



COUNTY COMM

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COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

Creating Solutions for Our Future

Joshua Cummings, Director

**THURSTON COUNTY
COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT
Hearing Examiner Staff Report
Enclave at Oaktree
April 9, 2024**

Project Number: 2022105125
Sequence Numbers: 22-113304 – ZJ, 22-113305 – XA, 22113306 – XB

Applicant: SSHI, LLC dba D.R. Horton
11241 Slater Avenue NE, Suite 200
Kirkland, WA 98033

Point of Contact: Jeff Pantier, PLS
Hatton Godat Pantier
3910 Martin Way E., Ste B
Olympia, WA 98506

Property Address: 2402 Marvin Road SE

Tax Parcel Number: 11823430100, 11826110000, & 11826110300

Notifications:

Written notice of the public hearing was sent to all property owners within 300 feet of the site on March 20, 2024, and was published in the *Olympian* newspaper on March 29, 2024, at least ten (10) days prior to the hearing (Attachment Z). A Notice of Application was sent to the property owners within 300 feet informing them of the proposed project on November 23, 2022. (Attachment X).

Project Description:

The proposed Enclave at Oaktree preliminary plat proposes to create 182 single family lots on a 36.22-acre site. The project will consist of 131 detached single-family homes and 51 cluster attached style townhomes. The project will include 12.53 acres of open space designated in 9 separate tracts for the purposes of critical area preservation, tree preservation, stormwater, landscaping, and recreation. The

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property is split zoned, Low Density Residential (LD) and Moderate Density Residential (MD) within the Lacey Urban Growth Area in Thurston County

Background

The subject parcels are zoned both Low Density 3-6 units per acres (LD 3-6) and Moderate Density 6-12 units per acre (MD 6-12) and are within the Lacey Urban Growth Area (UGA). The permitted residential density for the LD zone is 3-6 units per acre, and the permitted residential density for the MD zone is 6 – 12 units per acre. The Lacey-Thurston County Joint Comprehensive Plan designates the area for residential use. The proposed density for this project in the LD 3-6 zone is 3.18 units per acre and for the MD 6-12 zone is 8.19 units per acre. The current use of the property is vacant or for single family use. On-site vegetation consists of grasses, shrubs, and trees.

Appropriate Provisions:

Revised Code 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

- 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 Non-Significance (MDNS) was issued on December 1, 2023 (See Attachment O). This Determination became final on December 21, 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 Oregon White oak Habitat Management Plan (Attachment K), as reviewed appears to meet the minimum requirements.

B. Critical Areas Ordinance

a. Wetlands

TCC 24.30.005 identifies the general purposes for wetland review. The purposes of the chapter are to:

- A. Achieve no net loss of wetlands and minimize adverse impacts.
- B. Maintain wetland and buffer functions, such as, but not limited to, cleansing surface water, storing and conveying floodwater and providing fish and wildlife habitat, by avoiding or, where that is not possible, minimizing and mitigating impacts to wetlands and their buffers.
- C. Establish wetland buffers based on the wetland's functions and values, sensitivity to impacts, rarity, whether or not it is replaceable, and site conditions.
- D. Provide for uses and activities in wetlands and associated buffers that have negligible impacts on such areas and provide for other uses that must be located in wetlands or buffers in a way that will avoid or minimize potential impacts.
- E. Provide for mitigation of impacts to wetlands and their buffers.

Staff Response

During the review of the proposed project, it was determined that due to wetlands being identified on site, a wetland report consistent with TCC 24.35.370 was required. The applicant submitted the required wetland report (see Attachment H). The wetland report was reviewed consistent with the requirements outlined in TCC 24.30 and a determination of a 140-foot buffer was established. The project appears to meet the requirements outlined in TCC 24.30.

b. 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 as 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. Project 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 6, 2022. As part of the application packet a consultant report was submitted and reviewed by staff (Attachment H). After review, it was determined that the report was accurate and correct. The project appears to meet the requirements outline in TCC 17.40.020 E. 1.a and 1.b above.

c. Oregon White Oak

Oregon White Oak was identified and confirmed on the project site in the consultant report. EnviroVector submitted an Oregon White Oak Habitat Management Plan (Attachment K). Oregon White Oak trees are protected under Thurston County Critical Area Ordinance (CAO), Title 24. Cutting of Oregon White Oaks is prohibited. Oaks must be avoided in the building process, affording the appropriate canopy dripline buffer as stated in TCC 24.25.070. An Oak tree protection area (buffer) extending a minimum of 5 feet beyond the dripline of Oregon White Oak shall be established and protected from disturbance during the site development. All development, construction equipment and debris shall not be located within the Oak tree protection area, or construction setback.

Staff Response

Thurston County reviewed the Oregon White Oak Habitat Management Plan (Attachment K) regarding Oaks. The study identified 242 Oak trees all of which are located on-site; except 5 trees located on or near the west property line. 4 Oak trees are located within the north/central portion of the site, 3 of which are located within the wetland buffer. The applicant is proposing to remove 1 tree that is isolated from the balance of the 242 trees. The project proposes to set aside Tract B as an Oak tree tract. The proposed Oregon White Oak Habitat Management Plan appears to meet the requirements of TCC 24.25.

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 total open space acreage of 12.63 acres which totals 34.9% of the total acreage of the project which is 36.22 acres. The proposed open space plan identifies both active and passive recreation in eight (8) tracts of land utilizing critical area buffers, tree tracks, storm drainage facilities and landscaping buffers. The open space requirements appear to be met.

III. Public Health and Social Services Environmental Health Department Analysis

Environmental Health's review is complete and have provided recommended conditions of approval below (Attachment T).

IV. Public Works Department Analysis

Public Works review is complete and have provided recommended conditions of approval below (Attachment S).

V. Commenting Agencies

Thurston County has received comments from agencies and are part of this project review. Specifically, Department of Ecology (Attachment W), Squaxin Island Tribe (Attachment U), DAHP (Attachment J), and City of Lacey (Attachment AA)

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 \$104,957.84 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. According to the Thurston Regional Planning Council's 1999 Household Travel Survey, 5.6% of all trips are made by bicycling or walking. This project is expected to generate a similar number of pedestrians and cyclists. The Transportation Comprehensive Plan identifies the need for sidewalk, bike lanes and other facilities to accommodate multi-modal transportation. The multi-modal impacts from this project shall be mitigated by constructing frontage improvements according to Lacey's standards.
3. 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.
2. 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.
3. This proposed project is located in an area that may have been contaminated with heavy metals due to the air emissions originating from the old Asarco smelter in north Tacoma (visit Ecology's Tacoma Smelter Plume map search tool: <https://fortress.wa.gov/ecy/smealtersearch/>)

Soil contamination from the former Asarco smelter poses a risk to human health and the environment. Children are at especially high risk from direct exposure contaminated soil. Construction workers, landscaper, gardeners, and others who work in the soils are also at risk.

Ecology recommends that the lead agency include the following as conditions of approval, prior to the issuance of any site development permits or the initiation of grading, filling, or clearing:

- Sample the soil and analyze for arsenic and lead following the 2012 Tacoma Smelter Plume Guidance. The soil sampling results shall be sent to Ecology for review. If the project includes open space areas, contact the Technical Assistance Coordinator, Eva Barber, for assistance in soil sampling methodology within the open space area.
- If lead or arsenic are found at concentrations above the Model Toxics Control Act (MTCA) cleanup levels (Chapter 173-340 WAC); the owners, potential buyers, construction workers, and others shall be notified of their occurrence. The MTCA cleanup level for arsenic is 20 parts per million (ppm) and lead is 250 ppm.

- If lead, arsenic and/or other contaminants are found at concentrations above MTCA cleanup levels, the applicant shall:
 - 1) Develop soil remediation plan and enter into the Voluntary Cleanup Program with Ecology. For more information on the Voluntary Cleanup Program visit Ecology's website at <http://www.ecy.wa.gov/programs/tcp/vcp/vdpmain.htm>.
 - 2) Obtain an opinion letter from Ecology stating that the proposed soil remediation plan will likely result in not further action under MTCA. The applicant shall provide to the local land use permitting agency the opinion letter from Ecology.
 - 3) Prior to finalizing site development permits, provide to the local land use permitting agency "No Further Action" determination from Ecology indicating that the remediation plans were successfully implemented under MTCA.
- If soils are found to be contaminated with arsenic, lead, or other contaminants, extra precautions shall be taken to avoid escaping dust, soil erosion, and water pollution during grading and site construction. Site design shall include protective measures to isolate or remove contaminated soils from public spaces, yards, and children's play areas. Contaminated soils generated during site construction shall be managed and disposed of in accordance with state and local regulations, including the Solid Waste Handling Standards regulation (Chapter 173-350 WAC). For information about soil disposal contact the local health department in the jurisdiction where soils will be placed.

The link below provides a fact sheet that explains more how the arsenic and lead cleanup levels were set and why Ecology sees that they are protective for human health:

<https://fortress.wa.gov/ecy/publications/SummaryPages/1109095.html> .

For assistance and information about Tacoma Smelter Plume and soil contamination, the applicant shall contact, Eva Barber with the Toxics Cleanup Program at (360) 407-7094 or via email at Eva.Barber@ecy.wa.gov .

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. For additional information on contaminated construction sites, please contact Evan Wood at evan.wood@ecy.wa.gov , or by phone at (360) 706-4599.

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. To see if your site discharges to a TMDL or 303(d)-listed waterbody, use Ecology's Water Quality Atlas at: <https://fortress.wa.gov/ecy/waterqualityatlas/StartPage.aspx> .

The applicant may apply online or obtain an application from Ecology's website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/-Application> . Construction site operator must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

ENVIRONMENTAL HEALTH CONDITIONS

Requirements for final subdivision approval:

5. City of Lacey utilities must be extended through the subdivision prior to final approval. Confirmation of final water and sewer construction approval from the City of Lacey must be submitted to Environmental Health
6. All existing wells located on the project site must be decommissioned by a licensed well driller per Washington State Department of Ecology standards prior to final plat approval. Copies of the decommissioning reports must be submitted to Environmental Health.
7. Prior to final approval, a finalized version of the Integrated Pest Management Plan (IPMP) must be submitted to Environmental with the recommended revisions and specifying what landscape installation is going to be performed during the development stage and what IPM practices will be implemented during that stage.
8. In the event an existing on-site septic system is located during site development, it must be properly abandoned per Article IV of the Thurston County Sanitary Code. An abandonment

permit is required and copies of all abandonment documentation from a certified septic system pumper must be provided.

PUBLIC WORKS CONDITIONS

ROADS

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

TRAFFIC CONTROL DEVICES

11. All traffic control devices shall be designed, located, and manufactured, and installed in accordance with the Road Standards, Manual of Uniform Traffic Control Devices and applicable WSDOT Standards & Specifications. A sign and stripping 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.
12. 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

13. The storm water management system shall conform to the Drainage Design & Erosion Control Manual.
14. 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.
15. Storm water 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.
16. Because proper landscaping is vital to the performance of the stormwater system, the Landscape Plan (if required) shall be signed/sealed by a WA licensed civil engineer (preferably the engineer who designed the stormwater system).

UTILITIES

17. 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.

18. 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 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' of asphalt concrete pavement.

RIGHT-OF-WAY & SURVEY

19. In order to meet the requirements of the Road Standards, additional right of way may be required. Please have your legal representative or surveyor prepare a Quick Claim Deed describing the necessary right-of-way, being a strip of land which when added to the existing right-of-way totals **49 feet** of right-of-way lying **East** of and abutting the existing centerline of **Marvin Road SE**. upon your request, Thurston County's right-of-way representative will prepare the Quick Claim Deed describing the necessary right-of-way dedication. Please contact the Thurston County Right-of-Way section at 360.867.2356.
20. Permanent survey control needs to be placed to establish all public street centerline, intersections, angle points, curves, subdivision boundaries and other points of control.
21. 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

22. Payment of the off-site traffic mitigation required in the 12/1/23 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

23. No work shall take place until a construction permit has been issued by Thurston County Public Works – Development Review Section.
24. 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.
25. 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.

26. When all construction/improvements have been completed, contact the Thurston County Public Works – Development Review Section for a final inspection.
27. 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

28. 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.
29. PRIOR to construction, the applicant shall:
 - a. Pay outstanding construction review and inspection fees*
 - b. Receive and 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 Building Development 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

30. 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 the 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 and 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 and 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
- m. Complete the right-of-way dedication process

31. 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. Increased storm water runoff from the road(s), building, driveway and parking areas shall be retained on site and shall not be directed to roadway ditches adjacent to Marvin Road SE.
- c. The Homeowner's Association is responsible for the maintenance of alleys and private road areas within the subdivision. Maintenance not only includes road surfaces but also stormwater systems supporting these areas.
- d. 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.
- e. If seasonal drainage crosses subject to property, no filling or disruption of the natural flow shall be permitted.
- f. 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 department of Thurston County.
- g. The owner and/or Homeowner's Association shall be responsible to operate and maintain the streetlights until such time the property is annexed to the city.
- h. Approval of this subdivision is conditioned upon payment of City of Lacey Traffic Mitigation Fees in the amount of \$_____ per lot. This fee increases on July 1 of each year in accordance with the increase in the Engineering News Record Construction Cost Index and the amount is determined at the date of payment. Payment is required prior

to the issuance of water meter for those lots served by the Lacey Water Utility and prior to building permit issuance for those lots not serviced by such Utility.

- i. 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.
- j. 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. _____.
- k. 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 stormwater 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 drainage facilities shall be the responsibility of the Property Owners' Association as established by covenant recorded under Auditor's file number _____.
- l. The area or areas shown on the plat as "Stormwater Easement" shall remain unimproved at all times and be maintained by the homeowner's 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.
- m. The property described herein is required to accommodate storm water runoff from the frontage improvements to Marvin Road SE and all natural tributary areas abutting said property.
- n. Maintenance of 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 (homeowner's 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

- o. 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.).
- p. Delineate the access restrictions by showing a “no access” strip, written and hatched, between the County approved access points along the frontage of Marvin Road SE on the final plat map.
- q. Please clearly label all public and private roads.

PLANNING CONDITIONS

- 32. Street addresses, lot size, and dimensions for each lot shall be shown on the final map.
- 33. 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, improvements, 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, sport court, and irrigation. All landscaping shall be in compliance with Thurston County Zoning Ordinance and the Thurston County Subdivision Ordinance.
- 34. Prior to final plat approval, the applicant shall submit a maintenance assurance device that is equal to 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 the 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.
- 35. Prior to construction of the townhouses, the applicant shall submit an Administrative Design Review application for review and approval by the Thurston County Community Planning and Economic Development Department in accordance with TCC 21.60.
- 36. All development on the site shall be in substantial compliance with the approved preliminary plat. Any alteration of this proposed subdivision will require approval of a new or amended plat. The Thurston County Community Planning and Economic Development Department will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.

37. The applicant shall comply with the Cultural Resource Survey. If an inadvertent discovery is found, immediately stop work and contact Thurston County Community Planning and Economic Development and the Department of Archeologic and Historic Preservation.
38. This 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 Oregon White Oak Habitat Management Plan, including monitoring and maintenance requirements. The Oregon White Oak Habitat Management Plan shall be reference on the face of the final plat. Prior to construction the project must follow the tree protection requirements outlined in TCC 24.25.070.

Brett Bures
Development Services Manager

LIST OF EXHIBITS

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

Attachment A	Master Application submitted, October 6, 2022
Attachment B	Forest Land Conversion Application and Map submitted, October 6, 2022
Attachment C	Division of Land Application submitted, October 6, 2022
Attachment D	SEPA Cover Letter submitted, October 6, 2022
Attachment E	SEPA Checklist submitted, October 6, 2022
Attachment F	Preliminary Plat Map submitted, July 11, 2023
Attachment G	Civil Plan Set submitted, July 11, 2023
Attachment H	Critical Areas Report submitted, July 11, 2023
Attachment I	Cultural Resources Survey submitted, July 11, 2023
Attachment J	DAHP Review Letter submitted, August 2, 2023
Attachment K	Oregon White Oak Habitat Management Plan submitted, July 11, 2023
Attachment L	Integrated Pest Management Plan submitted, July 11, 2023
Attachment M	Drainage Report submitted, July 11, 2023
Attachment N	Arsenic and Lead Soil Sampling and Testing Report, dated May 24, 2023
Attachment O	SEPA MDNS issued December 1, 2023
Attachment P	Stormwater Pollution Prevention Plan (SWPPP) submitted, July 11, 2023
Attachment Q	Maintenance Plan submitted July 11, 2023
Attachment R	Traffic Impact Analysis submitted, July 11, 2023
Attachment S	Public Works Preliminary Approval Letter dated, February 13, 2024
Attachment T	Environmental Health Preliminary Approval Letter dated, October 20, 2023
Attachment U	Squaxin Island Comments dated, December 11, 2023
Attachment V	Citizen Comment dated, December 15, 2023
Attachment W	Department of Ecology Comments dated, December 13, 2022
Attachment X	Notice of Application issued, November 23, 2022
Attachment Y	Affidavit of Public Notice Posting
Attachment Z	Legal Notice, March 29, 2024
Attachment AA	City of Lacey Comments dated, November 1, 2022