



December 12, 2024

Greetings:

Subject: Lister Glen
File Number 24-0363

The enclosed decision of the Olympia Hearing Examiner hereby issued on the above date may be of interest to you. This is a final decision of the City of Olympia.

In general, any appeal of a final land use decision must be filed in court within twenty-one (21) days. See Revised Code of Washington, Chapter 36.70C, for more information relating to timeliness of any appeal and filing, service and other legal requirements applicable to such appeal. In particular, see RCW 36.70C.040.

Please contact the City of Olympia, Community Planning and Development Department, at 601 4th Avenue East or at PO Box 1967, Olympia, WA 98507-1967, by phone at 360.753.8314, or by email cpdinfo@ci.olympia.wa.us if you have questions.

Sincerely,

Diana Simmons
Contracts Manager
Community Planning and Development

Enclosure

1 BEFORE THE CITY OF OLYMPIA HEARINGS EXAMINER

2 IN RE:) HEARING NO. 24-0363
3 LISTER GLEN SUBDIVISION) CORRECTED FINDINGS OF FACT,
4) CONCLUSIONS OF LAW
5) AND DECISION

6 **APPLICANT:** Barghausen Consulting

7 **REPRESENTATIVE:** Ivana Halverson
8

9 **SUMMARY OF REQUEST:**

10 The Applicant requests preliminary approval of a subdivision containing 24 single-family lots on
11 4.77 acres along with tracts for stormwater and soil and vegetation protection and a new public
12 road (Blue Vista Way). The project will also extend Lister Road south from its present terminus,
13 connecting it to both Blue Vista Way and Cherry Blossom Drive further south. The project will
also extend Beaumont Drive south to a connection with Blue Vista Way, thus providing a
connection from Blue Vista Way to Surrey Drive.

14 **LOCATION OF PROPOSAL:**

15 2020 Lister Road NE.

16 **SUMMARY OF DECISION:**

17 The proposed subdivision is **approved** subject to slightly modified conditions.
18

19 **BACKGROUND**

20 The Applicant seeks preliminary subdivision approval to subdivide 4.77 acres into 24
21 single-family residential lots. The project also includes a new public road, stormwater facilities,
22 two soil and vegetation preservation areas and several new road connections: The project will
23 bring Lister Road south to connect to the new road in the subdivision (Blue Vista Way) and then
24 continue further south to a new connection with Cherry Blossom Drive. Blue Vista Way will
25 also be connected to Beaumont Drive which in turn allows connection to Surrey Drive, all of

1 which will allow better traffic flow through the area. The project is referred to as the "Lister
2 Glen Subdivision".

3 The project has resulted in some concerns from neighbors, mostly due to potential traffic
4 impacts, the loss of large trees, and aesthetic impacts. City Staff recommends approval of the
5 subdivision subject to a list of conditions.

6 PUBLIC HEARING

7 Prior to the public hearing I undertook a virtual site visit by examining the project site
8 and surrounding neighborhoods via Google Streets. I also have a general familiarity of the
9 project site from previous hearings involving nearby subdivisions.

10 The public hearing commenced at approximately 5:30 p.m. on Monday, December 2,
11 2024. The Hearing occurred in a hybrid format allowing for both in-person testimony as well as
12 remote testimony utilizing the Zoom platform with City Staff serving as the host.

13 The City appeared through Casey Mauck, Assistant Planner. Ms. Mauck was assisted by
14 various other staff members including Nicole Floyd, Principal Planner, and Tiffani King of the
15 Engineering Department. Ms. Floyd served as the Hearing Clerk and host of the Zoom
16 conference. The Applicant appeared through Ivana Halverson and Tom Barghausen of
17 Barghausen Consulting Engineers, Inc. Several members of the public participated in the
18 hearing.

19 Testimony was received from the City through Ms. Mauck and Ms. King. Testimony
20 from the Applicant was received from Ms. Halverson and Mr. Barghausen. Public testimony
21 was received from Shawn Andrzejczyk and Heather May. A verbatim recording was made of
22 the public hearing and all testimony was taken under oath.

23 Documents considered at the time of the hearing included the following:

24 Exhibit 1 - Lister Glen HEX Staff Report

- 1 Exhibit 2 - Preliminary Plat
- 2 Exhibit 3 - Notice of Application, Anticipated SEPA Determination
- 3 and Public Meetings
- 4 Exhibit 4 - Public Comments Received as of November 14, 2024
- 5 Exhibit 5 - SEPA Determination of Non-Significance (DNS)
- 6 Exhibit 6 - Notice of Public Hearing and Deviation Approval
- 7 Exhibit 7 - Woodard Glen Hearing Examiner Decision
- 8 Exhibit 8 - Beaumont Hearing Examiner Decision
- 9 Exhibit 9 - Revised SEPA Checklist
- 10 Exhibit 10 - Level 5 Soil and Vegetation Report
- 11 Exhibit 11 - Wetland and Fish and Habitat Assessment
- 12 Exhibit 12 - Geotechnical Report
- 13 Exhibit 13 - Preliminary Civil Plans
- 14 Exhibit 14 - Preliminary Drainage Report
- 15 Exhibit 15 - EDDS Deviation Request
- 16 Exhibit 16 - Safe Walking Conditions
- 17 Exhibit 17 - Agency Comments Received as of November 14, 2024
- 18 Exhibits 18 - Stedman Public Comments
- 19 Exhibit 19 - City PowerPoint Presentation

20 The testimony from Ms. Mauck and other City Staff was consistent with the information
21 contained in the Staff Report. The project proposes to subdivide 4.77 acres into 24 lots. It also
22 proposes a new public road, Blue Vista Way, with connections to an extended Lister Road NE to
23 the west and Beaumont Drive NE to the northeast, providing a connection to Surrey Drive NE
24 and, ultimately, Lilly Road NE. Lister Road NE will be extended southward to create a
25 connection to Blue Vista Way and then continue further southward to establish a new connection

1 to Cherry Blossom Drive NE, with the net effect being a vastly improved set of road connections
2 in this area. Other improvements include three tracts: Tract A is a stormwater tract located near
3 the northwest corner of the development; Tract B is a Soil and Vegetation Protection Area
4 (SVPA) along the northwest corner of the site; and Tract C is a second SVPA located along the
5 entire south boundary of the project. The project will provide sidewalks, street landscaping,
6 sewer and water utilities, and stormwater management.

7 The project site previously contained a single-family residence and outbuildings, all of
8 which have since been demolished and removed. The site is now vacant and is partially forested.
9 It slopes from the northeast to the southwest, with grades of up to 25%. There is currently a
10 retaining wall located along the south boundary of the site. It is unknown if this wall was
11 established by the property's owners or by neighbors to the south. The City has conditioned
12 project approval on either removing these walls or establishing an easement for their continued
13 use and maintenance, as these retaining walls are encroaching into the Tract C SVPA between
14 Lots 19 and 18 (Condition No. 4(c)(i)).

15 The site is located on or near the City limits, with the boundary between the City and
16 Thurston County located either on the western property line or within Lister Road NE
17 immediately to the west. Property west of Lister Road NE within the County is sparsely
18 populated and contains environmentally sensitive areas near Woodard Creek. Neighborhoods
19 north, east and south of the project site are well developed, located within City limits, and
20 generally consist of single-family residential neighborhoods. The surrounding neighborhoods to
21 the north, east and south share the same R4-8 (Low Density Residential) zoning designation at
22 the project site.

23 The project site currently has areas of larger trees scattered through the site. The
24 Applicant has provided a Level V Soil and Vegetation Report (Exhibit 10) which concludes that
25 the project will require retention of at least 117 tree units. The Applicant proposes to retain a

1 total of 140 tree units, or well in excess of the minimum required, within the SVPA Tracts B
2 and C.

3 As noted earlier, the project will establish a new internal roadway, Blue Vista Way, with
4 connections to both Lister Road NE and Beaumont Drive/Surrey Road. The project will also
5 extend sewer to the site (currently terminating at Lilly Road) as well as municipal water.
6 Stormwater will be managed through a stormwater facility (Tract A) designed in compliance
7 with the Stormwater Manual.

8 Ms. Mauck explained that the project had undergone environmental review and that a
9 SEPA DNS was issued on October 23, 2024 (Exhibit 5). No appeals were filed and the SEPA
10 DNS is final. Despite the DNS, Staff notes that the site may contain noxious weeds (Exhibit 9)
11 and has conditioned project approval on their proper removal and disposal (Condition No. 6).

12 Ms. Mauck then turned to an analysis of the project's consistency with the City
13 Comprehensive Plan. The Staff Report contains an extended analysis of the project's consistency
14 with the Plan. Ms. Mauck's testimony condensed this analysis into a few key points and noted
15 that, in particular, the application is consistent with the land use and urban design goals of the
16 Plan as well as its transportation goals, especially as it will establish several important street
17 intersections and allow Lister Road NE to extend to Cherry Blossom Drive which, in turn, will
18 elevate Lister Road NE to "Neighborhood Collector" status.

19 Ms. Mauck next turned to critical areas issues and notes that the site does not contain any
20 critical areas or critical area buffers. There is an offsite wetland to the west but both the wetland
21 and its buffer lie outside of the project site. City Staff recognizes that the wetlands buffer is
22 located near the intersection of where Lister Road NE will intersect with Cherry Blossom Drive
23 NE, and has conditioned project approval on all improvements to Cherry Blossom Drive NE
24 being located within previously developed areas so as to avoid any additional encroachment into
25 the wetland buffer (Condition No. 2(c)(ii)).

1 Ms. Mauck concluded her direct testimony by reviewing several of the project's proposed
2 conditions, most of which have been mentioned above. One additional condition is that the City
3 requires Lots 12 and 13 to be revised so that Lot 12 has at least some road frontage. This will
4 require establishing Lots 12 and 13 as flag lots and the use of a shared driveway on the "flag"
5 portion of each lot. Another condition is that the Applicant must prepare a Cultural Resources
6 Report as requested by the Squaxin Island Tribe.

7 At the conclusion of Ms. Mauck's direct testimony the Hearing Examiner posed several
8 questions:

9 **Parking.** The Hearing Examiner noted that the project proposes no street parking along
10 Blue Vista Way. At the same time, City standards require only a .5 parking stall per lot. This
11 suggests that the project could be developed with less than one parking stall per residence. The
12 Examiner therefore sought assurance that at least one parking space would be available per
13 residential unit. Ms. Mauck confirmed that, although City standards require only a .5 parking
14 stall per unit, this requirement is rounded up to one stall per unit, meaning each residential unit
15 will have at least one parking stall, either in a garage or on a driveway. She also confirmed that
16 any driveway stalls will be at least 8 feet x 18 feet and will not block sidewalks.

17 **Street Landscaping.** The Hearing Examiner observed that the site plans do not provide
18 clear evidence that street trees are required for the project. Ms. Mauck confirmed that street trees
19 will be required per the City's design standards but she had no objection to the Hearing Examiner
20 imposing his own condition to ensure that this is accomplished.

21 **Fencing.** The Hearing Examiner asked whether fencing would be required along any of
22 the project's perimeters. Ms. Mauck explained that fencing currently exists along portions of the
23 south boundary as well as some of the north boundary but that the City is not requiring additional
24 fencing as a condition of project approval. Nonetheless, City Staff would not object if the
25 Hearing Examiner imposed his own fencing requirement.

1 At the conclusion of Ms. Mauck's testimony the Applicant appeared through Ivana
2 Halverson. Ms. Halverson confirmed that the Applicant is agreeable with all conditions
3 recommended by City Staff. She also confirmed that the project will extend sewer from Lilly
4 Road via new sewer construction along Surrey Drive to Beaumont and then on to the
5 development, utilizing gravity sewer where possible. She also confirmed that the project
6 envisions 10-foot sidewalks and includes street trees. Ms. Halverson acknowledged the
7 "understandable concerns" of neighbors regarding parking and provided assurances that each lot
8 will have at least one parking stall and that the larger residences will have garages with parking
9 available for two vehicles. Ms. Halverson concluded her testimony by expressing opposition to
10 the Hearing Examiner's proposed condition which would impose fencing along all or portions of
11 the perimeter, as Ms. Halverson felt that site conditions made such fencing unnecessary.

12 At the conclusion of the Applicant's presentation by Ms. Halverson the hearing was open
13 for public testimony. The first to speak was Shawn Andrzejczyk, President of the
14 nearby homeowner's association. Mr. Andrzejczyk testified that he was happy to hear that the
15 project would require at least one parking stall per residential unit as there is limited parking in
16 the neighborhood along Surrey and other streets. He then explained that the adjoining
17 neighborhood will soon undertake sidewalk repairs and hoped that these repairs could be
18 coordinated with any sewer or other work along Surrey in order to minimize inconvenience to
19 the residents. Mr. Andrzejczyk's question was responded to by Tom Barghausen on behalf of the
20 Applicant. Mr. Barghausen explained that it is difficult to say when this project may get
21 underway but that a likely starting point could be the spring of 2026. Ms. Mauck further
22 responded to this question by encouraging the HOA to contact her office or Tiffani King to better
23 coordinate sidewalk repairs with sewer improvements.

24 The final public commenter was Heather May. Ms. May shared the HOA's concerns
25 about the timing of neighborhood sidewalk repairs and the project's sewer construction and asked

1 that she and the surrounding neighbors be given as much information about the project's timing
2 as possible. Ms. May also expressed disappointment that the project will open the connection
3 between Surrey Drive and the new Blue Vista Way via Beaumont. She would prefer that
4 Beaumont remain blocked to vehicular traffic as Surrey is effectively a one lane street with
5 limited capacity for additional traffic. Ms. Mauck responded to Ms. May's testimony by
6 acknowledging concerns about opening Beaumont to allow this project's traffic onto Surrey
7 Drive but explained that this requirement was imposed when the adjoining subdivision was
8 approved and, more importantly, will serve a critical role in improving emergency response
9 access as well as overall improved traffic flow. Ms. Mauck believes that this project may reduce
10 traffic on Surrey as it will result in several new alternate routes for the neighborhood's traffic via
11 Lister Road NE and Cherry Blossom Drive NE.

12 Following the public hearing Ms. Mauck advised the Hearing Examiner of an additional
13 public comment received via email just prior to the public hearing. Due to routing procedures,
14 Ms. Mauck did not learn of this comment until after the public hearing was completed. The
15 comment (Exhibit 20) is from Mercy Kariuki-McGee, Elisa Nyambura McGee and Matthew
16 McGee, all of whom reside on Cherry Blossom Drive. Collectively, the McGee's expressed
17 concern over the project's impact to local wildlife and vegetation, taking into consideration its
18 proximity to Woodard Creek. In particular, the commenters propose that Lister Road NE not be
19 extended to Cherry Blossom Drive so as to avoid any greater environmental impacts to the
20 Woodard Creek ecosystem.

21 Having heard and considered the concerns of nearby property owners, I appreciate their
22 frustrations with seeing this property developed and their concerns that it will exacerbate traffic
23 issues in the neighborhood. I conclude, however, that requests to deny or greatly reduce its
24 development in order to more fully protect flora and fauna would effect an unconstitutional
25 taking of private property for a public purpose. I further conclude that requests to deny proposed

1 new street connections at Beaumont and Blue Vista Way, and Lister Road NE and Cherry
2 Blossom Drive NE while understandable, are inconsistent with the City's declared goals of street
3 connectivity and with the way in which surrounding neighborhoods were developed. I also
4 conclude that developing the Lister Road NE/Cherry Blossom Drive NE connection will not
5 result in increased environmental degradation subject to the conditions imposed by Staff
6 (prohibiting the expansion of the Cherry Blossom improvements into adjoining wetland buffer).
7 I therefore conclude that the project, as condoned, satisfies all requirements for subdivision
8 approval so long as a few additional conditions are imposed:

9 1. Each residential lot shall have at least one parking stall. The
10 parking stall shall not block the driveway.

11 2. All internal streets shall be required to have street trees in
12 accordance with the street tree provisions of the EDDS.

13 3. The developer shall construct a sold, continuous wood fence from
14 the southeast corner of the development north along the east boundary to the
15 northeast corner and then west along the north boundary of the development to
16 the northwest corner of Lot 9."

17 I conclude that similar fencing is not required along the south or west boundaries, or the
18 remainder of the north boundary as existing fencing, coupled with changes in elevation, along
19 with areas dedicated to SVPAs, eliminate the need for fencing in these areas. Subject to these
20 additional conditions I conclude that the project meets all subdivisional requirements.

21 Accordingly, I make the following:

22 FINDINGS OF FACT

23 1. Any Findings of Fact contained in the foregoing Background Section are
24 incorporated herein by reference and adopted by the Hearing Examiner as his own Findings of
25 Fact.

1 General Findings.

2 2. The Applicant seeks preliminary plat approval to subdivide 4.77 acres of land into
3 24 residential lots. The project includes the construction of a new public street ("Blue Vista
4 Way") connecting the development to Surrey drive to the northeast via an extension of
5 Beaumont Drive, and connecting the development to Lister Road NE to the west. The project
6 also includes an additional extension of Lister Road NE south from its intersection with Blue
7 Vista Way to its intersection with Cherry Blossom Drive NE, thereby completing the looping of
8 all nearby neighborhood streets. Other public improvements include sidewalks, street trees,
9 sewer and water utilities, stormwater management and two soil and vegetation protective tracts.
10 A map identifying the location of the project is found on page 2 of the Staff Report. Site plans
11 and other maps of the subdivision are provided in Exhibit 2.

12 3. The project is bounded on its north, east and south sides by existing residential
13 subdivisions: To the north are single-family subdivisions along Newport Street, Beaumont Drive
14 and Surrey Drive; to the east is the Winwood Place Subdivision; and to the south is the Cherry
15 Blossom Subdivision. All of these surrounding subdivisions are fully built, leaving the subject
16 property as the only remaining unbuilt property in the neighborhood.

17 4. The property to the west is located outside of the City limits and is within
18 Thurston County. It contains Woodard Creek and its buffers along with other critical areas and
19 has little or no development

20 5. The site has a zoning designation of Residential R4-8 (Low Density). The
21 proposed use is a permitted use within this zoning designation subject to subdivision approval.
22 Adjoining properties to the north, east and west have the same zoning designation while property
23 to the west, outside of City limits, has a Rural Residential zoning designation.

24 6. All previously existing buildings on the site have been demolished and removed
25 and the site is currently vacant with no internal road system. The site slopes from the northeast

1 to the southwest with grades of up to 25%. Stands of trees are located throughout the site and are
2 interspersed with open areas in the sites of previous structures.

3 7. The site currently has limited vehicular access consisting of an abandoned
4 driveway to the former residence.

5 8. The project would create a new public street (Blue Vista Way) commencing near
6 the northeast corner of the project site at the current terminus of Beaumont Drive NE. From this
7 location, the new street would run south and then west through the center of the property to its
8 western boundary where it would connect to an extension of Lister Road NE. Lister Road would
9 be extended further south to establish a second connection to Cherry Blossom Drive NE. The
10 system of new streets and intersections will provide several means of ingress and egress to this
11 development and surrounding neighborhoods. A map of the road systems can be found at Sheets
12 P0 and P1 of Exhibit 2.

13 9. Two Soils and Vegetative Protective Areas (SVPAs) are established as Tracts B
14 and C as reflected on Sheet P0 and P1 of Exhibit 2. Tract B is located along the northwest
15 boundary of the project while Tract C extends along the entire south boundary of the project site.

16 10. A stormwater tract (Tract A), is located immediately south of Tract B and will
17 provide stormwater management for the project.

18 11. The project proposes 24 residential lots as shown on site plans.

19 Findings Relating to Public Notices and Meetings.

20 12. The City received the application on January 23, 2024. The application was not
21 deemed complete and the Applicant submitted revised plans and reports on June 20, 2024. The
22 revised plans were again deemed incomplete and the Applicant submitted a third set of plans on
23 September 30, 2024.

24 13. On October 23, 2024, the City, as Lead Agency, issued a SEPA Determination of
25 Non-Significance (DNS) (Exhibit 5). The SEPA Determination has not been appealed.

1 14. Notification of Application was sent to parties of record, property owners within
2 300 feet and recognized neighborhood associations, posted on the site and published in The
3 Olympia. This notice generated several public comments (Exhibit 4 and 18). As noted
4 elsewhere, members of the public have expressed concern over increased traffic, a lessening of
5 privacy, safety of pedestrians and children in surrounding neighborhoods, loss of trees and
6 wildlife, increased neighborhood density and limited parking.

7 15. On November 14, 2024, a Notice of Public Hearing combined with a Notice of
8 Deviation Approval was mailed to parties of record, property owners within 300 feet and
9 recognized neighborhood associations, posted on the site and published. Details of the
10 application were also provided on the City's website in conformance with OMC 18.78.020.

11 Findings Relating to the City's Comprehensive Plan.

12 16. The project is designated as Low Density Neighborhood in the City's
13 Comprehensive Plan future land use map.

14 17. The Staff Report, commencing at at page 5, finds that the project, as conditioned,
15 is consistent with and will further the Goals and Policies of the City's Comprehensive Plan
16 including land use Goal GL1 and Policies PL1.1, PL1.2, PL1.5, PL3.1, PL16.1; land use Goal
17 GL20 and Policies PL20.1 and PL20.5; Natural Environment Goal GN1 and Policy PN1.3;
18 Transportation Goal GT4 and Policies PT4.2, PT4.3, PT4.4, PT4.5, PT4.6 and PT4.10;
19 Transportation Goal GT9; and Utilities Policies PU1.2 and PU2.1. The report also notes that the
20 project is consistent with the Future Land Use Designations Table and the Future Land Use Map.

21 Findings Relating to SEPA.

22 18. As noted in earlier Findings, a Notice of Anticipated SEPA was issued along with
23 the Notice of Application and allowed for a 14-day comment period. Agency and public
24 comments in response resulted in SEPA revisions and a revised SEPA Checklist. Following
25 additional review the City, as Lead Agency, issued a Determination of Non-Significance (DNS)

*Corrected Findings of Fact, Conclusions
of Law and Decision - 12*

CITY OF OLYMPIA HEARING EXAMINER
299 N.W. CENTER ST. / P.O. BOX 939
CHEHALIS, WASHINGTON 98532
Phone: 360-748-3386/Fax: 748-3387

1 on October 23, 2024. Notice of the determination included a 21-day appeal deadline of
2 November 13, 2024. No appeals were filed.

3 Findings Relating to General Subdivision Requirements.

4 19. The project is subject to the requirements of Chapter 16.60 OMC regarding tree
5 densities and tree protection. For residential subdivisions of five units or more, at least 75% of
6 the required minimum tree density must be located within separate deeded Soil and Vegetation
7 Protection Areas (SVPAs) held in common ownership by the HOA.

8 20. The Applicant has provided a Level V Tree, Soil and Vegetation Report (Exhibit
9 10). The report identifies a minimum of 117 tree units needing to be retained. The Applicant
10 proposes retention of 140 tree units within two SVPA tracts (Tracts B and C), with Tract B
11 located in the northwest corner of the site and Tract C located along the southern boundary.
12 Staff finds that the project complies with the tree retention requirements found in Chapter 16.60
13 OMC.

14 21. Several public commenters have expressed concern that the project will result in
15 the loss of several trees onsite in areas located outside of the two SVPAs. Although the loss of
16 these trees is unfortunate, the Applicant's proposed retention of tree units exceeds the minimum
17 requirements per Chapter 16.60 OMC. Requiring the Applicant to retain additional trees in areas
18 outside the two SVPAs would likely prevent the development from achieving the minimum
19 density requirements imposed in the R4-8 zoning designation.

20 Findings Relating to OMC 17.16.090.A.

21 22. Pursuant to OMC 17.16.090.A, the Hearing Examiner shall determine if
22 appropriate provisions are made for public health, safety and general welfare, for open spaces,
23 drainage ways, streets, alleys, or other public ways, water supplies, sanitary waste, parks,
24 playgrounds, sites for schools and school grounds, fire protection and other public facilities, and
25

1 shall consider all other relevant facts, including the physical characteristics of the site and
2 determine whether the public interest will be served by the subdivision and dedications.

3 23. The Staff Report, commencing at page 8, contains Findings relating to
4 compliance with these requirements. As set forth in the Staff Report, Staff finds:

5 1. Public health, safety and general welfare provisions are made through road
6 improvements, extension of the sanitary sewer system, stormwater management in
7 accordance with the Manual, extension of the water supply system, and by
8 accommodating additional population growth in urban areas as required by the Growth
9 Management Act.

10 2. Open space provisions are satisfied through Tracts A, B and C including
11 the SVPA Tracts B and C.

12 3. Drainage way provisions are met through stormwater management
13 designed in accordance with the Manual.

14 4. Provisions for streets, alleys and other public ways are satisfied by the
15 addition of new public streets satisfying EDDS standards and the connection of the
16 project's new public street with all surrounding streets through three new street
17 interchanges at Blue Vista Way/Beaumont; Blue Vista Way/ Lister Road NE and Lister
18 Road NE/Cherry Blossom Drive.

19 5. Requirements for water, sanitary sewer and solid waste are all satisfied
20 with all of these services being provided by the City.

21 6. Provisions for parks and playgrounds are satisfied through the payment of
22 appropriate impact fees.

23 7. Provisions for sites for schools and school grounds are satisfied through
24 the payment of school impact fees. These fees will be imposed at a proportionate share
25

1 of costs of improvements reasonably related to the new development as determined by
2 the North Thurston School District.

3 8. Provision for fire protection and other public facilities are made through
4 road improvements, both on and offsite, utility improvements, and compliance with
5 building code standards.

6 24. City Staff finds that the project, as conditioned, satisfies all requirements of OMC
7 17.16.090.A. The Hearing Examiner has reviewed these Findings and adopts them as his own
8 Findings of Fact.

9 25. City Staff finds that, as conditioned, the project will satisfy the requirements of
10 OMC 17.16.090.B for public dedications. This requirement is satisfied through dedication of
11 lands for street rights-of-way along with payment of transportation, park and school impact fees.

12 26. Pursuant to OMC 17.16.090.E, the local health department may require lot sizes
13 larger than the minimum permitted by the zoning code in those instances where topography,
14 soils, water table, or other conditions make larger lot sizes necessary in order to prevent possible
15 health hazards due to water contamination or sewage disposal system malfunction. This
16 application was routed for review to Thurston County Environmental Health (TCEHM) who
17 determined that larger lot sizes were not required. The project therefore complies with OMC
18 17.16.090.E.

19 Findings Relating to Compliance with Chapter 18.04 OMC.

20 27. The proposed subdivision is subject to the regulations found in Chapter 18.04
21 OMC including development standards. The Staff Report, at page 10, contains Findings relating
22 to the project's compliance with these standards. Staff finds the proposed density of 24 units on
23 4.77 acres meets the minimum density requirements and does not exceed the maximum density
24 range of the district. Staff also confirms that the project complies with requirements for
25 minimum lot size and minimum lot width. Single-family dwellings on lots of 5,000 square feet

1 or less are subject to garage placement and width standards found in OMC 18.04.060.EE.
2 Compliance with these regulations will be reviewed at the time of building permit issuance.

3 Findings Relating to Historic Preservation, Chapter 18.12 OMC.

4 28. Pursuant to OMC 18.12.140, cultural resources shall be protected from damage
5 during construction and all other development activities. The Squaxin Island Tribe has
6 commented on the project and has requested a Cultural Resources Report and Survey be
7 conducted due to the high likelihood of archaeological resources onsite (Exhibit 17). This
8 condition has been imposed on project approval. An Inadvertent Discovery Plan will also be
9 required at time of engineering permit application. Staff therefore finds that the project, as
10 conditioned, complies with all cultural resource protection requirements of Chapter 18.12 OMC.

11 Findings Relating to Critical Areas, Chapter 18.32 OMC.

12 29. Pursuant to OMC 18.32.300, protection of important habitat and species locations
13 is subject to the standards of OMC 18.32.305-18.32.330.

14 30. The Applicant has submitted a Wetland and Fish and Wildlife Habitat Assessment
15 (Exhibit 11) which declares that there are no federal, State or locally important habitat or species
16 identified onsite. Woodland Creek is located within 1,000 feet of the property but Staff finds
17 that it is protected by an existing wetland buffer protecting both the wetland and any protected
18 species.

19 31. Public comments included concerns over the protection of bald eagles. Staff
20 notes that Bald Eagles are no longer listed as endangered species at either the federal or State
21 level. Staff adds that the site does not contain any other known species requiring protection, and
22 that the project therefore complies with OMC 18.32.300-.330.

23 32. Projects containing wetlands or which lie within 300 feet of wetlands are subject
24 to the standards set forth in OMC 18.32.100.A and OMC 18.32.505-.595. The Applicant's
25 Wetland and Fish and Wildlife Habitat Assessment acknowledges that the project site is near an

1 offsite wetland located southwest of the site but this wetland is approximately 320 feet from the
2 site at its closest point. This distance places the offsite wetland outside of any requirement for
3 protection from onsite development.

4 33. As noted in earlier Findings, Staff acknowledges that the Cherry Blossom Drive
5 NE right-of-way is partially located within a potential wetland buffer. This project will not
6 require any improvements to Cherry Blossom Drive NE outside of previously improved rights-
7 of-way. The project has been appropriately conditioned to ensure that the wetland buffer is
8 protected. Condition No. 2(c)(ii).

9 34. The project must also comply with OMC 18.32.610 regulating landslide hazard
10 areas. The Applicant has submitted a Geotechnical Report (Exhibit 12) which finds that there
11 are no landslide hazard areas onsite or in the immediate vicinity. Staff finds that the project
12 therefore complies with OMC 18.32.610.

13 Findings Relating to Landscaping, Chapter 18.36 OMC.

14 35. This project is exempt from the landscaping requirement set forth in Chapter
15 18.36 OMC for the reason that it contains single-family lots with less than four attached units per
16 lot.

17 36. The project proposes two SVPA tracts, Tracts B and C, which largely preserve the
18 existing trees and other vegetation found along the south boundary and much of the north
19 boundary. These protective tracts, coupled with existing fences, make additional landscaping
20 along the north and south boundaries unnecessary.

21 37. Similarly, the SVPA tract and stormwater tract located along the west boundary
22 make further landscaping along the west boundary unnecessary.

23 38. The east boundary, and the northeast boundary, do not enjoy vegetative buffers.
24 Additionally, the design of the proposed lots, especially Lot 12 and 9, make placement of
25 residences on these lots unusually close to existing residences in adjoining neighborhoods. The

1 site plan does not provide for any vegetative buffer or fencing along the east and northeast
2 boundaries of the project. A fence is the best means of establishing a buffer between these lots
3 and adjoining residences to the east and north.

4 39. To properly establish a buffer between this development and adjoining
5 developments to the east and northeast, an additional condition shall be imposed which requires
6 a continuous fence running from the southeast corner of the project to the northeast corner, and
7 then continuing west along the north boundary to the northwest corner of Lot 9.

8 40. It is unclear from site plans whether the project envisions street trees along the
9 proposed extension of Beaumont Drive within the development, and along the new public road,
10 Blue Vista Way, located through the center of the project. City Staff and the Applicant believe
11 that the City's design standards will mandate the establishment of street trees along these roads.
12 Nonetheless, and to avoid any uncertainty, the project should be conditioned upon the planting of
13 street trees along the extension of Beaumont Drive and the newly created Blue Vista Way.

14 Findings Relating to Parking and Loading, Chapter 18.38 OMC.

15 41. Pursuant to OMC 18.38.100 and Table 38.01, single-family homes on individual
16 lots require a minimum of .5 vehicular parking spaces per unit and do not require bicycle
17 parking. When required parking spaces must measure at least 8 feet wide by 18 feet in length.

18 42. As noted in earlier Findings, parking will not be allowed on the internal streets.
19 City Staff finds, and the Applicant concurs, that each unit must have at least one parking stall,
20 and that this stall must not block the driveway.

21 43. Although both City Staff and the Applicant concur that the development will
22 require at least one parking stall per unit, project approval must be conditioned upon requiring at
23 least one parking stall per unit, and that the parking stall does not block the driveway.

24 44. Staff has previously approved a deviation from engineering standards which
25 eliminates on-street parking. This deviation was approved in order to support emergency vehicle

1 access and solid waste collection. The approval of this deviation increases the importance of
2 assuring parking for at least one vehicle on each lot.

3 45. Staff finds that the project, as conditioned, complies with all minimum parking
4 requirements imposed by Chapter 18.38 OMC.

5 Findings Relating to Compliance with Property Development and Protection Standards,
6 Chapter 18.40 OMC.

7 46. OMC 18.40.060.I establishes a minimum street frontage of 30 feet for each
8 residential lot. The Director is empowered to reduce or eliminate the street frontage if necessary
9 to enable access to each lot when public street access is not feasible. This regulation also
10 requires that flag lots must share a common driveway whenever possible and must be designed
11 to allow fire truck access.

12 47. The Preliminary Plat proposes that Lot 12 and 13 share a common driveway, with
13 Lot 13 having 30 feet of road frontage while Lot 12 has no frontage. Staff disagrees with this
14 design and believes that the available road frontage should be divided between these two lots
15 such that each has one-half of the available road frontage. This results in the redesign of these
16 two lots such that Lot 12 also becomes a flag lot similar to Lot 13. A common driveway will be
17 located along the "flag" portions of each lot and shall be shared by the two lots. Staff has
18 conditioned project approval upon this change in the design (Condition No. 2(c)(i)). The
19 Applicant does not object to this required condition.

20 Findings Relating to Latecomer Agreements, Chapter 18.41 OMC.

21 48. As noted in the Staff Report at page 13, this project may be subject to existing
22 latecomer agreements where a third party has extended a utility main past properties that would
23 benefit at the time of connection. In such situations, an Applicant within the latecomer benefit
24 area must reimburse a predetermined share of the project cost to the City to be distributed to the
25 original proponent.

1 49. There is currently in place a sewer latecomer agreement for a nearby project
2 known as the Village at Mill Pond (File No. 23-0920). This project is located within the
3 latecomer benefited area. Payment of latecomer fees must therefore be assessed and paid at the
4 time of engineering permit issuance or, if the agreement has not been finalized prior to
5 engineering permit issuance, the Applicant must provide proof of payment of latecomer fees
6 directly to 2400 Lilly Road, LLC. This requirement is set forth in proposed Condition No. 2(b).
7 As conditioned, the proposal complies with the requirements of Chapter 18.41 OMC.

8 Findings Relating to Design Review Requirements, Chapter 18.100 OMC.

9 50. Single-family homes on lots of less than 5,000 square feet must meet infill and
10 other residential design requirements.

11 51. Some of the proposed lots fall below the 5,000 square foot threshold. Affected
12 lots must undergo staff-level design review at the time of building permit review. The project
13 has been conditioned to ensure that this requirement is met (Condition No. 3(a)). As
14 conditioned, the project complies with Chapter 18.100 OMC.

15 Findings Relating to Compliance with the Engineering Design and Development
16 Standards (EDDS) and Drainage Design and Erosion Control Manual (DDECM).

17 52. The preliminary civil plan set was reviewed by Staff and found compliant with
18 the EDDS relative to sewer, water, solid waste, streets and street trees.

19 53. The preliminary drainage report was reviewed by Staff and deemed compliant
20 with the DDECM for stormwater.

21 54. The Applicant requested deviations from the EDDS to eliminate bulb-outs and
22 on-street parking on Lister Road, Blue Vista Way and Beaumont Drive. The deviations were
23 sought in order to ensure adequate space for solid waste collection and emergency access. These
24 deviations are commonly requested and granted on most preliminary plats as current EDDS
25 requirements have been found to be detrimental to solid waste collection and emergency access.

1 The requested deviations were approved by Staff on November 14, 2024 (Exhibit 6). No appeals
2 were filed.

3 55. The Staff Report, at page 14, provides additional Staff Findings with respect to
4 compliance with Chapter 4 of the EDDS and transportation requirements. Staff finds:

5 ● The Applicant will be required to improve portions of Beaumont Drive
6 and Lister Road offsite in order to establish required street connections. Both of these
7 connections were required by earlier Hearing Examiner Decisions for the Woodard Glen
8 Plat and the Beaumont Plat (Exhibits 7 and 8).

9 ● The Public Works Department determined that a Traffic Impact Analysis
10 was not required for this project as it is expected to generate less than 50 vehicle trips
11 during the PM Peak Hour and therefore does not trigger TIA requirements.

12 ● The Applicant will be required to make its proportionate contributions to
13 any identified transportation facility improvement projects in the area of development or
14 pay transportation impact fees at time of building permit issuance.

15 ● The project has been conditioned on requiring "no parking" signs in areas
16 with no on-street parking in order to preserve emergency and solid waste accessibility.

17 ● The project has been conditioned on requiring pavement restoration in any
18 areas offsite where paved areas will be cut.

19 56. Although it is not clear from the site plans, street trees will be required and their
20 locations have been approved by the City forester. Tree species and locations of street trees may
21 be changed during final review. Subject to these conditions, Staff finds that the project complies
22 with all street tree requirements in the EDDS.

23 57. The treatment, storage and disposal of stormwater through a storm drainage
24 system must be designed to the current Drainage Design and Erosion Control Manual (DDECM)
25 for the City and Chapter 5 of the EDDS. The Applicant's proposed stormwater design is

1 described in its Preliminary Drainage Report dated June 13, 2024 (Exhibit 14). Staff finds that it
2 complies with the provisions of the 2022 DDECM. Stormwater will be collected, treated and
3 infiltrated within the underground structures located in Tract A of the site. As conditioned, Staff
4 finds that the project complies with Chapter 5 of the EDDS and the DDECM.

5 58. The developer is required to install sewer facilities in accordance with Chapter 7
6 of the EDDS. Staff confirms that the City has capacity for the subdivision's anticipated sanitary
7 sewage discharge. The Applicant will be required to extend a sewer gravity main from Lilly
8 Road north of the project and extend it to the 2600 block of Surrey Drive. The sewer main will
9 then transition to a grinder force main on Surrey Drive and continue to the site along internal
10 streets. As conditioned, Staff finds that the proposed sanitary sewer main extensions and
11 connections will comply with Chapter 7 of the EDDS.

12 59. Water facilities must be installed in accordance with Chapter 6 of the EDDS.
13 Staff finds that the City has capacity for the subdivision's domestic water and fire suppression
14 needs. The Applicant will be required to extend a water main along internal streets as shown in
15 the site plans. The Applicant will be required to install pressure reducing valves as the area is
16 noted to have high water pressure. Staff finds that the project, as conditioned, complies with
17 Chapter 6 of the EDDS.

18 60. Solid waste generated by the subdivision must be properly collected and disposed
19 of. Waste Resources provides for collection and disposal of all solid waste and recycling within
20 the City. Staff confirms that the City and waste resources have the capacity for this
21 development's anticipated solid waste generation. Conditions have been imposed on the project
22 to ensure that solid waste collection areas remain clear and accessible. Staff finds that the
23 project, subject to these conditions, complies with all EDDS regulations regarding solid waste.

1 Findings Relating to Safe Walking Conditions.

2 61. Safe walking routes must be provided for students who only walk to and from
3 school when an elementary or middle school is located within walking distance, or to a school
4 bus stop if the school district provides bus service to and from the school.

5 62. This development will be served by South Bay Elementary, Chinook Middle
6 School and North Thurston High School. All three schools are located more than one mile from
7 the site and provide bus service.

8 63. The Applicant, in consultation with the school district, has determined the
9 appropriate bus stop location to be at Lilly Road NE and Cherry Blossom Drive NE for all three
10 schools (Exhibit 16).

11 64. As noted in earlier Findings, the subdivision provides internal sidewalks at all
12 new roadways as well as extensions of existing sidewalks from the terminus of Lister Road NE
13 south to Cherry Blossom Drive. Collectively, these sidewalks create a network of sidewalks for
14 students to safely walk to the bus stop. Staff therefore finds that the project, as conditioned, is
15 compliant with all safe walking conditions set forth in EDDS 2.040.B.18 and Chapter 58.17
16 RCW.

17 Findings Relating to Conditions of Approval.

18 65. Staff recommends approval of the requested subdivision application subject to the
19 eight conditions set forth in the Staff Report commencing at page 17.

20 66. The Applicant does not object to any of the conditions imposed by City Staff.

21 67. As noted in earlier Findings, the Hearing Examiner finds that in order to fully
22 satisfy all City requirements for subdivision approval as well as the additional requirements
23 imposed by Chapter 58.17 RCW, three additional conditions should be imposed:

24 "9. Each residential lot shall have at least one parking stall. The
25 parking stall shall not block the sidewalk.

1 10. All internal streets shall be required to have street trees in
2 accordance with the street tree provisions of the EDDS.

3 11. The developer shall construct a sold, continuous wood fence from
4 the southeast corner of the development north along the east boundary to the
5 northeast corner and then west along the north boundary of the development to
6 the northwest corner of Lot 9."

7 68. As discussed in earlier Findings, Conditions 9 and 10 are believed to be already
8 required but are included to ensure that these requirements are imposed.

9 Based upon the foregoing Findings of Fact the Hearing Examiner makes the following:

10 **CONCLUSIONS OF LAW**

11 1. The Hearing Examiner has jurisdiction over the parties and the subject matter.

12 2. Any Conclusions of Law contained in the foregoing Background Section or
13 Findings of Fact are incorporated herein by reference and adopted by the Hearing Examiner as
14 his Conclusions of Law.

15 3. The requirements of SEPA have been met.

16 4. Appropriate provisions are made for the public health, safety and general welfare,
17 for open spaces, drainage ways, streets, alleys, and other public ways, water supplies, sanitary
18 waste, parks, playgrounds, sites for schools and schoolgrounds, fire protection, and other public
19 facilities.

20 5. After considering all of the relevant facts, including the physical characteristics of
21 the site, together with the conditions recommended by City Staff as well as the additional
22 conditions imposed by the Hearing Examiner, the public interest would be served by the
23 subdivision and dedication.

24 6. All requirements of OMC 17.16.090.A have been satisfied.

25 7. The requirements for the dedication of land and/or payment of fees pursuant to
OMC 17.16.090.B have been satisfied.

- 1 8. All other requirements of Chapter OMC 17.16 have been satisfied.
- 2 9. The project is in compliance with the purposes of the R4-8 Zoning Designation.
- 3 10. Development is a permitted use within the R4-8 Zoning Designation.
- 4 11. The project, as conditioned, is in compliance with Residential Development
5 Standards set forth in Table 4.04. OMC 18.04.080
- 6 12. The project, as conditioned, is in compliance with all other requirements of
7 Chapter 18.04 OMC.
- 8 13. The project, as conditioned, is in compliance with Chapter 16.60 OMC for tree,
9 soil and native vegetation protection and replacement.
- 10 14. The project, as conditioned, satisfies the requirements of OMC 18.12 relating
11 cultural resource protection.
- 12 15. The project, as conditioned, is in compliance with Chapter 18.32 OMC and the
13 protection of critical areas.
- 14 16. The project, as conditioned, satisfies the requirements of Chapter 18.36 OMC for
15 landscaping.
- 16 17. The project, as conditioned, is in compliance with Chapter 18.38 OMC relating to
17 parking and loading.
- 18 18. The project, as conditioned, is in compliance with Chapter 18.40 OMC, relating to
19 property development and protection standards, including minimum street frontage.
- 20 19. The project, as conditioned, in in compliance with the EDDS for sewer, water,
21 frontage improvements, traffic impacts, street trees, solid waste, storm drainage, and all other
22 requirements of the EDDS.
- 23 20. The project, as conditioned, is in compliance with the Safe Walking Conditions
24 contained in the EDDS and Chapter 58.17 RCW.
- 25

1 21. The project, as conditioned, is in compliance with all other subdivision
2 requirements.

3 22. The project is consistent with the City Comprehensive Plan.

4 23. Approval of the preliminary plat shall be effective for five years from the date of
5 approval by the Hearing Examiner during which time a final plat or plats may be submitted.

6 During this time the terms of the conditions upon which the preliminary approval is given will
7 not be changed except as provided for in Chapter 17.20 OMC.

8 24. The project should be approved subject to the 8 conditions recommended in the
9 Staff Report together with three additional conditions imposed by the Hearing Examiner.

10 **DECISION**

11 The Applicant's request for preliminary approval of a subdivision containing 24 single-
12 family lots on 4.77 acres, with associated improvements, shall be **approved** subject to the
13 following conditions:

14 1. **Preliminary Plat.** Development shall be substantially similar to the approved
15 preliminary plat P1, dated September 26, 2024, as modified by the Hearing Examiner. This
16 preliminary plat shall be provided as a submittal item in engineering and building permit
17 applications.

17 2. **Engineering Permit.** The engineering permit shall comply with the Engineering
18 Design and Development Standards (EDDS) and the Drainage Design and Erosion Control
19 Manual (DDECM) in effect at the time of application submittal. The following shall be
20 addressed as part of the engineering permit application:

21 a. **Historic Preservation**

22 i. **Cultural Resources Survey and Report.** A Cultural Resources
23 Survey and Report must be submitted with the engineering permit
24 application. The report must detail how interested Tribes and the
25 Department of Archaeology and Historic Preservation were provided the
opportunity to review the report.

1 ii. **Inadvertent Discovery Plan.** A signed Inadvertent Discovery Plan
2 which outlines how the project proponent and site crew will respond in the
3 event that archaeological resources are uncovered during the course of
4 project work shall be included with the engineering permit application
5 (OMC 18.12.140).

6 b. **Latecomer Fees.** A sewer latecomer agreement is currently in process for
7 the Village at Mill Pond Project (File No. 23-0920). Lister Glen is included in the
8 boundaries of that agreement. Payment of latecomer fees shall be assessed and paid at the
9 time of engineering permit issuance, or if the agreement has not been finalized prior to
10 engineering permit issuance, the applicant shall provide proof of payment of latecomer
11 fees directly to 2400 Lilly Road, LLC.

12 c. **Planning**

13 i. Lots 12 and 13 must be revised to both be flag lots with a shared
14 driveway and easement for ingress, egress and utilities prior to
15 engineering permit submittal.

16 ii. All improvements within the wetland buffer on Cherry Blossom
17 Drive NE must stay in the previously developed area.

18 d. **Solid Waste.** The development will be served by a residential automated
19 side loading collection truck. Carts shall be placed curbside with no parked cars or
20 obstructions in the way. Collection shall occur on one side of the road and final
21 placement will be determined by City waste resources staff at the time of engineering
22 permit review. The final plat shall show no parking areas accordingly.

23 e. **Transportation**

24 i. Driveway spacing of less than 20 feet prevents on-street parking.
25 "NO PARKING ANY TIME" signs must be shown on engineering permit
26 plans and shown on the final plat with approximately +/- 200 foot spacing.
27 Alternate spacing can be used when located on both sides of the street.
28 The sign face must be perpendicular to the street per Standard Drawing 4-
29 45 from the Engineering Design and Development Standards (EDDS).

30 ii. Show pavement restoration per EDDS 4B.175 and Table 10 in any
31 areas offsite where currently paved areas will be cut.

32 3. **Building Permit.** The following shall be addressed as part of all building permit
33 applications:

34 a. **Design Review and Garage Requirements.** The plat includes several lots
35 under 5,000 square feet. Architectural plans for buildings on these lots must meet OMC

1 18.175 Infill and Other Residential Design Criteria and OMC 18.04.060.EE for garage
2 placement and width.

3 b. **Water Pressure.** This area has water pressures in excess of 80 PSI.
4 Building plans must include Pressure Reducing Valves.

5 4. **Final Plat.** The following shall be addressed as part of the final plat application:

6 a. **Addressing.** The street names of Blue Vista Way NE and Beaumont Dr
7 NE and preliminary addresses sent to the applicant in July 2024 shall be included on the
8 final plat.

9 b. **Engineering**

10 i. Finished floor elevations shall be shown on the final plat.

11 ii. This area has water pressures in excess of 80 PSI. A note shall be
12 placed on the final plat that homes shall be required to install Pressure
13 Reducing Valves at the time of building construction.

14 c. **Planning**

15 i. Retaining walls installed by neighboring property owners are
16 encroaching into the Soil and Vegetation Protection Area south of lots 19
17 and 18. An easement must be executed with these property owners and
18 noted on the final plat, or the walls must be relocated prior to final plat
19 application.

20 ii. Lots 12 and 13 must be revised to both be flag lots with a shared
21 driveway and easement for ingress, egress, and utilities. The easement
22 shall be noted on the final plat.

23 d. **Survey.** Basis of bearing in addition to description must be shown on the
24 final plat and include ties to the plat boundary.

25 5. **Hours of Operation/Construction Noise.** Pursuant to OMC 18.40.080.C.7,
construction activity detectable beyond the site boundaries shall be restricted to the hours of 7:00
a.m. to 6:00 p.m.

6. **Noxious Weeds.** Any noxious weeds found onsite shall be removed and disposed
of using methods approved by Thurston County.

7. **Right-of-Way Performance Bond.** Bonds or other allowable securities will be
required by the City to guarantee the performance of work within the subject site and rights-of-
way, or maintenance of required public infrastructure intended to be offered for dedication as a

1 public improvement. See both EDDS Section 2.030.F and Volume 1 Section 2.6.1 of the
2 Drainage Design and Erosion Control Manual for more information.

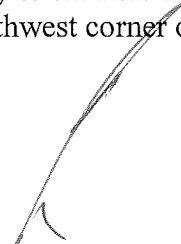
3 **8. Vegetation Maintenance Bond.** A vegetation maintenance bond (or other
4 assurance) may be required for non-irrigated areas including the Soil and Vegetation Protection
5 Area and all street trees following City acceptance of the landscape installation before
6 application for Final Plat. The bond will be managed by the City Urban Forestry and the bond
7 amount shall be 125% of the cost estimate submitted with the Landscape Plan and approved by
8 the City.

9 **9.** Each residential lot shall have at least one parking stall. The parking stall shall
10 not block the sidewalk.

11 **10.** All internal streets shall be required to have street trees in accordance with the
12 street tree provisions of the EDDS.

13 **11.** The developer shall construct a sold, continuous wood fence from the southeast
14 corner of the development north along the east boundary to the northeast corner and then west
15 along the north boundary of the development to the northwest corner of Lot 9.

16 DATED this 11 day of December, 2024.

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Mark C. Scheibmeir
City of Olympia Hearing Examiner