



COUNTY COMMISSIONERS

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HEARING EXAMINER

Creating Solutions for Our Future

BEFORE THE HEARING EXAMINER FOR THURSTON COUNTY

| | | |
|-------------------------------------|---|-------------------------|
| In the Matter of the Application of |) | NO. 2013104463 |
| |) | |
| |) | |
| Conwell Investments LLC |) | Oak Springs Plat |
| |) | |
| |) | |
| For a Preliminary Plat and |) | FINDINGS, CONCLUSIONS, |
| Forest Land Conversion |) | AND DECISION |
| |) | |

SUMMARY OF DECISION

The requested preliminary plat to subdivide 20.02 acres into 88 single-family residential lots and the associated forest land conversion permit are **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request

Mark Conwell of Conwell Investments LLC requested approval of a preliminary plat to subdivide 20.02 acres into 88 single-family residential lots and a forest land conversion permit to harvest approximately 8,500 board feet of timber from 18 acres. The subject property is located at 3146 Marvin Road SE, Olympia, Washington.

Hearing Date

The Thurston County Hearing Examiner conducted a virtual open record public hearing on the request on February 13, 2024. The record was held open through February 15, 2024 to allow any members of the public who were unable to access the virtual hearing to submit written comments, with time scheduled for responses from the parties. No post-hearing public comment was submitted. The record was also held open through February 20, 2024 to allow the parties to address requested changes in conditions of approval. The record closed on February 20, 2024.

No in-person site visit was conducted, but the Examiner viewed the subject property and its environs on Google Maps.

Testimony

At the open record public hearing, the following individuals presented testimony under oath:

Brett Bures, Development Services Manager, Thurston County Community Planning & Economic Development Department

Dawn Peebles, Senior Environmental Health Specialist, Thurston County Public Health and Social Services Department

Arthur Saint, Civil Engineer, Thurston County Public Works Department

Mark Conwell, Applicant

Steve Hatton, Lead Engineer and Planner, Hatton Godat Pantier

Steven Quarterman, Biologist, Landau Associates

Aaron Van Aken, Traffic Engineer, Heath and Associates

Attorney Heather Burgess, Dickson Frohlich Phillips Burgess PLLC, presented testimony and argument on behalf of the Applicant at the hearing.

Exhibits

The following exhibits were admitted in the record through the virtual hearing process:

Exhibit 1 Community Planning and Economic Development Report, including the following attachments:

- A. Master Application & Division of Land Application, submitted October 18, 2013
- B. Forest Land Conversion Application, submitted October 18, 2013
- C. Forest Land Conversion Map and Vicinity Map, submitted October 18, 2013
- D. SEPA Checklist, submitted October 18, 2013
- E. SEPA Mitigated Determination of Non-Significance (MDNS), issued September 18, 2023
- F. Preliminary Plat Map, date stamped November 16, 2023
- G. Preliminary Civil Plans, date stamped September 23, 2022
- H. Prelim Drainage and Erosion Control Report, date stamped October 18, 2013
- I. Integrated Pest Management Plan, date stamped October 18, 2013
- J. Individual STEP System Connection Evaluation Report, date stamped October 18, 2013
- K. Landscaping Plan(s), date stamped October 18, 2013
- L. Soils Report, date stamped October 18, 2013
- M. Traffic Impact Analysis, date stamped October 18, 2013
- N. Tree Plan, date stamped October 18, 2013

- O. US Fish and Wildlife Service Mazama Screening Determination, date stamped November 14, 2014
 - P. Concurrency Financially Secured Memo “white sheet”, dated February 17, 2022
 - Q. Plat Addressing Assignment
 - R. Environmental Health Recommendation, dated stamped April 21, 2014
 - S. Oak Habitat Evaluation, date stamped October 18, 2013
 - T. Trip Generation Assessment, dated August 2, 2022
 - U. Traffic Impact Analysis Supplemental Report, date stamped October 18, 2016
 - V. Department of Ecology comments, dated November 12, 2013
 - W. Notice of Application, dated February 11, 2014
 - X. Mazama Pocket Gopher Mound Survey, dated September 18, 2018
 - Y. Oak Habitat Management Plan, dated May 31, 2023
 - Z. Oak Tree Habitat Assessment, dated January 26, 2015
 - AA. Public Comments (Combined)
 - BB. WA Department of Fish and Wildlife review comments, dated March 4, 2015
 - CC. Oak Plan emails provided by Applicant, dated May 20, 2016
 - DD. Notice of Hearing, dated January 29, 2024
 - EE. Traffic Impact Analysis, dated November 13, 2013
- Exhibit 2 Public comments received after publishing staff report:
- a. Judy Fouch email, dated February 6, 2024
 - b. Eric and Nicole Moe email, dated February 13, 2024
- Exhibit 3 Public Works Preliminary Approval memo, dated February 7, 2024
- Exhibit 4 Oak Springs Speed Study, dated May 22, 2014
- Exhibit 5 Applicant’s Exhibit List:
- 1. Resume of Aaron Van Aken, PE, PTOE, MBA
 - 2. Resume of Steven D. Hatton, PE
 - 3. Resume of Steven Quartermann
 - 4. US Fish and Wildlife Good to Go Letter – Gopher, dated October 12, 2016
 - 5. Krippner Consulting – Gopher Survey, dated July 19, 2022
 - 6. Email Assigned Review Traffic Status, dated December 16, 2019
 - 7. Email Brett Burres Reinstate Applications, dated March 29, 2022
 - 8. Email Brett Burres re Review Status, dated May 11, 2022

9. Email Ron Buckholt re Review Status, dated October 20, 2022
 10. Arthur Saint Review Memo – Traffic, dated April 3, 2014
 11. Letter from Arthur Saint re Concurrency Review, dated April 16, 2015
 12. Letter from Kevin Hughes Marvin Rd Concurrency, dated June 29, 2015
 13. Supplement to Marvin Rd Concurrency Memo, dated June 30, 2015
 14. Letter to Arthur Saint with Tabs, dated May 3, 2017
 15. Memo from Scott Davis re Concurrency Status, dated October 25, 2017
 16. Email Scott Davis Concurrency Status, dated February 16, 2018
 17. Email re: Marvin Rd Concurrency Status, dated June 6, 2020
 18. Email Todd Mason re Concurrency Status, dated February 23, 2021
 19. Email re: Updated Traffic Study, dated May 10, 2022
 20. City of Lacey Traffic Mitigation, dated August 12, 2022
 21. Aerial of Project in Context
 22. Bowthorpe 6-in STEP Sewer As-built 2020
 23. Community Planning and Economic Development Department 2024 School Impact Fees
 24. Plans Oak Springs Preliminary Plat
 25. City of Lacey Requirement Letter, dated February 10, 2014
- Exhibit 6 Applicant's Response to the Staff Report, dated February 13, 2024
- Exhibit 7 Staff Response to Exhibit 6, received February 15, 2024
- Exhibit 8 Email from Heather Burgess dated February 15, 2024

Based on the record developed through the open record hearing process, the Hearing Examiner enters the following findings and conclusions.

FINDINGS

1. Mark Conwell of Conwell Investments LLC (Applicant) requested approval of a preliminary plat to subdivide 20.02 acres into 88 single-family residential lots and a forest land conversion permit to harvest approximately 8,500 board feet of timber from 18 acres. The subject property is located at 3146 Marvin Road SE, Olympia, Washington.¹ *Exhibits 1.A, 1.B, 1.C, and 5.24.*
2. The preliminary plat application was received on October 18, 2013 and determined to be complete on November 15, 2013. *Exhibits 1.A and 1.W.* Review of the application was

¹ The legal description of the subject property is a portion of the Northwest Quarter of Section 25, Township 18 North, Range 1 West, W.M.; also known as Assessor Parcel Number 11825240000. *Exhibit 5.24.*

delayed due to oak habitat, transportation concurrency, and County staffing issues, but the application retained its active status and is vested to the land use control ordinances in effect at the time of complete application. *Exhibits 6, 5.7, 5.8, 5.11, and 5.12; Brett Bures Testimony.*

3. The Applicant proposes to develop the project in four phases, with Phase I consisting of 23 lots in the northeast portion of the property and the stormwater facilities (including temporary access) in the southeast corner of the property, Phase II consisting of 22 lots in the northwest portion of the property along with adjacent open space tracts, Phase III consisting of 20 lots in the southwest portion of the property, and Phase IV consisting of 23 lots in the southeast portion of the property. *Exhibit 5.24.*
4. Currently the subject property is improved with a single-family residence and accessory structures, all of which would be removed in conjunction with the proposed development. Surrounding development includes: single-family residences within the Evergreen Heights subdivision to the north; single-family-residences within Evergreen Heights and vacant land to the west; the Oak Tree Preserve subdivision, which is under construction, to the east; and vacant land and a single-family residence to the south. *Exhibits 1.D, 5.21, and 5.24; Google Maps site view.*
5. The subject property is within the Lacey Urban Growth Area and is zoned Low Density (LD) 3-6. *Exhibit 1.* Single-family residential development is allowed in the LD 3-6 zone at a minimum density of three dwelling units per acre and a maximum density of six dwelling units per acre. *Thurston County Code (TCC) 21.13.020.A.1.* The density of the proposed development would be 4.4 dwelling units per acre.²
6. The lot standards applicable to the LD 3-6 zone include a minimum lot area of 4,500 square feet and a minimum lot width of 40 feet where alleys are utilized, and minimum lot area of 5,000 square feet and a minimum lot width of 50 feet where alleys are not utilized. *TCC 21.13.050.* No alleys are proposed. As proposed, all lots would be at least 5,000 square feet in area and 50 feet wide. The average lot area would be 6,106 square feet. *Exhibit 5.24.*
7. The minimum usable open space requirement for residential subdivisions in the Lacey Urban Growth Area is 10% of the total site area. Open space must be designed to be attractive and usable for active and passive recreation opportunities, and it must be separate and distinct from required yards, setbacks, and other undeveloped areas. The open space may include stormwater facilities designed for active or passible recreation, but only 50% of the open space may be satisfied by critical areas and tree tracts. The open space must be accessible to residents and consolidated unless topographic or habitat values suggest otherwise. The open space must also be placed in consideration of open space on adjoining properties. Existing trees and significant vegetation must be retained in open spaces unless an alternate landscape plan is approved. *TCC 18.47.040.B.* The open space requirement for the 20.02-acre site is two acres. The open space provided

² The undersigned notes that 88 lots divided by 20.02 = 4.3956.

(taking into account that only half of the open space requirement may be satisfied by critical areas) would be approximately 2.6 acres. Open space would include Tract A (proposed to be used for stormwater facilities and Oregon white oak preservation), Tract B (used for tree retention, Oregon white oak preservation, and active recreation), and Tract C (which would serve as a habitat corridor). Tracts B and C would be adjacent to each other at the west end of the plat, adjacent to a forested tract to the west of the subject property. Picnic facilities would be provided. Tract A would be at the southeast corner of the property. The tract design would allow for walking, and a bench would be provided. The open space tracts would be accessible from the internal street system. *Exhibit 5.24; Steve Hatton Testimony.*

8. The subject property is forested, except for a four-acre grassy area within the southern portion of the site. The predominant tree species include Douglas fir, bigleaf maple, pacific madrone, western red cedar, and Oregon white oak. Oregon white oaks are protected by the Thurston County critical areas ordinance. *Exhibit 1.N.*
9. The subject property contains four areas of Oregon white oak habitat (Stands A, B, C, and D):
 - Stand A is approximately 1.1 acres in area and contains a mixture of tree species, is classified as a degraded oak woodland habitat. Most of the Stand A Oregon white oaks would be preserved within proposed Tract B; however, three oaks would be removed that are within a proposed lot. *Exhibits 1.Y and 5.24.*
 - Stand B is approximately 59.2 acres in area, but only one-half acre of Stand B is within the boundaries of the subject property. Stand B is dominated by Oregon white oaks and is considered a high-quality oak woodland habitat. Stand B Oregon white oaks would be preserved within Tract A.
 - Stand C is approximately 0.9 acres in area and consists of a single, large, multi-stem Oregon white oak and adjacent vegetation, which includes Douglas fir and Scotch broom. Stand C is classified as degraded oak woodland habitat. The Stand C Oregon white oak would be preserved within Tract A.
 - Stand D is approximately 14.3 acres in area and contains scattered small Oregon white oaks among the predominant Douglas firs and dense understory. Stand D does not meet the criteria for “oak woodland” or “degraded habitat” but is ecologically associated with Stand B. All Oregon white oaks within Stand D would be removed.

Exhibit 1.Y.

10. As mitigation for the proposed oak tree removal, the Applicant proposes the following: to conduct “oak release” within Stand A, which would allow the trees to develop a fuller crown and result in increased acorns and seedlings; remove a Douglas fir that is conflicting with the Stand C oak; create a 30-foot wide wildlife corridor within Tract C by removing an existing access road and planting native vegetation within the road footprint; remove the Scotch broom from Stands A, B, and C; enhance Stands B and C

with herbaceous vegetation; and plant oaks adjacent to Stand A within the Tract B open space. The mitigation, which was proposed in 2015 and is most recently described in an Oak Habitat Management Plan dated May 3, 2023, has been approved by the Washington Department of Fish and Wildlife. *Exhibits 1.Y, 1.Z, 1.CC, and 6.*

11. The subject property is within the range of the Yelm subspecies of the *Mazama* pocket gopher, a threatened species that is protected under the Endangered Species Act and Thurston County ordinances. However, based on multiple reviews conducted consistent with County protocol, including surveys conducted in 2018 and 2022 and screenings conducted by US Fish and Wildlife and Thurston County Staff in 2014 and 2016, no *Mazama* pocket gopher mounds have been detected on the subject property and none are known to exist in the project vicinity. Further, most of the site is forested and adjacent to higher density residential development, conditions which are not conducive to gopher habitat. Based on this review history, the Applicant submitted and County Planning Staff agreed that the project is exempt from the Habitat Conservation Plan requirements of TCC 17.40.³ *Exhibits 1, 1.O, 1.X, 5.4, 5.5, and 6.*
12. The proposal includes an application for forest land conversion, stating an intention to harvest approximately 8,500 MBF (thousand board feet) from 18 acres of the subject property. *Exhibit 1.B.* The criteria for forest land conversion require that at least 5% of the property being subdivided be preserved or planted with new trees and dedicated as a separate tract. The County may waive the dedication requirement if an equivalent means of retaining or planting trees is provided in the development proposal. *TCC 17.25.400.D.5.a.* To meet the tree tract requirement (one acre for the subject property) the Applicant proposes to retain trees within proposed Tract B (1.19 acres). *Exhibits 5.24 and 1.C.*
13. In addition to the tree tract requirement, the forest land conversion ordinance requires a tree plan identifying safeguards to be employed to protect retained trees, the landscaping or planting of all common areas within the subdivision, the retention or planting of new trees on individual lots at a rate of one tree for every 4,000 square feet of lot area, and the installation of street trees. *TCC 17.25.400.D.5.c, -f, -g, and -h.* The Applicant submitted a landscape plan on October 18, 2013 depicting the planting of street trees, landscaping within common areas, and noting the requirement to plant trees on individual lots. *Exhibit 1.K, see "Tree Requirements" note at top of plan).* A tree plan was also submitted, which recommended that fencing be used to protect retained trees within

³ The undersigned notes that TCC 17.40.020.E(1) can be read to apply only to fully approved permits, rather than to vested permits as is under consideration here. Further, although E(1)(a) and E(1)(b) can both be found to be satisfied based on the materials as a whole without further discussion, it would have been useful for the parties to address E(1)(c), which as written can be read to exclude the instant proposal, because it has changed since the time of the earlier gopher reviews conducted onsite. However, because the change appears to be limited to reducing the number of lots proposed and associated minor reconfigurations of infrastructure and open space tracts that would not materially change either the proposed residential development nor then habitat corridors proposed to be retained onsite from those reviewed previously, the undersigned finds there is enough information in the record to conclude that the instant proposal in its current configuration can satisfy the three criteria for exemption in TCC 17.40.020.E(1) under the reading of (E) as accepted by the Planning Department.

Tracts A and B, and the recommended fencing is depicted on the preliminary plat map. *Exhibits 1.N and 5.24.*⁴ Finally, the May 31, 2023 Oak Habitat Management Plan provides for vegetative enhancement of the open space areas consistent with mitigation requirements. *Exhibit 1.Y.* The recommended conditions of preliminary plat approval require implementation of the Oak Habitat Management Plan and submittal of a final revised landscaping plan. *Exhibits 1, 6, 7, and 8.*

14. Access to the proposed plat would be from extensions of Accalia Street SE and 28th Way SE south from the adjacent Evergreen Heights plat, and from an extension of Bowthorpe Street west from the adjacent Oak Tree Preserve plat. The internal street systems of both adjacent plats provide access to Marvin Road SE, with Evergreen Heights accessing Marvin Road SE via Woodgrove Court, and Oak Tree Preserve accessing Marvin Road SE via Oakwood Street SE. In addition, the right-of-way for the internal street system of the proposed plat would extend to the southern plat boundary to allow for future extension to the parcel to the south. *Exhibits 5.24 and 5.21.* Although residents of the Evergreen Heights plat objected to the proposed access through their subdivision, requesting that the Applicant instead take direct access from Marvin Road to the west, the subject property does not have street frontage on Marvin Road. *Exhibits 1.AA and 2A; Exhibit 5.24.*
15. Based on the trip generation rates contained in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 11th Edition*, the proposed development is expected to add up to 916 average daily weekday trips to the local street system, including 90 PM peak hour trips.⁵ *Exhibit 1.T.*
16. All traffic generated by the proposed development is projected to utilize the Marvin Road corridor, with 80% traveling to or from destinations to the north and 20% traveling to or from destinations to the south. Although the August 2022 Trip Generation & Distribution Analysis assumed that all project-generated traffic would use the Evergreen Heights street system to reach Marvin Road, an alternate access to Marvin Road via Bowthorpe Street SE in the Oak Tree Preserve street system is now available and should result in a reduced traffic impact to Evergreen Heights. *Exhibit 1.T; Aaron Van Aken Testimony.*
17. In 2014, the Applicant had a traffic speed study conducted of the Evergreen Heights neighborhood, which found that drivers were generally operating close to the speed limit. The 85th percentile speed at the highest speed of the eight study locations was 27 miles

⁴ The tree plan at Exhibit 1.N incorrectly asserts that required tree retention can be satisfied on a project wide basis by retaining the number of trees required (calculating 555,825 square feet of lot area divided by 4,000 as 139 trees) within the open space tracts. This interpretation of TCC 17.25.400.D(5)(g) is expressly not adopted. Consistent with the note on the landscaping plan at Exhibit 1.K, the correct number of trees (at one tree per 4,000 square feet of lot area) is required to be planted on the individual lots. Planning Staff addressed this in recommended condition 58.A in Exhibit 1.

⁵ These numbers likely overstate the traffic impact because the traffic report assumed up to 90 dwelling units whereas only 88 are proposed. *Exhibits 1.T and 5.24.*

per hour. For six of the study locations, the 85th percentile speed was at or below 25 miles per hour. *Exhibit 4.*

18. The transportation improvements needed to ensure County level of service (LOS) standards are satisfied at affected intersections along the Marvin Road corridor have been completed or financing has been secured. Consequently, transportation concurrency requirements are met for the proposed development and no mitigation is required other than payment of traffic impact fees. *Exhibits 1.P and 1.EE; Testimony of Arthur Saint and Mark Conwell.*
19. Stormwater runoff from the plat's new impervious surfaces would be treated and infiltrated on site within Tract A. The proposed retention ponds would be designed consistent with current Thurston County Drainage Design and Erosion Control Manual (DDECM) standards. Although the submitted stormwater report was based on the 2009 DDECM in effect at the time of application, the relevant standards have not changed significantly since then and all necessary revisions to meet current standards would be addressed during civil engineering review. *Exhibit 1.H; Steve Hatton Testimony.*
20. The Thurston County Public Works Department reviewed the project for compliance with the Thurston County Road Standards and the Drainage Design and Erosion Control Manual and determined that the preliminary requirements have been satisfied. County Public Works recommended approval of the project subject to conditions outlined in a memorandum dated February 7, 2024. *Exhibit 3; Arthur Saint Testimony.*
21. The subject property is within the North Thurston School District. School capacity impacts would be mitigated through payment of school impact fees pursuant to TCC 25.08030. A safe walking route would be provided to Evergreen Forest Elementary School via proposed internal sidewalks and existing sidewalks within the Evergreen Heights subdivision, along Woodgrove Street, and along Marvin Road. *Exhibit 6.*
22. City of Lacey water and sewer would be provided to all proposed lots. Although a STEP system connection evaluation that was conducted in 2013 found that the STEP pumps within Evergreen Heights would be near capacity and recommended that capacity be reevaluated prior to permitting, circumstances have changed since the analysis was completed. A six-inch STEP sewer was extended to the eastern subject property boundary within Bowthorpe Street, eliminating the previous sewer capacity concern. *Exhibits 1.J, 5.22, and 5.25; Steve Hatton Testimony.*
23. The Thurston County Environmental Health Division reviewed the project for compliance with the Thurston County Sanitary Code and recommended approval subject to conditions. The recommended conditions of approval require the Applicant to extend City of Lacey sewer and water to each lot and through the development, develop a methodology for distribution of the approved integrated pest management plan to homeowners, decommission the existing well on site consistent with Department of Ecology standards, and abandon the existing sewage disposal system consistent with Thurston County Sanitary Code standards. With these conditions, the project is not

expected to have significant impacts on ground or surface waters or other environmental health considerations. *Exhibits 1.I and 1.R; Dawn Peebles Testimony.*

24. Thurston County acted as lead agency for review of the environmental impacts of the proposal under the State Environmental Policy Act (SEPA) and issued a mitigated determination of non-significance (MDNS) on September 13, 2023. The MDNS contains conditions requiring the Applicant to pay \$60,148 in traffic mitigation fees to the City of Lacey, use clean fill when grading the site, test soils if contamination is suspected, and install erosion control measures prior to any clearing, grading, or construction. The MDNS was not appealed and became final on October 5, 2023. *Exhibits 1 and 1.E.*
25. Notice of the open record hearing was mailed to the owners of property within 300 feet of the subject property on January 29, 2024 and published in *The Olympian* on February 2, 2024. *Exhibit 1.DD.* The County received several public comments expressing concern about the plat's impact on existing traffic conditions including existing speeding and congestion. *Exhibits 1.AA and 2.A.* One public comment expressed concern about impact to owl habitat onsite. *Exhibit 2.B.*
26. Addressing public comments about traffic, the Applicant's transportation consultant Aaron Van Aken testified at hearing that he prepared the most recent traffic August 2022 review after reviewing all previous traffic studies in the record and confirming that City of Lacey only required updated trip generation and distribution information. In his 2022 trip generation and distribution study, Mr. Van Aken assigned all traffic from the proposed plat through Evergreen Heights based on Thurston County's required modeling; his distribution projections did not include the now available connection to the east via Bowthorpe. This means some percentage of trips heading south would choose to go east, reducing trips through Evergreen Heights below the numbers projected in his 2022 report. His testimony also highlighted a 2014 speed study (referenced above) that showed 85th percentile speeds of 18 to 27 mph, which is within a tolerable range for posted speed of 25 mph. Mr. Van Aken stated that there have been no material changes to road conditions or development in Evergreen Heights since 2014 that would lead to different results today. Finally, he noted that the intersection of Marvin Road and Woodgrove Street, which featured in public comment, is projected to operate at LOS D with approval of this project, which is within County standards. *Aaron Van Aken Testimony; Exhibit 1.T.*
27. Addressing concern about owl habitat that would be lost on site, the Applicant submitted the testimony of professional ecologist Steve Quarterman. Mr. Quarterman noted that the proposal includes retaining and enhancing forested habitat onsite in several large tracts, two of which would be contiguous with offsite oak habitat and/or forested areas. In the proposed open space tracts, girdled, standing Douglas firs and bigleaf maples would be left as snags and limbs from "oak release" activities would be left onsite as brush piles, both of which provide feeding, cover, and nest areas for owls and their prey. Scotch broom (and presumably other invasive species) would be removed and cleared soils would be seeded with native seed to enhance habitat in the retained oak habitat area. All

species to be planted in the open space/oak habitat tracts would be selected to enhance wildlife forage and habitat functions. *Exhibit 1.Y; Steve Quarterman Testimony.*

28. Having heard all testimony, Planning Staff maintained their recommendation to impose the conditions of approval identified in the staff report. *Exhibit 1; Brett Bures Testimony.* The Applicant requested some modifications to the recommended conditions, to which Planning Staff agreed with slight additional modification. *Exhibits 6, 7, and 8.*

CONCLUSIONS

Jurisdiction:

The Examiner is granted jurisdiction to hear and decide preliminary plats and applications for forest land conversion pursuant to TCC 2.06.010.A and TCC 18.10.030.

Criteria for Review:

Preliminary Plat Criteria

Pursuant to TCC 18.12.090.B, preliminary plat approval may be granted if the following criteria are shown to be satisfied:

1. Appropriate provisions are made for the public health, safety, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
2. The public use and interest will be served by the platting of such subdivision and dedication. If the hearing examiner finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the hearing examiner shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090 may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. The county shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.

Forestland Conversion Criteria

Pursuant to TCC 17.25.400.D, forest lands conversions within the north county urban growth area shall comply with all of the applicable provisions of the following:

1. Title 24 of the Thurston County Code otherwise known as the Thurston County Critical Areas Ordinance and Chapter 17.15 of the Thurston County Code, otherwise known as the Thurston County Agricultural Activities Critical Areas Ordinance;
2. Chapter 19.04 of the Thurston County Code, otherwise known as the Thurston County Shoreline Master Program;
3. Chapter 15.05 of the Thurston County Code, otherwise known as the Drainage Design and Erosion Control Manual for Thurston County;

4. Chapter 15.04 of the Thurston County Code, otherwise known as the Minimum Design Standards for Urban and Rural Street Construction in New Developments;
5. Residential Subdivisions. Applications for residential subdivisions submitted to the resource stewardship department after September 29, 1997 are subject to the following:
 - a. Except in the R ½ and RLI 2-4 districts (Olympia Urban Growth Area, TCC 23.04), at least five percent of the property being subdivided must be preserved or planted with new trees and dedicated as a separate tract(s). Critical areas and their required buffers may be applied toward this five-percent requirement, but only the portion that contains trees to be preserved. The director may waive the dedication requirement if some other equivalent means of retention or replanting is provided by the development proposal. In the R ½ and RLI 2-4 districts, tree tracts shall comply with Sections 23.04.080(J)(5) and (6), respectively.
 - b. Any part of a tree tract located outside of critical areas and their associated buffers shall count toward open space required for the development by TCC 18.47 Open Space Standards, and 20.32 Open Space, consistent with the provisions of those chapters.
 - c. The plan shall identify what site development safeguards shall be employed to protect trees and ground cover proposed to be retained with the development of the site.
 - d. Where sites proposed for subdivision do not contain healthy trees that can be incorporated in the project and remain windfirm following development, the tree tract shall be planted with trees. The trees to be planted shall be of a type and spacing that, upon maturity, will provide a canopy spanning at least seventy-five percent of the tract. At the time of planting, evergreen trees shall be at least four feet tall and deciduous trees shall be at least one and one-half-inch caliper.
 - e. Where disturbed, critical area buffers may be planted with trees as necessary to improve the buffers for slope stability, wildlife habitat, wetland improvement, screening, etc.
 - f. All common areas in residential subdivisions shall be landscaped or planted with new trees.
 - g. The retention of existing trees or the planting of new trees on individual residential lots shall be required at a rate of one tree for every four thousand square feet of lot area.
 - h. Street trees shall be installed per the applicable street development standards as stated in Chapter 15.04 of the Thurston County Code.
 - i. A bond or other such method of financial security in an amount equal to one hundred twenty-five percent of the cost to purchase and install the required trees, based upon a contractor's estimate accepted by the county, shall be provided to the county to secure the successful establishment of newly planted trees. The county shall draw upon this surety as needed to replace any trees that die, upon failure of the developer or other responsible party to do so within the time period specified by the county. The developer shall not be required to replant trees which die or suffer severe degradation

as a result of a water purveyors failure to supply adequate water, acts of vandalism or other actions of unrelated third parties acting beyond the developer's control. Such financial security shall be effective for a two-year period following completion of the planting.

Conclusions Based on Findings:

1. As conditioned, appropriate provisions are made for the public health, safety, public ways, transit stops, potable water, sanitary wastes, parks and recreation, playgrounds, schools, and all other relevant facts, including sidewalks to assure safe walking conditions for students. Public health and safety are addressed through the connection to City of Lacey water and sewer, the internal street and sidewalk improvements, and payment of traffic impact fees. On-site active and passive recreation space would be provided. The Applicant would be required to pay park and school impact fees pursuant to TCC Chapter 25.08. With respect to safe walking conditions, the plat's internal streets would include sidewalks that would connect to an existing safe walking route to the nearby elementary school. As conditioned, transportation, water, sewer, and stormwater infrastructure would be provided consistent with Thurston County and City of Lacey requirements. Transportation concurrency requirements have been satisfied. The conditions of the City of Lacey and Thurston County Public Works Departments and the Thurston County Environmental Health Division have been incorporated into this decision, with revisions requested in post-hearing submittals adopted as found appropriate (see Exhibit 7). *Findings 7, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, and 28.*
2. As conditioned, the public use and interest would be served by creation of the subdivision. The proposal would add to the housing supply within the urban growth area consistent with LD 3-6 zoning standards. The proposal is protective of Oregon white oak habitat, with unavoidable impacts adequately mitigated. There are no Mazama pocket gophers onsite. Offsite impacts would be mitigated through payment of impact fees. Environmental review was conducted pursuant to SEPA and an MDNS was issued. The conditions of the MDNS have been incorporated into this decision. *Findings 5, 6, 7, 8, 9, 10, 11, 18, 21, 23, 24, 25, 26, 27, and 28.*
3. As conditioned, the criteria for forest land conversion are satisfied. As conditioned, the project complies with the critical areas ordinance, the Drainage Design and Erosion Control Manual, and Thurston County Road Standards. Trees would be retained on at least 5% of the site area, and common open space areas would be landscaped. A condition of approval would ensure that trees are planted on individual lots at a rate of one per 4,000 square feet of lot area, and street trees would be separately provided. The conditions of approval require a performance assurance device for the landscaping. *Findings 12 and 13.*

DECISIONS

Based on the preceding findings and conclusions, the requested preliminary plat and forest land conversion permits are **GRANTED** subject to the following conditions:

SEPA Mitigating Conditions

1. To mitigate traffic impacts within the City of Lacey, the proponent will need to contribute \$60,148.82 to the City of Lacey per Lacey Ordinance 14.21, and pay prior to final project approval, pursuant to County Road Standards. See attached worksheet prepared by the City of Lacey for a breakdown of this mitigation amount. Timing of the contributions may be altered if approved by both the City of Lacey and Thurston County.
2. All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from your local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department or Department of Ecology for proper management of these materials.
3. If contamination is suspected, discovered, or occurs during the proposed SEPA action, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by testing, Ecology must be notified. Contact the Environmental Report Tracking System Coordinator for the southwest Regional Office (SWRO) at (360)-407-6300. For assistance and information about subsequent cleanup and to identify the type of testing that will be required, contact Thomas Middleton with the SWRO, Toxics Cleanup Program at the phone number (360)-407-6300.
4. Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface waters or storm drains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants. Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A. Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Construction Stormwater General Permit

The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres and discharges stormwater to surface waters of the State; and
2. Clearing, grading and/or excavation on sites smaller than one acre that are a part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more and discharge stormwater to surface waters of the State.
3. Any size construction activity discharging stormwater to waters of the State that Ecology:

- a) Determines to be a significant contributor of pollutants to waters of the State of Washington.
- b) Reasonably expects to cause a violation of any water quality standard.

If there are known soil/ground water contaminants present on-site, additional information (including but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted.

Additionally, sites that discharge to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, or phosphorous, or to waterbodies covered by a TMDL may need to meet additional sampling and record keeping requirements. See condition S8 of the Construction Stormwater General Permit for a description of these requirements.

Environmental Health Conditions

- 5. City of Lacey sanitary sewer must be extended to and through the project and written confirmation of final sewer extension approval from the City of Lacey must be provided to this office prior to final plat approval.
- 6. City of Lacey water service must be extended to and through this project and written confirmation of final water extension approval from the City of Lacey must be provided to this office prior to final plat approval.
- 7. An Integrated Pest Management Plan (IPMP) has been developed for the homeowners of this development. Prior to final plat approval a proposal for the method of distribution for the IPMP to future property owners must be submitted to this office. The method of distribution must be accepted by this office prior to final plat approval. (Generally, this is accomplished by including the IPMP into the subdivision covenants).
- 8. Prior to final plat approval the existing well on this property must be decommissioned by a licensed well driller per Washington State Department of Ecology standards. Copies of the well driller's decommissioning reports (well logs) must be submitted to this office.
- 9. Prior to final plat approval the existing on-site sewage system on this property must be abandoned per Article IV of the Thurston County Sanitary Code. An abandonment permit is required, and all abandonment records must be submitted to this office.

Public Works Conditions – City of Lacey

Specific Water Improvements:

- 10. Water mains shall be extended to provide sufficient domestic and fire protection requirements (The minimum main size shall be eight-inch in diameter) shall be installed for this project by the developer. The water main shall be extended to the property to the south.

Also, due to there being two pressure zones in the area, individual pressure reducing valves may be required for each water service.

General Water Improvements:

11. Existing wells with associated water rights may remain for irrigation purposes. Wells without water rights shall be decommissioned per Washington State Department of Ecology standards. If a well is to be used for irrigation, a Reduced Pressure Backflow Assembly (RPBA) is required and shall be installed as premise isolation at the public water supply service connection. (DG&PWS, Water, 6.120 E.)
12. For Irrigation lines located in the right-of-way, the following note shall be placed on the plat and is a condition of approval: "The homeowner's association is responsible for maintaining and locating all irrigation lines located in the public right-of-way. In the absence of a homeowner's association, the property owners adjacent to the public right-of-way shall be responsible for maintaining and locating all irrigation lines located within the right-of-way adjacent to their property". (DG&PWS, Water, Irrigation 6.210)
13. In addition to all Federal and State requirements, water system improvements shall meet the requirements of the current City of Lacey Development Guidelines and Public Works Standards Manual, the Coordinated Water System Plan (CWSP), Department of Health (DOH), City of Lacey Water System Plan, AWWA, Department of Ecology, Thurston County Environmental Health, and City of Lacey Fire Code Official's standards. Actual main size, loop closures, and possible off-site improvements including the number and location of fire hydrants, will depend on the fire flows required and available to the site. (DG&PWS, Water 6.010)
14. Show all adjacent wells within 100 feet of the proposed plat with their protective radii (this will assure the proposed development will not impact any wells) (DG&PWS, Subdivisions and Short Plats, Chapter 2 – plat checklist). If site improvements encroach on existing well radii, provisions shall be made to assure wells are properly protected.
15. Extend water mains throughout the project to satisfy City of Lacey Water Comprehensive Plan requirements. Also, extend water mains throughout the site to assure fire, water quality and domestic requirements can be satisfied. Water mains shall be extended on the North or East sides of roadways or drive aisles six feet off the centerline. (DG&PWS, Water 6.020)
16. Unless approved by the City of Lacey, "deadend" water main cannot be created with this project. (DG&PWS, Water 6.020)
17. Each building shall be individually metered. A domestic water service shall be provided for each building (if duplexes are utilized each side of the duplex shall be metered). (DG&PWS 6.120 F and Appendix P)

18. To ensure 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.
19. An irrigation meter with a Double Check Valve Assembly backflow prevention device shall be provided for all landscaped areas. (DG&PWS, Water 6.120 F)
20. The builder/applicant/owner is required to purchase each water meter prior to the issuance of each building permit. (DG&PWS Water 6.121)

Specific Sewer Improvements:

21. This site shall be served with individual S.T.E.P. systems for each unit. Appropriately sized sewer mains internal to the plat to support the plat shall also be installed by the developer.

General Sewer Improvements:

22. All existing on-site septic tanks and drainfields shall be removed per Department of Ecology and Thurston County Department of Health.
23. All existing and proposed structures shall be connected to sanitary sewer. (DG&PWS, Sewer 7A.010) Public mains with associated appurtenances shall be installed to serve the proposed project with sewer.
24. With the exception of tracts or parcels not intended for buildings, S.T.E.P. service boxes shall be provided to each parcel created with the plat. Sewer main extensions shall be located six feet off the centerline of the street/drive area on the South or West side. (DG&PWS, Sewer 7A.010)
25. Adequate room for each S.T.E.P. system meeting all City of Lacey S.T.E.P. requirements shall be provided. S.T.E.P. systems shall not be located within driveway areas or other areas that will be driven upon.
26. In addition to all Federal and State requirements, sanitary sewer improvements 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)
27. Please include the following S.T.E.P. easement language on the plat document:

S.T.E.P. 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 septic tank effluent pumps (S.T.E.P.) system or grinder system

including but not restricted to: septic tanks, pump chambers, pressure/gravity sewer connection lines and pump status panel, over, under and through the land hereby platted. the purpose of the easement is to provide access for city officers and employees to the city owned portion of the S.T.E.P. or grinder sanitary sewer systems. The width of the easement herein reserved shall be five feet on each side of pipe and electrical lines as constructed. The width of the tank easement shall extend five feet beyond the edges of the tank. The owner shall maintain and is responsible for the building lateral connecting the tank to the building plumbing and inlet to the tank chamber. The City of Lacey shall have the right to temporarily utilize such area beyond the easement area described above that is necessary for the operation, maintenance and repair activities on the S.T.E.P or grinder system.

It is possible that landscaping within the above easement right-of-way may be damaged during the performance of operation and maintenance activities. The owner waives any claim against the City for damage to said items in the case where work by the City is done in a reasonable manner. The owner also waives any claim against the City for damages generally which arise from "acts of god" or of third parties 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:

28. The City defers to Thurston County for review, approval and construction of stormwater elements of the project. With the civil drawing plan submittal sheets provided to the City, stormwater sheets shall be included for reference only. City approval blocks for stormwater sheets shall be removed.

Specific Transportation Improvements:

29. At a minimum, the roads associated with this development shall be Minor Local Residential roadways.

General Transportation Improvements:

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

31. Maintenance, replacement, and operation costs for street lighting shall be the responsibility of the homeowner's association until annexation occurs. In the absence of a homeowner's association, the property owners adjacent to the public right-of-way shall be responsible for maintaining and operational costs of the street lighting. After annexation, the City of Lacey will inspect the existing street lighting and require any needed repairs. After repairs have been made and approved, the City of Lacey will take over maintenance and operation responsibilities. A note stating this shall be included on the final plat map.
32. Fiber optic conduit shall be installed and conform to the standards and requirements as set forth in Chapter 4 (Transportation) from the Development Guidelines & Public Works Standards. (DG & PWS, Transportation 4E.035)
33. 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)
34. Traffic mitigations as determined by the Traffic Impact Analysis are required. Conditions of Lacey Municipal Code 14.21 shall be satisfied.
35. Please show all proposed and existing driveways associated with the plat. (DG&PWS Subdivisions and Short Plat 2-21)
36. Minimum intersection curb radii and centerline radius requirements must be satisfied. Please label all radii on the final plat. (DG&PWS 4B.020).
37. All public streets within the City and the City's UGA boundary will be planted with trees to create a distinct and pleasant character for those roadways. The street trees located in the Development Guidelines shall be required in or along the public Right-of-Way, including medians. (DG&PWS, Transportation 4G.100)

General Surveying Requirements:

38. Utility easements are required for all mains, water and sewer located on private property. Easements shall include fire hydrants, water meters, sewer improvements and future extensions of mains to adjacent properties. Easements and stub outs shall be provided to serve adjoining properties as determined by the City. Rather than being designated as water or sewer, all easements shall be identified as "utility" easements on the civil drawings and in the easement document. Specific requirements will be determined at the time of plan review. All easements shall be prepared by a licensed land surveyor and submitted prior to release of approved civil drawings. (DG&PWS Chapter 3.110)
39. Landscaping within easement areas shall be limited to shrubs and other low growing vegetation without major root systems. Trees are prohibited within easement areas.
40. The City of Lacey Coordinate System is a ground scale coordinate system derived from the Washington Coordinate System, NAD 83/91. Units are expressed in feet. Data can

be obtained from Lacey Public Works Department. Civil drawings shall be submitted utilizing the City of Lacey Coordinate System. (DG&PWS 3.025)

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

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

42. 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 Requirements:

43. All improvements shall satisfy City of Lacey Development Guideline Standards in place at the time complete application is obtained (Complete application is determined by the City of Lacey Community Development Department). (LMC)
44. As a condition of utility service, prior to receiving civil drawing approval, a power of attorney for annexation for your property shall be submitted to the City of Lacey.
45. All Public Works improvements must be designed by an engineer licensed in the State of Washington and submitted to the City of Lacey Public Works Department for review and approval. (DGPWS 3.040)
46. Prior to submitting civil drawings for review, Land Use Approval must be obtained.
47. All structures associated with this site shall be connected to City of Lacey utilities (DG&PWS 6.010 and 7A.010).
48. Prior to civil drawing approval, one paper set of drawings along with a PDF copy of the drainage report and civil drawings shall be submitted for all approved final plans. (DG&PWS Chapter 3.040, B).
49. Prior to final Public Works Construction approval, “as-built” bonded paper 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)
50. City of Lacey civil drawing approval will not be issued until all paperwork required for the project is submitted and approved.

51. Final plat approval will not be issued until all improvements (water, sewer, and street lighting) shown on the approved civil drawings are installed by the Applicant and approved by the City. (DG&PWS 4B.080)
52. A 20 percent maintenance bond or financial guarantee of the engineer's estimate or approved bid estimate is required for a period of 24 months upon construction completion and approval of Public Works improvements. The financial guarantee may be released after 18 months if all conditions of approval have been satisfied. The financial guarantee applies to sewer, water, and street lighting improvements (LMC 14.20.025).
53. In addition to the civil drawings submitted to Thurston County, the following civil submittal shall be submitted directly to the City of Lacey: The civil review application and the completed, signed and stamped checklist from Chapter 3 of the Development Guidelines, three sets of 24" x 36" civil drawings (all civil elements to assure conflicts are not being created), two drainage reports and one electronic copy of the civil drawings (PDF format). These drawings shall be submitted directly to the City of Lacey Public Works Department. Drawings submitted to Thurston County or other City of Lacey departments will not satisfy this requirement. (DG&PWS 3.040, B)
54. The Homeowner's Association shall be responsible for maintaining the planter strip and street trees (weeding, irrigating, mowing, etc.) in a healthy and growing manner in perpetuity. If the planter strip and or trees are being maintained by another group or organization, then a maintenance agreement (or adequate documentation) that verifies the planter strip and/or trees are being (and will continue to be) maintained shall be submitted to the City for review. (Development Guidelines & Public Works Standards, Transportation 4G.100D)
55. A Bill of Sale for water and sewer improvements being installed with this project is a requirement for approval. Prior to Final Public Works approval of the project, Bill of Sale documents shall be submitted to and approved by the City.

Public Works Conditions – Thurston County

Roads

56. The proposed roadway in concept and design shall conform to the Road Standards and the City of Lacey standards and development guidelines.
57. A construction permit shall be acquired from the Thurston County Public Works – Development Review Section prior to any construction.

Traffic Control Devices

58. All traffic control devices shall be designed, located, manufactured, and installed in accordance with the Road Standards, Manual of Uniform Traffic Control Devices and applicable WSDOT Standards & Specifications. A sign and striping plan shall be incorporated into the construction drawings for the project. Please contact Thurston County Public Works – Development Review Section Staff to obtain the most current

Thurston County guidelines.

59. County forces may remove any traffic control device constructed within the County right-of-way not approved by this division and any liability incurred by the County due to non-conformance by the Applicant shall be transferred to the Applicant.

Drainage

60. The stormwater management system shall conform to the 2022 Drainage Design & Erosion Control Manual.
61. All drainage facilities outside of the County right-of-way shall remain private and be maintained by the developer, owner and/or the property owners association.
62. Stormwater runoff shall be controlled through all phases of the project by facilities designed to control the quality and quantity of discharges and shall not alter nor impact any existing drainage or other properties.
63. Because proper landscaping is vital to the performance of the stormwater system, the Landscape Plan (if required) shall be signed/sealed by a Washington licensed civil engineer (preferably the engineer who designed the stormwater system).

Utilities

64. The proposed water and sewer system shall be designed in accordance with the standards and specification of the respective utility purveyor. All water and sewer plans are subject to review and acceptance by the respective utility purveyor.
65. Proposed utility work within the Thurston County Right-of-Way shall conform to the Road Standards and Chapter 13.56 Thurston County Code. These standards do not address specific city design requirements but rather only items such as restoration of the County right-of-way and traffic control.
 - a. Placement of utilities within the County right-of-way will require a Franchise Agreement with Thurston County pursuant to Title 13.56 TCC. This agreement shall be executed with Thurston County prior to final approval.
 - b. Please note all utilities placed parallel to and within the pavement structure are required to rebuild a minimum of half the road, to include grinding and replacement of a minimum of 0.17 feet of asphalt concrete pavement.

Right-of-Way Survey

66. Permanent survey control needs to be placed to establish all public street centerlines, intersections, angle points, curves, subdivision boundaries and other points of control.
67. Permanent survey control monuments shall be installed in accordance with the standards provided by the Thurston County Public Works – Survey Division. The Survey Division can be reached at 360-867-2378.

Traffic

68. Payment of the off-site traffic mitigation required in the September 13, 2023 mitigated determination of non-significance is required prior to final approval in accordance with the Thurston County Road Standards. Timing of such payments to the other jurisdictions may be altered upon agreement with respective jurisdiction and Thurston County

General Conditions

69. No work shall take place until a construction permit has been issued by Thurston County Public Works – Development Review Section.
70. Development within the City of Lacey urban growth boundary, requiring review by both Thurston County and the corresponding city jurisdiction, shall be designed to the more stringent standards of the two jurisdictions.
71. The proposed grading or site work shall conform to Appendix J of the International Building Code, Title 14.37 of the Thurston County Code and Drainage Design & Erosion Control Manual.
72. When all construction/improvements have been completed, contact the Thurston County Public Works – Development Review Section for a final inspection.
73. This approval does not relieve the Applicant from compliance with all other local, state and/or federal approvals, permits, and/or laws necessary to conduct the development activity for which this permit is issued. Any additional permits and/or approvals shall be the responsibility of the Applicant. One permit that may be required is a Construction Stormwater Permit from the Washington State Department of Ecology. Information on when a permit is required, and the application can be found at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/permit.html>. Any additional permits and/or approvals shall be the responsibility of the Applicant.

Project Specific Conditions

74. Once the planning department has issued the official preliminary approval, submit two complete full size sets of construction drawings, the final drainage and erosion control report and all applicable checklists along with an electronic copy to Thurston County Public Works – Development Review Section for review and acceptance.
75. Prior to construction, the Applicant shall:
 - a. Pay outstanding construction review and inspection fees*
 - b. Receive an erosion and sediment control permit
 - c. Have the erosion and sediment control inspected and accepted
 - d. Receive a construction permit
 - e. Schedule a pre-construction conference with county staff.

- * The current fee schedule can be found online at Thurston County Permit Assistance Center webpage or the Thurston County Public Works – Development Review Section by phone at (360) 867-2050 or by e-mail at devrev_tech@co.thurston.wa.us.

General Information

Final Review

76. Prior to receiving final approval from this department, the following items shall be required:
- a. Completion of all roads and drainage facilities.
 - b. Final inspection and completion of all punch list items.
 - c. Record drawings submitted for review and acceptance. The record drawings shall include street names and block numbers approved by Addressing Official.
 - d. Receive and accept Engineer's Construction Inspection Report Form (Appendix I-C, Volume I of the Drainage Design and Erosion Control Manual).
 - e. Receive and accept Maintenance Agreement Form (Appendix I-E, Volume I of the Drainage Design and Erosion Control Manual).
 - f. Execute an agreement with financial security for the maintenance and operation of the right-of-way improvements in accordance with Thurston County Code 18.24.010.
 - g. Execute an agreement with financial security for the maintenance and operation of the drainage facilities in accordance with Thurston County Code 15.05.040.
 - h. Approve the Final Plat Map.
 - i. Property owners articles of incorporation and covenants in accordance with Volume I, Section 2.4.11 of the Drainage Design and Erosion Control Manual.
 - j. Completion of required frontage improvements.
 - k. Completion of required signing and striping.
 - l. Payment of any required permitting fees.
77. The final plat map shall note or delineate the following: Required Plat Notes
- a. "ATTENTION": Thurston County has no responsibility to build, improve, maintain or otherwise service private roads, alleys or driveways within or providing access to property described in this plat. The building, maintenance, repair, improvement, operation or servicing of the storm water facilities outside the county rights-of-way are the responsibility of the property owner(s).
 - b. The Homeowner's Association is responsible for maintenance of alleys and private road areas within the subdivision. Maintenance not only includes road surfaces but also stormwater systems supporting these areas.
 - c. Thurston County has no responsibility to control road runoff that flows down driveways that are constructed below road grade. Homeowners are responsible for grading their access point and adjacent property to manage any runoff from the

roadway.

- d. If seasonal drainage crosses subject property, no filling or disruption of the natural flow shall be permitted.
- e. Private roads are required to remain open at all times for emergency and public service vehicle use. Any future improvements (gates, fencing, etc.) that would not allow for "open" access will need to be approved by all applicable departments of Thurston County.
- f. The owner and/or Homeowners Association shall be responsible to operate and maintain the streetlights until such time the property is annexed to the City.
- g. Development of the lots within this development is subject to the payment of impact fees required pursuant to TCC Title 25 at the time of building permit issuance or at such other time as authorized by law.
- h. This plat is subject to the RESIDENTIAL AGREEMENT TO MAINTAIN STORMWATER FACILITIES AND TO IMPLEMENT A POLLUTION CONTROL PLAN", as recorded under Auditor's File No. _____.
- i. Easements are hereby granted for the installation, inspection, and maintenance of utilities and drainage facilities as delineated on the plat for subdivision _____ including unrestricted access for Thurston County staff to any and all storm water system features for the purpose of routine inspections and/or performing maintenance, repair and/or retrofit as may become necessary. No encroachment will be placed within the easements shown on the plat which may damage or interfere with the installation, inspection, and maintenance of utilities. Maintenance and expense thereof of the utilities and drainage facilities shall be the responsibility of the Property Owners' Association as established by covenant recorded under Auditor's file number _____.
- j. The area or areas shown on the plat as "Stormwater Easement" shall remain unimproved at all times and be maintained by the homeowners association or owners of the lot or lots that are traversed by, or adjacent to the said Stormwater Easement. No obstruction to the natural flow of storm water shall be permitted by construction of any type within the Stormwater Easement unless approved by the County. Each property owner shall keep the portion of the Stormwater Easement traversing or adjacent to his property clean and free of debris, silt, and any materials that would result in unsanitary conditions, or obstruct the flow of water. The County shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owners.
- k. Maintenance of the landscaping, trees, sidewalk, planter strips and roadside drainage and stormwater facilities such as ditches, swales, bioretention and ponds within the public right of way is the sole responsibility of the (property owners) or (homeowners association) within this subdivision. Thurston County has no responsibility to maintain or service said landscaping, trees, sidewalk, planter strips, irrigation or roadside stormwater facilities and the property owner(s) adjacent to the Right of Way shall be responsible for maintaining the planter strip and street trees

(weeding, pruning, irrigating, mowing, etc.) in a healthy and growing manner in perpetuity.

Delineate on the Plat

- a. Provide language on the plat describing the drainage design requirements for all projected hard surfaces and lawn/landscape areas within individual building lots (drywell design/sizing, storm drain connection points, incorporated into pond design, etc.).
- b. Please clearly label all public and private roads.

Planning Conditions

78. Street addresses, lot size, and dimensions for each lot shall be shown on the final map.
79. All open space and landscaping and tree preservation shall comply with:
 - A. New trees on individual residential lots shall be planted at a rate of one (1) tree for every four thousand (4,000) square feet of lot area at the time of building permit application.
 - B. Any conditions, improvement or maintenance requirements associated with the landscaping plan shall be shown on the final plat map.
 - C. Prior to final plat approval, the Applicant shall submit a revised final landscape plan. The revised landscape plan shall be submitted to Thurston County Community Planning and Economic Development for review and approval. The final landscape plan shall include the design of the active recreation components to the open space i.e., play equipment, sports court, and irrigation. All landscaping shall be in compliance with the Thurston County Zoning Ordinance and the Thurston County Subdivision Ordinance.
80. Prior to final plat approval, the Applicant shall submit a maintenance assurance device that is equal at least one hundred twenty percent of the replacement cost of landscaping materials and shall be utilized by the county to perform any necessary maintenance, and to reimburse the County for documented administrative costs associated with action on the device. The maintenance assurance shall be for a minimum period of two years from the completion of planting; however, for Type I landscaping, the period shall be three years.
81. The project contains Oregon white oak habitat areas regulated under TCC 24.25. Project development and the final landscape plan shall comply with the requirements of the Landau Associates, Inc. Oak Habitat Management Plan dated May 31, 2023, including all

planting, monitoring, and maintenance requirements. The Oak Habitat Management Plan shall be referenced on the face of the final plat and recorded with the subdivision. Prior to construction, the project must establish and implement a plan to comply with the tree protection requirements outlined in TCC 24.25.070.

Decided March 5, 2024 by



Sharon A. Rice
Thurston County Hearing Examiner

THURSTON COUNTY
PROCEDURE FOR RECONSIDERATION AND APPEAL
OF HEARING EXAMINER DECISION TO THE BOARD

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| NOTE: THERE MAY BE NO EX PARTE (ONE-SIDED) CONTACT OUTSIDE A PUBLIC HEARING WITH EITHER THE HEARING EXAMINER OR WITH THE BOARD OF THURSTON COUNTY COMMISSIONERS ON APPEALS (Thurston County Code, Section 2.06.030). |
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If you do not agree with the decision of the Hearing Examiner, there are two (2) ways to seek review of the decision. They are described in A and B below. Unless reconsidered or appealed, decisions of the Hearing Examiner become final on the 15th day after the date of the decision.* The Hearing Examiner renders decisions within five (5) working days following a Request for Reconsideration unless a longer period is mutually agreed to by the Hearing Examiner, applicant, and requester.

The decision of the Hearing Examiner on an appeal of a SEPA threshold determination for a project action is final. The Hearing Examiner shall not entertain motions for reconsideration for such decisions. The decision of the Hearing Examiner regarding a SEPA threshold determination may only be appealed to Superior Court in conjunction with an appeal of the underlying action in accordance with RCW 43.21C.075 and TCC 17.09.160. TCC 17.09.160(K).

A. RECONSIDERATION BY THE HEARING EXAMINER (Not permitted for a decision on a SEPA threshold determination)

1. Any aggrieved person or agency that disagrees with the decision of the Examiner may request Reconsideration. All Reconsideration requests must include a legal citation and reason for the request. The Examiner shall have the discretion to either deny the motion without comment or to provide additional Findings and Conclusions based on the record.
2. Written Request for Reconsideration and the appropriate fee must be filed with the Resource Stewardship Department **within ten (10) days of the written decision**. The form is provided for this purpose on the opposite side of this notification.

B. APPEAL TO THE BOARD OF THURSTON COUNTY COMMISSIONERS (Not permitted for a decision on a SEPA threshold determination for a project action)

1. Appeals may be filed by any aggrieved person or agency directly affected by the Examiner's decision. The form is provided for this purpose on the opposite side of this notification.
2. Written notice of Appeal and the appropriate fee must be filed with the Community Planning & Economic Development Department **within fourteen (14) days of the date of the Examiner's written decision**. The form is provided for this purpose on the opposite side of this notification.
3. An Appeal filed within the specified time period will stay the effective date of the Examiner's decision until it is adjudicated by the Board of Thurston County Commissioners or is withdrawn.
4. The notice of Appeal shall concisely specify the error or issue which the Board is asked to consider on Appeal, and shall cite by reference to section, paragraph and page, the provisions of law which are alleged to have been violated. The Board need not consider issues, which are not so identified. A written memorandum that the appellant may wish considered by the Board may accompany the notice. The memorandum shall not include the presentation of new evidence and shall be based only upon facts presented to the Examiner.
5. Notices of the Appeal hearing will be mailed to all parties of record who legibly provided a mailing address. This would include all persons who (a) gave oral or written comments to the Examiner or (b) listed their name as a person wishing to receive a copy of the decision on a sign-up sheet made available during the Examiner's hearing.
6. Unless all parties of record are given notice of a trip by the Board of Thurston County Commissioners to view the subject site, no one other than County staff may accompany the Board members during the site visit.

C. STANDING All Reconsideration and Appeal requests must clearly state why the appellant is an "aggrieved" party and demonstrate that standing in the Reconsideration or Appeal should be granted.

D. FILING FEES AND DEADLINE If you wish to file a Request for Reconsideration or Appeal of this determination, please do so in writing on the back of this form, accompanied by a nonrefundable fee of **\$861.00** for a Request for Reconsideration or **\$1,174.00** an Appeal. Any Request for Reconsideration or Appeal must be **received** in the Building Development Center at 3000 Pacific Ave SE, Suite 100 no later than 4:00 p.m. per the requirements specified in A2 and B2 above. **Postmarks are not acceptable**. If your application fee and completed application form is not timely filed, you will be unable to request Reconsideration or Appeal this determination. The deadline will not be extended.

* Shoreline Permit decisions are not final until a 21-day appeal period to the state has elapsed following the date the County decision becomes final.



Project No. _____
Appeal Sequence No.: _____

☐ Check here for: **RECONSIDERATION OF HEARING EXAMINER DECISION**

THE APPELLANT, after review of the terms and conditions of the Hearing Examiner's decision hereby requests that the Hearing Examiner take the following information into consideration and further review under the provisions of Chapter 2.06.060 of the Thurston County Code:

(If more space is required, please attach additional sheet.)

☐ Check here for: **APPEAL OF HEARING EXAMINER DECISION**

TO THE BOARD OF THURSTON COUNTY COMMISSIONERS COMES NOW _____
on this _____ day of _____, 20____, as an APPELLANT in the matter of a Hearing Examiner's decision
rendered on _____, 20____, by _____ relating to _____

THE APPELLANT, after review and consideration of the reasons given by the Hearing Examiner for his decision, does now, under the provisions of Chapter 2.06.070 of the Thurston County Code, give written notice of APPEAL to the Board of Thurston County Commissioners of said decision and alleges the following errors in said Hearing Examiner decision:

Specific section, paragraph and page of regulation allegedly interpreted erroneously by Hearing Examiner:

1. Zoning Ordinance _____
2. Platting and Subdivision Ordinance _____
3. Comprehensive Plan _____
4. Critical Areas Ordinance _____
5. Shoreline Master Program _____
6. Other: _____

(If more space is required, please attach additional sheet.)

AND FURTHERMORE, requests that the Board of Thurston County Commissioners, having responsibility for final review of such decisions will upon review of the record of the matters and the allegations contained in this appeal, find in favor of the appellant and reverse the Hearing Examiner decision.

STANDING

On a separate sheet, explain why the appellant should be considered an aggrieved party and why standing should be granted to the appellant. This is required for both Reconsiderations and Appeals.

Signature required for both Reconsideration and Appeal Requests

APPELLANT NAME PRINTED

SIGNATURE OF APPELLANT

Address _____

Phone _____

Please do not write below - for Staff Use Only:

Fee of ☐ \$861.00 for Reconsideration or \$1,174.00 for Appeal. Received (check box): Initial _____ Receipt No. _____
Filed with the Community Planning & Economic Development Department this _____ day of _____, 20____.