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**COMMUNITY PLANNING &
ECONOMIC DEVELOPMENT DEPARTMENT**

Joshua Cummings, Director

Creating Solutions for Our Future

**THURSTON COUNTY
COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT
Hearing Examiner Staff Report
Oak Springs
February 13, 2024**

Project Number: 2013104463
Sequence Numbers: 13-112596 (ZJ) – Preliminary Plat
13-112598 (XB) – Forest Land Conversion
13-112597 (XA) – State Environmental Policy Act (SEPA)

Applicant: Mark Conwell
Conwell Investments, LLC
2415 Carpenter Road SE
Lacey, WA 98503

Point of Contact: Steven D. Hatton, PE
Hatton Godat Pantier, Inc.
3910 Martin Way E., Suite B
Olympia, WA 98506

Application Requests: Preliminary Plat Approval and Forest Land Conversion

Notification:

Written notice of the public hearing (Attachment DD) was sent to all property owners within 300 feet of the site on January 29, 2024, and was published in the *Olympian* newspaper on February 2, 2024, at least ten (10) days prior to the hearing. A Notice of Application was sent to the property owners within 300 feet informing them of the proposed project on February 11, 2014 (see Attachment W).

Project Description:

The project is located at 3145 Marvin Road SE and is located within the Lacey Urban Growth Area with a zoning designation of Low Density (LD). The proposed Oak Springs Plat is creating 88 single family dwelling units on approximately 20.02 acres at a density of 4.00 units per acre. The project will also construct a stormwater tract and associated pond within the southeastern portion of the site and is providing 18 percent of open space totaling 3.60 acres. The project will require grading, encroachments, and building permits.

Vicinity Map:**Aerial Photo**

Background:

This application request was submitted to Thurston County in 2013. During the review at that time a Marvin Road Corridor concurrency issues were discovered. In short, there were not enough transportation trips along the corridor for the subject project. These events were outside of the applicant's control and largely unanticipated. The County maintained active applications to ensure a path forward towards a project that satisfied code and GMA.

Please see Attachment P, Concurrency Financially Secured Memo "white paper", for a full explanation of the Marvin Corridor deficiencies, followed by the "white paper, and eventual resolution of those deficiencies.

Appropriate Provisions:

Revised Codes of Washington (RCW) 58.17.110 requires that appropriate provisions must be made for the public health, safety, and general welfare and such open spaces, drainage ways, streets or roads, alleys, or other public ways, transit stops, potable water supplies, sanitary waste, 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 that only walk to and from school.

Thurston County Code (TCC) 18.12.090 – Hearing Examiner Action:

- A. At the public hearing, the hearing examiner shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. The hearing examiner shall determine:
 - 1. If appropriate provisions are made for, but not limited to, the public health and safety and general welfare for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary waste, parks and recreation playgrounds, schools and school grounds and shall consider all other relevant facts including sidewalks and other planning features that assure safe walking routes for students who only walk to and from school; and
 - 2. Whether the public interest will be served by the subdivision and dedication.
- B. A proposed subdivision and dedication shall not be approved unless the hearing examiner makes written findings that:
 - 1. Appropriate provisions are made for the public health, safety, or 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 require as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. The county shall not as a condition of the approval of any subdivisions require a release for damages to be procured from the other property owners.

I. Environmental Review:

The application was reviewed pursuant to the State Environmental Policy Act (SEPA) requirements. A Mitigated Determination of NonSignificance (MDNS) was issued on September 13, 2023 (See Attachment E). This Determination became final on October 5, 2023. The MDNS established mitigating conditions.

II. CPED Department Analysis:

A. Forest Land Conversion – TCC 17.25

The applicant is requesting approval to harvest 18 acres of timber from the total area of 20.02 acres of the proposed project.

TCC 17.25.400 D – Conversion Standards

All forest lands conversions within the north country 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 1/5 and RLI 2-4 districts, Olympia Urban Growth Area, TCC 23.04, at least five percent of the property is 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 towards 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 1/5 and RLI 2-4 districts, tree tracts shall comply with Section 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 towards open space requirements 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 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 on-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 the 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 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.

Staff Response:

The applicant is requesting a forest land conversion for the proposed development. Tree retention in combination with the proposed Oak Habitat Management Plan (Attachments N, S, Y, and Z), as reviewed and recommended for approval from the WDFW appears to meet the minimum requirements.

B. Critical Areas Ordinance

A. Habitat Conservation Plan – TCC 17.40

TCC 17.40.020 E – Applicability – Exclusions

The following are excluded from the provisions and requirements of this chapter:

- 1. Construction and land use permits or approvals, which were reviewed for Mazama pocket gopher presence meeting the following criteria:
 - a. The review to determine the presence of Mazama pocket gopher was completed according to county protocol and concluded with negative screening results, and
 - b. The underlying permit remains valid pursuant to the applicable development code, and
 - c. The construction or land use permit for which the review was performed is not modified.
- 2. Development for which the United States Fish and Wildlife Service has approved other mitigation procedures through the issuance of an individual 10(a)(1)(B) incidental take permit constituting full mitigation or through Section 7 consultation.
- 3. Fully forested parcels as defined in TCC 17.40.030
- 4. Projects and activities that are entirely within the scope of the Mazama pocket gopher special 4(d) rule as provided in Federal Register Volume 79, No 68 page(s) 19790-19794, as amended.

Staff Response:

This preliminary plat application was submitted on October 18, 2013. On November 13, 2014, the property received a determination from the United States Fish and Wildlife Service that a survey was complete, and the subject property and development will not result take or is very unlikely to result in take of federally listed Mazama pocket gophers (see Attachment O). Additionally, the applicant conducted a Mazama Pocket Gopher Mount Survey (Attachment X) that also determined no mounds found on site.

B. Oregon White Oaks

Oregon White Oak was identified and confirmed on the property in the consultant reports. Sound Urban forestry, LLC (see Attachment N), Oak Tree Habitat Evaluation (see Attachment S), an Oak Habitat Management Plan from Landau Associates (see Attachment Y), and an Oak Tree Habitat Assessment (Attachment Z). Oregon White Oak trees are protected under Thurston County Critical Area Ordinance (CAO), Title 24.

Staff Response:

The applicant submitted the proposed preliminary plat application in 2013. The process for review and approval of projects with Oregon White Oaks in 2013 relied on review and recommendation from Washington Department of Fish and Wildlife (WDFW). On May 20, 2016, WDFW they approved the habitat management plan (Attachment CC).

C. Development Standards

21.13.035 – Densities

The project is located within the Low Density (LD) 3-6 zoning district. Densities may range from not less than three to no more than six units per acre.

Staff Response:

The applicant is proposing a density of 4.00 units per acre and meets the density requirements of TCC 21.13.035

C. Open Space – TCC 18.47

TCC 18.47.040 B – Standards for Dedication

Within the Lacey Urban Growth Area. The minimum usable open space dedicated in residential subdivisions shall be ten percent of the total site. The minimum usable open space dedicated in commercial or industrial subdivisions or short plats shall be ten percent of the total site. Required open space area shall at a minimum meet the following standards:

1. Open space area must be designed to be attractive and usable for active as well as passive recreation opportunities. No use shall be allowed within open space that adversely affects the aesthetic appeal or usability of open space for recreational purposes, except to the minimum extent necessary to accommodate essential stormwater facilities consistent with subsection (B)(2) of this section.
2. For the purposes of calculation of the ten percent requirement, the open space area shall be separate and distinct from required yards, setbacks and other undeveloped portions of the site. Up to fifty percent of the open space requirement may be satisfied by wetlands, wetland buffers and other critical areas, and trees tracts in compliance with TCC 17.25. The open space area may also include stormwater facilities that are designed for active and or passive recreation opportunities in accordance with this chapter and chapter 15.05 TCC (Thurston Region Drainage Design and Erosion Control Manual, 8.1).

3. The open space area shall have convenient access for residences of the development and shall be consolidated to provide maximum access, visibility, usability, minimization of impacts to residential uses, and ease of maintenance unless another configuration, due to unique topographic conditions or fish and wildlife habitat values of the site, would be of a greater benefit to the development.
4. Open space areas shall be designed and placed in consideration of existing and potential open space on adjacent parcels, to consolidate or provide opportunities for future consolidation of neighborhood open space areas.
5. Existing trees and significant vegetation shall be retained in open space areas unless and alternative landscape plan for such areas is required and approved by the department.

Staff Response:

The applicant is proposing to set aside 18% for open space, totaling 3.60 acres of land. The project appears to meet requirements outlined in TCC 18.47.

III. Public Health and Social Services Environmental Health Department Analysis

Environmental Health's review is complete and have provided recommended conditions of approval below.

IV. Public Works Department Analysis

Public Works review is complete and have provided recommended conditions of approval below.

V. Commenting Agencies

Thurston County has received comments from agencies and are part of this project review. Specifically, Department of Ecology and City of Lacey

DEPARTMENTAL RECOMMENDATION:

If the Hearing Examiner finds that the criteria are met for approval of the preliminary plat and forest land conversion, staff recommends the following conditions to ensure compliance with applicable development standards and regulations.

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 paid 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 provided below.

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 drillers' 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

Specific Water Improvements:

10. Water mains shall be extended to provide sufficient domestic and fire protection requirements (The minimum main size shall be 8 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 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 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 assure adequate water is present for your project. Modeling of the water system shall occur. Please contact Brandon McAllister (360.413.4386) to coordinate the fire flow modeling.
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. Verification that sewer capacity exists in the existing mains shall be confirmed prior to civil plan approval. If capacity does not exist, sewer mains in conformance with the City of Lacey Sewer Comprehensive Plan shall be extended to the site to provide sewer service to this project by the developer. 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 6-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 AS 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 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. Until Annexation occurs, 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 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 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).
56. 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.

Planning Conditions

57. Street addresses, lot size, and dimensions for each lot shall be shown on the final map.
58. 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.

59. 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.

LIST OF EXHIBITS

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

Attachment A	Master Application & Division of Land Application submitted, October 18, 2013
Attachment B	Forest Land Conversion Application submitted, October 18, 2013
Attachment C	Forest Land Conversion Map and Vicinity Map submitted, October 18, 2013
Attachment D	SEPA Checklist submitted, October 18, 2013
Attachment E	SEPA MDNS issued, September 18, 2023
Attachment F	Preliminary Plat Map date stamped, Needs a date stamp of November 16, 2023
Attachment G	Preliminary Civil Plans date stamped, September 23, 2022
Attachment H	Prelim Drainage and Erosion Control Report date stamped, October 18, 2013
Attachment I	Integrated Pest Management Plan date stamped, October 18, 2013
Attachment J	Individual STEP System Connection Evaluation Report date stamped, October 18, 2013
Attachment K	Landscaping Plan(s) date stamped, October 18, 2013
Attachment L	Soils Report date stamped, October 18, 2013
Attachment M	Traffic Impact Analysis date stamped, October 18, 2013
Attachment N	Tree Plan date stamped, October 18, 2013
Attachment O	USFWS Mazama Screening Determination date stamped, November 14, 2014
Attachment P	Concurrency Financially Secured Memo "white sheet" dated February 17, 2022
Attachment Q	Plat Addressing Assignment
Attachment R	Environmental Health Recommendation dated stamped, April 21, 2014
Attachment S	Oak Habitat Evaluation date stamped, October 18, 2013
Attachment T	Trip Generation Assessment dated, August 2, 2022
Attachment U	Traffic Impact Analysis Supplemental Report date stamped, October 18, 2016
Attachment V	Department of Ecology Comments dated, November 12, 2013
Attachment W	Notice of Application dated, February 11, 2014
Attachment X	Mazama Pocket Gopher Mound Survey dated, September 18, 2018
Attachment Y	Oak Habitat Management Plan dated, May 31, 2023
Attachment Z	Oak Tree Habitat Assessment dated, January 26, 2015
Attachment AA	Public Comments (Combined)
Attachment BB	WDFW Review Comments dated, March 4, 2015
Attachment CC	Oak Plan Emails provided by Applicant dated, May 20, 2016
Attachment DD	Notice of Hearing, dated January 29, 2024