



Community and Economic Development

LACEY CITY COUNCIL

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INTRODUCTION

Proposal Name: Wiseman Wetland Development Permit

Proposal Address: The project is located at 6613 – 33rd Avenue SE Lacey, WA 98503; Parcel # 11827310605; Section 27, Township 18N, Range 2W.

Description of Proposal: The applicants are requesting approval of a Wetland Development Permit with a Reasonable Use Exception to construct a ±1,673 SF, single-story, single-family residence on the western portion of a vacant parcel located at 6613-33rd Avenue SE. The proposed structure is located outside the delineated Category II wetland onsite, but within the regulated 100-foot wetland buffer.

File Number: 25-0103

Applicant: Kevin Wiseman & Brenda Hartshorn, PO Box 14307, Tumwater, WA 98511

Authorized Rep: Chris Merritt, PE, Oly. Engineering, PO Box 12690, Olympia, WA 98508

Planner: Sarah Bartz, Assistant Planner

Staff Recommendation: Approval with Conditions

Application Date: April 22, 2025

Complete Application: May 15, 2025

Notice of Application: May 27, 2025

Comment Period End Date: June 10, 2025

Date of Staff Report: September 5, 2025

Date of Hearing: September 16, 2025

EXHIBITS

1. General Land Use App. (4/9/2025)
2. Wetland Development App. (4/9/2025)
3. Site Plan (Merritt Engineering, 7/2025)
4. Critical Areas Report (West Fork Environmental, 4/7/2025)
5. Arborist Review (Sound Urban Forestry, 12/10/2024)

6. Notices
 - a. Notice of Complete Application (5/15/2025)
 - b. Notice of Application (5/27/2025)
 - c. Notice of Project Application to Paper (The Olympian, 5/27/2025)
 - d. Notice of Hearing (9/3/2025)
 - e. Notice of Hearing to Paper (The Olympian, 9/5/2025)

7. Staff Comments
 - a. Joey Etter PW Development Review Comments (7/22/2025)
 - b. Terry McDaniel Building & Fire Comments (5/27/2025)

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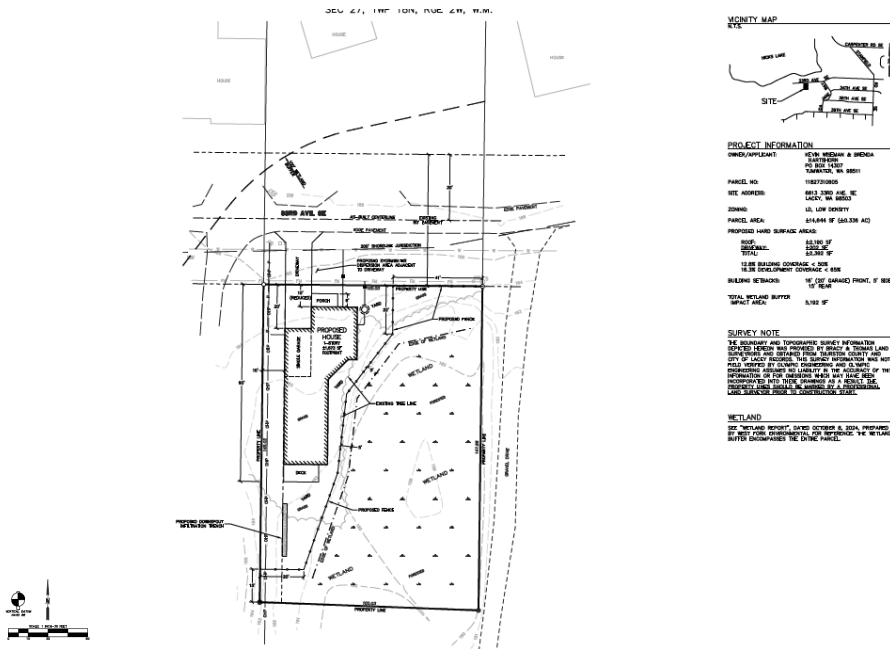
FINDINGS OF FACT

I. DESCRIPTION OF PROPOSAL

Applicants are requesting approval of a Wetland Development Permit with a Reasonable Use Exception to construct a ±1,673 SF, single-story, single-family residence on the western portion of a 0.41-acre parcel located at 6613-33rd Avenue SE. The proposed structure will be located outside of the delineated onsite Category II wetland but within the regulated 100-foot wetland buffer.

The parcel is currently undeveloped. To minimize development impacts, the structure will be placed as close as possible to the western property line and 33rd Avenue SE. This placement includes a reduction of the front yard setback from the required 16-feet in the Low-Density Residential Zone to 10-feet. The garage will meet the required 20-foot setback, and the western side yard setback will be increased from the standard 5 feet to 10 feet.

A fence will be installed along the wetland edge to provide a physical barrier and to separate residential activities from the sensitive area. The proposed building location represents the most suitable portion of the site for development, balancing the need for reasonable residential use with the goal of minimizing impacts to the onsite wetland.



II. SITE DESCRIPTION, ZONING & LAND USE CONTEXT

A. SITE DESCRIPTION

The project site is located on Parcel No. 11827310605 and consists of 0.41 acres of undeveloped land. The property is situated south of 33rd Avenue SE. Hicks Lake is located north of the roadway, with a single-family residence situated between the lake, the road, and the subject property. The 200-foot shoreline jurisdiction does not extend onto the parcel. The proposed building pad is located within a routinely maintained, level, mowed area on the western portion of the site, while the eastern half contains a depressional Category II wetland.

Refer to Figure 2 for an aerial photograph of the property, dated July 26, 2025.



Figure 2. Aerial 7/26/25

B. ZONING

The subject parcel is zoned LD (Low Density Residential) with an OSI (Open Space and Institution) designation coinciding with the location of the delineated Category II wetland. Additionally, the Shoreline Residential zone, which extends from Hicks Lake, does not encroach onto the subject site, as confirmed by the surveyed site plan (zoning map shown below is an estimated shoreline boundary).

LD (Low Density Residential): Intended to provide areas for single-family homes at urban densities in quiet, safe neighborhoods with a strong sense of community.

OSI (Open Space and Institution): Intended to preserve open space, natural resources, and institutional uses that serve the community.

Shoreline Residential: Intended to protect shoreline areas, provide low-impact residential development, and preserve environmental functions of the shoreline.

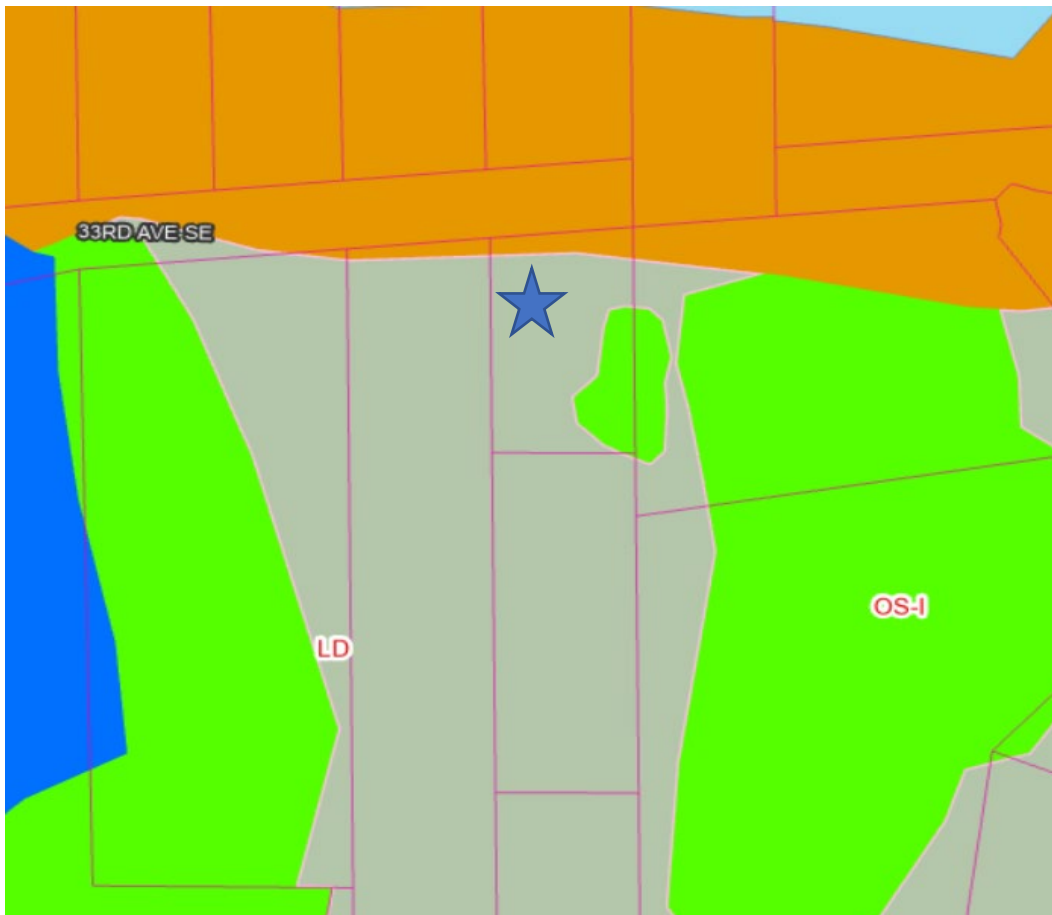


Figure 3. Zoning

C. LAND USE CONTEXT

The subject parcel has a Land Use Zoning Designation of Low Density Residential (LD) and Open Space Institutional (OS-1). See Table 1 below detailing the surrounding land uses.

Direction	Zone	Current Use
Subject	LD & OSI	Vacant & Delineated Wetlands
North	Shoreline Residential	Single Family & Hicks Lake
South	LD	Single Family
East	LD & OSI	Single Family & Delineated Wetlands
West	LD	Single Family

Table 1: Summary of Surrounding Land Uses

D. PUBLIC COMMENT

The notice of application and project materials were routed to internal and external agencies for review and comment. Comments were received from the Washington State Department of Ecology (Ecology) and internal City staff.

Public notice of the application was published in The Olympian and posted on the project site. Staff also received inquiries from two adjacent property owners, both expressing concerns about the condition of the existing private access road (33rd Avenue SE). The neighbors believed that any road serving ten or more homes must be improved with widening, repaving, and the addition of curb, gutter, and sidewalks.

Staff clarified that such improvements are generally required when a property is proposed for subdivision, in accordance with **LMC 15.12.020 (Streets)** and **4B.070 (Development Guidelines – Private Streets)**. As the current proposal is for the development of a single-family home on an existing legal lot, it is exempt from street and frontage improvement requirements. A copy of the Notice of Application is attached (Exhibit 6b).

E. ENVIRONMENTAL REVIEW

The proposed project is exempt from review under the State Environmental Policy Act (SEPA) pursuant to WAC 197-11-800(1)(b)(i). This section exempts the construction or location of up to four dwelling units, including single-family residences, from SEPA requirements when the project site is not located on lands covered by water.

The proposal involves the construction of one single-family residence on a 0.41-acre parcel. The home is proposed outside of the delineated Category II wetland but within the associated 100-foot buffer. The project site is not located on lands covered by water as defined in WAC 197-11-756, which states: "Lands covered by water means land that is inundated with water at the time the action is taken. This includes rivers, lakes, ponds, streams, salt water, and wetlands."

Because the home will be constructed outside the wetland boundary—in an upland area that is routinely mowed — the categorical exemption for minor new construction applies. **Therefore, no SEPA threshold determination is required.**

F. WETLANDS

The applicant submitted a Critical Areas Report (CAR) prepared by West Fork Environmental, dated April 7, 2025, to evaluate the presence of critical areas within and adjacent to the proposed project area. The report evaluates an approximately 300-foot radius surrounding the property located at 6613 – 33rd Avenue SE (Thurston County Tax Parcel 11827310605). The purpose of the report is to identify and document any wetlands, streams, or habitat conservation areas (HCAs) within the project vicinity and to assess compliance with the applicable standards of Lacey Municipal Code (LMC) Title 14.

The applicant's Critical Areas Report identifies two wetlands in the vicinity of the project area: Wetlands A and B (Exhibit 4). Wetland A is a Category II wetland with a habitat score of 4, located on the eastern portion of the subject property. It is characterized as seasonally flooded and is partially bisected by a private driveway located to the east. Based on LMC 14.28.370, a Category II wetland with a habitat score of 4 requires a 100-foot buffer.

Wetland B is a Category I wetland with a habitat score of 7, located offsite approximately 250 to 300 feet west of the subject property. Consultants did not have access to delineate the edge of Wetland B, however visual assessment and lidar

images indicate that it lies +/- 165 feet north of the subject property. This wetland is hydrologically associated with Hicks Lake. Per LMC 14.28.370, a Category I wetland with a habitat score of 7 requires a 150-foot buffer.

Wetlands within the project vicinity were rated in accordance with LMC 14.28.100 and the Washington State Wetland Rating System for Western Washington – 2014 Update: Version 2 (Hruby and Yahnke 2023). Based on these ratings, buffer widths were assigned pursuant to LMC 14.28.280 and are summarized in Table 2 of the applicant's Critical Areas Report. The standard buffer widths established in Table 14T-68 of the LMC have been applied.

The proposed project is located entirely within the standard buffer for Wetland A. No work is proposed within any of the identified wetlands, the buffer of Wetlands B, or within the shoreline jurisdiction of Hicks Lake. Although development within a wetland buffer is generally restricted, the project qualifies for consideration under the Reasonable Use Exception outlined in LMC 14.28.350.

LMC 14.28.350 allows for limited development within critical areas or their buffers when strict application of the standards would deny all reasonable use of the property. In this case, due to the location and size of Wetland A and its associated buffer, compliance with the standard buffer would preclude any reasonable economic use of the lot for residential development—a primary use allowed in the underlying Low Density Residential (LD) zoning district.

No direct impacts to the wetland area or habitat of Wetland A are proposed. To mitigate the unavoidable buffer encroachment, the applicant proposes installation of a permanent fence along the wetland edge to protect the remaining buffer from future residential activity. Additionally, site drainage will be managed through appropriately designed stormwater facilities consistent with City standards.

The area proposed for development consists of maintained lawn and does not contain native vegetation; therefore, no clearing of native plants is required. The building footprint has been minimized to reduce buffer disturbance, and a reduced front yard setback along 33rd Avenue SE has been requested to further avoid encroachment into the wetland buffer.

III. ADEQUACY OF INFRASTRUCTURE/PUBLIC SERVICES

- A. FIRE PROTECTION** The Fire Marshall/Building Official reviewed the application and had no comments (Exhibit 7b). The single-family home proposed onsite will require a building permit and all associated single-family residential construction approvals.
- B. DRAINAGE** Based on the proposed hard surface area (2,392 SF), Core Requirements #1 - #5 are applicable to the project. An Abbreviated Drainage Plan will be required with the building permit material. As conditioned the site will have adequate drainage (Exhibit 7a).
- C. WATER AND SEWER** The Public Works Development Review Manager has reviewed the current proposal and provided conditions for water and sewer connection (Exhibit 7a).
- D. STREETS AND TRAFFIC / SIDEWALKS AND FRONTAGE IMPROVEMENTS** No access or frontage improvement will be required for the subject proposal. The Public Works Development Review Manager has reviewed the current proposal (Exhibit 7a). No additional comments or conditions were placed by City of Lacey traffic engineering staff.
- E. TREE AND VEGETATION** Sound Urban Forestry prepared a report for the subject property dated 12/10/2024 (Exhibit 5). No trees are proposed for removal in association with the project. The 24-inch Douglas Fir in the ROW easement/NE corner of the parcel is in good condition and should be protected during construction.

IV. APPLICABLE COMPREHENSIVE GOALS AND POLICIES

The Lacey Comprehensive Plan serves as the City of Lacey's enduring roadmap for overseeing both the constructed and natural landscapes. Envisioned for a two-decade horizon, the plan is designed to articulate a coherent vision for the city's future. Its framework encompasses various facets, including community expansion, housing initiatives, the creation and upkeep of parks and open spaces, fostering economic development, preserving environmentally sensitive zones, safeguarding historic landmarks, optimizing public services, managing annexation processes, and addressing other pertinent issues. These outlined policies form the bedrock for shaping and revising

Lacey's Capital Facilities Plan, Transportation Plan, and the enactment of implementation ordinances. Crucially, the City's Comprehensive Plan was crafted in accordance with the mandates of the State of Washington's Growth Management Act (Chapter 365-196, WAC). There are other general policies in the Comprehensive Land Use Plan, which could apply, but the issues they cover are specifically detailed in the Lacey Zoning Ordinance, which is reviewed in the next section. The following sections of the Comprehensive Plan apply to this proposal:

A. ENVIRONMENTAL GOALS AND POLICIES

Resource Lands and Critical Areas

Goal 1: Development shall protect, conserve and complement natural resources and environmentally sensitive areas and promotes sustainability.

- Policy A: Development shall be consistent with the Environmental Element, the provisions contained in the Lacey

Wetlands

Goal 1: Work to achieve no net loss of wetland resources and increase the quality and quantity of these resources.

- Policy A: Utilize and amend, when necessary, Lacey's wetland protection measures to ensure protection of Lacey's wetland resources.

B. RESIDENTIAL GOALS AND POLICIES

Residential Infill

Goal 1: Adopt zoning strategies that will promote the intensification, densification, and evolution of Lacey's land use distribution and form into a sustainable pattern of high-quality urban development.

- Policy A: Identify areas to focus infill density and mixed-use concepts based upon potential capacity, built condition, and infrastructure.
- Policy B: Development approval criteria should require availability of urban utilities, such as water and sewer.
- Policy C: Where compatibility issues can be adequately addressed, allow for a range of densities and land use types within the same zone to provide opportunities to enhance the character, functionality, and desirability of areas and promote multimodal transportation options

V. APPLICABLE MUNICIPAL CODE STANDARDS

The following Table 2 depicts the applicable sections of the Lacey Municipal Code and if the project complies with the standards or if the project complies with the standards once staff conditions are imposed.

Table 2: Applicable Municipal Code Sections

Applicable Municipal Code Sections	Project Complies	Project Will Comply with Staff Conditions
Chapter 14.28 – Wetlands Protection		
14.28.100 – Wetland Rating System	✓	
14.28.110 - Regulated Activities	✓	
14.28.190 - Application Information Requirements	✓	
14.28.270 - Standards for wetland decisions generally	✓	
14.28.280 - Wetland buffers – standard buffer widths	✓	
14.28.350 - Avoiding wetland impact	✓	
14.28.360 - Minimizing wetlands impacts.		✓
14.28.510 - Application approval – Mitigation plans	✓	
Chapter 14.33 – Habitat Conservation Areas		
14.33.070 - Determination of habitat conservation area	✓	
14.33.110 - Application information requirements	✓	
Chapter 17.20 – Shoreline Management Plan		
17.20.020 - Shoreline Jurisdiction for Lake Shorelines	✓	

VI. COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT ANALYSIS

14.28.100 – Wetland Rating System;

Staff Response: According to Exhibit 4 the applicant has seemingly followed all applicable wetland rating guidelines. Staff concurs with the ratings determined by the biologist.

14.28.110 - Regulated Activities.

Staff Response: Since the proposal involves construction of a new residential structure within a wetland buffer, it is a regulated activity.

14.28.190 - Application Information Requirements

Staff Response: According to Exhibit 4 the applicant has seemingly followed all applicable wetland information requirements.

14.28.270 - Standards for wetland decisions generally

Staff Response: The proposed project minimized impacts as much as possible. It is the opinion of staff that denial of the permit would result in extraordinary hardship for the applicant as it would mean that the property is not developable. (Exhibit 4)

14.28.280 - Wetland buffers--Standard buffer zone widths.

Staff Response: As mentioned Finding of Fact No. II (F), the wetland biologist has determined the wetland buffers per the rating of the wetlands.

14.28.350 - Avoiding wetland impact

Staff Response: LMC 14.28.350 allows for limited development within critical areas or their buffers when strict application of the standards would deny all reasonable use of the property. In this case, due to the location and size of Wetland A and its associated buffer, compliance with the standard buffer would preclude any reasonable economic use of the lot for residential development—a primary use allowed in the underlying Low Density Residential (LD) zoning district.

14.28.360 - Minimizing wetlands impacts.

Staff Response: No direct impacts to the wetland area or habitat of Wetland A are proposed. To mitigate the unavoidable buffer encroachment, the applicant proposes installation of a permanent fence along the wetland edge to protect the remaining buffer from future residential activity. Additionally, the building footprint has been minimized to reduce buffer disturbance, and a reduced front yard setback along 33rd Avenue SE has been requested to further avoid encroachment into the wetland buffer.

14.28.510 - Application approval – Mitigation plans

Staff Response: Per this code section, compensatory mitigation is not required for regulated activities for which an approval has been obtained that occur only in the buffer or expanded buffer and which have no adverse impacts to regulated wetlands. This proposal only impacts the buffer and therefore, no compensatory mitigation is required.

14.33.070 - Determination of habitat conservation area

Staff Response: A qualified professional wildlife habitat biologist has performed habitat conservation area assessment using the methodology prescribed by the State of Washington Department of Fish and Wildlife. (Exhibit 4)

14.33.110 - Application information requirements

Staff Response: All elements are satisfied, see Exhibit 4.

17.20.020 – Shoreline Jurisdiction

Staff Response: Hicks Lake is a regulated Shoreline within the City of Lacey's Shoreline Master Plan; however, the subject site does not fall within the 200-foot shoreline jurisdiction. A professional land survey noted the 200-foot boundary falls within 33rd Avenue (Exhibit 3). Wetland B, which is an offsite wetland associated with Hicks Lake, is also over 200 feet from the subject site.

CONCLUSIONS OF LAW

VII. HEARING EXAMINER AUTHORITY

The Hearings Examiner has the responsibility and authority to decide on Wetland Development Permits. Pursuant to section 2.30.140 of the Lacey Municipal Code, the Examiner has the authority to render a decision on the application which may be to grant, deny, or grant with such conditions, limitations, modifications and restrictions as the Examiner finds necessary to make the application compatible with its environment, the comprehensive plan, other official policies and objectives and land use regulatory enactments.

VIII. NOTIFICATION

The application for the Wiseman Wetland Development Permit was received on April 22, 2025, and was deemed complete pursuant to RCW 36.70B.070 on May 15, 2025. The comment period for the Notice of Complete Application had a 14-day comment period that

started on May 27, 2025 and ended on June 10, 2025. A notice was published in The Olympian and the site was posted with the notice of complete application on the subject parcel facing 33rd Avenue SE. These notices are attached to this report as Exhibit 7. The city received external agency comments and one public comments. These comments are attached to this report as Exhibit 8 & 9.

Written notice of the public hearing was sent to all property owners within 300 feet of the site on September 3, 2025, and notice was published in The Olympian on September 5, 2025, at least 10 days prior to the public hearing. Notice was posted on-site on September 3, 2025.

IX. SUMMARY OF STAFF ANALYSIS

Staff finds that the proposed Wetland Development Permit is consistent with the City Comprehensive Development Plan, the City Zoning Code, and other applicable codes and regulations provided that the conditions recommended below, under Section XII, are implemented.

X. STAFF RECOMMENDATIONS

Based upon the above analysis, city staff recommends approval of the Wetland Development Permit. The project shall proceed in substantial conformance with the plans on file, except as modified in the Conditions of Approval.

XI. EXPIRATION

Approval of the Wetland Development Permit shall be effective for 18-months from the date of approval by the Hearing's Examiner. The City may grant one time 6-month extension prior to the expiration of the approval, if requested in writing thirty (30) days prior to the expiration of the 18-month period in accordance with the provisions of LMC 14.28.160. If site work has not started within the initial 18-month approval period or within an approved extension period then the plan shall be considered abandoned and the applicant will need to reapply to proceed.

XII. CONDITIONS OF APPROVAL

1. The project shall proceed in substantial conformance with the plans and material submitted to City of Lacey on April 22, 2025, except as modified by the conditions below.
2. Prior to any construction activities occurring on site, erosion control measures shall be implemented in a manner that eliminates any potential erosion and/or sediments from disturbed areas from entering the wetland buffer(s). Erosion control methods may be in the form of straw bales, silt fences or other forms

approved by the City of Lacey. Erosion methods shall be identified on the building permit construction drawings submitted to the City of Lacey for approval.

3. Once the new residence is constructed, the applicant shall be required to install a permanent split-rail fence constructed of non-treated wood along the mapped edge of the onsite Category II wetland. The final planning inspection onsite, prior to occupancy, will be to confirm installation of the split-rail fence.
4. At least one permanent sign shall be affixed to the split rail fence stating that a protected wetland exists beyond the fence. The sign would be most useful placed in the NE corner of the property. The Planning Department shall approve the sign location and the sign shall be installed prior to the issuance of any building permits. (LMC 14.28.380.A.3.)
5. The address for the single-family home will be: **6613 - 33rd Avenue SE, Lacey, 98503**
6. Prior to building permit issuance for any new structure onsite, the developer shall receive Residential Design Review Approval from the City of Lacey.
7. Per Sound Urban Forestry's report dated 12/10/2024, the 24-inch Douglas Fir in the ROW easement/NE corner of the parcel is in good condition and should be protected during construction.
8. The approval for the wetland development permit shall be effective upon the conclusion of the appeal period; In addition, no work shall be conducted on the subject site until the appeal period is concluded. In the event there is an appeal filed, no work shall be conducted on the subject sites until the appeal(s) are decided. (LMC 14.28.270)
9. The approval for the wetland development permit shall be valid for a period of 18 months from the date of approval. The City may grant one 6-month extension prior to the expiration of the approval, if requested in writing thirty (30) days prior to the expiration of the 18-month period in accordance with the provisions of LMC 14.28.160.
10. Any disturbed landscaping/vegetation on site shall be replaced with native species.
11. All applicable requirements of the City Zoning Code shall be satisfied.

12. The proposed single-family residence shall be connected to the City of Lacey's water system with an adequately sized domestic single water meter service. (DG&PWS, Water 6.010)
13. The builder/applicant/owner is required to purchase each water meter prior to the issuance of each building permit. (DG&PWS Water 6.121)
14. The proposed single-family residence shall be connected to the City of Lacey's sanitary sewer system with a single family S.T.E.P. sewer service connection and an adequately sized single family S.T.E.P. system. (DG&PWS, Sanitary Sewer 7A.010, 7E.010, & 7E.040)
15. Based on the proposed hard surface areas (+/- 2,392 SF), Core Requirements #1 through #5 are applicable to the project. In accordance with the current City of Lacey Stormwater Design Manual, an Abbreviated Drainage Plan shall be submitted that addresses Core Requirements #1 through #5 and fundamentally demonstrates how the project is in compliance with those core requirements. (SDM 3.3.2, Table 3.1, & Figure 2.1)
16. The applicant shall submit the required Abbreviated Drainage Plan for Public Works to review **with** the building permit material.
17. The applicant/developer shall be responsible for obtaining all applicable permits required for the project. For example, these **may** include a General Construction Stormwater Permit (Ecology), and/or any others. These permits may require additional review time from the appropriate agencies.