throughout the plat to  
12 provide individual water service to each lot/unit, meet water quality and Lacey Fire  
13 requirements.

14 33. To provide area for both water and sewer mains, proper separation between them  
15 and to allow them to be replaced in the future, Tract 'H' and the alley between lots 140-  
16 150 and lots 151-158 shall have a total width shall of 25-feet.

17 34. Existing City of Lacey water mains shall either be incorporated into the design or  
18 decommissioned as required by the City of Lacey. Structures shall not be located over  
19 active or inactive water mains.

20 35. Existing wells with associated water rights may remain for irrigation purposes.  
21 Wells without water rights shall be decommissioned per Washington State Department  
22 of Ecology standards. If a well is to be used for irrigation, a Reduced Pressure Backflow  
23 Assembly (RPBA) is required and shall be installed as premise isolation at the public  
24 water supply service connection. If the well is to be retained, show the location of the  
25 well with its protective radius. If the well is to be decommissioned and the owner has  
retained the water rights, the City of Lacey may be interested in acquiring these rights.

City of Lacey 2017 Development Guidelines and Public Works Standards Manual  
(DG&PWS, Water, 6.120 E.)

36. SR 510 is a state-owned right-of-way. Prior to work being performed within their  
right- of-way, either a WSDOT approved right-of-way access permit or written  
confirmation from WSDOT that a permit is not required shall be provided.

General Water Improvements:

1 37. For Irrigation lines located in the public right-of-way, in private roadways or alleys,  
2 the following note shall be included on the plat and is a condition of approval: “The  
3 Homeowner’s Association or in the absence of a Homeowner’s Association the  
4 property owner adjacent to the public right-of-way, private roadway or alleys will be  
5 responsible for maintaining and locating all irrigation lines located in these areas”.  
6 (DG&PWS, Water, Irrigation 6.210)

7 38. In addition to all Federal and State requirements, water system improvements shall  
8 meet the requirements of the current City of Lacey City of Lacey Development  
9 Guidelines and Public Works Standards Manual, the Coordinated Water System Plan  
10 (CWSP), Department of Health (DOH), City of Lacey Water System Plan, AWWA,  
11 Department of Ecology, Thurston County Environmental Health and City of Lacey Fire  
12 Code Official’s standards. Actual main size, loop closures, and possible off-site  
13 improvements including the number and location of fire hydrants, will depend on the  
14 fire flows required and available to the site. (DG&PWS, Water 6.010)

15 39. Show all internal wells to remain and adjacent wells within 100-feet of the proposed  
16 plat with their protective radii (this will assure the proposed development will not  
17 impact any wells) (DG&PWS, Subdivisions and Short Plats, Chapter 2 – plat checklist).  
18 If site improvements encroach on existing well radii, provisions shall be made to assure  
19 wells are properly protected.

20 40. Water main extensions shall be on the north/east side of the road or drive area 6  
21 feet from the center line. Water mains shall provide domestic water service to each  
22 parcel, meet water quality and Lacey Fire requirements. (DG&PWS) 6.010, 6.020.

23 41. Unless approved by the City of Lacey, “Dead End” water mains cannot be created  
24 with  
25 this project (DG&PWS, Water 6.020)

42. Domestic water service boxes shall be provided to each lot/new building (if  
duplexes are utilized each side of the duplex must be metered). (DG&PWS 6.120 F)

43. To assure adequate water is present for your project. Modeling of the water system  
shall occur. Please contact Brandon McAllister (360.413.4386) to coordinate the fire  
flow modeling.

44. If utility extensions are needed for the proposed project for roads that were paved  
in the last five years and the roads must be “disrupted”, a disruption fee will be charged  
in accordance with Lacey Municipal Code 12.16.055.

45. The builder/applicant/owner is required to purchase each water meter prior to the  
issuance of each building permit. (DG&PWS Water 6.121)

1 46. Prior to subdivision of land, water and sewer services shall be provided for each lot  
2 created (Lacey Municipal Code sections 15.12.030 and 15.12.040).

3 Specific Sewer Improvements:

4 47. From the existing main in Steilacoom Road (near the SE corner of the project on  
5 Steilacoom Road), 8-inch gravity sewer mains shall be extended on site to service the  
6 plat with sewer. Due to the proposed small lot sizes, there is not adequate room for  
7 grinder systems for lots that cannot be serviced with gravity sewer. If gravity sewer  
8 cannot be utilized for the entire project, lots with grinder system shall be enlarged to a  
9 size that accommodates grinder system restrictions, parcel access needs and  
10 landscaping requirements. To allow for maintenance of grinder systems, tanks shall be  
11 located in the front yards of units. Landscaping shall be limited to prevent roots from  
12 entering the grinder units. Grinder system shall not be located within driveway areas or  
13 other areas that will be driven upon. (DG&PWS Chapter 7, Sewer)

14 General Sewer Improvements:

15 48. All existing on-site septic tanks and drainfields shall be removed per Department  
16 of Ecology and Thurston County Department of Health.

17 49. All proposed structures connected to water shall be connected to sanitary sewer.  
18 (DG&PWS, Sewer 7A.010) Public mains with associated appurtenances shall be  
19 installed to serve the proposed project with sewer.

20 50. Sewer laterals shall be provided to each lot/new building connecting to the public  
21 sewer main.

22 51. Sewer main extensions shall be located 6-feet off the centerline of the street/drive  
23 area on the South or West side. (DG&PWS, Sewer 7A.010)

24 52. In addition to all Federal and State requirements, sanitary sewer improvements  
25 associated with this project shall comply with the current City of Lacey Development  
Guidelines and Public Works Standards Manual, City of Lacey Comprehensive  
Sanitary

Sewer Plan, Thurston County Health Department, Washington State Department of  
Health (DOH), the LOTT Clean Water Alliance and Department of Ecology.  
(DG&PWS, Sewer 7A.010 and Subdivisions and Short Plat 2-21)

53. If gravity sewer cannot be utilized for all lots and grinder systems are proposed for  
portions of this plat, please include the following Grinder easement language on the  
plat document:

**GRINDER SYSTEM PLAT EASEMENT PROVISIONS**

**A PERPETUAL EASEMENT HEREBY RESERVED FOR AND GRANTED TO  
THE CITY OF LACEY, ITS SUCCESSORS AND ASSIGNS, FOR OPERATION,  
MAINTENANCE, AND REPAIR OF ANY OR ALL PORTIONS OF THE**

1 GRINDER SYSTEM INCLUDING BUT NOT RESTRICTED TO: TANKS, PUMP  
2 CHAMBERS, PRESSURE/GRAVITY SEWER CONNECTION LINES AND PUMP  
3 STATUS PANEL, OVER, UNDER AND THROUGH THE LAND HEREBY  
4 PLATTED. THE PURPOSE OF THE EASEMENT as TO PROVIDE ACCESS FOR  
5 CITY OFFICERS AND EMPLOYEES TO THE CITY OWNED PORTION OF THE  
6 GRINDER SANITARY SEWER SYSTEMS. THE WIDTH OF THE EASEMENT  
7 HEREIN RESERVED SHALL BE FIVE FEET EACH SIDE OF PIPE AND  
8 ELECTRICAL LINES AS CONSTRUCTED. THE WIDTH OF THE TANK  
9 EASEMENT SHALL EXTEND FIVE FEET BEYOND THE EDGES OF THE  
10 TANK. THE OWNER SHALL MAINTAIN AND IS RESPONSIBLE FOR THE  
11 BUILDING LATERAL CONNECTING THE TANK TO THE BUILDING  
12 PLUMBING AND INLET TO THE TANK CHAMBER. THE CITY OF LACEY  
13 SHALL HAVE THE RIGHT TO TEMPORARILY UTILIZE SUCH AREA  
14 BEYOND THE EASEMENT AREA DESCRIBED ABOVE THAT IS NECESSARY  
15 FOR THE OPERATION, MAINTENANCE AND REPAIR ACTIVITIES ON THE  
16 GRINDER SYSTEM.

17  
18 IT IS POSSIBLE THAT LANDSCAPING WITHIN THE ABOVE EASEMENT  
19 RIGHT-OF-WAY MAY BE DAMAGED DURING THE PERFORMANCE OF  
20 OPERATION AND MAINTENANCE ACTIVITIES. THE OWNER WAIVES ANY  
21 CLAIM AGAINST THE CTIY FOR DAMAGE TO SAID ITEMS IN THE CASE  
22 WHERE WORK BY THE CITY IS DONE IN A REASONABLE MANNER. THE  
23 OWNER ALSO WAIVES ANY CLAIM AGAINST THE CITY FOR DAMAGES  
24 GENERALLY WHICH ARISE FROM "ACTS OF GOD" OR OF THIRD PARTIES  
25 NOT INVOLVING FAULT BY THE CITY OF LACEY.

THIS EASEMENT SHALL BE CONSIDERED AN ENCUMBRANCE WHICH TOUCHES AND CONCERNS THE LAND ABOVE DESCRIBED, AND BINDS OWNERS, TRANSFEREES, DONEES, SUCCESSORS AND ASSIGNEES IN INTEREST IN THE SAME MANNER AS IT BINDS OWNERS HEREIN.

NOTE: THE ABOVE EASEMENT PROVISIONS SHALL BE SHOWN ON THE FACE OF THE FINAL PLAT, VERBATIM. LETTERING SHALL NOT BE LESS THAN 0.13 (1/8) INCH IN HEIGHT.

Specific Stormwater Improvements:

54. Treatment and infiltration facilities shall be constructed for stormwater associated with the site, adjacent properties currently discharging to the site, right-of-way areas being dedicated with this plat along with the stormwater associated with the existing frontage along Steilacoom Road.

55. This project is located within a Category I Critical Aquifer Recharge Area, Enhanced treatment for stormwater is required (SDM 8.2 and Appendix 8B).

56. Previously, the Ostrom's site had contamination from the existing on-site agricultural waste water management system. Ostrom's held a state waste discharge

1 permit for this function. Areas currently planned for stormwater management may be  
2 restricted. Prior to stormwater being infiltrated in previously contaminated areas,  
confirmation these areas have been properly remediated shall occur.

3 57. Roof drain runoff shall be mitigated using methods outlined in the 2022 City of  
4 Lacey Stormwater Design Manual (SDM) to satisfy criteria of Core Requirement #5 –  
On-Site Stormwater Management. (SDM 2.2.5).

5 58. The final stormwater management plan for site development shall be in substantial  
6 conformance with the draft Drainage Control Plan submittal dated September 18, 2023.

7 59. Supplemental soil testing and infiltration analysis shall be conducted during the  
8 December 1-April 30 period at all proposed infiltration facility locations, to assess  
9 infiltration characteristics and rates under “wet-season” conditions. A supplemental  
geotechnical report (and design revisions, if necessary) shall be submitted for approval  
prior to construction.

10 60. Any permanent stormwater infiltration locations used for temporary stormwater  
11 containment during construction shall be constructed, inspected, and tested for  
12 infiltration performance verification after final grading, as described in Chapters 5 & 7  
of the City of Lacey 2022 Stormwater Design Manual.

13 61. Stormwater infiltration in fill material on-site is prohibited. All stormwater  
14 infiltration facilities shall be set in native soil.

15 62. All stormwater management BMPs and facility components shall be designed and  
16 constructed in conformance with the applicable criteria in the City of Lacey 2022  
Stormwater Design Manual.

17 General Stormwater Improvements:

18 63. In addition to all Federal and State stormwater requirements, this project shall  
19 comply with the current City of Lacey Development Guidelines and Public Works  
20 Standards Manual and the current City of Lacey Stormwater Design Manual (LMC  
21 14.27). The  
22 Stormwater Design Manual requires the use of Low Impact Development (LID)  
23 techniques to the maximum extent possible. Stormwater drainage and erosion control  
24 submittals shall be in conformance with the formatting and content requirements  
25 described in Chapter 3 of the Stormwater Design Manual.

64. A final Stormwater Site Plan, including a drainage report and drainage plans in  
conformance with current Stormwater Design Manual standards, shall be provided  
prior to final Public Works civil approval. Some key elements to be included within  
the report are: the project engineer’s certification; descriptions of how each of the Core  
Requirements is being addressed; construction SWPPP; basin map; plan drawings;

1 hydrologic modeling inputs and results (including the data files produced with the  
2 model); summary data of sub-basin areas; design calculations and facility sizing; soils  
3 report and infiltration analysis; soil management plan; maintenance  
agreement/covenant; and a stormwater facilities Maintenance and Source Control  
Manual (SDM 2.2.1 & 3.3).

4 65. Projects shall retain, disperse, and infiltrate stormwater on-site to the maximum  
5 extent feasible. Design of infiltration facilities requires site infiltration analysis, to  
6 determine wet-season soil and groundwater conditions and to establish a long-term  
design infiltration rate. (SDM 2.2.5 & 7.2). Some areas of the site may be subject to  
high groundwater levels, these areas shall be addressed with the stormwater report.

7 66. In conformance with the City of Lacey Stormwater Design Manual, post-  
8 construction soil quality and depth (BMP T5.13) shall be incorporated into the site  
9 design and construction (SDM 2.2.5 & 7.4.1).

10 67. A Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to and  
11 approved by the City prior to beginning any site disturbing activities at the project.  
12 Each of the 13 required elements as identified in Chapter 5 must be addressed and  
13 included in the construction SWPPP. If site conditions render any element unnecessary,  
the exemption for that element shall be clearly justified in the narrative for the SWPPP.  
The SWPPP shall be submitted to and approved by the City prior to Civil Plan  
Approval.

14 68. A Stormwater Facility Maintenance and Source Control Manual per chapter 3 of  
15 the City of Lacey Stormwater Design Manual shall be submitted to and approved by  
16 the City of Lacey. The maintenance manual shall be included with the submitted  
17 drainage report as part of the stormwater site plan. The maintenance manual shall be  
18 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.

19 69. From October 1 through April 30, clearing, grading, and other soil disturbing  
20 activities shall be prohibited unless shown to the satisfaction of the City of Lacey that  
21 sediment- laden runoff will be prevented from leaving the site. (SDM 5.2.3, Element  
#12)

22 70. Prior to issuance of building permits for construction of buildings associated with  
23 the plat, post utility/roadway construction site stabilization improvements as shown on  
24 the erosion control plans within the approved civil drawings shall be completed.  
25 Elements of the plan shall include but are not limited to stabilizing soils, protecting  
slopes, providing concrete wash areas, and other best management practices to ensure  
erosion of the site does not occur.

1 71. Residential subdivisions shall provide signage (a detail is available at the City) to  
2 enhance the protection of the storm drainage system. Signage for stormwater facilities  
3 and pet waste stations is a condition of approval and shall be installed by the  
4 developer prior to final Public Works approval.

5 Specific Transportation Improvements:

6 72. Steilacoom Road is classified as a Major Collector Type II roadway. See Detail 4-  
7 3.1 dated 12/15/14 in the City of Lacey 2017 Development Guidelines and Public  
8 Works Standards Manual. This section of roadway requires 36-feet of half-street Right-  
9 of-Way. Frontage improvements shall be completed by the applicant and approved by  
10 the City prior to final plat approval of this project.

11 73. Marvin Road is classified as an Arterial roadway. See Drawing Detail 4-2.2 dated  
12 12/15/14 in the City of Lacey 2017 Development Guidelines and Public Works  
13 Standards Manual. This section of roadway requires 49-feet of half-street Right-of-  
14 Way. Curb to Curb the Marvin Road improvements are complete. From the back of  
15 curb to the property line, outstanding frontage improvements shall be installed. This  
16 requires the relocation of the existing sidewalk, installation of a planter strip with  
17 landscaping and irrigation and possibly the installation of additional street lighting  
18 along Marvin Road. Frontage improvements shall be completed by the applicant and  
19 approved by the City prior to final plat approval of this project.

20 74. Internal roadways are classified as a Major Local Residential roadways. See Detail  
21 4-4.0 dated 12/15/14 in the City of Lacey 2017 Development Guidelines and Public  
22 Works Standards Manual. This section of roadway requires 54-feet of Right-of-Way.  
23 Frontage improvements shall be completed by the applicant and approved by the City  
24 prior to Certificate of Occupancy of any building associated with this project.

25 75. At a minimum, alleys shall be constructed to alley standards. the alley between lots  
140-150 and lots 151-158 shall have a total width shall of 25-feet. See Detail 4-5.1  
dated 12/15/14 in the City of Lacey 2017 Development Guidelines and Public Works  
Standards Manual.

76. Please note where the internal roads connect to Marvin and Steilacoom Road, the  
initial portion of the roadway at the intersections shall meet Major Collector Type II  
standards (See Detail 4-3.1 dated 12/15/14 & Detail 4-4.2 dated 12/15/14 in the City  
of Lacey 2017 Development Guidelines and Public Works Standards Manual).

77. In addition to the previously mentioned frontage improvements, overhead  
communications and utility lines shall be relocated underground by the developer  
and/or utility owner if the cumulative length of the parcel's frontage is over 500 lineal  
feet. High voltage transmission lines cannot be relocated underground. Where high  
voltage and distribution power lines exist, relocation above ground will be coordinated  
with the City of Lacey.

1 78. Existing curb ramps or other improvements that do not meet current Americans  
2 with Disability Act standards associated with the site shall be brought into conformance  
3 with the site development. (DG&PWS, 4C.030 7.)

4 General Transportation Improvements:

5 79. In addition to all Federal and State requirements street lighting requirements, street  
6 lighting levels shall comply with current City of Lacey Development Guidelines and  
7 Public Works Standards requirements for roadways and intersections. To comply with  
8 these standards and assure street lighting is in conformance with these standards,  
9 additional street lighting may be required for all streets adjacent to this project. All  
10 street lighting designs shall be prepared by an engineering firm capable of performing  
11 such work. (DG&PWS, Transportation, Illumination 4E.010)

12 80. As a condition of final Public Works Approval, electrical services associated with  
13 street lighting, pump stations, or other applications (for the Public benefit as agreed to  
14 by the City) shall be transferred into the City's name. In order to change service, the  
15 applicant/owner must provide a copy of a billing statement to the City. If service has  
16 not been established, the applicant/owner must provide the following information to  
17 the City to establish service: Project Name (final subdivision name), service meter's  
18 number, address of the service meter, owner's contact number and address, and the  
19 type of items are being energized by the service. All fees associated with the installation  
20 of the service shall be the responsibility of the developer. Without the information  
21 outlined above or a copy of a previous billing statement, the service will remain in the  
22 applicant/owner's name and they will be responsible for payment of  
23 the bills until such time as the information is received by the City.

24 81. Fiber optic conduit shall be installed and conform to the standards and requirements  
25 as set forth in Chapter 4 (Transportation) from the Development Guidelines & Public  
Works Standards (DG & PWS, Transportation 4E.035).

82. Access shall be provided to the property as determined and approved by the City.  
All access points shall meet minimum access spacing, minimum corner clearance, sight  
distance and minimum or maximum width requirements as outlined in the  
Development Guidelines & Public Works standards. (DG & PWS, Transportation  
4B.025). The access to the site shall align with the access to The Lacey Regional  
Athletic Complex. Also, WSDOT shall approve the proposed access to SR 510.

83. Traffic mitigations as determined by the Residential Traffic Generation worksheet  
or Traffic Impact Analysis are required. Conditions of Lacey Municipal Code 14.21  
shall be satisfied.

84. Please show all proposed and existing driveways associated with the plat.  
(DG&PWS Subdivisions and Short Plat 2-21)

1 85. Minimum intersection curb radii and centerline radius requirements must be  
satisfied. Please label all radii on the final plat (DG&PWS 4B.020).

2 86. Roadway sections (public or private) cannot be constructed in saturated ground  
3 areas. If separation from the water table cannot be obtained, the site must be filled to  
4 accommodate the roadways.

5 87. All residential projects, whether single or multi-family, which abut a boulevard, an  
6 arterial, or any class collector street shall be required to establish a buffer from such  
7 streets. The buffer must be a separate tract of land, 20-feet in width, within the  
subdivision and is to be maintained by the Homeowner's Association. (DG&PWS,  
Transportation 4B.065)

8 88. All public streets within the City and the City's UGA boundary will be planted with  
9 trees to create a distinct and pleasant character for those roadways. The street trees  
10 located in the Development Guidelines shall be required in or along the public Right-  
of-Way, including medians. (DG&PWS, Transportation 4G.100)

11 89. Please include the following note on the plat: "The Homeowner's Association or in  
12 the absence of a Homeowner's Association the property owner adjacent to the public  
13 right-of-way, private roadway or alleys shall be responsible for maintaining the planter  
14 strip, and all other areas within the right-of-way (weeding, pruning, irrigating, mowing,  
15 etcetera of the landscaping and street trees.) in a healthy and growing manner in  
16 perpetuity. If these areas are being maintained by another group or organization, a  
maintenance agreement (or adequate documentation) that verifies these areas are  
being (and will continue to be) maintained shall be submitted to the City for review".  
(Development Guidelines & Public Works Standards, Transportation 4G.100D).

17 90. Please include the following note on the plat: "The City of Lacey has no  
18 responsibility to build, improve, maintain, or otherwise service the private roads and/or  
19 alleys within or providing access to the property described in this plat." (Lacey  
Municipal Code  
15.32.190)

20 91. The following note on the plat: "The Homeowner's Association is responsible for  
21 maintaining the private streets and alleys (along with associated parking areas and  
22 street lighting) and planter strips (weeding, mowing, irrigation, pruning of landscaping,  
etc.). in a healthy and growing manner in perpetuity". (DG&PWS, Transportation  
4G.100D)

23 92. In addition to all Federal and State requirements roadway requirements, this project  
24 shall comply with current City of Lacey Development Guidelines and Public Works  
25 Standards Manual requirements for roadways.

General Surveying Requirements:

1 93. Utility easements are required for all mains, water and sewer located on private  
2 property. Easements shall include fire hydrants, water meters, sewer improvements and  
3 future extensions of mains to adjacent properties. Easements and stub outs shall be  
4 provided to serve adjoining properties as determined by the City. Rather than being  
5 designated as water or sewer, all easements shall be identified as “utility”  
6 easements on the civil drawings and in the easement document. Specific requirements  
7 will be determined at the of plan review. All easements shall be  
8 prepared by a licensed land surveyor and submitted prior to release of approved civil  
9 drawings (DG&PWS Chapter 3.110).

10 94. Landscaping within easement areas shall be limited to shrubs and other low  
11 growing vegetation without major root systems. Trees are prohibited within easement  
12 areas.

13 95. The City of Lacey Coordinate System is a ground scale coordinate system derived  
14 from the Washington Coordinate System, NAD 83/91. Units are expressed in feet. Data  
15 can be obtained from Lacey Public Works Department. Civil drawings shall be  
16 submitted utilizing the City of Lacey Coordinate System. (DG&PWS 3.025)

17 96. City of Lacey Vertical Datum has elevations referenced to the National Geodetic  
18 Vertical Datum of 1929 (NGVD29). Units are expressed in feet. A benchmark listing  
19 can be obtained from Lacey Public Works Department. Civil drawings shall be  
20 submitted utilizing the City of Lacey Vertical Datum. (DG&PWS 3.025).

21 97. Civil engineering drawings submitted the City of Lacey must be on National  
22 Geodetic Vertical Datum 1929 (NGVD29). Civil drawings not on this datum will not  
23 be accepted and routed for review.

24 98. Right-of-Way shall be dedicated with this project. Right-of-Way shall be dedicated  
25 in conformance with the City or Regional Transportation plans, by the approved Traffic  
Impact Analysis, to accommodate modifications to existing curb ramps/driveway cuts  
upgrading them to current Americans with Disabilities Act requirements or as  
determined by Public Works. Dedications shall be determined by a professional Land  
surveyor. Dedication shall be submitted and approved by the City prior to plan approval  
(DG&PWS, Transportation 4B.060).

99. Immediately adjacent to the public right-of-way a 10-foot joint utility easement  
area shall be dedicated to accommodate the installation of private and public utilities  
(2017 Development Guidelines and Public Works Standards Roadway details).

Other Public Works Comments:

1 100. All improvements shall satisfy City of Lacey Development Guideline  
2 Standards in place at the time complete application is obtained (Complete application  
is determined by the City of Lacey Community Development Department). (LMC )

3 101. If any part of these comments as established by existing plans, guidelines,  
4 codes and the like as established by ordinances shall be found invalid, all other parts  
shall remain in effect. (DG&PWS 3.035)

5 102. All Public Works improvements must be designed by an engineer licensed  
6 in the State of Washington and submitted to the City of Lacey Public Works  
Department for review and approval. (DGPWS 3.040)

7 103. Prior to submitting civil drawings for review, Land Use Approval must be  
8 obtained.

9 104. All structures associated with this site shall be connected to City of Lacey  
10 utilities (DG&PWS 6.010 and 7A.010).

11 105. Prior to civil drawing approval, one paper set of drawings along with a PDF  
12 copy of the drainage report and civil drawings shall be submitted for all approved final  
plans. (DG&PWS Chapter 3.040,B)

13 106. Prior to final Public Works Construction approval, “as-built” bonded paper  
14 drawings along with the revised civil drawings in AutoCAD and PDF formats shall be  
submitted for all approved final plans. (DG&PWS Chapter 3.040, J)

15 107. Certificate of Occupancy/final inspection for any building will not be issued  
16 until all paperwork required for the project is submitted and approved and all  
17 improvements shown on the approved civil drawings are installed by the applicant and  
approved by the City. (DG&PWS 4B.080)

18 108. A 20 percent maintenance bond or financial guarantee of the engineer’s  
19 estimate or approved bid estimate is required for a period of 24 months upon  
20 construction completion and approval of Public Works improvements. The financial  
21 guarantee may be released after 18 months if all conditions of approval have been  
satisfied. The financial guarantee applies to sewer, stormwater, water, frontage,  
landscaping/irrigation, roadway and street lighting improvements (LMC 14.20.025).

22 109. Along with the civil review application and the completed, signed and  
23 stamped checklist from Chapter 3 of the Development Guidelines, please provide three  
24 sets of civil drawings, two drainage reports and one electronic copy of the civil  
25 drawings (PDF format). These drawings shall be submitted directly to the City of Lacey  
Public Works Department. Drawings submitted to other City departments will not  
satisfy this requirement. (DG&PWS 3.040, B)

1 110. To protect the public interest on private property, utility mains located on  
2 private property shall be protected from damage. If on-site settling or other  
3 phenomenon occurs causing valve boxes, sewer manholes or other appurtenances to  
4 protrude above or settle below the driving surfaces or ground elevations, the  
5 Homeowner's Association will be notified and the problem shall be corrected within  
6 30 days of notification. If the problem is not corrected within the 30 day time period,  
7 the City will correct the problem and bill the Homeowner's Association. This language  
8 shall be included on the plat document.

9 111. A Bill of Sale for water, sewer and street lighting improvements being  
10 installed with this project is a requirement for approval. Prior to Final Public Works  
11 approval of the project, Bill of Sale documents shall be submitted to and approved by  
12 the City.

13 Hearing Examiner Conditions:

14 112. Prior to any land disturbing activity, the HMP shall be revised to identify  
15 how many protected Gary Oak<sup>3</sup> will be removed by the project. The HMP will be  
16 further revised to support the finding that the tree mitigation in Ex. 26 will achieve  
17 equivalent or greater biological function as required by LMC 14.33.116E. Tree  
18 mitigation shall be increased as necessary to achieve equivalent or greater biological  
19 function. The added information and mitigation shall be verified by third party review.  
20 The HMP shall also identify how the proposed removal of protected trees is done in  
21 accordance with Title 14 LMC as required by LMC 14.33.116A.

22 113. Final plat approval shall not be issued for the first completed phase until all  
23 necessary infrastructure for that phase is completed or bonded such that the first phase  
24 can operate independently if the second phase is never constructed.

25 Dated this 26<sup>th</sup> day of February 2024.

*Phil Olbrechts*

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Lacey Hearing Examiner

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26 <sup>3</sup> The purpose of inventorying the number of removed Gary Oak is to enable the peer  
27 reviewer to verify that proposed mitigation is adequate to achieve equivalent or greater  
28 biological function. If the peer reviewer finds that she/he is able to make this  
29 determination without a tree count that requirement may be waived by City planning  
30 staff.

## Appeal Right and Valuation Notices

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This decision is final subject to appeal to superior court as governed by Chapter 36.70C RCW.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.