Exhibit 1

LIST OF EXHIBITS

Project# 19-309: Gusta Joyner Shoreline Permits

Exhibit #	Description
1	Exhibit list
2	Staff Report
3	Applications a) General Land Use Application, dated December 6, 2019 b) Revised Shoreline Application, dated February 16, 2022 c) Joint Aquatics Resources Application, dated February 15, 2022 d) Environmental Checklist, dated September 19, 2022 e) Knotweed Notice from Thurston County, dated August 24, 2018
4	Technical Reports a) Critical Areas, Shoreland Analysis Report, prepared by Alex Callender, dated February 23, 2022 b) Slope Consultation, prepared by Luke Preston, Quality Geo, dated January 19, 2021 c) Site Plan
5	Notices a) Notice of Application b) Notice of Hearing c) Certification of Public Notice
6	Determination of Nonsignificance, issued
7	Application Comments from Rebecca Rothwell, Department of Ecology, dated April 1, 2022 a) Photo from R. Rothwell, ECY – IMG_0072.JPG b) Photo from R. Rothwell, ECY - IMG_0073.JPG c) Photo from R. Rothwell, ECY - IMG_0074.JPG d) Photo from R. Rothwell, ECY - IMG_0075.JPG e) Photo from R. Rothwell, ECY - IMG_0076.JPG f) Photo from R. Rothwell, ECY - IMG_0077.JPG
8	SEPA Comments from Ecology, dated October 5, 2022
9	Aerial photograph of Shoreline from June 2017, Source Nearmap

Exhibit 2

STAFF REPORT

Date: October 18, 2022
To: City of Lacey Hearings Examiner
From: City of Lacey Community & Economic Development Department
Subject: Project# 19-309: Gusta/Joyner Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, Shoreline Variance and Shoreline Exemption

I. GENERAL INFORMATION

A. Ean Joyner and Michelle Gusta
1420 Marvin Rd NE, Ste C #115
Lacey, WA 98502

B. Authorized Representative:
Heather Burgess, Attorney
111 21st Ave SW
Olympia, WA 98501

II. DESCRIPTION OF PROPOSAL

Applicant is seeking after-the-fact permits for an installed concrete patio, repaired bulkhead, ecology block retaining walls, and hillside grading. Applicant is also seeking approval of a second dock, and a restoration and revegetation plan within the Vegetation Management Area.

III. LEGAL DESCRIPTION OF SUBJECT PARCEL

The property is located at 2603 Carpenter Rd SE, Assessor's parcel 11827124100. Located in a portion of Section 27, Township 18N, Range 1W, W.M., Lacey, Thurston County, Washington.

IV. SITE PLAN INFORMATION

Project Size: 3.08 acres

Water: City of Lacey
Sewer: City of Lacey
Power/Natural Gas: Puget Sound Energy
Fire Protection: Lacey Fire District #3

Site Characteristics:
The subject property lies on a small peninsula on Hicks Lake. The parcel contains a number of structures: an approximately 2,400 square foot single-family dwelling, a detached shop building, two legally non-conforming accessory dwelling units, and a mobile home. (Only one accessory dwelling unit is permitted per single family property.) There is a steep embankment to the water beginning near the primary structure. The property slopes to the north and west with the lowest point at the shoreline bulkhead, approximately thirty feet below the top of the slope. The on-site soils are Indianola loamy sand.

The near shoreline area is steeply sloped, and contains a graded pathway for shoreline access. Ecology blocks have been used to stabilize the embankment. Tree species include western red cedar, Douglas fir, and Red alder. Most of the vegetation has been eradicated to get rid of the Japanese knotweed, English ivy and Himalayan blackberry that was covering the hillside prior to the applicants' purchase of the property. (*Exhibit 4a, page 6).*

The shoreline area also contains a 670 square foot concrete patio with retaining wall, a rock bulkhead, and a dock. Gravel has also been placed between the retaining all and the bulkhead.

Surrounding Land Uses:
The subject site is located on the east shore of Hicks Lake, and largely surrounding by other single-family development. There is a small private school at the southeast corner of the site, across Carpenter Rd SE.

Access:
Access to the site is from Carpenter Rd SE.

Zoning:
The site is zoned Low Density Residential, as well as Shoreline Residential beginning at the Ordinary High Watermark and extending 200 feet landward into the site. Surrounding properties have the same designations. The school across the street is zoned Open Space Institutional.

V. ENVIRONMENTAL EVALUATION

The Determination of Nonsignificance (DNS) was issued on September 21, 2022. The DNS had a 15-day comment period, which ended on October 5, 2022. These comments are attached to this report as an exhibit. The DNS is attached and made a part of this report

VI. APPLICABLE COMPREHENSIVE AND SHORELINE GOALS AND POLICIES

The City of Lacey and Thurston County Land Use Plan for the Lacey Urban Growth Area: This document, known as the comprehensive land use plan, was prepared as a joint planning document by the City of Lacey and Thurston County for Lacey and the Lacey Urban Growth Area. There are other general policies in the Comprehensive Land Use Plan, which could apply, but the issues they cover are specifically detailed in the Lacey Zoning Code, which is reviewed in the next section VII. The following sections of the Comprehensive Plan apply to this proposal:

- Comprehensive Plan - Section III – Planning Areas: Lakes

  Goal 1: Protection of environmental resources in this planning area shall be a priority.

  i. Policy A - Require development to work around environmentally sensitive areas and take advantage of and promote environmental resources as an amenity.
  ii. Policy B – All development shall be sensitive to protecting environmentally sensitive areas.

- Shoreline Master Program
  - 17.70.260 - Residential Development
  - 17.70.360 - Protection of critical freshwater habitat
  - 17.70.400 - Protection of ecological functions
  - 17.70.410 – Importance of Vegetation
  - 17.70.415 – Vegetation Management
  - 17.70.420 – Restoration
  - 17.70.440 – Goals and Policies Applicable to all Uses and Activities
  - 17.70.450 – Shoreline Modifications
  - 17.70.455 – Shoreline Modifications – Policies Applying to all Shoreline Stabilizations
  - 17.70.510 – Bulkheads
  - 17.70.540 – Grading and Fill
  - 17.70.610 – Piers and Docks
  - 17.70.680 – Water Quality

VII. APPLICABLE MUNICIPAL CODE STANDARDS

A. Title 14 – Buildings and Construction
   a. Chapter 14.24 – Environmental Policy
   b. Chapter 14.27 – Stormwater Management
   c. Chapter 14.32 – Tree and Vegetation Protection and Preservation
B. Title 16 – Zoning
   a. Chapter 16.13 – Low Density Residential District
   b. Chapter 1.80 – Landscaping Requirements

VIII. NOTIFICATION

The Shoreline Permit application was received on December 6, 2019, and was deemed complete pursuant to RCW 36.70B.070 on March 13, 2020. The comment period for the Notice of Complete Application had a 14-day comment period that ended on April 7, 2020. A notice was published in The Olympian and the site was posted with the notice of complete application.

Written notice of the public hearing was sent to all property owners within 300 feet of the site on September 16, 2022, and notice was published in The Olympian on September 20, 2022. Notice was posted on-site on September 19, 2022.

IX. COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT ANALYSIS

In review of this proposal, it is important to consider the goals and policies of the comprehensive plan and the Shoreline Master Program, as well as the development standards in the SMP.

As previously noted, the development within the shoreline jurisdiction occurred without first obtaining permits or exemptions from the City. The City required the applicant to prepare a shoreline restoration plan and shoreline permits for the restoration. As part of the required restoration plan, the applicant chose to apply for permits to retain developments installed without benefit of permit and to include a request for an additional dock to serve the single-family property.

The entire project and restoration of the property requires a shoreline substantial development permit, while various elements of the development require a shoreline conditional use permit and shoreline variance.

ELEMENT	REQUIRED PERMITS
Bulkhead	Shoreline Substantial Development Permit Shoreline Conditional Use Permit
Second Dock	Shoreline Substantial Development Permit Shoreline Variance
Gravel Fill	Shoreline Substantial Development Permit Shoreline Variance
Patio	Shoreline Substantial Development Permit Shoreline Variance
Pathway and Retaining Wall	Shoreline Substantial Development Permit Shoreline Conditional Use Permit

Substantial Development Permit Criteria (17.30.010 SMP)

A shoreline substantial development permit may be issued the City of Lacey shall find that the proposal is consistent with the following criteria:

A. All regulations of this program appropriate to the shoreline environment designation and the type of use or development proposed shall be met, except those bulk and dimensional standards that have been modified by approval of a shoreline variance under Section 17.30.020;

B. All general goals and policies of this program, and goals, policies and standards specific to the appropriate shoreline environment designation and the type of use or development activity proposed shall be considered and substantial compliance demonstrated.

Shoreline Conditional Use Permit Criteria (17.30.015 SMP)

A. That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;

B. That the proposed use will not interfere with the normal public use of public shorelines;

C. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Land Use Plan and Shoreline Master Program;

D. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

E. That the public interest suffers no substantial detrimental effect.

Shoreline Variance Criteria (17.30.020 SMP)

Variances should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

A. That the strict application of the bulk, dimensional or performance standards set forth in Lacey's Master Program precludes or significantly interferes with reasonable use of the property;

B. That the hardship described in (A.) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;

C. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Land Use Plan and Shoreline Master Program and will not cause adverse impacts to the shoreline environment;

D. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

E. That the variance requested is the minimum necessary to afford relief; and

F. That the public interest will suffer no substantial detrimental effect.

Criteria for all shoreline permits

Consideration shall be given to the cumulative environmental impact of additional requests for like actions in the shoreline vicinity.

A. <u>Bulkhead</u>
The applicant is seeking a Shoreline Exemption for, “repair and replacement of the pre-existing shoreline bulkhead, built to protect the residence from imminent danger.” (*Exhibit 4a, page iv*) Because the permit for the bulkhead work is being sought as part of the larger package of shoreline permits, the Exemption is irrelevant. Other elements of the proposal necessitate either a Conditional Use Permit or Substantial Development Permit, and the bulkhead will be processed along with those permits via the quasi-judicial process.

The submitted Shoreline Analysis report (Exhibit 4a) refers to the work done regarding the bulkhead as both a repair and a replacement at various points in the report. However, the majority of the information provided in the report, supports the conclusion that the existing bulkhead was a replacement, not a repair.

- Figure 3 in Exhibit 4a refers to the, "old bulkhead before replacement" (page 6)

- Discussion of shoreline stabilization standards on page 10 refers to "the replacement bulkhead…"

- From the same section: *The…replacement structure appears to be similar [and] functions better than the original structure.*

- Table 2, page 19: lists "bulkhead replacement" and also "repair and maintenance of an existing bulkhead"

- Page 26: *Part of the reason for this study is to provide permits for the bulkhead that has replaced a hard cement structure with the somewhat softer rock amorphous rock with a beach inset which is superior to the flat reflective cement bank protection that was replaced.*

The information provided by the applicant appears to clearly indicate that the bulkhead was replaced, and not, in fact, repaired.

Had proper permits been sought, the bulkhead replacement would have required a Shoreline Conditional Use Permit, and subject to the requirements of SMP 17.45.010 "Shoreline Stabilization Standards", 17.51.010 "Bulkheads – Development Standards", and the mitigation sequencing outlined in SMP 17.40.015. However, denied the opportunity to review the bulkhead's construction, the City is unable to make a wholistic determination of consistency with the applicable regulations.

The replacement bulkhead does not meet the shoreline substantial development permit criteria for approval as the structure is inconsistent with the standards for shoreline protection.

The bulkhead does not meet the shoreline conditional use permit criteria for approval as it is inconsistent with the standards for shoreline protection and not compatible with surrounding allowed uses.

There is some evidence that the replacement bulkhead may not meet the criteria found in SMP 17.51.010(6):

> *A bulkhead shall not be located waterward of the ordinary high watermark except for shoreline stabilization as provided in section 17.45.015(3)(B).*

The Department of Ecology's comments reference a photograph taken on the subject site along the South end of the property and the North End of the adjacent property. (Exhibit 7e) Ecology's comments indicate that the replaced bulkhead appears to extend beyond the apparent OHWM on the adjacent property to the south. Additionally, Figure 1, shows a bulkhead on the subject property during a site visit by a city contract forester, in which the previous bulkhead was inundated by water. This shows that the OHWM was likely landward of the bulkhead, even prior to its replacement. (See also Exhibit 9)

Figure 1. Photo from March 23, 2018. Source: Washington Forestry Consultants, Inc.

The above referenced section of code also points to 17.45.010(3)(B) as an exception for rebuilding shoreline stabilization structures waterward of an OHWM, if a residence was occupied prior to January 1, 1992 AND there are overriding safety or environmental concerns.

SMP 17.51.010(8) prohibits "construction of a bulkhead for the primary purpose of retaining or creating dry land". Aerial photos of the area adjacent to the bulkhead appear to show that gravel fill was placed behind the bulkhead, creating dry land. See Figures 2 and 3 below. It is not certain that the bulkhead, if properly permitted, would have met the criteria of 17.51.010.

When structural shoreline stabilization measures are demonstrated to be necessary, they are required to limit the size to the minimum necessary, and emphasize soft stabilization methods. SMP 17.45.010.5 Again however, staff was not given the opportunity to make this determination on the previous bulkhead and to analyze the necessary stabilization methods, and cannot, therefore make a determination that the items discussed above were properly addressed.

Ecology's comments (Exhibit 7) recommend the unauthorized bulkhead be left in place, "as moving it would cause undue disruption to the lake and shoreline that would not offset any potential benefit." However, their comments do not make any recommendations as to how to address the impacts. It seems that there are two alternatives:

(1) Allow the existing bulkhead to remain as-is and provide additional vegetative restoration; or
(2) Remove the existing bulkhead and replace it with the preferred soft shoreline stabilization methods.

Figure 2. Aerial view of subject property taken June 20, 2018. Source: nearmap

Figure 3. Aerial view of subject property taken July 24, 2022. Source: nearmap

B. <u>Second dock</u>

The applicants' submittal material indicates that approval of a second dock is being sought, "to provide access to the tenants of the multiple families that reside in the complex of homes on this site." (Exhibit 4a, page iv) The subject property is categorized as a single-family residence with two, legal non-conforming accessory dwelling units.

SMP 17.25.010 states, “new residential development of two or more dwellings must provide joint use or community dock facilities, when feasible, rather than allow individual docks for each residence.” As a single-family property, the property is only entitled to one dock. However, even multifamily projects are only entitled to one joint use community dock – not multiple. The property is already served by a dock. Construction of an additional dock is prohibited, and further, would not meet the variance criteria outlined in SMP 17.30.020.

The proposed second dock is not consistent with the criteria for approval of a variance as a second dock is not required for reasonable use of the property, which already has a dock. Further, there are no unique conditions that would require a second dock to serve the property and the design is incompatible with other authorized uses with the area as second docks are not allowed. Finally, allowing a second dock for a single-family property would be a significant grant of special privilege as even Apartment complexes are allowed a single dock by the standards of the Lacey Shoreline Master Program.

C. <u>Gravel fill</u>

The applicant installed gravel on the top of the bulkhead and within the 50-foot setback or Vegetation Management Area. According to the Shoreline Analysis this was necessary for drainage/erosion and also to prevent ongoing vegetation loss and erosion due to spraying for knotweed in this area. (page iv) Placement of gravel within the Shoreline jurisdiction meets the definition of “development” found in SMP 17.57.057, and would require prior authorization. The placement of gravel would require a Shoreline Variance, as it is not an outright permitted use or modification in the Residential designation and is located waterward of the 50-foot residential setback and vegetation management area. According to the application materials, the placement of gravel was for “partly cosmetic [and] to make control of the knotweed easier”.

The proposed gravel fill is not consistent with the criteria for approval of a variance as the gravel is not required for reasonable use of the property. The SMP’s requirements for permeable surfacing and native vegetation adjacent to the shoreline will not preclude or significantly interfere with the reasonable use of the property. Additionally, retention of gravel would constitute a special privilege as other project’s subject to the revegetation requirements have been required to replant the near shoreline area with native vegetation and the use of permeable surfaces.

The applicant received notice from Thurston County of the presence of knotweed on their property in August of 2018. (Exhibit 3e) The gravel fill purportedly was done to control the invasive Japanese knotweed. Work done within the Shoreline jurisdiction to

remove and control the knotweed on the property should be reviewed and authorized via a Shoreline Substantial Development Permit for an Ecological Restoration Project.

Control and eradication of Japanese knotweed is an important and necessary action for the subject property. If the Hearings Examiner concludes that the proposed retention of gravel fill within the setback and vegetation management are is not consistent with the variance criteria, the removal of the placed gravel and a revised vegetation management and shoreline restoration plan that specifically contains a Japanese knotweed control plan, not just in the sloped area of the property, but also in the area where gravel was placed will be required.

D. Patio

An unpermitted 670 square foot cement patio was installed directly adjacent to the bulkhead, within the required 50-foot setback for water-related uses. The applicant is seeking a Variance to the dimensional standards, specifically the required setback.

The Shoreline Variance criteria are outlined in 17.30.020. Granting of variance is strictly limited to relief from specific bulk, dimensional or performance standards where there are *extraordinary* circumstances relating to the physical character or configuration of a piece of property such that strict implementation of the master program would impose unnecessary hardship or thwart the policies of RCW 90.58.020.

The patio structure would not have been permitted in its current location had the applicants applied for a shoreline permit. The patio would be considered a recreational water-related use and subject to the 50-foot setback established in 17.24.015.

Applying the 50-foot setback would not preclude or significantly interfere with the applicants' use of their property. The application material suggests that the applicants were, "merely trying to utilize extra cement that they had ordered…and to provide a safe and comfortable environment for enjoying the shoreline…Site specific issues like slope made enjoyment of this area difficult." (Exhibit 4a, page 17) While a level, cement patio may have allowed the applicants to enjoy the shoreline in a particular way, the site's pre-existing topography did not preclude all use of the property or shoreline area, as indicated by the existing dock, and path down to the area.

> There are many properties on Hicks Lake with similar steep topographies near the shoreline. Similar properties would not be granted approval for this type of recreational improvement. Allowing this improvement to remain

would amount to allowing a non-conforming, after-the-fact structure to justify its own existence.

The submitted "Slope Consultation" report provided in Exhibit 4b indicates that the patio is providing some slope stabilization and erosion control. However, there are other slope stabilization methods that would have substantially smaller footprint and result in less impervious surface and impacts to the Vegetation Management Area. The primary use of the patio is as a recreational surface, not slope stabilization and protection and improvement of the ecological functions of the shoreline.

The request to retain the patio does meet the criteria for approval of a shoreline variance. The application clearly notes that the patio would enhance the owners use of the property and therefore not having it would not significantly interfere with the reasonable use of the property. The approval of the variance would be a grant of special privilege not afforded by other property owners on Hicks Lake.

If the Examiner concludes the request to retain the patio does not meet the standards of the SMA or criteria for approval of a variance, a restoration plan, including analysis of slope stability and less impactful design solutions, will be required for review and approval.

E. <u>Pathway</u>

There was an existing pathway leading from the upland property down to the shoreline meeting the definition in 17.15.183. Typically, maintenance of these types of paths can be done without any shoreline permit. (17.24.010) However, there was significant grading done along the existing path, that would have required a Shoreline Conditional Use Permit. While there does not appear to have been any fill brought in along the path, significant disruption of soil and removal of vegetation did occur. (See Figures 4 and 5) The grading and soil disruption on the pathway and slope appears to largely be the result of providing access for heavy machinery to the shoreline for purposes of placement of gravel and construction of the patio. A Conditional Use Permit for the grading would not be approved to aid in the construction of prohibited actions or uses, as discussed in the sections above relating to the patio and gravel fill.


Figure 4. Grading on the slope within the VMA and on pathway. Source: City of Lacey staff, Sept 2019.

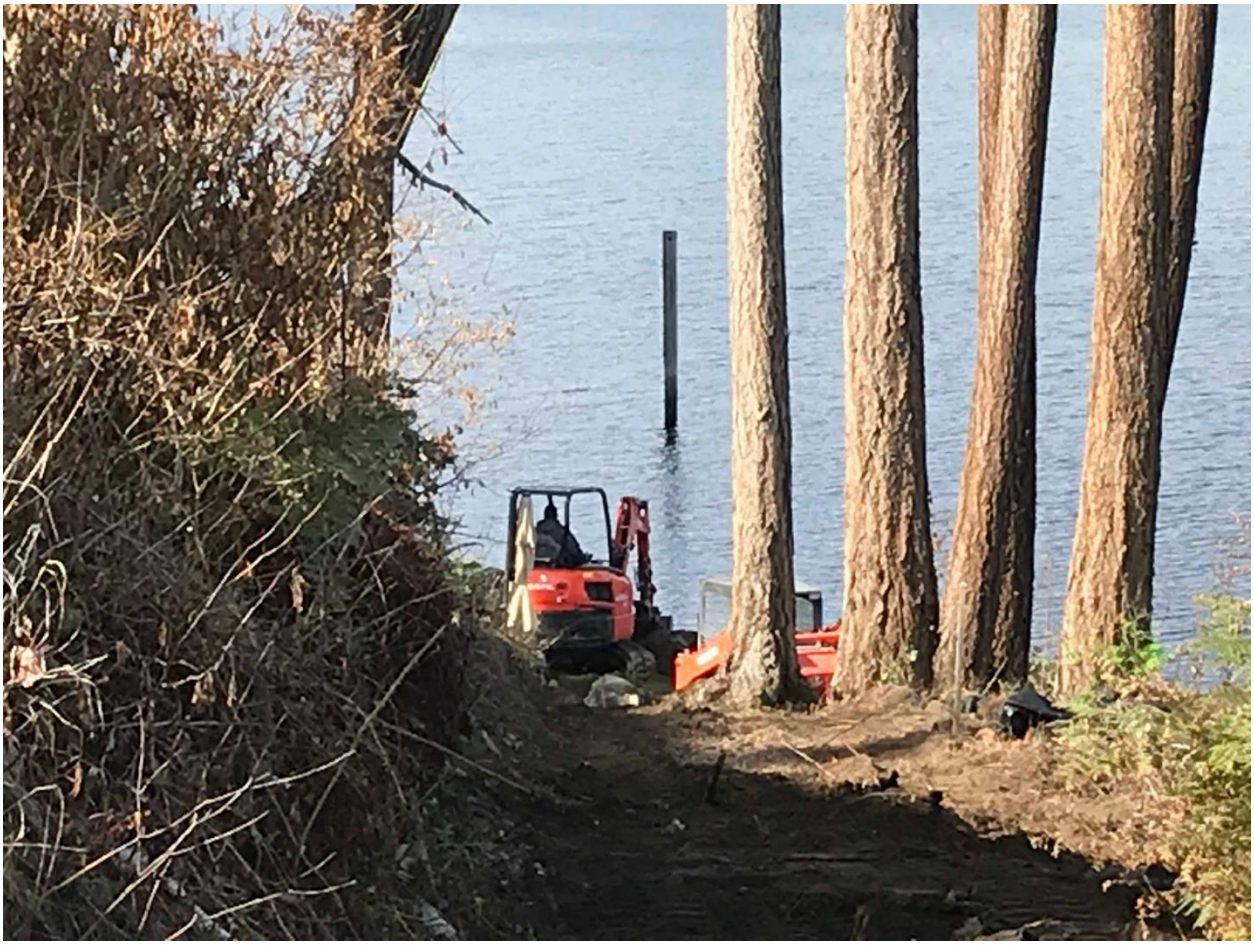

Figure 5. Grading on slope and heavy equipment adjacent to the shoreline. Source: City of Lacey staff, Sept 2019.

To mitigate the impacts of the soil disruption and vegetation removal associated with the grading described above, the applicant is proposing a revegetation plan in this area as well as the surrounding slopes. Replanting with native vegetation in these areas and use of pervious trail materials is appropriate mitigation. Ecological restoration projects are subject to a Shoreline Substantial Development Permit approval.

The applicants' restoration proposal for the impacts associated with the grading and pathway are consistent with the standards for restoration of vegetation management area, as well as the goals and policies of the Residential Shoreline designation as required in the Shoreline Substantial Development Criteria outlined in 17.30.010.

X. HEARING EXAMINER AUTHORITY

The Hearings Examiner has the responsibility and authority to recommend action to the City Council on Shoreline Substantial Development, Conditional Use, Variance, and Exemption permits. Pursuant to section 2.30.140 of the Lacey Municipal Code, the Examiner has the authority to render a decision on the application which may be to grant, deny, or grant with such conditions, limitations, modifications and restrictions as the Examiner finds necessary to make the application compatible with its environment, the comprehensive plan, other official policies and objectives and land use regulatory enactments.

XI. SUMMARY OF STAFF ANALYSIS

Impact	Staff Analysis
Bulkhead	Bulkhead was replaced requires CUP, either to be removed and replaced with soft shoreline stabilization; OR remain as-is, and mitigated with additional shoreline restoration
Gravel fill	Placement would have required a Variance. Variance criteria not met. Gravel should be removed and replaced with native vegetation and/or approved knotweed management methods. Removal and restoration require SDP.
Pathway	Requires CUP for grading and SDP for restoration
Second dock	Would require Variance, does not meet criteria.
Restoration of VMA	Revise the restoration plan to address the bulkhead, and removal of the gravel and patio
Cement patio	Not allowed, would require Variance. Does not meet criteria

XII. STAFF SUGGESTED CONDITIONS OF APPROVAL

1. The applicant shall submit a revised Vegetation Management and Shoreline Restoration Plan to the City of Lacey within 30 days of the last day of any applicable appeal period, which

   - Includes provisions for Japanese knotweed management using methods recommended by the Washington State Noxious Weed Control Board.
   - Meets the requirements and standards for shoreline restoration in the Shoreline Master Program and best practices.
   - Includes the removal and restoration of any elements within the shoreline jurisdiction not approved by the Hearings Examiner through the shoreline permit process.
   - Proposes a reasonable schedule for quickly restoring the property upon plan approval.
   - Establishes a form of financial guarantee that the restoration will be completed.

   The applicant shall cause the restoration plan to be fully implemented in a manner consistent with the plan as approved by the City of Lacey.

Exhibit 3 - a

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CITY OF LACEY

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
420 College Street SE, Lacey, WA 98503 (360) 491-5642

OFFICIAL USE ONLY
Date:
Case #:
Received By:
Planner:
Related Cases:

GENERAL LAND USE APPLICATION

Please Identify Supplemental Forms Accompanying This Application:

- ☐ Binding Site Plan (Preliminary)
- ☐ Binding Site Plan (Final)
- ☐ Boundary Line Adjustment
- ☐ Conditional Use Permit
- ☐ **Environmental Checklist (SEPA) (must include 2 CD's containing .pdf copies of all submittal materials, including applications)**
- ☒ Joint Aquatic Resources Permit Application (JARPA)
- ☐ Landclearing Permit/Class IV Forest Practices
- ☐ Limited Administrative Review (separate application form is not required)
- ☐ Planned Residential Development (Preliminary)
- ☐ Planned Residential Development (Final)
- ☐ Short Subdivision (Preliminary)
- ☐ Short Subdivision (Final)
- ☒ Site Plan Review
- ☐ Street Merchant Supplemental
- ☐ Subdivision (Preliminary)
- ☐ Subdivision (Final)
- ☐ Townhouse Development Permit
- ☐ Wetland Development Permit
- ☐ Woodland District Supplemental

***Applicant/Property Owner Information**

Owner: Ean Joyner

Mailing Address: 1420 Marvin Rd NE, Ste C #115, Lacey, WA 98516

Phone Number(s): (360) 970-5381

E-mail Address: ejoyner@westcoastppf.com

Signature:

** For projects with multiple owners, attach a separate sheet with above owner information and signatures.*

Applicant:

Mailing Address:

Phone Number(s):

E-mail Address:

*Authorized Representative: Curtis Wambach - EnviroVector

Mailing Address: 1441 West Bay Dr, Suite 301, Olympia, WA 98502

Phone Number(s): (360) 790-1559

E-mail Address: curtis@envirovector.com

**The authorized representative will be the primary staff contact for all project related questions and correspondence.*

Project Information

Project Name: Joyner-Gusta Property

Project Description: The project consists the installation of a concrete patio, repair of bulkhead, installation of ecology blocks to stabilize the hillside and restoration for vegetation removal within the Vegetation Management Area (VMA) of the Shoreline Zone. However, non-native invasive weeds were removed from the VMA, which is an allowed activity under the City SMP.

Property Description

Site Address: 2603 Carpenter Rd SE, Lacey, WA 98503

Full Legal Description of Subject Property (attached ☐):
27-18-1W L2 S143.88F OF N542.34F W OF RD INCL SHORELANDS

Section: 27 Township: 18 N Range: 01 W

Assessor Tax Parcel Number(s): 11827124100

Zoning District: LD 0-4, Low-Density Residential SHORES

Shoreline Designation (if applicable): Shoreline Residential

Area of Project Site (in square feet if less than 1 acre; in acres if greater): 3.08 acres

Critical Areas on or near Site (show areas on site plan):

- ☐ None
- ☐ Creek or stream (name): N/A
- ☒ Lake or pond (name): Hicks Lake
- ☐ Endangered or threatened species (identify): None
- ☐ Encumbrances, such as wells with radius, and easements: None
- ☐ Wetland
- ☐ Steep slopes/draw/gully/ravine
- ☐ Historic site or structure
- ☐ Flood hazard area, provide FEMA flood zone and map number:

Utilities (Existing and Proposed)

Water: Existing Public Proposed None

Sewer: Existing Sewer Proposed None

Access (name of street(s) from which access will be gained): Carpenter Rd SE

I affirm, under penalty of perjury, that all answers, statements, and information submitted with this application are correct and accurate to the best of my knowledge. I also affirm that I am the owner of the subject site or am duly authorized by the owner to act with respect to this application. Further, I grant permission from the owner to any and all employees and representatives of the City of Lacey and other governmental agencies to enter upon and inspect said property as reasonably necessary to process this application. I agree to pay all fees of the City that apply to this application.

Ean Joyner — **Print Name**

Signature

12-6-19 — **Date**

Please attach all applicable supplemental forms

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CITY OF LACEY

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
420 College Street SE, Lacey, WA 98503 (360) 491-5642

OFFICIAL USE ONLY
Date: _____
Case #: _____
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GENERAL LAND USE APPLICATION

Please Identify Supplemental Forms Accompanying This Application:

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***Applicant/Property Owner Information**

Owner: Michelle Gusta

Mailing Address: 1420 Marvin Rd NE, Ste C #115, Lacey, WA 98516

Phone Number(s): (360) 970-5381

E-mail Address: michelle@balancedaccountants.com

Signature: _____

** For projects with multiple owners, attach a separate sheet with above owner information and signatures.*

Applicant: _____

Mailing Address: _____

Phone Number(s): _____

E-mail Address: _____

*Authorized Representative: _____

Mailing Address: _____

Phone Number(s): _____

E-mail Address: _____

**The authorized representative will be the primary staff contact for all project related questions and correspondence.*

Exhibit 3 - b

CITY OF LACEY
Community & Economic Development Department
420 College Street SE
Lacey, WA 98503
(360) 491-5642

OFFICIAL USE ONLY

Case Number: _____
Date Received: _____
By: _____

Related Case Numbers:
_____
_____

SHORELINE PERMIT(S) APPLICATION

OWNER NAME: Ean Joyner and Michelle Gusta
MAILING ADDRESS: 1420 Marvin Rd NE, Ste C #115
CITY, STATE, ZIP: Lacey, WA 98516
TELEPHONE: 360 970-5381

_____ DATE: 2-16-2022
_____ DATE: 2/16/22
_____ DATE: _____
_____ DATE: _____

SIGNATURE(S)

I (We), the above-signed, do hereby affirm and certify, under penalty of perjury, that I/we am/are one (or more) of the owner(s) under contract of the below described property and that the following statements and answers are in all respects, true and correct on my information and belief as to those matters.

APPLICANT NAME: _____
MAILING ADDRESS: _____
CITY, STATE, ZIP: _____
TELEPHONE: _____
SIGNATURE: _____ **DATE:** _____

PROPERTY ADDRESS: 2603 Carpenter Rd SE
DIRECTIONS TO SITE: Martin Way to Carpenter Road south to property on right
_____

TOTAL ACREAGE OF THE SITE: 3.08

SECTION: 27 TOWNSHIP: 18N RANGE: 1W

ASSESSOR'S PARCEL NUMBER(S): 11827124100

WATER BODY: Hicks Lake

SHORELINE DESIGNATION: Residential

Current use of property with existing improvements: Single-family residence with 3 single-family rental units. Pathway to the shoreline with ecoblock retaining walls. Repaired bulkhead, Patio on shoreline -feet from OHWM

Proposed use of property (please be specific): Residential after-the-fact VAR /CUP permits for Patio and Retaining wall in 50-foot Veg Management Area. Conditional Use for second dock to service rental units.

TO BE COMPLETED BY LOCAL OFFICIAL:

Nature of existing shoreline (type of shoreline—lake, stream, etc.; type of beach – high bank, erosion, etc.; material; and, extent and type of bulkheading, if any):

If structures will exceed 35' in height, indicate location and number of residences that will have an obstructed view:

If a conditional use or variance, set forth in full the portion of the master program which allows the conditional use or from which the variance is being sought:

Applicant shall provide **TWELVE COPIES** of the following information for all types of shoreline permits:

1. This completed application; and
2. Supporting data in the form of a site plan and vicinity map.

MAPS REQUIRED FOR ALL TYPES OF SHORELINE APPLICATIONS

Draw all site plans and maps to scale, clearly indicating scale on lower right corner and attach them to the application.

A. Site Plan – Include on Plan:

1. Site boundary. Show all driveways and access roads.
2. Property dimensions in vicinity of project. Show any structures within 300' of the site.
3. Ordinary high-water mark.
4. Typical cross section or sections showing:
   a. Existing ground elevations.
   b. Proposed ground elevation.
   c. Height of existing structures.
   d. Height of proposed structures.
5. Where appropriate, proposed land contours using five-foot intervals in water area and ten-foot intervals on areas landward of ordinary high-water mark, if development involves grading, cutting, filling, or other alteration of land contours.
6. Show dimensions, including height, and locations of existing structures.
7. Show dimensions, including height, and locations of proposed structures.
8. Identify source, composition, and volume of fill material.
9. Identify composition and volume of any extracted materials, and identify proposed disposal area.
10. Location of proposed utilities, such as sewer, septic tanks and drainfields, water, gas, electricity.
11. If the development proposes septic tanks, does proposed development comply with local health and state regulations?
12. Shoreline designation according to master program.
13. Show which areas are shorelines and which are shorelines of state-wide significance.

B. Vicinity Map:

1. Indicate site location using natural points of references (roads, state highways, prominent landmarks, etc.)
2. If the development involves the removal of any soils by dredging or otherwise, please identify the proposed disposal site on the map. If the disposal site is beyond the confines of the vicinity map, provide another vicinity map showing the precise location of the disposal site and its distance to the nearest city or town.
3. Give a brief narrative description of the general nature of the improvements and land use within one thousand feet in all directions from development site (i.e., residential to the north, commercial to the south, etc).

VARIANCE REQUEST

I request a variance from the requirement for (cite shoreline requirement):

Proposed Setback: 0-20 feet Required Setback: 50

This request falls into one of the following three categories and meets all required conditions as specified for that category (NOTE: Variance requests not meeting these conditions must be filed as a Shoreline Variance Permit and reviewed by the Hearings Examiner).

1. DECREASED SETBACK IS JUSTIFIED BY EXISTING NEIGHBORING STRUCTURES WHICH FRINGE ON THE REQUIRED SETBACK. (Chapter XV, General Regulations 13.b)

The average setback of all structures within 300 feet of each property line is: 35 feet.
My building would meet or exceed thus average setback (NOTE: Vacant properties shall be counted as meeting the required setback in making this calculation).
A site plan is attached showing the location and type of all structures within 300 feet of the property lines on this lot.

2. LOT SIZE PRECLUDES MEETING SETBACK REQUIREMENTS.

The lot does not conform to Shoreline Master Program requirements as follows (i.e., size and dimension):

The proposed building cannot be set back any further from the shoreline because:
geotechnical instability. Retention recommended by licensed geotech.

3. REQUEST IS FOR EXPANSION OF EXISTING NONCONFORMANING STRUCTURE PARALLEL TO WATER.

The proposal is compatible in terms of use and appearance and other factors with neighboring land uses as follows:

The following steps have been taken to minimize inconsistency with regulations and adverse impacts from the expansion:

The variance would not set a precedent which would cumulatively result in development inconsistent with the Shoreline Master Program because:

FOR STAFF USE ONLY

DISPOSITION OF CASE: [ ] **Approved** [ ] **Denied** [ ] **Modified**

PLANNER SIGNATURE: **DATE:**

Exhibit 3 - c

WASHINGTON STATE
Joint Aquatic Resources Permit Application (JARPA) Form[1,2] [help]

USE BLACK OR BLUE INK TO ENTER ANSWERS IN THE WHITE SPACES BELOW.

US Army Corps of Engineers ®
Seattle District

AGENCY USE ONLY

Date received:

Agency reference #: _____

Tax Parcel #(s): _____

_____

Part 1–Project Identification

1. Project Name (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [help]
Gusta-Joyner Shoreline Analysis and Restoration Plan

Part 2–Applicant

The person and/or organization responsible for the project. [help]

2a. Name (Last, First, Middle)			
Ean Joyner and Michelle Gusta			
2b. Organization (If applicable)			
2c. Mailing Address (Street or PO Box)			
1420 Marvin Rd NE, Ste C #115			
2d. City, State, Zip			
Lacey, WA 98502			
2e. Phone (1)	**2f.** Phone (2)	**2g.** Fax	**2h.** E-mail
360-970-5381			

[1]Additional forms may be required for the following permits:
- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you need a Shoreline permit, contact the appropriate city or county government to make sure they accept the JARPA.

[2]To access an online JARPA form with [help] screens, go to http://www.epermitting.wa.gov/site/alias__resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx.

For other help, contact the Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.

Part 3–Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b of this application.) [help]

3a. Name (Last, First, Middle)			
Alex Callender			
3b. Organization (If applicable)			
Land Services Northwest			
3c. Mailing Address (Street or PO Box)			
120 State Avenue NE PMB 190			
3d. City, State, Zip			
Lacey, WA 98501			
3e. Phone (1)	**3f.** Phone (2)	**3g.** Fax	**3h.** E-mail
360-481-4208			

Part 4–Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. Consider both **upland and aquatic** ownership because the upland owners may not own the adjacent aquatic land. [help]

☐ Same as applicant. (Skip to Part 5.)

☐ Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)

☒ There are multiple upland property owners. Complete the section below and fill out JARPA Attachment A for each additional property owner.

☐ Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don't know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete JARPA Attachment E to apply for the Aquatic Use Authorization.

4a. Name (Last, First, Middle)			
Ean Joyner			
4b. Organization (If applicable)			
4c. Mailing Address (Street or PO Box)			
1420 Marvin Rd NE, Ste C #115			
4d. City, State, Zip			
Lacey, WA 98516			
4e. Phone (1)	**4f.** Phone (2)	**4g.** Fax	**4h.** E-mail
360. 970.5381			ejoyner@westcoastppf.com

Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [help]

☐ There are multiple project locations (e.g. linear projects). Complete the section below and use JARPA Attachment B for each additional project location.

5a. Indicate the type of ownership of the property. (Check all that apply.) [help]

☒ Private
☐ Federal
☐ Publicly owned (state, county, city, special districts like schools, ports, etc.)
☐ Tribal
☐ Department of Natural Resources (DNR) – managed aquatic lands (Complete JARPA Attachment E)

5b. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) [help]

2603 Carpenter Rd SE

5c. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]

Lacey WA 98502

5d. County [help]

Thurston

5e. Provide the section, township, and range for the project location. [help]

¼ Section	Section	Township	Range
	27	18N	1W

5f. Provide the latitude and longitude of the project location. [help]

- Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83)

47.02389 N lat. / 122.7939 W long.

5g. List the tax parcel number(s) for the project location. [help]

- The local county assessor's office can provide this information.

11827124100

5h. Contact information for all adjoining property owners. (If you need more space, use JARPA Attachment C.) [help]

Name	Mailing Address	Tax Parcel # (if known)
Deanna Joyner	2511 Carpenter Rd SE Lacey, WA 98503	11827123803
David & Marilyn Baker	2521 Carpenter Rd SE Lacey, WA 98503	11827123801 & 11827123802
Robert Bostrom	2611 Carpenter Rd SE Lacey, WA 98503	11827124200

5i. List all wetlands on or adjacent to the project location. [help]

None

5j. List all waterbodies (other than wetlands) on or adjacent to the project location. [help]

Hicks Lake

5k. Is any part of the project area within a 100-year floodplain? [help]

☐ Yes ☒ No ☐ Don't know

5l. Briefly describe the vegetation and habitat conditions on the property. [help]

The majority of the subject property is sparsely vegetated. Vegetation in the shoreline area adjacent to Hicks Lake primarily consists of non-native invasive weeds, including some noxious weeds, namely Japanese knotweed, English ivy, black locust trees, and Himalayan blackberry. Some patches of Douglas fir trees are located on the property. The eastern portion of the property is flat. Slopes occur on the western portion of the property adjacent to Hicks Lake.

5m. Describe how the property is currently used. [help]

The property is currently used for single-family residential and water-dependent/enjoyment recreational uses along the shoreline of Hicks Lake.

5n. Describe how the adjacent properties are currently used. [help]

Adjacent properties consist of single-family residences and various water-dependent recreational/enjoyment uses along the shoreline of Hicks Lake.

5o. Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. [help]

One (1) primary single-family residence, two (2) accessory dwellings, one (1) garage and one (1) mobile home are located on the subject property. A private dock, used for water-dependent recreation, is also located along the shoreline of Hicks Lake.

5p. Provide driving directions from the closest highway to the project location, and attach a map. [help]

Martin Way exit on I-5 N, merge on Martin Way E, right on Carpenter Rd SE, right on 27th Ln SE.

Part 6–Project Description

6a. Briefly summarize the overall project. You can provide more detail in 6b. [help]

The project consists of after - the -fact permits for the installed concrete patio, repaired bulkhead, installed of ecology blocks retaining walls, and hillside grading,. In addition to the already finished work, the applicant proposes a second dock for use by the tenants which share the access to the shoreline and retaining walls along the rest of the pathway to prevent erosion.

An invasive removal and restoration plan for vegetation removal within the Vegetation Management Area of the Shoreline Zone has been provided as mitigation for the new and old work.

6b. Describe the purpose of the project and why you want or need to perform it. [help]

The purpose is to retain the deck and bulkhead improvements and retaining walls. Retention of the deck and bulkhead is necessary to prevent imminent danger to the onsite residence and other infrastructure. Retention of the ecology block retaining wall will maintain walkway and hillslope as well.

The purpose of the mitigation plan is to maintain no-net -loss of shoreline functions.

6c. Indicate the project category. (Check all that apply) [help]

☐ Commercial ☒ Residential ☐ Institutional ☐ Transportation ☒ Recreational

☒ Maintenance ☒ Environmental Enhancement

6d. Indicate the major elements of your project. (Check all that apply) [help]

☐ Aquaculture	☐ Culvert	☐ Float	☒ Retaining Wall (upland)
☒ Bank Stabilization	☐ Dam / Weir	☐ Floating Home	☐ Road
☐ Boat House	☐ Dike / Levee / Jetty	☐ Geotechnical Survey	☐ Scientific Measurement Device
☐ Boat Launch	☐ Ditch	☐ Land Clearing	☐ Stairs
☐ Boat Lift	☒ Dock / Pier	☐ Marina / Moorage	☐ Stormwater facility
☐ Bridge	☐ Dredging	☐ Mining	☐ Swimming Pool
☒ Bulkhead	☐ Fence	☐ Outfall Structure	☐ Utility Line
☐ Buoy	☐ Ferry Terminal	☐ Piling/Dolphin	
☐ Channel Modification	☐ Fishway	☐ Raft	

☒ Other: Vegetation removal in the VMA & installation of concrete pad within shoreline setback.

6e. Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. [help]

- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year floodplain.

A rock bulkhead exists along the shoreline. Based on Google Earth photos and testimony from the applicant, the bulkhead was existing and was repaired. No evidence
was found to suggest the contrary. The bulkhead extends along the shoreline of the subject property. Repair and maintenance of existing bulkheads is an exempt
A concrete patio, measuring approximately six hundred thirty (670) square feet, was installed along the shoreline of Hicks Lake at the end of the
existing dock.
Ecology blocks would be along the pedestrian path to prevent erosion and landslides within the sloped Vegetation Management Area.
Enhancement of the Vegetation Management Area would occur through invasive weed removal, the installation of geofabric, and planting of native
vegetation.

None of the above activities are within the 100-year flood plain.

6f. What are the anticipated start and end dates for project construction? (Month/Year) [help]

- If the project will be constructed in phases or stages, use JARPA Attachment D to list the start and end dates of each phase or stage.

Start Date: Upon receipt of permits End Date: Prior to permit expiration ☐ See JARPA Attachment D

6g. Fair market value of the project, including materials, labor, machine rentals, etc. [help]

$60,000

6h. Will any portion of the project receive federal funding? [help]

- **If yes**, list each agency providing funds.

☐ Yes ☒ No ☐ Don't know

Part 7–Wetlands: Impacts and Mitigation

☐ Check here if there are wetlands or wetland buffers on or adjacent to the project area.
(If there are none, skip to Part 8.) [help]

7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [help]

☒ Not applicable

7b. Will the project impact wetlands? [help]

☐ Yes ☒ No ☐ Don't know

7c. Will the project impact wetland buffers? [help]

☐ Yes ☒ No ☐ Don't know

7d. Has a wetland delineation report been prepared? [help]

- **If Yes**, submit the report, including data sheets, with the JARPA package.

☐ Yes ☒ No N/A

7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [help]

- **If Yes**, submit the wetland rating forms and figures with the JARPA package.

☐ Yes ☒ No ☐ Don't know N/1a

7f. Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [help]

- **If Yes**, submit the plan with the JARPA package and answer 7g.
- **If No, or Not applicable**, explain below why a mitigation plan should not be required.

☐ Yes ☒ No ☐ Don't know

N/A

7g. Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. [help]

7h. Use the table below to list the type and rating of each wetland impacted, the extent and duration of the impact, and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. [help]

Activity (fill, drain, excavate, flood, etc.)	Wetland Name[1]	Wetland type and rating category[2]	Impact area (sq. ft. or Acres)	Duration of impact[3]	Proposed mitigation type[4]	Wetland mitigation area (sq. ft. or acres)

[1] If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report.

[2] Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.
[3] Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable.
[4] Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)

Page number(s) for similar information in the mitigation plan, if available: _____

7i. For all filling activities identified in 7h, describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [help]

N/A

7j. For all excavating activities identified in 7h, describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [help]

N/A

Part 8–Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, "waterbodies" refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [help]

☒ Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

8a. Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [help]

☐ Not applicable

The Vegetation Management Area would be enhanced through the control of invasive and noxious weeds and the planting of native vegetation within fifty (50) feet landward of the ordinary high water mark. The mitigation plan as mentioned before will further stabilize the nearshore. The site has many different invasive species and the best way to prevent them from overrunning the property as they have in the past is to provide native vegetation so that they will eventually be shaded out and the natives can outcompete if given proper care which will achieve through the maintenance and monitoring plan.

Repair and maintenance through a shoreline exemption for the installation of the rock-built bulkhead was necessary to control erosion and to stabilize the shoreline. Using rock, rather than concrete, minimizes environmental impacts and provides a substrate and hiding places for invertebrates (Completed).

The installation of ecology blocks along the pedestrian path would protect the slopes of the Vegetation Management Area from erosion and sedimentation that could deteriorate the aquatic environment.

8b. Will your project impact a waterbody or the area around a waterbody? [help]

☒ Yes ☐ No

8c. Have you prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies? [help]

- **If Yes**, submit the plan with the JARPA package and answer 8d.
- **If No, or Not applicable,** explain below why a mitigation plan should not be required.

☒ Yes ☐ No ☐ Don't know

The Joyner - Gusta Single-Family Residence Critical Areas, Shoreland Analysis Report

has been included with this JARPA package. The applicant has improved the bulkhead to remove the cement and provide amorphic large rock which tends to break up wave energy and protect the shoreline compared to the cement bulkhead. The planting plan has been improved to plant 27 new trees and provide shrubs over herbaceous plants which will further stabilize the shoreline and provide improve nutrient uptake thus providing water quality improvement in the shoreline. The retention of the patio is necessary to prevent the hillside from eroding and reating a dangerous situation which may impact the onsite residence as well as other propreties due to the steep slopes that exist in the vicinity of the patio. Any impacts to the shoreline will be mitigated with the planting plan and other stabilization measures used to improve the area and minimize impacts. The new pier will allow for multiple families to enjoy the shoreline, a primary tenant of the Shoreline Management Act and the local SMP.

8d. Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

- If you already completed 7g you do not need to restate your answer here. [help]

The mitigation plan is meant to enhance the current Vegetation Management Area (shoreline setback area) by removing noxious and invasive weed species and replacing them with native vegetation. Vegetation will screen the built environment, prevent erosion, uptake nutrients from lawns, provide food for wildlife and shade to attenuate water temperature among other things

.

Concrete blocks (or ecology blocks) will be installed along the existing path on the hillside to stabilize the slopes and prevent soil erosion.

Because the impacts are site specific and would only have immediate impacts to Hicks Lake, it was important to maintain mitigation in kind on site.

8e. Summarize impact(s) to each waterbody in the table below. [help]

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name[1]	Impact location[2]	Duration of impact[3]	Amount of material (cubic yards) to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected
N/A					
PIER	Hicks Lake	SHORELINE	2DAYS	None	600 SQ FEET

[1] If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided.
[2] Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.
[3] Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.

8f. For all activities identified in 8e, describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [help]

N/A Screw piles will be used for the float pier similar to existing.
8g. For all excavating or dredging activities identified in 8e, describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [help]
N/A

Part 9–Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

9a. If you have already worked with any government agencies on this project, list them below. [help]

Agency Name	Contact Name	Phone	Most Recent Date of Contact
Department of Ecology	Rebecca Rothwell	360-810-0025	
City of Lacey	Samra Seymour	360.413.3541	

9b. Are any of the wetlands or waterbodies identified in Part 7 or Part 8 of this JARPA on the Washington Department of Ecology's 303(d) List? [help]

- **If Yes,** list the parameter(s) below.
- If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d.

☐ Yes ☒ No

9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [help]

- Go to http://cfpub.epa.gov/surf/locate/index.cfm to help identify the HUC.

171100190502

9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [help]

- Go to https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-availability/Watershed-look-up to find the WRIA #.

WRIA 46

9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [help]

- Go to https://ecology.wa.gov/Water-Shorelines/Water-quality/Freshwater/Surface-water-quality-standards/Criteria for the standards.

☒ Yes ☐ No ☒ Not applicable

9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [help]

- If you don't know, contact the local planning department.
- For more information, go to: https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-laws-rules-and-cases.

☐ Urban ☐ Natural ☐ Aquatic ☐ Conservancy ☒ Other: Shoreline Residential

9g. What is the Washington Department of Natural Resources Water Type? [help]

- Go to http://www.dnr.wa.gov/forest-practices-water-typing for the Forest Practices Water Typing System.

☒ Shoreline ☐ Fish ☐ Non-Fish Perennial ☐ Non-Fish Seasonal

9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [help]

- **If No**, provide the name of the manual your project is designed to meet.

☒ Yes ☐ No

Name of manual: _____

9i. Does the project site have known contaminated sediment? [help]

- **If Yes**, please describe below.

☐ Yes ☒ No

9j. If you know what the property was used for in the past, describe below. [help]

Residential with current walkway cement bulkhead, Dock for recreational boats, driveway, general residential appurtenances. Three rental residential units.
9k. Has a cultural resource (archaeological) survey been performed on the project area? [help] • **If Yes**, attach it to your JARPA package.
☐ Yes ☒ No

9l. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [help]
None
9m. Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [help]
None

Part 10–SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at http://apps.oria.wa.gov/opas/.
- Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or help@oria.wa.gov.
- For a list of addresses to send your JARPA to, click on agency addresses for completed JARPA.

10a. Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [help] • For more information about SEPA, go to https://ecology.wa.gov/regulations-permits/SEPA-environmental-review.
☐ A copy of the SEPA determination or letter of exemption is included with this application.
☐ A SEPA determination is pending with _____ (lead agency). The expected decision date is _____.
☐ I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [help]
☐ This project is exempt (choose type of exemption below). ☐ Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt? _____ ☐ Other: _____
☐ SEPA is pre-empted by federal law.

10b. Indicate the permits you are applying for. (Check all that apply.) [help]

LOCAL GOVERNMENT

Local Government Shoreline permits:

☒ Substantial Development ☒ Conditional Use ☒ Variance

☐ Shoreline Exemption Type (explain): Repair and Maintenance for existing bulkhead

Other City/County permits:

☐ Floodplain Development Permit ☐ Critical Areas Ordinance

STATE GOVERNMENT

Washington Department of Fish and Wildlife:

☐ Hydraulic Project Approval (HPA) ☐ Fish Habitat Enhancement Exemption – Attach Exemption Form

Washington Department of Natural Resources:

☐ Aquatic Use Authorization

Complete JARPA Attachment E and submit a check for $25 payable to the Washington Department of Natural Resources. **Do not send cash.**

Washington Department of Ecology:

☐ Section 401 Water Quality Certification ☐ Non-Federally Regulated Waters

FEDERAL AND TRIBAL GOVERNMENT

United States Department of the Army (U.S. Army Corps of Engineers):

☐ Section 404 (discharges into waters of the U.S.) ☐ Section 10 (work in navigable waters)

United States Coast Guard:

For projects or bridges over waters of the United States, contact the U.S. Coast Guard at: d13-pf-d13bridges@uscg.mil

☐ Bridge Permit ☐ Private Aids to Navigation (or other non-bridge permits)

United States Environmental Protection Agency:

☐ Section 401 Water Quality Certification (discharges into waters of the U.S.) on tribal lands where tribes do not have treatment as a state (TAS)

Tribal Permits: (Check with the tribe to see if there are other tribal permits, e.g., Tribal Environmental Protection Act, Shoreline Permits, Hydraulic Project Permits, or other in addition to CWA Section 401 WQC)

☐ Section 401 Water Quality Certification (discharges into waters of the U.S.) where the tribe has treatment as a state (TAS).

Part 11–Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [help]

11a. Applicant Signature (required) [help]

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. _____ (initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. _____ (initial)

Applicant Printed Name	Applicant Signature	Date

11b. Authorized Agent Signature [help]

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

Authorized Agent Printed Name	Authorized Agent Signature	Date
Alex Callender	Alex Callender	2.15.2022

11c. Property Owner Signature (if not applicant) [help]

Not required if project is on existing rights-of-way or easements (provide copy of easement with JARPA).

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

Property Owner Printed Name	Property Owner Signature	Date

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years or both.

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA publication number: ORIA-16-011 rev. 09/2018

Exhibit 3 - d

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background [HELP]

1. Name of proposed project, if applicable: Gusta Shoreline Improvements and Dock

2. Name of applicant: Ean Joyner and Michelle Gusta

3. Address and phone number of applicant and contact person:

Michelle Gusta
1420 MARVIN RD NE STE C # 115
Lacey, WA 98516
360-355-0781

4. Date checklist prepared: September 19, 2022

5. Agency requesting checklist: City of Lacey

6. Proposed timing or schedule (including phasing, if applicable): After-the -Fact permits for work that has been completed to include a pour in place approximately 670 square foot cement patio, with a retaining wall. Walkway grading, Rock bulkhead Replacement with drainage gravel. New improvements to be completed shortly after attainment of permits to include dock installation and vegetation planting plan.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

There has been some sloughing of the hillslope above the water and below the residence that will require stabilization via a engineered solution such as a retention wall. This will require a conditional use permit. This is a new development and the solutions have not been determined at this point. If it is determined that the residence is in eminent danger, an emergency permit may be required. Ultimately, shoreline permits will be required and applied for in order to maintain consistent development in shoreline jurisdiction.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

A Geotechnical Study has been conducted by Quality Geo to determine the stability of the hillside. This determination has recommended retention of the patio and attached retaining wall in order to maintain the existing slope stability.

A Shoreline and Critical Areas Analysis report has been prepared by Land Services Northwest in anticipation of this permit process.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

There is an application for a Shoreline Exemption for the , Shoreline Substantial Development, Conditional Use permit, and a Shoreline Variance for the proposed retention of a deck stairway and a mitigation plan has been developed to maintain no net loss of Shoreline Functions.

10. List any government approvals or permits that will be needed for your proposal, if known.

A shoreline substantial development is required to:

- permit restoration of the shoreline in the Vegetation Management Area (VMA).
- installation of a proposed second dock to provide improved access to the tenants of the multiple families that reside in the complex of homes on this site.

An exemption for:

- Repair and replacement of the pre-existing shoreline bulkhead, built to protect the residence from imminent danger.
- Installation of the gravel on the top of the bulkhead which is necessary for drainage/erosion and also prevents ongoing vegetation loss and erosion to the shoreline due to spraying for knotweed in this area which is a focus area for regrowth of the noxious weed.
- grading of the existing pathway and to resurface the pathway to the shoreline with woodchips while retaining the gravel near the bulkhead to allow for continued treatment of knotweed in this area.

A conditional use permit will be required as an after-the-fact permit to:

- Retain an approximate 670 square foot water enjoyment cement patio with retaining wall, zero feet from the OHWM at the bulkhead, built without permits.

A variance is sought for:

- a cement patio with retaining wall to remain in the Shoreline Setback 0-feet from the OWHM

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The property 3.08 acre is located at 2603 SE Carpenter Rd. Lacey, WA 98506. The property is generally flat in the east with a slope to the water in the west along Hicks Lake. The majority of the project is focused on retention of water enjoyment structures and uses that facilitate the ability to access and enjoy activities in the proximity of Hicks Lake, a shoreline of the state regulated by the Shoreline Management Act and the local Lacey Shoreline Master Program.

The structures that the applicant is proposing to retain include a 670 sq ft patio that is 0-feet from the Ordinary High Water Mark of the shoreline. An existing bulkhead has been redeveloped in order to maintain a stable shoreline. There is bulkhead takes up 216 square feet of the shoreline at the Ordinary High Water Mark.

The applicant has Japanese knotweed (Fallopia japonica) and Himalayan blackberries (Rubus armeniacus) and Evergreen black berry (Rubus lacianatus). The Japanese knotweed has been targeted for removal by

the county weed board. They are all very aggressive non-native species. The applicant has been diligent about removal of the invasive species and is proposing to maintain the area free of these weeds and has done a great job up till now as the area was overrun with these invasive until they bought the property.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Vicinity Maps and locatinoa maps and site plans for the

B. Environmental Elements [HELP]

1. *Earth* [help]

a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

b. What is the steepest slope on the site (approximate percent slope)?

50%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

The upper areas where the residence is located has silty loams. The soils on the slopes are a fine sandy loam.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

There has been some sloughing in the past which has required the installation of the ecology blocks in order to maintain slope stability. More recently, there has been slope sloughing that may require further stabilization.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

There has been a small amount of backfill <1 cubic foot per foot of bulkhead consisting of gravel for the bulkhead drainage which is dual purpose as it prevents the invasive species from establishing along the shoreline.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

There was a storm event which resulted in some large tree blowdown. The removal of vegetation due to the required invasive species removal actions has denuded some areas. The applicant has installed ecology block and a patio with a retaining wall in order to prevent erosion. Without the planting plan that we are proposing, it is expected that the hillside would experience erosion.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
The impervious surface on the site consists of the 27,830 sq ft of driveway, 670 sq ft patio, 216 sq ft of impervious bulkhead, 5915 sq feet of residences and outbuildings which is approximately 25% of the total site

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:
A planting plan is proposed to maintain slope stability. A retaining wall is part of the patio design and ecology blocks have been set into the hillside to maintain the walkway to the water. Gravel drainrock is ontop of the bulkhead to allow for proper drainage.

2. Air [help]

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

The delivery of bark much and use of power augers to plant vegetation may have some emissions of engine exhaust. Other small equipment to install the dock may include a bobcat to deliver materials or other construction equipment which will not have much impact to air quality at all.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

We will have approximately 5 yards of mulch which could have cow manure, but the odor is shortlived 1-2 hours at most.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

The mulch will be mixed with native soils.

3. Water [help]

a. Surface Water: [help]

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Hicks Lake a Shoreline of the State is adjacent to the site. This lake flows to Woodland Creek.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

The installation of the dock will require work in water. Plans have been provided in the Shoreline Analysis Report.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

No fill or dredge is proposed to be place in or removed from Hicks Lake.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No surface water is pproposed to be withdrawn or diverted.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No work will be done in the 100-Year floodplain.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No discharges to waters of the state will occur due to the project

b. Ground Water: [help]

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No well water was withdrawn for the project.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

The site is on sewer so no discharges are proposed.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Runoff from the new patio will be infiltrated into the overly drained fine sandy soils.

2) Could waste materials enter ground or surface waters? If so, generally describe.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

The walkway will intercept some surface waters. The bulkhead will direct surface water to its drains.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Silt fences, straw wattles and other Construction BMPs were employed to prevent discharge to waters of the state.

4. Plants [help]

a. Check the types of vegetation found on the site:

✓ deciduous tree: alder, maple, aspen, other
✓ evergreen tree: fir, cedar, pine, other
✓ shrubs
✓ grass
____pasture
____crop or grain
____ Orchards, vineyards or other permanent crops.
____ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
____water plants: water lily, eelgrass, milfoil, other
____other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Invasive species have been removed from the site on an ongoing basis.

c. List threatened and endangered species known to be on or near the site.

No threatened or endangered species are known to occupy or visit the site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

See Land Services Northwest Shoreline Analysis Report Mitigation Plan

e. List all noxious weeds and invasive species known to be on or near the site.

Japanese knotweed, Himalayan blackberry, Evergreen black berry and English ivy are all present for the survey.

5. Animals [help]

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site.

No Threatened or endangered species area known to be on or near the site.

c. Is the site part of a migration route? If so, explain.

The site is part of the Pacific Flyway.

d. Proposed measures to preserve or enhance wildlife, if any:

We are proposing a mitigation plan to maintain or improve the native vegetation and wildlife habitat.

e. List any invasive animal species known to be on or near the site.

No known invasive animal species are found on or near the site.

6. Energy and Natural Resources [help]

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

No energy will be required for the project's energy needs. It is mostly passive structures and walkways.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

The site is located below most homes so it would not affect potential solar energy use.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

Most of the planting will be done by hand for the mitigation plan.

7. Environmental Health [help]

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

1) Describe any known or possible contamination at the site from present or past uses.

No known contamination has occored onsite to our knowledge.

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

No hazardous chemicals above or underground are existing or proposed. No liquid or gas transmission lines are located within the project area or the general vicinity.

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

No toxic or hazardous chemicals will or might be store, used or produced during the projects development or construction or at any time during the life of the project.

4) Describe special emergency services that might be required.

No special emergency services would be required in order to utilize these features.

5) Proposed measures to reduce or control environmental health hazards, if any:

No needed or expected.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

No noise will affect the project. The dock will be built with piers and floats that will be unaffected by noise, dust or other disturbances.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Hammers saws and other small handheld equipment may be utilized in order to limit noise. There may be noise generated from the pile driver for the small steel piles. This would be attenuated by a wood block between the pile and the driver. This noise would be limited in nature to less than a few days and temporary. In the long-term, there would be only conversational noise.

3) Proposed measures to reduce or control noise impacts, if any:

The project may use a small pile driver to drive piers for the new dock. A wood block would be utilized to reduce the noise produced by this activity and the time of use would only be a few hours during typical business hours.

8. Land and Shoreline Use [help]

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

The site is primarily single family residential as are the surrounding properties within 300 feet. The proposal will be limited in its impact to the project site and will not affect current land uses on or nearby adjacent properties.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

The project site has been shoreline property on Hicks lake and primarily residential for as long as the home has been there. There was tree loss due to a wind event which resulted in the removal a few trees which was in the buffer of Hicks Lake, however this was not a forest practices and not relevant to the Forest practices as no real forest exists on site.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

No affect will be expected by a surrounding working farm, forestland or business operations. There will be no oversize equipment access or other activities such as the application of pesticides, tilling an harvest

c. Describe any structures on the site.

The applicant has a few different homes on site. One is the primary residence the others are rental properties for single family residences. There is a stairway to the beach and a bulkhead at the waterline. There is an existing dock with a patio in the general vicinity of the bulkhead which also has a pocket beach.

d. Will any structures be demolished? If so, what?

No demolition will be required.

e. What is the current zoning classification of the site?

LD 0-4, Low-Density Residential

f. What is the current comprehensive plan designation of the site?

g. If applicable, what is the current shoreline master program designation of the site?

Shoreline Residential

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

No

i. Approximately how many people would reside or work in the completed project?

4-6

j. Approximately how many people would the completed project displace?

No

k. Proposed measures to avoid or reduce displacement impacts, if any:

N/A

L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

No net loss shoreline mitigation plan.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

N/A

9. Housing [help]

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

N/A

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

N/A

c. Proposed measures to reduce or control housing impacts, if any:

N/A

10. Aesthetics [help]

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

4 feet

b. What views in the immediate vicinity would be altered or obstructed?

No views will be obstructed by the project

b. Proposed measures to reduce or control aesthetic impacts, if any:

A planting plan to provide vegetation to blend in with the surrounding vegetation has been provided.

11. Light and Glare [help]

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

N/A

b. Could light or glare from the finished project be a safety hazard or interfere with views?

No.

c. What existing off-site sources of light or glare may affect your proposal?

None.

d. Proposed measures to reduce or control light and glare impacts, if any:

There should be no glare or light impacts. No lighting proposed.

12. Recreation [help]

a. What designated and informal recreational opportunities are in the immediate vicinity?

Water enjoyment and low impact recreational associated with Hicks Lake area available here. Motorized boats and waterskiing.

b. Would the proposed project displace any existing recreational uses? If so, describe.

Recreational uses are promoted by the project. The dock will allow other families to enjoy the water as well which is a prime tenet of the Shoreline Management Act.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

The shoreline will be utilized by more families with the addition of the extra dock.

13. Historic and cultural preservation [help]

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe.

Not applicable.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

No cultural artifacts have been discovered to this point. No studies have been conducted.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

No cultural resources are expected as the site has been a residential site on a fairly steep slope which probably was not easily accessible.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

No grading will be done beyond what has already been done.

14. Transportation [help]

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

Carpenter Road SE access via private drive.

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

The area is serviced by public transit.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

No additional parking is required.

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

No improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

The dock will promote boat use, but mostly for recreational purposes.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

N/A

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

N/A

h. Proposed measures to reduce or control transportation impacts, if any:

N/A

15. Public Services [help]

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

No.

b. Proposed measures to reduce or control direct impacts on public services, if any.

No impacts expected.

16. Utilities [help]

a. Circle utilities currently available at the site:
electricity, natural gas, **water**, refuse service, telephone, sanitary sewer, septic system, other _____

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

No utilities needed.

C. Signature [HELP]

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____ Alex Callender

_____

Name of signee ___Alexander Callender_____

Position and Agency/Organization ___Owner – Land Services Northwest_____

Date Submitted: __9/19/2022____

D. Supplemental sheet for nonproject actions [HELP]

(**IT IS NOT NECESSARY** to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Slight increase of impermeable surfaces.

Proposed measures to avoid or reduce such increases are:

The site contains overly drained sandy soils and runoff is not a concern.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Slight shading due to dock will be minor and it is not an open system. Mostly non -native gamefish.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Providing

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

Thurston County Public Works
Noxious Weed and Lake Management
9605 Tilley Rd. S
Olympia, WA 98512

TACOMA WA 983
OLYMPIA WA
27 AUG 2018 PM 3 L

USA FOREVER

Michelle Gusta/Ean Joyner
5207 Balustrade BLVD SE
Lacey, Wa 98513

98513-511807

Exhibit 3 - e

THURSTON COUNTY NOXIOUS WEED FACT SHEET

Knotweed

SPECIES: Japanese, Giant, Bohemian, and Himalayan
(Polygonum cuspidatum, sachalinense, bohemicum and polystachyum)

Description:

Four species of knotweed are expanding exponentially in the Pacific Northwest (Japanese, Giant, Bohemian, and Himalayan). While growth habit is similar, there are some notable differences in appearance. Giant knotweed can reach up to 15 feet in height, while the others reach "only" 6 to 10 feet. Giant knotweed leaves have a distinctive heart shape and can be up to a foot across while other species have smaller leaves with either a blunt leaf base (Japanese or Bohemian) or a more linear overall shape (Himalayan). Stems of knotweed are smooth (bamboo-like), stout, and swollen at the joints where the leaf joins the stem. The stems are hollow, but may be water-filled.

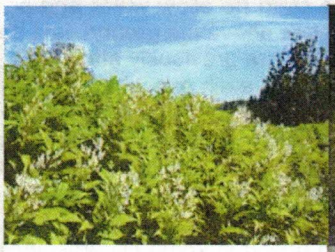
Knotweed spread is mainly by rhizomes and stem fragments; however seed spread is also a concern. The roots and rhizomes may extend 30 feet in any direction from the parent plant and can grow to 7 feet deep.

Impacts:

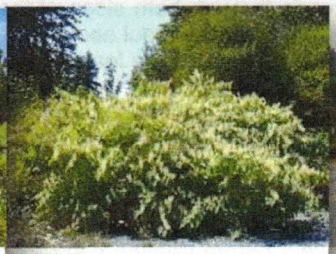
Knotweed severely degrades native plant and wildlife habitat. It spreads quickly to form dense thickets that exclude native vegetation and greatly alter natural ecosystems. Root fragments as small as ½" can form new plants that grow into colonies. Rainwater sweeps plant fragments into ditches, rivers and creeks, which disperses the plants throughout the community. The fast growing knotweed then takes advantage of the fresh disturbance to compete with native species and quickly shades them out.

Control Options:

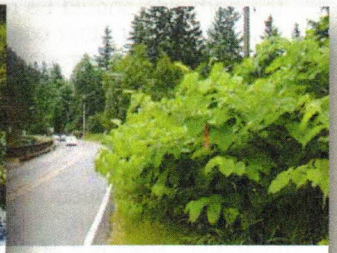
Thurston County's Integrated Pest Management emphasizes cultural, biological, and manual control methods to keep pests and vegetation problems low enough to prevent damage. The strategy of Thurston County's IPM policy is to minimize the use of pesticides.



Himalayan Knotweed



Bohemian Knotweed



Giant Knotweed

► Manual Techniques

According to the Washington State Department of Agriculture Terrestrial Noxious Weed Seed and Plant Quarantine WAC 16-752-610 it is *prohibited to transport, buy, sell or offer for sale, or distribute all plants or plant parts on the quarantine list, which includes Japanese, Giant, Bohemian, and Himalayan knotweeds.*

"There have been no field trials that reported adequate control though repeated cutting. One research paper cites that cutting knotweed tops can reduce root biomass, but these roots were in small pots in a greenhouse, and may not be applicable to a field population where root expansion is not limited." Tim Miller, Ph.D., Associate Professor of Weed Science at Washington State University.

Because woody knotweeds reproduce readily from very small pieces of roots and stems, mechanical control is ineffective. **We do not recommend cutting, pulling, or mowing because these practices only encourage denser new growth and can increase the threat of spread from original infestation sites.** These are some common best management practices for dealing with green material from knotweed:

- Do not allow cut canes, or any part of a cut cane, to come into contact with water or soil.
- If you cut canes, allow them to air dry completely before disposing of them in the garbage. Dry canes on a surface where they will not come into contact with soil or water, such as on concrete or a tarp.
- Do not compost knotweed plant material or dispose of it in a brush pile or with your yard waste.
- Do not mow or weed-trim knotweed; this encourages stem growth and spreads plant pieces to new areas.
- Do not dig or pull roots; this encourages knotweed to spread and increases the size of infestations.
- Do not disturb any soil where knotweed has been actively growing (even if treated with herbicides), and monitor for regrowth for at least two seasons. If regrowth occurs, re-treatment will be necessary.
- Because roots of large infestations may be connected, cooperate with neighboring property owners to control large infestations that cross property lines.

► Biological Techniques

Research has just begun in Japan to locate natural enemies of Japanese, Giant, and Bohemian knotweed. Several biological options were found, but testing on plant species closely related to knotweed will be necessary prior to any possible introduction to North America.

► Chemical Techniques

Aquatic / Riparian Applications: Knotweed often grows in wet areas along streams and ditches. If there is a chance for your herbicide to get into a water body, the use of an herbicide formulated for aquatic settings is required. ***Aquatic herbicides are restricted for use in Washington State to licensed applicators only.*** Because of this, you may wish to contact a licensed applicator to develop a control plan.

Terrestrial (Dry Land) Applications: Spot spraying with an herbicide containing the active ingredient ***glyphosate*** (example: Roundup Pro®, Eliminator Weed and Grass Killer®, etc.) can be used to treat knotweed effectively. Glyphosate is non-selective, and will injure any plants that it comes in contact with, including grass. Some glyphosate products have a supplemental label for treating knotweed by an alternate method known as "stem injection". This method is especially useful where there are sensitive plants nearby. One product known to have this supplemental labeling is Roundup Pro®. Due to recent health reviews, Thurston County recognized some scientific studies have concluded the use of glyphosate products have carcinogenic potential. The risk of spot spraying with these products is considered to be low provided the applicator uses personal protection equipment which includes chemically resistant gloves in addition to long sleeve shirt, long pants, socks and shoes and all other label precautions are followed.

Imazapyr (example: Polaris® or Alligare™ Imazapyr 2SL) is also effective in controlling knotweed. Imazapyr is also non-selective and may damage or kill any other plants that it contacts. Do not use on lawns, walks, driveways or similar areas where roots of desirable vegetation may extend and be exposed to potential injury. It may also leave persistent bare ground in the treatment area. This can be minimized by using only as directed, spraying at the recommended strength and no more than necessary to wet the surface of the leaves and stems. Products containing the active ingredient imazapyr are considered "moderate in hazard" by Thurston County's pesticide review process for the potential for chemical mobility and persistence.

Foliar applications:

- For spot applications of either glyphosate or imazapyr, prepare herbicide by following label instructions at rates listed below. Spray each plant thoroughly on the stems and leaves, enough to be wet but not dripping. Spot application means the herbicide is applied only to the knotweed plants, and not on the surrounding plants or soil.
- Keep people and pets off treated areas until spray solution has dried.

Hollow stem injection using glyphosate:

- Using Roundup Pro®, follow supplemental label instructions for knotweed hollow stem injection. A hole suitable for injecting the herbicide should be made through both sides of the stem (to allow water and pressure to vent and prevent blow-back) using an awl or other convenient pointed tool about 6 inches above the ground, just below a node. (Nodes are circular thickenings or scars surrounding the stem where leaves are or were previously attached.) The herbicide is then injected into this hole. Each stem of the knotweed plant must be treated. Mark each one when injecting it, to avoid retreating the same stem.

Timing: The best time to treat knotweed with glyphosate in is in July or August, when the plant is in the flower bud to blooming stage. However, for foliar treatment, the plants may be over 10 feet tall by then and hard to spray without significant chemical drift. Bending stalks over prior to treatment can allow more thorough and effective treatment with less off target damage. Imazapyr products can be applied from late spring until fall, anytime there is sufficient leaf surface.

Pollinator Protection: To minimize negative impacts to bees and other pollinators, treatment prior to blooming is recommended. Removal of flowers before treating can be an option in some circumstances. Use of the injection method would also have minimal effect on pollinators. If treatment must occur during the blooming period, try to spray early or late in the day or on cloudy, cool days when pollinators are least active.

READ AND FOLLOW ALL LABEL DIRECTIONS AND RESTRICTIONS. Obey all label precautions including site specific and safety measures. Always use personal protective equipment that includes coveralls, chemical resistant gloves, shoes plus socks, and

Product/Method	Rates	Mix
Similar products may be significantly different in strength. Read your label carefully, and make adjustments to rates accordingly.		
Glyphosate / Spot Foliar Roundup Pro® Eliminator Weed & Grass Killer®	2%	Add 2.6 oz (5.2 Tablespoons) concentrated product per gallon of water.
Glyphosate / Injection Roundup Pro®	100%	Using a hand-held injection device, inject 6 mL per stem of this product full strength into each cane in between the second and third internodes.
Imazapyr / Spot Foliar Polaris® *Alligare™ Imazapyr 2SL*	2%	Add 2.6 oz (5.2 Tablespoons) concentrated product per gallon of water.

protective eyewear. Use of brand names does not connote endorsement and is for reference only; other formulations of the same herbicides may be available under other names. Information provided is current as of the date of the fact sheet. Pesticide product registration is renewed annually. Product names and formulations may vary from year to year.

REFERENCES:

"Controlling Knotweed in the Pacific Northwest", Jonathan Soll, The Nature Conservancy, January 16, 2004

Knotweed Control on the Skagit River, 2002 Results and Recommendations, Lindsey Brandt, TNC of Washington

Integrated Pest Management Plan for Freshwater Emergent Noxious and Quarantine Listed Weeds, WA State Departments of Agriculture and Ecology, Revised July 2004 (Pages A-15 through A-35)

Biology and Management of Knotweeds in Oregon: A Guide for Gardeners and Small-Acreage Landowners. OSU EM 9031 June, 2011

THURSTON COUNTY
WASHINGTON
SINCE 1852

Thurston County Noxious Weed Control
9605 Tilley Road S.
Olympia, WA 98512
Phone: 360-786-5576
TTY/TDD - Call 711 or 1-800-833-6388
tcweeds@co.thurston.wa.us
www.co.thurston.wa.us/tcweeds

Revised February, 2017

THURSTON COUNTY
WASHINGTON
SINCE 1852

Ref# C4059

NOXIOUS WEED SURVEY

Name/Address Gusta, Michelle or Joyner, Ean
2603 Carpenter RD SE

Date August 24, 2018 Time _____

I am Tashina, the weed technician for this district of Thurston County.

I am currently surveying for Knotweed
a noxious weed that is known to be found in this area.

Thurston County's goal is to achieve control of this non-native plant before it reaches its reproductive stage. In addition to providing control advice and weed identification, ~~we have arranged for FREE DISPOSAL of this species at Thurston County's Waste and Recovery Centers~~.

I am available to provide you with additional information throughout the season.

Thurston County Noxious Weed Control
11834 Tilley Rd. S, - Olympia, WA 98512
(360) 786-5576 (County TDD 754-2933)
www.co.thurston.wa.us/tcweeds

Notes: There is knotweed on your Carpenter Rd property. It is mandated for control in Thurston County. The property owners to the North and South have worked very hard to control their knotweed. Please call if you have questions about controlling this highly invasive species

Exhibit 4 - a

Joyner- Gusta Single-Family Residence
Critical Areas, Shoreland Analysis Report
Olympia, WA

Prepared for
Michelle Gusta and Ean Joyner
Lacey, WA
February 23, 2022

Prepared by
Alex Callender, MS, PWS
Land Services Northwest
120 State Avenue NE #190
Olympia, WA 98501
360.481.4208

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Executive Summary

Site Name: Gusta Shoreline Improvements and Restoration Plan

Site Location: 2603 Carpenter Rd SE

Acreage: 3.08 acres

Parcel Number: 11827124100

Legal Description: 27-18-1W L2 S143.88F OF N542.34F W OF RD INCL SHORELANDS

Field Survey Conducted: September 2, 2020

Project Description: A shoreline substantial development is required to:

- permit restoration of the shoreline in the Vegetation Management Area (VMA).
- installation of a proposed second dock to provide improved access to the tenants of the multiple families that reside in the complex of homes on this site.

An exemption for:

- Repair and replacement of the pre-existing shoreline bulkhead, built to protect the residence from imminent danger.
- Installation of the gravel on the top of the bulkhead which is necessary for drainage/erosion and also prevents ongoing vegetation loss and erosion to the shoreline due to spraying for knotweed in this area which is a focus area for regrowth of the noxious weed.

- grading of the existing pathway and to resurface the pathway to the shoreline with woodchips while retaining the gravel near the bulkhead to allow for continued treatment of knotweed in this area.

A conditional use permit will be required as an after-the-fact permit to:

- Retain an approximate 670 square foot water enjoyment cement patio with retaining wall, zero feet from the OHWM at the bulkhead, built without permits.

A variance is sought for:

- a cement patio with retaining wall to remain in the Shoreline Setback 0-feet from the OWHM

Findings: The property is located on Hicks Lake and regulated under the City of Lacey Shoreline Master Program and the Shoreline Management Act. The property is in the Shoreline Residential Environmental Designation. The Residential Shoreline Environmental Designation has a required 50-foot setback/ Vegetation Management Area.

Impacts:

Gravel has been installed onsite in the VMA near the bulkhead is partly cosmetic, but mostly installed to make control of the Knotweed easier.

A retaining wall and patio / shoreline enjoyment area is located adjacent to the existing bulkhead and dock which are zero feet from the Ordinary High-Water Mark found at the bulkhead. The impacts due to this substantial development is approximately 670 square feet in total.

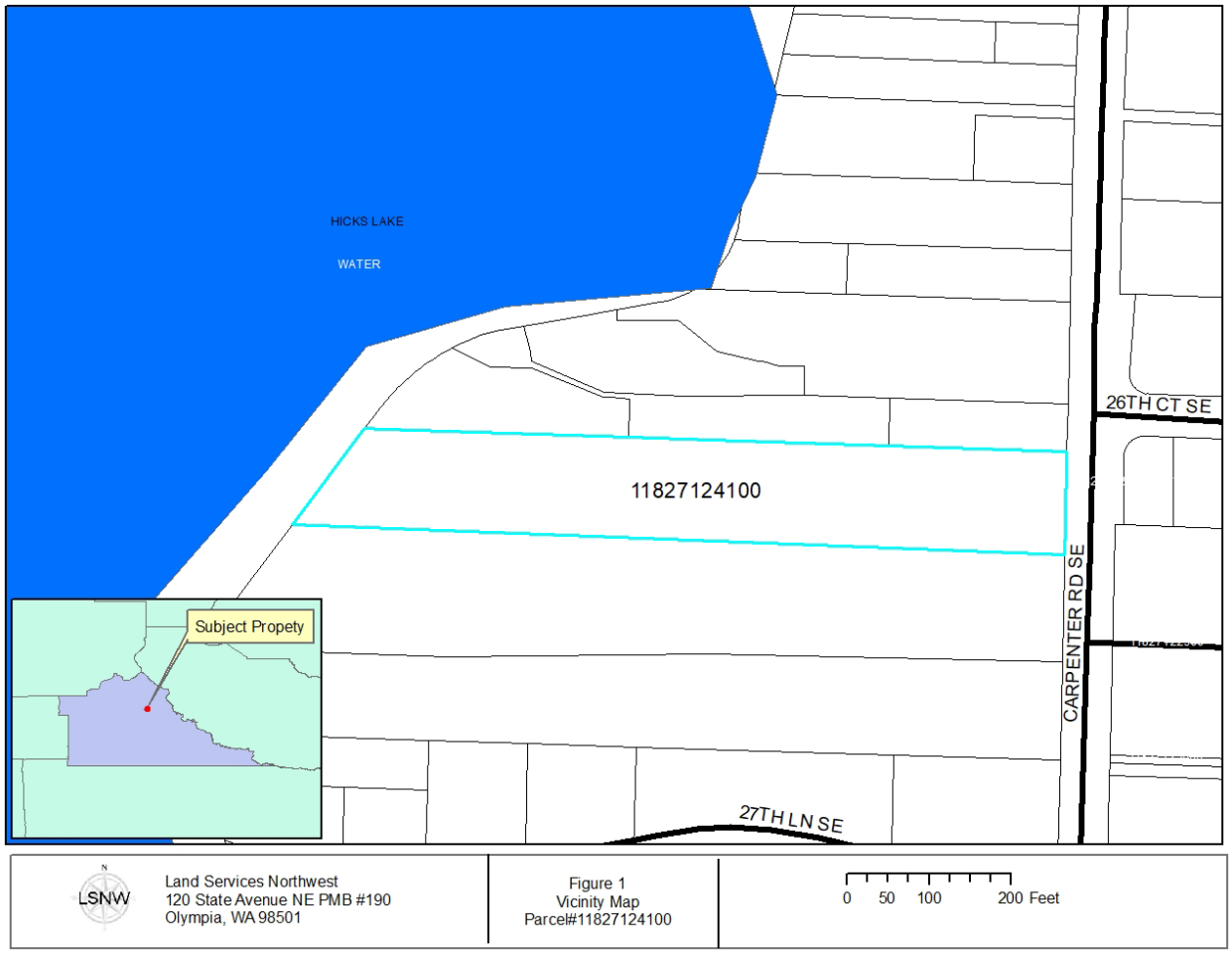
Mitigation: The development which is within the shoreline vegetation management area will be offset by an enhancement plan to result in no-net-loss of shoreline functions and values and create an overall benefit to the lake as it will not only maintain functions, but also, if successful, will prevent the recent onslaught of invasive species which were so prevalent on the site. The applicant will be installing native plants in the nearshore to maintain the no net loss requirements of the SMA and the local Shoreline Master Program. The applicant will retain any remaining non-native vegetation on site.

1.0 INTRODUCTION

This report is the result of a critical areas and shoreline study of the 3.08 acres, parcel # 11827124100 at 2603 Carpenter Rd SE, Lacey, WA with the legal description of 27-18-1W L2 S143.88F OF N542.34F W OF RD INCL SHORELANDS (**Figure 1**). The purpose of this report is to 1) identify and describe the critical areas and shoreline functions on-site and within 315 ft off-site of the property 2) identify impacts to shoreline/critical areas and their buffers, and 3) apply the conditional use criteria found in WAC 173 – 27 – 160 and develop mitigation and conservation measures to off-set any shoreline/critical areas or buffer impacts.

This report was prepared to satisfy the critical areas review process required by the City of Lacey Shoreline Master Program found in LMC Title 17 Shoreline Master Program

The City of Lacey and possibly other agencies that may evaluate impacts to shoreline and critical areas from the proposed project will be able to utilize information in this report.



2.0 GENERAL DESCRIPTION AND LAND USE

2.1 Historical and Current Land Use

Historically, the property has been a single-family residential lot with additional dwelling units, a walkway to the shoreline, a bulkhead, dock. Driveway (**Figure 2**).

LSNW Land Services Northwest 120 State Avenue NE PMB #190 Olympia, WA 98501	Figure 2 Currrent Conditions Parcel#11827124100	0 50 100 200 Feet

3.0 METHODOLOGY

3.1 Existing Information Review

Background information on existing information was reviewed prior to field investigations and included the following:

National Wetlands Inventory (NWI) Map, USFWS Shapefile Data (**Appendix B**)

Thurston County Area Soil Survey, Soil Conservation Service (U.S. Department of Agriculture, 1973)
National Resource Conservation Service Shapefiles (NRCS Soils Data Mart, 2006) (**Appendix C**)

Thurston County Geodata Wetland Inventory and Historical Aerials (**Appendix D**)

USGS 7.5 Minute Quadrangle Topographic Maps (**Appendix E**)

Washington Department of Fish and Wildlife Priority Habitats and Species Database (**Appendix G**)

Washington Department of Fish and Wildlife Salmonscape (**Appendix H**)

Washington Department of Natural Resources Natural Heritage Database

City of Lacey Critical Areas Ordinance

City of Lacey Shoreline Master Program

3.2 Analysis of Existing Information

The following existing information was reviewed to gain a better understanding of on-site conditions and its position in the landscape.

National Wetland Inventory (NWI) Map

The National Wetland Inventory (NWI) map (**Appendix B**), developed by the U.S. Fish and Wildlife Service (USFWS), shows a Lacustrine Limnetic Unconsolidated Bottom Permanently flooded wetland (L1UBH) for Hicks Lake. No lake fringe wetlands were found in the vicinity of the subject property

NRCS Soils Map

The Natural Resources Conservation Service (NRCS) has mapped the site (**Appendix C**) as containing:

Indianola Soil Series

The Indianola series consists of very deep, somewhat excessively drained soils formed in sandy glacial drift. Indianola soils are on hills, terraces, terrace escarpments, eskers, and kames of drift or outwash plains at elevations of near sea level to 1,000 feet. Slopes are 0 to 70 percent. Mean annual precipitation ranges from 20 to 55 inches and the mean annual temperature is about 50 degrees F.

TAXONOMIC CLASS: Isotic, mesic Dystric Xeropsamments

TYPICAL PEDON: Indianola loamy sand-forested. (Colors are for moist soil unless otherwise stated.)

Oi--0 to 1 inch; slightly decomposed plant material; abrupt smooth boundary.

A--1 to 6 inches; very dark grayish brown (10YR 3/2) loamy sand, black (10YR 2/1) moist; single grain; loose, nonsticky, nonplastic; many very fine and fine roots; many very fine and fine interstitial pores; neutral (pH 6.8); clear wavy boundary.

Bw1--6 to 17 inches; yellowish brown (10YR 5/4) loamy sand, brown (10YR 4/3) moist; single grain; loose, nonsticky, nonplastic; common very fine, fine, and common medium roots; many very fine and fine interstitial pores; neutral (pH 6.8); clear wavy boundary.

TYPE LOCATION: Thurston County, Washington; about 2 miles southeast of Tumwater, north end of Munn Lake near Department of Game boat launching site; 2,200 feet east and 2,550 feet north of the southwest corner sec. 1, T. 17 N., R. 2 W. Willamette Baseline Meridian; USGS Maytown NE quarter quadrangle; lat. 46 degrees 59 minutes 18 seconds N. and long. 122 degrees 52 minutes 40 seconds W., NAD83.

RANGE IN CHARACTERISTICS: Depths to diagnostic horizons and features start from the mineral soil surface.

Mean annual soil temperature - 47 to 52 degrees F.
Moisture control section - dry for 60 to 75 consecutive days following summer solstice
Reaction - neutral to strongly acid
Particle-size control section:
Rock fragments - 0 to 15 percent

A horizon
Hue - 10YR, 7.5YR or 5YR
Value - 2 to 4 moist, 3 to 6 dry
Chroma - 1 to 6 moist and dry

GEOGRAPHIC SETTING: Indianola soils are on hills, terraces, terrace escarpments, eskers, or kames of drift or outwash plains at elevations of near sea level to 1,000 feet. Slopes are 0 to 70 percent. These soils formed in sandy glacial drift and minor amounts of volcanic ash. They are in a maritime climate of cool dry summers and mild wet winters. Mean annual precipitation ranges from 30 to 55 inches most of which falls between October and April. Mean January temperature is 36 degrees F., the average July temperature is 62 degrees F., and mean annual temperature is 50 degrees F. The frost-free season ranges from 180 to 240 days.

DRAINAGE AND SATURATED HYDRAULIC CONDUCTIVITY: Somewhat excessively drained. Saturated hydraulic conductivity is very high.

USE AND VEGETATION: Timber production, forage production, and pasture. Potential natural vegetation is Douglas-fir, western redcedar, western hemlock, red alder and bigleaf maple, with an understory of salal, Oregon grape, red huckleberry, western brackenfern, western swordfern, trailing blackberry, evergreen huckleberry, and vine maple.

Thurston County Geodata Wetland Inventory

The Thurston County Geodata website has a mapping tool that depicts various critical areas such as streams and wetlands and Lakes. This site shows Hicks Lake. There are no streams or wetlands mapped in the vicinity of the project.

WADNR Stream Type and Waterbody Type Forest Practices Map

The WADNR has an inventory of stream hydrography with stream type in accordance the Forest Practices Act WAC 222-16-32. This map shows a type S waterbody in the vicinity of the subject property identified as Hicks Lake.

USGS 7.5 Minute Topo Map

The USGS has topographical maps that depict natural and artificial features on the landscape including wetlands. This map shows Hicks Lake in the vicinity of the subject property (**Appendix F**).

WDFW Priority Habitats and Species Inventory

The Department of Fish and Wildlife maintains an inventory of priority habitats and species information (**Appendix G**). This database shows:

- Big Brown Bat
- Little Brown Bat
- Yuma Myotis Bat

These bats tend to utilize waterbodies as feeding areas, however there were no large snags with cavities which they may use for torpor during the daylight hours.

3.3 Field Investigation

Determination Guidelines

Land Services Northwest conducted a field visit of the subject property during a period of dry weather on September 2, 2020.

General Field Guidelines

Plant species were identified according to the taxonomy in *Flora of the Pacific Northwest* (Hitchcock and Cronquist, 1973), and the wetland status of plant species was assigned according to*: The National Wetland Plant List: 2016* (Lichvar, 2016). Wetland classes were determined by the U.S. Fish and Wildlife Service's system of wetland classification (FGDC, 2013). Features such as bluffs, spits, sand or gravel bars, large wood debris and other natural or man-made features were noted and recorded.

3.4 Shoreline Study

Field Survey

A shoreline reconnaissance was performed on September 2, 2020, to identify critical shoreline features present on the subject property. Observations were made of the general plant communities, wildlife habitats, and the locations of potential streams and wetland areas. Present and past land-use practices were also noted, as were significant geological and hydrological features.

Once important features were located, A GPS point was taken using a Garmin 64 ST to locate the feature spatially.

Onsite Shoreline Analysis

The subject property lies on a small peninsula on Hicks Lake. There is a steep embankment to the water from the residence. The soils are a sandy loam and matched mapped Indianola soils mapped in the soil survey.

The shoreline has been the subject of an invasive removal plan, however, there were numerous new sprouts of the tenacious Japanese knotweed along the bank so it will be an ongoing process to eradicate the weed. There were no sloughs or slumps and the pathway had large ecology blocks placed to stabilize the path and associated embankment. There is a dock on the site situated on a large 4-man rock bulkhead with a gravel inset landward of the bulkhead. The shoreline has a small cement deck

with a retaining wall 0-feet from the Ordinary High-Water Mark which was found at the legally established bulkhead according to the applicant. We believe that the photo below will establish the pre-existence of the bulkhead (**Figure 3**). (Note: The photo is from images in Google Earth which models onsite vegetation. The underlying photo is on site conditions, but the look of the trees is derived from a google model.)

The plants found in the nearshore included Western red cedar (Thuja plicata), Douglas fir (*Pseudotsuga menziesii*) Red alder (*Alnus rubra*). Most of the vegetation has been eradicated to get rid of the Japanese knotweed, English ivy and Himalayan blackberry that completely covered the hillside before the applicants purchased the property.

4.0 Shoreline Analysis

4.1 Shoreline Environmental Designation

The subject property slopes to the north and west with the lowest point at the shoreline bulkhead approximately 30 feet below the top of slope and the residence. The subject property is in the Residential Shoreline Environmental Designation (SED) (**Figure 4**).

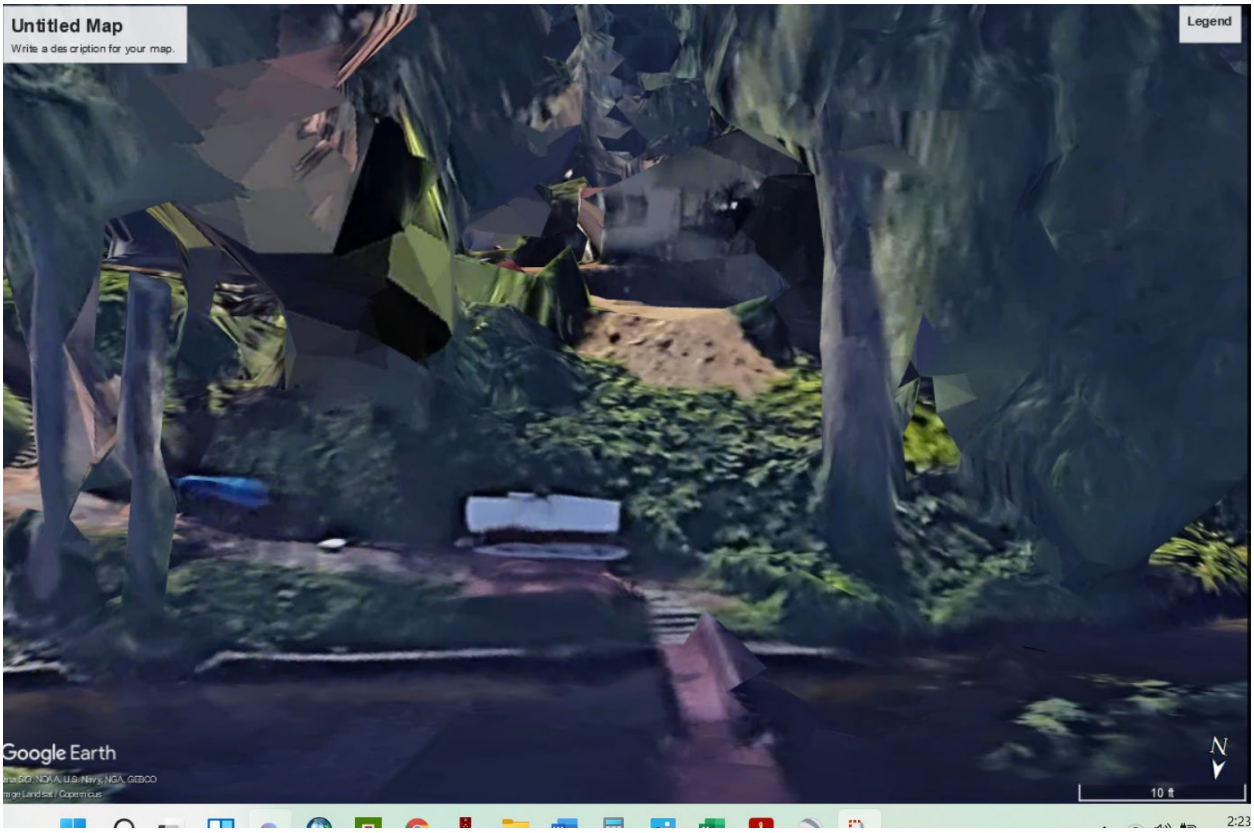


Figure 3 – Old Bulkhead before replacement (Google Earth Pro)

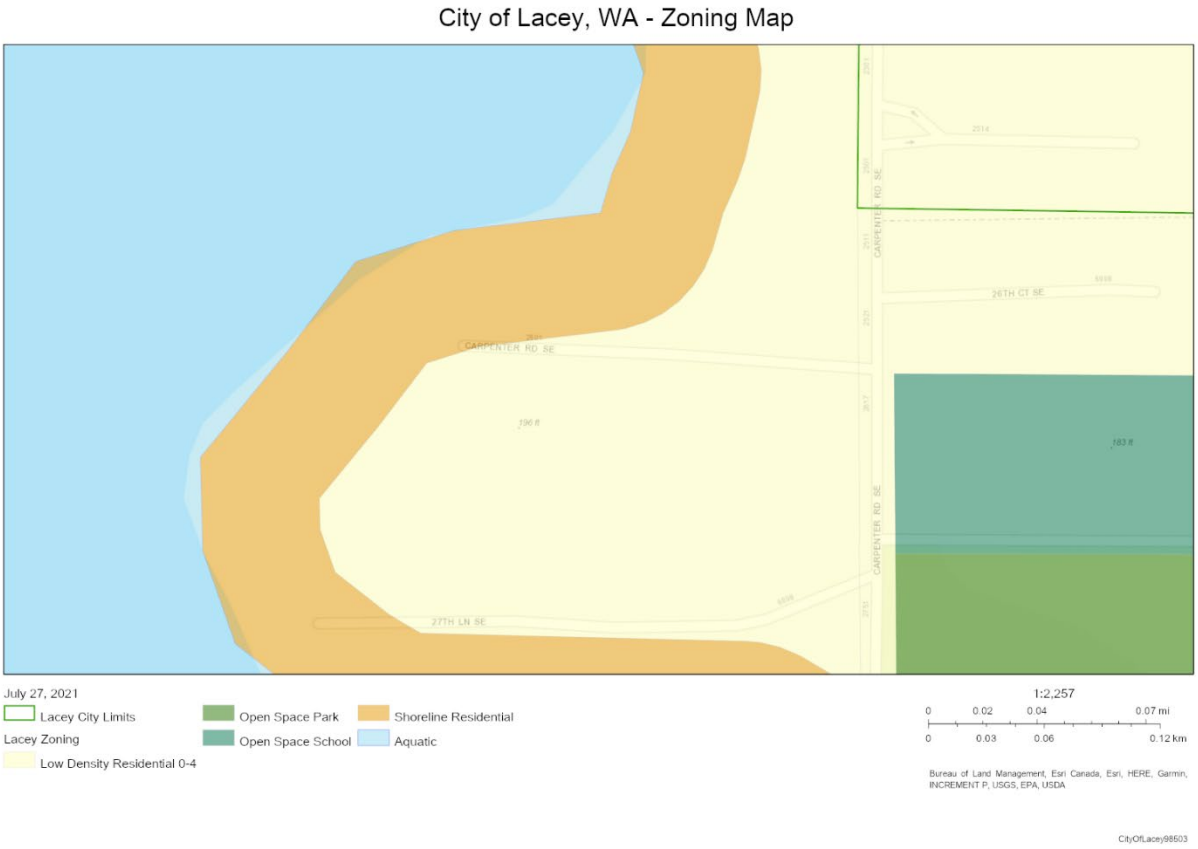


Figure 4 – Shoreline Environmental Designation Map

4.2 Current Shoreline Use

Hicks Lake is a shoreline of the state and the primary use on the site is residential. There are water enjoyment uses found along the shoreline as accessories to the primary residential Use. These uses include the dock and gravel pathway that provide access to the lake for water dependent activities which are preferred by the Shoreline Master Program and the Shoreline Management Act.

The Lacey Shoreline Master Program (LSMP) lists recreational use as an allowed and a preferred use for owner occupied residences that are consistent with the LSMP and the Shoreline Management Act. In fact, the LSMP states:

The purpose of the shoreline residential environment is to accommodate residential development and appurtenant structures that are consistent with the SMP, state guidelines and this chapter. An additional purpose is to provide appropriate public access and recreational uses.

The bulkhead, dock and patio function as a designated area to provide water-Oriented Use. This use encourages water dependent uses such as boating and swimming which is encouraged and consistent with the SMP and the SMA if done properly. Of course, the applicant is sorry that the patio was created without permits, but it seemed like a use that would be permittable and they had extra cement from another project and were trying to prevent wasting the cement which they had already paid for. The was no effort to thwart the permit process.

17.20.072 Shoreline Residential Designation – Criteria

The shoreline residential environment designation is designed for shoreline areas inside urban growth areas, as defined in RCW 36.70A.110, and incorporated municipalities and areas that are predominantly developed with single-family or multifamily residential development or are planned and platted for residential development. Areas meeting this criterion within Lacey have been designated shoreline residential.

The primary use of the property is single-family residential.

17.20.075 Shoreline Residential - Management Policies

1. Standards for density, setbacks, buffers within the setback area, lot coverage limitations, shoreline stabilization policies and standards, vegetation conservation and restoration requirements, critical area protection, and water quality have been set based upon the inventory and characterization report and existing use to promote no net loss of shoreline ecological functions.

Noted

2. Shoreline environment designations consider the environmental limitations and sensitivity of specific shoreline area (reaches). Designations also consider the level of infrastructure and services available, recommendations from state agencies with expertise and other comprehensive planning considerations.

Noted. We do not expect any changes at the reach level. The shoreline will retain functions over time with the installation of the restoration plan.

3. Areas that have been designated Shoreline Residential meet criteria for this designation are generally already urbanized to some extent and are planned for residential use under Lacey's GMA based Comprehensive Land Use Plan.

The subject property is somewhat urbanized with a group of homes although the use is primarily single-family residential consistent with the Comprehensive Use Plan.

4. Multifamily and multi-lot residential and recreational developments should be required to provide public access according to Lacey's Public Access Plan. Flexibility in landform (type of residential development planned; SFR, attached, detached, multifamily etc.), will be allowed to encourage residential forms that can be clustered to minimize environmental impacts and accomplish public access objectives.

Noted. The applicant is now proposing to install a separate dock in order to provide access to the families that reside at their complex of homes.

5. Access, utilities, and public services should be provided to be available and adequate to serve proposed and future development.

Noted

5.0 SHORELINE FUNCTIONAL VALUES

5.1 Shoreline Functional Analysis Methodology

Shorelines, in general, provide many valuable ecological and socio - economic functions, including 1) aesthetic, 2) general habitat support functions, 3) water access, 4) water enjoyment, 5) natural biological support, 6) geophysical habitat functions, 7) dynamic habitat functions, and 8) cultural and socioeconomic functions.

The subject property provides many of these functions but is lacking native vegetation due to the removal of invasive vegetation which had overtaken the native vegetation. Of course, this is an intermediate step in a positive direction as it is the intention of the applicant to restore the area completely with native vegetation and removal of any remaining noxious weeds that may come back after treatment. This is a positive land stewardship activity for the applicants as they inherited this problem and have done a lot of work in this area.

The installation of the cement has impacts to aesthetics and the applicant will plant vegetation that will drape over the walls although they cannot completely screen this impact.

The shoreline is well developed in this area with a bulkhead, rockery and a beach inset. There is planned native vegetation enhancement in the shoreline to maintain an area that was overtaken by invasive

species and provide allocthonous inputs to the shoreline environment which will be an improvement over other shorelines in the area.

6.0 REGULATORY CONSIDERATIONS

6.1 City of Lacey Shoreline Master Program and Critical Areas Regulations

City of Lacey Shoreline Master Program September 2011
Revised April 9, 2015

Table 3 - Uses and Activities by Shoreline Environment Designation

USES & ACTIVITIES	Shoreline Residential	Urban Conservancy	Natural	Aquatic
Parking				
• Serving an approved use	S	S	S**	X
• Serving any other use including paid	X	X	X	X
Recreation				
• Water-dependent	S	S	S	S
• Water-related	S	S	S	S
• Water-enjoyment	S	S	S	C
• Non-water oriented	C[1] / S[2]	C[1] / S[2]	X[1] / C[2]	X
• Pedestrian trail, surfaced with wood chips or other natural permeable material. Designed to minimize impact to shoreline functions and values.	N/A	N/A	N/A	N/A
• Pedestrian trail in a boardwalk design in sensitive area or buffer for public access. Designed to minimize impacts to shoreline functions and values.	N/A	S	S	N/A
Residential				
• Single-Family	E	E	C	X
• Land Division	C	C	C	X
• Attached Single Family & Multi-Family	S	S	X	X
Scientific or Educational	N/A***	N/A***	C	N/A***
Signage				
• On Premise and Way Finding	N/A	N/A	N/A	N/A
• Off Premise	X	X	X	X
Solid Waste Disposal	X	X	X	X
Transportation				
• Roads and Railroads	C[1] / S[2]	C[1] / S[2]	C	C*
• Shared Use Path	S	S	S	S*
Utilities				
• Primary	C[1] / S[2]	C[1] / S[2]	C	C*
• Accessory to primary use	*Refer to primary use*	*Refer to primary use*	*Refer to primary use*	*Refer to primary use*

S = Requires a Shoreline Substantial Development Permit
E = Requires a Shoreline Exemption; and must comply with applicable Master Program sections
C = Requires a Shoreline Conditional Use Permit
X = Prohibited; not eligible for a Substantial Development or Conditional Use Permit
N/A=Not applicable, refer to the appropriate Master Program section for additional standards. Such uses and activities may not meet the definition of development or threshold to be considered "substantial development".
1 = Within one hundred (100) feet of the ordinary high water mark
2 = From one hundred (100) feet from the OHWM to the landward edge of shoreline jurisdiction
** = New marinas are prohibited until and unless the City's Comprehensive Plan for Outdoor Recreation demonstrates a need. See additional provisions in Section 17.49.020.
* = In the Aquatic environment the use or shoreline modification may be allowed if it is allowed in the adjacent upland shoreline environment designation

According to the table above, the residential environment allows a water related use such as the patio with the issuance of a Substantial Development Permit. This is not an exempt use.

Exemptions

The following are exempt under 17.15.075 Exempt. Which states:\

Developments set forth in WAC 173-27-040 and RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147, 90.58.355, and 90.58.515 which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the act and the local master program.

Under those WAC and RCW's, the repair and maintenance of legal existing bulkheads are exempt and a dock or pier would be exempt from the requirements of a Substantial Development Permit.

The Lacey SMP lists exemptions in 17.30.035 Shoreline Exemptions Listed

The following shall be considered exempt from the requirement to obtain a shoreline substantial development permit:

1. Any development of which the total cost or fair market value is less than five thousand seven hundred and eighteen dollars ($5,718), and does not materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection must be adjusted for inflation by the Office of Financial Management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means for any calendar year that year's annual average consumer price index of all items in the Seattle, Washington area for urban and clerical workers, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The Office of Financial Management must calculate the new dollar threshold and transmit it to the Office of the Code Reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

2. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements; see also section defining "normal" maintenance and repair and permit requirements for maintenance that does not qualify under this exemption.

3. C**onstruction of the normal protective bulkhead common to single family residences.**

4. Emergency construction necessary to protect property from damage by the elements.

5. Construction or modification of navigational aids such as channel markers and anchor buoys.

6. Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his or her family. The residence must not exceed a height of thirty-five feet above average grade level, and meet all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter.

7. **Construction of a dock, including a community dock, designed for pleasure craft only,** for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences. This exception applies if either: (A) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or (B) in fresh waters, the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

12. The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department jointly with other state agencies under RCW 43.21C.

Shoreline Stabilization Standards

The replacement bulkhead meets the shoreline stabilization standards in code shown below.

3. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves and provided there is no other more ecologically sound practice that can serve the same purpose.

For purposes of this section standards on shoreline stabilization measures, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose.

Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

There has been no increase in stabilization in this area so it is not considered a new structure.

A. The replacement structure shall be designed, located, sized, and constructed to assure no net loss of ecological functions.

This is met as the replacement appears to be similar, but it has the added benefit of a pocket beach so it functions better than the original structure.

B. Replacement walls or bulkheads shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

The shoreline is the same as before. It is not waterward of the original structure as there is no fill behind the bulkhead.

17.24.015 Development Standards Table 4 – Development Standards by Shoreline Environment Designation

DEVELOPMENT STANDARDS	Shoreline Residential	Urban Conservancy	Natural	Aquatic
Aquaculture				
OHWM setback[@]	15'	25'	50'	NA
Building height	35'	35'	35'	10'
Boating Facilities *(Boat Launches, Marinas)*				
Water-dependent				
OHWM setback[@]	0'	0'	0'	NA
Building height	30'	30'	25'	20'
Water-related				
OHWM setback[@]	15'	15'	25'	NA
Building height	30'	30'	25'	NA
Parking facilities (surface)	50'	75'	150'	N/A
Recreation Development				
Water-dependent				
OHWM Setback[@]	25'	25'	25'	NA
Building Height	25'	25'	25'	10'
Water-related & enjoyment				
OHWM Setback[@]	50'	50'	50'	NA
Building Height	25'	25'	25'	10'
Nonwater-oriented				
OHWM Setback[@]	100'	100'	100'	NA
Building Height	25'	25'	25'	10'
Shared Use Path				
OHWM Setback[@]	25'***	50'***	75'***	NA
Pedestrian Trails and Shoreline Access Segment	0'	0'	0'	
Residential Development				
Single-Family Dwellings				
Maximum Density	4*du/ac	1 du*/ac	1du*/10 ac	NA
OHWM Setback[@]	50'	100'	150'	NA
Building Height	35'	35'	35'	NA
Maximum Impervious Surfaces	50%	30%	10%	NA
Minimum Lot Size/Width	7,500 s.f.[+]/50'	+/50'	+/50'	NA
Attached Single Family & Multi-Family Dwellings				
Maximum Density	4* du/ac	1* du/ac	1* du/10 ac****	NA
OHWM Setback[@]	50 feet	100'	150'	NA
Building Height	35'	35'	35'	NA
Maximum Impervious Surfaces	50%	30%	10%****	NA
Minimum Lot Size/Width		+	+	NA
Accessory structures	50'	100'	150'	N/A
Transportation				
Roads and Railroads				
OHWM setback[@]	50'	75'	150'	NA

The table lists Recreational Development as a use and this table shows that the appropriate setback for the Shoreline Residential Environment would be 50 -feet for Water Related and Water Enjoyment development. There is a note that states:

@ = Refer to shoreline vegetation conservation provisions in Sections 17.41.

17.24.020 Table 5 - Shoreline Modification by Shoreline Environment Designation

SHORELINE MODIFICATIONS	**Shoreline Residential**	**Urban Conservancy**	**Natural**	**Aquatic**
Dredging	NA	NA	NA	C
Grading and Fill		S	S	S
Ecological Restoration Project	S			
All Other Activities	C	C	X	C
Buoy	S	S C1, 3 / S2	C	* C**
Pier and Dock Recreational Float	C[1] / S[2] / C[3] S	S	C** C	*
Shoreline Stabilization				
		S	S	S
Beach Restoration and Enhancement	S			
		S C X	C X	C C X
	S			
Bioengineering Revetment and Gabion Bulkhead		C	X	C*
Breakwater, Jetty, Groin and Weirs	C			
Dike, Levee and Instream Structure				
	C X			
	C			

Stair Tower	X	X	X	X
******Replacement of Modification** (repair exceeds 50% of replacement value)	C	C	C	C
****** Repair of Modification** (repair value is less than 50% of replacement value)	E	E	E	E

S = Requires a Shoreline Substantial Development Permit

E = Requires a Shoreline Exemption; and must comply with applicable Master Program sections

C = Requires a Shoreline Conditional Use Permit

X = Prohibited; not eligible for a Substantial Development or Conditional Use Permit

NA = Not applicable, refer to the appropriate Master Program section for additional standards

1 = Serving one (1) property
2 = Serving two (2) or more properties and exceeding the exemption threshold for a Substantial Development Permit pursuant to Section 17.30.035 (7).
3 = Serving more than one property but under the exempt threshold for a Substantial Development Permit pursuant to Section 17.30.035 (7).
*The use or shoreline modification may be allowed in the Aquatic Environment if it is allowed in the adjacent upland environment. In such case the underlying permit process will be used for review and conditioning of the use or modification to ensure mitigation and no net loss of function or value.
** Use is prohibited in the Natural designation, and Aquatic designation when located adjacent to shorelands with the Natural designation, except as provided in Section 17.61.020 (4), (8) and (9)
**** Value will be calculated from the International Building Code Tables used to calculate the value of improvements for determining the cost of permits. If no value can be assigned from the IBC, other means for determining the "fair market value"will be utilized.

The table shows that a Conditional Use Permit would be required for the grade and fill that occurred to create the patio as well as the patio itself which would be an undefined use.

The Conditional Use Criteria are found in the following (Response in italics):

17.30.015 Shoreline Conditional Use Permit

The purpose of a conditional use permit is to provide a system within the master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, the City or Department may attach special conditions to the permit to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Act and the local master program.

1. Uses which are classified or set forth in the City of Lacey's Shoreline Master Program as conditional uses may be authorized provided that the applicant demonstrates all the following:

Response: *The grading activity is a general classified use in the table above.*

A. That the proposed use is consistent with the policies of RCW 90.58.020 and the master program.

The policies of RCW 90.58.020 are listed below, and an analysis of the project is provided.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public

interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation, and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that the interest of all the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

(1) Recognize and protect the statewide interest over local interest.

Response: *The statewide interests are to promote and enhance the public interest in protecting the environment, public health and rights of navigation. In this instance there should be no extraordinary impacts that would generally impact the public interest. Although not entirely consistent with the dimensional standards, the ability to enjoy the shoreline will be promoted. No cumulative impacts are expected. The safety of the applicant will be ensured by the retention of the structure which basically provides shoreline stability.*

(2) Preserve the natural character of the shoreline.

Response: *Although the patio is a built structure, the vegetation enhancement plan will include vegetation that should drape over the wall enabling the patio to be screened and to blend in with the surrounding vegetation.*

(3) Result in long term over short term benefit.

Response*: No benefits will be lost there will be no net loss of shoreline functions through the invasive removal and enhancement plan.*

(4) Protect the resources and ecology of the shoreline.

Response*: The cement structure is generally inert when cured and will prevent erosion. The small amount of impervious surface will be accommodated by the drainage plan which will be developed.*

(5) Increase public access to publicly owned areas of the shorelines.

Response: *N/A this is a privately owned shoreline. There will be more accessible shoreline due to this development.*

(6) Increase recreational opportunities for the public in the shoreline

Response: *N/A This is a private shoreline. There will be water-oriented recreation due to the development.*

(7) Provide for any other element as defined in RCW **90.58.100** deemed appropriate or necessary.

Response: RCW 90.59.100 states:

(5) Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in RCW **90.58.020**. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect.

Response: *The applicant has extraordinary circumstances relating to timing, on site conditions and shall not subject the public interest to substantial detrimental effects.*

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the state's shoreline. Alteration of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state

Response: *This development is consistent with these elements as there is a balance between development of the shoreline and alteration of the natural condition which is provided for if it is consistent with priority for single-family residences and their appurtenant structures including piers and improvements which facilitate shoreline recreational uses without creating pollution and prevent damage to the natural environment.*

Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department. Shorelines and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter **90.58** RCW.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

Response: *This project has resulted in the removal of a small portion of vegetated shoreline for the purpose of providing shoreline recreation which was not available due to the slope of the shoreline. This development will not interfere with the publics use of the water. The overall enjoyment of the shoreline will be greater due to these facilities.*

B. That the proposed use will not interfere with the normal public use of public shorelines.

Response: *This will not be affected.*

C. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Land Use Plan and Shoreline Master Program.

Response: *The proposed use of the site and design of the site will be compatible with all other authorized uses in the area and planned under the comprehensive land use plan and the SMP.*

D. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

Response: *There will be no significant adverse effects to the shoreline environment due to the project.*

E. That the public interest suffers no substantial detrimental effect.

Response: *As mentioned earlier, the public interest will suffer no substantial detrimental effect.*

2. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area, for example, if conditional use permits were granted for other developments in the area where similar circumstances exist. The total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

Response: *If the area experienced impacts due to similar developments in the area, there would be a net increase in water enjoyment which is in the interest of the policies of the SMP and the SMA. There would*

be a net increase in vegetation performance due to the loss of non-native invasive vegetation. No substantial adverse effects to the shoreline environment would occur.

3. Other uses which are not classified or set forth in Lacey's Master Program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section, and the requirements for conditional uses contained in the Shoreline Master Program, and the intent of provisions of the Comprehensive Land Use Plan.

Response: *It is a classified use.*

4. Uses which are specifically prohibited by the Shoreline Master Program may not be authorized.

Response: *The use is not prohibited if properly conditioned to meet no net loss of shoreline functions.*

17.30.020 Shoreline Variance Permit

The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

1. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown, and the public interest shall suffer no substantial detrimental effect.

Response: *The applicant made some mistakes which cannot easily be undone and in in maintaining the public interest they are requesting a variance to retain a shoreline deck that was illegally built in the vegetation management area without permits. The applicants did not do this with spite or prejudice but was merely trying to utilize extra cement that they had ordered, and the area was easily prepared for this purpose. They all enjoy the shoreline and were trying to provide a safe and comfortable environment for enjoying the shoreline and the accessory uses.*

2. Variance permits for development and/or uses that will be located landward of the ordinary high-water mark (OHWM) and/or landward of any wetland as defined in this Master Program may be authorized provided the applicant can demonstrate all the following:

A. That the strict application of the bulk, dimensional or performance standards set forth in Lacey's Master Program precludes or significantly interferes with reasonable use of the property.

Response: *The dimensional vegetation standards are what we are asking relief from. The SMP requires 50-feet. Site specific issues like slope made enjoyment of this area difficult and there is not a significant development here as it represents a small portion of the available nearshore. The removal of the structure could possibly put the applicant and their family in imminent danger of hazardous erosion if removal is required as noted by a licensed professional. This would effectively interfere with the reasonable use of the property. As noted in the report by Quality Geo PLLC dated January 19, 2021, "*The satisfactory condition of the patio and adjacent slope toe suggest that it's removal may only serve to reduce the slopes existing erosion protections. Further, its removal would then necessitate some new form of toe stabilization. Any time that the toe remains exposed would then further destabilize the soils. While vegetation and rockery may offer a temporary reduction to erosive forces, an engineered structure, such as a patio or wall, is anticipated to offer a permanent solution which will further protect the property and increase its longevity."

B. That the hardship described in (A.) of this subsection is specifically related to the property and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions.

Response: *The natural slope of the site is what has necessitated the project and maintenance of the structure which was poured in place.*

C. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Land Use Plan and Shoreline Master Program and will not cause adverse impacts to the shoreline environment.

Response: *The design of the project ultimately will result in no net loss of shoreline functions consistent with the management policies of the SMA and the local Lacey SMP. A vegetation enhancement plan has been developed in accordance with the vegetation management guidelines found in LMC 17.41.*

*This no net loss policy is further supported by the retention of the patio. As mentioned in the report by Quality GEO dated 1/19/2021, "*The patio generally serves to limit storm and wave interactions against the toe of the slope, and additionally offers protection by confining the toe soils, limiting their potential for erosion or destabilization. Overall, the patio is anticipated to improve slope conditions by reducing erosion and stabilizing the lower soil surfaces. As the patio is considered a minor structure with no dwelling unit, and its location being at the toe of a slope, no required slope setback is anticipated."

D. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.

Response: *There would not be a grant of special privilege as the project was built because they thought it would be allowed and it is not expected that there are others that have the same lot configuration which would be required to need this type of development.*

E. That the variance requested is the minimum necessary to afford relief; and

Response: *It is not a large development, and we are not requesting anything more than what was inadvertently built for their enjoyment. Now that it is built and determined that it is necessary for the stability of the area, we can say that it is the minimum needed to maintain the slope.*

E. That the public interest will suffer no substantial detrimental effect.

Response: *As conditioned in the Conditional Use permit, a vegetation enhancement and Invasive species removal plan has been developed and will be implemented upon approval.*

3. Variance permits for development and/or uses that will be located waterward of the ordinary high-water mark (OHWM) or within any wetland as defined in this Master Program may be authorized provided the applicant can demonstrate all the following:

A. That the strict application of the bulk, dimensional or performance standards set forth in Lacey's Master Program precludes all reasonable use of the property.

Response: N/A

B. That the proposal is consistent with the criteria established under Section 17.20.030. 2 A-F; and

Response: N/A

C. That the public rights of navigation and use of the shorelines will not be adversely affected.

Response: This is in the uplands and will not affect the public rights to navigation.

4. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area, for example, if variances were granted to other developments and/or uses in the area where similar circumstances exist. The total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

Response: *As mentioned in the Conditional Use Criteria, the need for this development arose from the topography of the subject property. It is unlikely that others in the SED would require this kind of relief as they would not have the circumstances that brought about the construction of the patio.*

5. Variances from the use regulations of the Shoreline Master Program are prohibited.

Response: *It is not a variance of the use regulations as recreational use is allowed. It is specifically called out in the SMP.*

6. Water-oriented and water-related uses may be located within the required shoreline setback and vegetation management area without a shoreline variance, provided other required permits are obtained and the mitigation sequence is followed. Uses that may locate within the setback and vegetation management area without a variance include the following:

A. Boating facilities accessory to a single-family residential development including piers, docks, buoys and floats.

B. Pedestrian beach access structures including stairs, except for stair towers.

C. Public access trails and paths and structures for public access including but not limited to stairways, piers, docks, or floats.

Response: *The applicant has some of these facilities such as the boating facilities accessory to the single-family residential development which includes the pier that exist in the nearshore. It could be maintained that the development is an accessory to this allowed use as the patio would not even have been constructed without a pier for the family which is the allowed use. It also has a stairway so although the use and structure are water oriented and water related, it does not specifically meet the criteria that is specified in the SMP. One could argue that through the liberal construction that since the patio maintains the public interest and encourages water enjoyment activities, so it should be allowed to remain.*

Table 2 - Summary of Shorelines Impacts in the 50ft Vegetation Management Area

Feature	Type Category	Buffer	Impacts	No Net Loss Mitigation
Patio	Water Oriented	50	670 sq ft	An invasive species removal plan is provided
Pathway and retaining wall	Water Oriented	50	920.7 sq ft	An invasive species and enhancement plan is provided
Gravel on Bulkhead	Undefined	50	1,894.3 sq ft	Convert some to planting area
Bulkhead Replacement	Defined in code	Improved by design.	-	Repair and maintenance of an existing bulkhead

Community Pier	Defined	-	none	Design will be consistent with standards
Total Impacts			3485.1	

8.0 PROPOSED PROJECT

8.1 Description

The project consists of a single-family remodel, after the fact conditional use and variance permits for the concrete patio, and pathway grading and retaining walls some to be installed, permit exemption for a bulkhead repair/replacement for the pre-existing bulkhead, a substantial development permit for a new community dock for the rental units, substantial development permit restoration/enhancement plan for the 50-foot vegetation management area (**See Planting Plan/ Figure 6**).

8.2 Development Impacts

The area of impact consists of invasive species. Grading removed some of the existing vegetation in the footprint of the development, however, as this area is already somewhat developed with a pathway, pier and the drainage plan will carry Douglas fir, Red alder, Western red cedar, with a remaining understory of Ocean spray, Beaked hazelnut, Oregon grape, salal and swordfern.

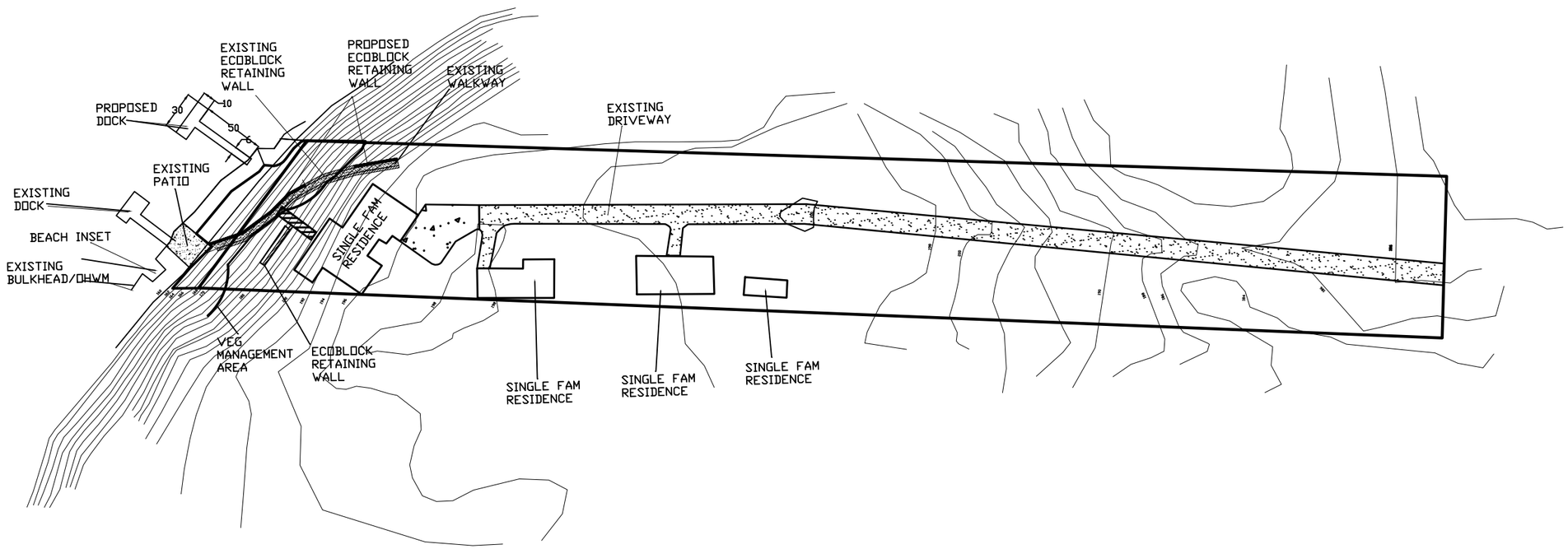
8.3 Impact Avoidance and Minimization

The project has minimized the gravel footprint near the shoreline bulkhead by 216 square feet. This will minimize the area of impact and still meet the objectives of providing overhanging vegetation for the fish in the lake. The enhancement plan and mitigating measures mentioned in earlier chapters will minimize the impacts of the project to the shorelines.

8.4 Minimization of Water Quality Impacts

Implementing water quality and sedimentation best management practices (BMPs) will act to minimize sedimentation and protect water quality on-site and any bare areas will be planted with a cover crop. Silt fences and straw waddles will be used where necessary. Infiltration galleries will be used to reduce stormwater impacts from the patio. The increase in vegetation from the proposed buffer enhancement plan will provide for increased surface roughness and nutrient uptake.

Insert Site Plan Figure 5



LAND SERVICES NORTHWEST
120 STATE AVE NE #190
OLYMPIA, WA 98501
360-481-4208

FIGURE 5
SITE PLAN
PARCEL#11827124100
(NOT A SURVEY)

Scale: 1" = 100'

ORDINARY HIGH WATER MARK
VEGETATION MANAGEMENT AREA
SINGLE-FAMILY RESIDENCE
RETAINING BLOCKS (INSTALLED)
RETAINING BLOCKS (PROPOSED)

9.0 MITIGATION

9.1 Mitigation Requirements

LMC 17.41.0000 addresses vegetation management and standards.

Policies that will apply are as follows:

A. Policy: Limit the removal of vegetation within shoreline jurisdiction to the minimum necessary to accommodate authorized shoreline development. Designate a vegetation management area corresponding to each designation's setback area as outlined in Section 17.24.010, Table 4. To be providing buffering functions, it is assumed such areas are well vegetated with native species appropriate to the eco-region. Where buffering functions are compromised by loss of, lack of, or replacement of native vegetation, vegetation management plans should focus on improving buffering function.

Response: *The applicant has done vegetation removal in accordance with an invasive species removal plan that was requested by the Thurston County Public Works Noxious weed and Lake Management Department. Japanese knotweed is a very aggressive species, and it requires a very special care to prevent its spread so the applicant had done a very good job up till now controlling these plants on site.*

B. Policy: Native/approved vegetation is desired within designated vegetation management areas to further the City's goals of shoreline restoration and to promote no net loss of ecological function and value with new development. A Vegetation Management Plan should be developed for uses and activities proposed in shoreline jurisdiction and should consider legitimate competing interests for shoreline areas. These interests include but are not limited to habitat, views and compatibility and integration of the full range of land use activities anticipated in the applicable shoreline environment.

Response: *We have developed a vegetation management plan and designated a vegetation management area which will further the goals of shoreline restoration. The property was overrun with invasive species such as Japanese knotweed, Himalayan blackberry and English ivy. These are all very aggressive species which will require a long -term maintenance plan that the applicant has already begun. It is expected that the overall result of their efforts is already being realized but will require and on-going effort which they are committed to provide. This vegetation management plan will improve habitat and views. I will also be designed to exist in conjunction with the newly created structures, which have already been built and the vegetation plan will provide among other things screening for the built patio and retaining walls.*

C. Policy: The Administrator may allow selective pruning of native/approved vegetation for view corridors and limited vegetation removal for shoreline access segments, provided ecological functions are not compromised. Proposals to remove vegetation for shoreline access segments should follow the mitigation sequence. All proposals for vegetation removal or pruning should be reviewed by the City Forester/Arborist, who will provide a recommendation to the Administrator. See Sections 17.41.020 (3) and 17.41.020 (10).

Response: *There was previous blowdown that has been addressed and the trees that have been removed will be replaced as part of the revegetation plan. The city has seen this plan and has already provided recommendations via the conditions of the Shoreline Exemption permit which was issued on July 17, 2020. This will be implemented upon approval of these requests.*

D. Policy: Preserve existing native vegetation along the shoreline, encourage and incentivize planting when it does not exist, and avoid, minimize and mitigate for impacts to shoreline vegetation.

Response: *The applicant has preserved existing vegetation as able and will continue to manage the area for invasive species. The installation of the patio was partially able to meet the mitigation sequence in that the shoreline in that area was already somewhat denuded due to the invasive species removal that occurred in that area just prior to the construction of the patio. Planting will occur throughout the vegetation management area in accordance with this policy to mitigate for impacts.*

E. Policy: Provide flexibility when balancing overlapping shoreline policies and priorities in including vegetation conservation, preferences for water-dependent uses, and requirements to provide public access.

Response: *The applicant is asking the city for this policy to be implemented in consideration of their request. The policies and priorities are being maintained as the water dependent uses are found in the area and the path to the shoreline requires some vegetation removal. The walls and patio will be screened with vegetation and will be well managed from this point onward.*

F. Policy: When nonconforming or "conforming, expansion limited" structures are expanded within designated vegetation management areas and native/approved vegetative does not exist within the vegetation management area, the City should encourage the installation of vegetation within these areas to the level the site can reasonably accommodate and commensurate to offset the proposed level of expansion. If through review of the Vegetation Management Plan, the Administrator determines there is not adequate space onsite to accommodate vegetation that will adequately offset and mitigate impacts anticipated from the expansion, the Administrator may consider offsite mitigation or payment of fees in lieu of onsite mitigation.

Response: *The applicant is not expanding a non-conforming structure, so this does not apply.*

G. Policy: Vegetation within designated vegetation management areas should be comprised of three vegetative levels including an over story of trees, an understory of shrubs, and a floor of herbs and with native plants commonly found in riparian areas of Thurston County; see example Vegetation Management Plans in Appendix 2.

Response: *All three levels will be provided in a manner that will not produce undesired slope stability issues in the future. The planting plan will utilize a plant palette of trees, shrubs, and herbaceous plants which will not require extensive watering or fertilizers and should benefit the native fauna in the area and increase overall shoreline stability.*

H. Policy: Where revegetation of vegetation management areas is anticipated, such areas should be planted to resemble native conditions. The Administrator may consider and approve use of other vegetative materials that are demonstrated through the Vegetation Management Plan to achieve protection or maintenance of shoreline ecological function equivalent to native vegetation. I. Policy:

Where uses or activities are proposed along shorelines that also contain critical areas, Vegetation Management Plans may be consolidated with Habitat Management Plans required under Section 17.35.

Response: *The plant species chosen are native plant species which should thrive in the position in the landscape that we will plant. The biologist has experience with restoration plans and has worked to provide guidance on small to very large projects in a variety of conditions. It is expected that the results will be exemplary, but there will be challenges with controlling the Japanese knotweed.*

17.41.020 Vegetation Management - Development Standards

1. Standard: A Shoreline Vegetation Management Plan shall be developed and implemented for any shoreline parcel as a requirement of a shoreline substantial development permit, shoreline conditional use permit, shoreline variance and any action requiring an exemption letter. If there is no permit or exemption letter required for an activity, structure or use, a Shoreline Vegetation Management Plan is not required. However, in such situations any new landscaping of the site must adhere to the goals, policies and standards of the SMP with regard to the intent to promote natural functions and values of shoreline property. See Appendix 2 for sample Vegetation Management Plans.

Response: *The applicant is seeking a Shoreline Variance, Conditional Use Permit and Exemption Letter and has developed a Shoreline Vegetation Management Plan in conformance with these requirements. The letter of exemption has been issued and this will meet the conditions of that letter.*

Parcels within shoreline jurisdiction which do not front onto a lake or stream and have property within a required shoreline buffer shall still be required to develop and implement a Shoreline Vegetation Management Plan pursuant to requirements for this section. Said plan will have a different focus than lots with shoreline frontage. Focus for these parcels will be runoff and drainage treatment, overstory vegetation to promote tree canopy and proper maintenance, involving use and minimizing fertilizers and other contaminants that could impact water quality.

Response: N/A

2. Standard: The Shoreline Vegetation Management Plan shall include or address the following:

A. The plan shall cover the entire project area or parcel(s) upon which uses or activities requiring authorization are proposed, as outlined above. The plan shall illustrate the location of the OHWM, the dimensions and location of the vegetation management area and of any shoreline access segment or clear zone established under Section 17.41.020 (7).

The plan shall also illustrate the contours and general slope of the lot, the dimension of all existing and proposed structures (principle and accessory), impervious surfaces, lawn or turf areas, easements, and utility lines/connections. The plan shall illustrate general areas, approximate dimensions, and species makeup of vegetated areas located on portions of the subject site within shoreline jurisdiction but outside of the designated vegetation management area. Where combined with a Habitat Management Plan, the combined plan shall also illustrate the location and type of critical area(s) existing on the site in accordance with the provisions in Section 17.35 of this SMP. This plan shall be prepared by a licensed landscape architect, Washington certified nurseryperson or Washington certified landscape professional. When combined with a Habitat Management Plan, the plan shall also incorporate information from a qualified biologist or ecologist. The Administrator may waive the requirement for a

qualified professional to prepare the plan, under appropriate circumstances as determined by the Administrator.

Response: *Alex Callender is a Professional Wetland Scientist qualified to develop such plans. The plans will have all the attributes that are required above. The planting plan we have developed has the plant species, however, he has found that plant placement is better done with regard to site specific requirements. Typically there is existing vegetation to be avoided and slope and soils, rocks etc. are not always available in all locations. Planting in zones allows for plant species composition to meet the needs of the position in the landscape while allowing for flexibility for on-the ground decision making to maximize performance of the plants in general.*

B. The Plan shall provide for the retention and/or replanting of native shoreline vegetation, or its functional equivalent, within the required vegetation management area; see example Vegetation Management Plans in Appendix 2. When expansion of a nonconforming structure, "conforming, expansion limited" structure, or development of a nonconforming lot is proposed within the vegetation management area, or when the impacts of development outside of the vegetation management area cannot be offset because of insufficient native vegetation in the vegetation management area, vegetative improvements (replanting) proposed to offset unavoidable impacts through the mitigation sequence shall be provided according to the schedule and tier threshold provisions in Section 17.41.021, Table 1.

Response: *Vegetation in the remaining existing shoreline vegetation without invasive species is expected to be retained. The applicant will provide only native species that are mentioned in the plan within the vegetation management area. If substitutions are required due to availability of stock through suppliers, native replacements approved by the City of Lacey Planning will be provided. The applicant has built a structure that is now non-conforming and through this process hopes to make it legal nonconforming. No expansions of this structure are proposed or contemplated for the future.*

C. Authorized uses or development shall retain all vegetation occurring on the lot until such time as a building permit or shoreline authorization is issued. Such permit or authorization shall specify the extent to which and in what locations vegetation can be removed. Development occurring outside of vegetation management areas will generally satisfy the first step in the mitigation sequence (avoidance). If, in the opinion of the Administrator, the use or activity may still result in a net loss of shoreline ecological function due to the character of the proposed activity or because of specific site conditions, the Administrator may require compensatory mitigation commensurate to offset identified impacts.

Response: *This proposal is in response to the request by the administrator to meet the requirements and expectations of the no net loss of shoreline ecological function due to a change in character of the construction of the patio in the vegetation management area. The planting and habitat management plan will restore functions lost due to this development and will allow the applicant to retain this feature without harm to the shoreline. In addition to the typical no net loss mitigation , the applicant will provide 27 conifers to replace nine trees that were lost in a storm.*

D. Specific revegetation strategies that are developed to meet objectives of this SMP may differ from those in Table 1 provided the Administrator finds such strategies are proportionate to provide for equivalent levels of shoreline function.

Response: *We are not expanding the residential footprint, but the installation of the patio is larger than 500 sq ft. and less than 1,000 sq ft. This would be like a Moderate restoration plan requirement below.*

+**Reduced Vegetation/Structure and Use Option** – Install native vegetation in at least 25% of the vegetation management area. Priority given to overstory vegetation along the shoreline. AND, do one of the following:
• Replace solid surfaces on piers and docks with light penetrating surfacing materials.
• Remove over water structures that do not provide public access, or do not serve a water dependent use.
• Remove and replace hard shoreline stabilization structures with bioengineered or softer shoreline stabilization measures

The applicant has provided a Schedule 2 planting plan to restore over 40% of the Vegetation management Area. There will be a focus on vegetation in the overstory, however many shrubs will be planted to give a more immediate result and cut the temporal loss that has occurred.

A table has been provided that quantifies the proposal and its expected impacts and mitigation.

Structure	Size (sq ft)
Patio*	670
Pathway/ Retaining Walls	920.7
Gravel Area	1894.3
Total	**3485**

*=Impervious

Mitigation	Size (sq ft)
Area # 1	3661
Area #2	1026.6
Area 3	105
Bulkhead	216
Total	**5008.6**

Part of the reason for this study is to provide permits for the bulkhead that has replaced a hard cement structure with the somewhat softer rock amorphous rock with a beach inset which is superior to the flat reflective cement bank protection that was replaced. In addition, the area near the bulkhead will be

planted with overhanging vegetation which will improve the functions in the nearshore and provide many other benefits. The only reason that they will not be conducting more restoration in this area is the existence of the Japanese knotweed that we mentioned before.

17.42.020 General Development Standards for Restoration

1. All restoration activities utilizing landscaping materials shall meet the vegetation management standards of Section 17.41.020 according to the tier threshold schedule in Table 1 (17.41.021).

Response: *As previously mentioned, the restoration plan should exceed the Tier 3 schedule which would be an 80% restoration for impacts of between 500-1,000 sq feet of vegetation management area.*

2. Projects proposed on shoreline property shall meet applicable standards for restoration identified for specific uses, activities and modifications in Sections 17.44 through 17.70.

We have considered the different activities and found the following to be relevant:

17.54 Grading and Fill 17.54.010 Grading and Fill - Development Standards

1. The use of solid wastes and organic debris in a fill, such as wood and other vegetative materials, is prohibited.

Response: *No solid wastes or organic debris were used in the grading of the project.*

2. Fill must meet the provisions of WAC 173-26-231(3)(c)(i).

3. Fills shall consist of clean materials including such earth materials as clay, sand, and gravel, and may include oyster or clam shells. In addition, concrete may be included in fill material if it is not liable to pollute ground water and is approved by the Administrator.

Response: *This was done.*

4. Fills, except for beach feeding, shall be designed, constructed, and maintained to prevent, minimize and control all material movement, erosion, and sedimentation from the affected area.

Response: *The structure has undergone post construction engineering analysis and it meets these criteria.*

5. Fill areas shall be covered with sufficient earth material to support indigenous vegetative ground cover and replanted with vegetation to blend with the surrounding environment. To facilitate this purpose, fills shall comply with the requirements of LMC Chapter 17.41 regarding provisions for development and implementation of a Vegetation Management Plan. City of Lacey Shoreline Master Program [Month Year] 95

The proposal is to meet the requirements of the provisions for development and implementation of a Vegetation Management Plan.

6. Fills shall be allowed only when it can be demonstrated that the proposed action will not: A. Result in significant damage to water quality, fish, shellfish and/or wildlife habitat; and

Response: *No damage will or has occurred to water quality, fish, shellfish and or wildlife habitat.*

B. Adversely alter natural drainage and circulation patterns, currents, river and tidal flows or significantly reduce flood water capacities.

Response: *The patio is small, and it will not alter natural drainage, circulation patters, currents, river and tidal flows or reduce flood water capacities*

7. Artificial beach maintenance (beach feeding) shall be allowed as a type of shoreline stabilization.

Response: T*here was some beach feeding occurring with the beach inset to the bulkhead rockery, however that is more for maintenance of the swimming area. It uses river gravel, so it is probably utilized by the fish in the area.*

8. Fill which will interfere with public rights of navigation and rights corollary thereto shall not be permitted unless there is an overriding public interest.

Response*: No fill was introduced to the aquatic habitat nearby.*

9. Fill for the purpose of providing land to ensure the required distance for a septic tank drainfield is prohibited.

Response: N/A

10. Fill for the sole purpose of creating new dry land is prohibited.

Response: *No fill was installed to create dry land.*

11. Fill within a floodway and the 100-year floodplain are prohibited.

Response: *Work will be done outside of the 100-year floodplain.*

12. Fill located waterward of the ordinary high-water mark for the purpose of ecological restoration shall be allowed subject to a shoreline substantial development permit, rather than a shoreline conditional use permit.

Response: No fill waterward of the OHWM will be required for the restoration of the property.

13. Use of beach material for backfill with any shoreline stabilization project is prohibited. Fill is prohibited where structural shoreline stabilization is necessary to maintain the fill.

Response: *No beach material was utilized as backfill for the bulkhead.*

17.42.020 General Development Standards for Restoration

1. All restoration activities utilizing landscaping materials shall meet the vegetation management standards of Section 17.41.020 according to the tier threshold schedule in Table 1 (17.41.021). City of Lacey Shoreline Master Program

Response: *The landscaping materials will be the standards of Section 17.41.020 according to the tier threshold schedule in Table 1. It appears that this would be a Tier 3.*

2. Projects proposed on shoreline property shall meet applicable standards for restoration

Response: *We have provided an analysis of the standards and how the project meet the standards. Of course, we are requesting a variance from the Vegetation Management Standards and have minimized and mitigated for impact to meet no net loss and attain after-the-fact approval for the project.*

3. If off site mitigation is used, it shall be consistent with Lacey's Restoration Plan and the plan's goals, policies and priorities. Restoration priority will generally be for no net loss of function and value on site where a proposal is planned and implemented. However, when comprehensive on-site restoration is not possible, Lacey may use off site mitigation to achieve no net loss of City of Lacey Shoreline Master Program September 2011 93 function and value. Such determination to use off site mitigation, in association with a public or private proposal, will be at the City's option and sole discretion. O o

Response: *No offsite restoration is proposed or necessary to achieve the objectives of the restoration plan.*

4. Beach restoration and enhancement:

A. Beach restoration and enhancement shall be the preferred way to protect an existing single-family residence or to maintain access to an authorized shoreline use, as opposed to hard shoreline stabilization structures such as bulkheads, landfills, levees, dikes, groins, or jetties.

Response: *The applicants are proposing a restoration/enhancement plan to maintain access to an authorized shoreline use (Dock).*

B. Beach restoration and enhancement may be permitted to restore or enhance degraded shoreline functions.

Response: *Noted. No restoration is proposed waterward of the OHWM. There is a beach inset to the bulkhead which will maintain some of the functions. The plantings at the top of the bulkhead will maintain others.*

C. The location and design of beach restoration and enhancement projects shall utilize the best available technology, such as the use of gravel berms, large woody debris, and sediment mixtures designed to either move within the drift cell or to resist the normal wave action of the site.

Response: *The restoration will occur only in uplands*

D. Beach restoration and enhancement project shall demonstrate that they will not:

1) Cause significant change in littoral drift or river currents,

2) Adversely affect adjacent properties,

3) Adversely affect adjacent spawning grounds or other areas of biological significance, and

4) Interfere with the normal public use of the navigable waters of the state.

Response: *N/A*

9.3 Mitigation Objectives

The primary objective of the planting plan is to meet the requirements of no net loss of shoreline functions.

The functions in the shoreline that have been diminished were due to some elements of the project including:

- The removal of vegetation due to the invasive species on site.
- The installation of ecology block along the pathway to stabilize the hillside in that location.
- The removal of vegetation potential in the patio area.
- The increase of impervious surface due to the patio

To offset the impacts from these issues the applicant will create or install:

- Infiltration galleries to deliver stormwater to the ground
- Vegetation will screen the wall on the patio and grow over the bulkhead.
- Plant vegetation in buffer along the nearshore to provide overhanging vegetation.
- Plant areas that were previously overrun with Japanese knotweed in the Vegetation Management Area and beyond.

9.2 Mitigation Functional Analysis

The following planting plan will achieve no net loss of shoreline functions and improve the overall landscape as well by:

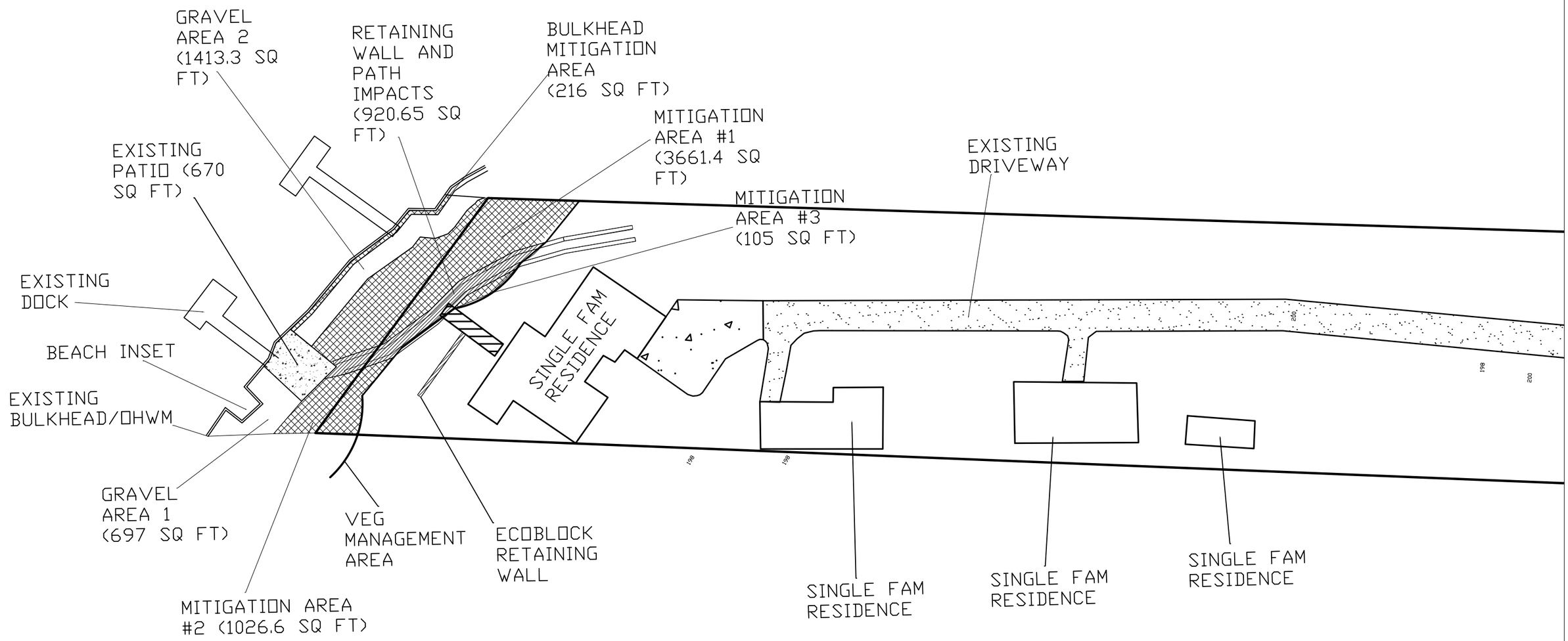
- Providing increase roughness to slow stormwater and reduce erosion.
- Provide organic input detritus to the nearshore.
- Provide screening for wildlife.
- Screen the built environment for aesthetics.
- Provide shade for water quality and habitat.
- Produce food for wildlife and structure.

Currently, the Vegetation Management Area that will be improved is former Japanese knotweed infestation area that has had some treatment The enhancement plan is developed to maintain the screening that the existing vegetation provides and eventually outcompete the Japanese knotweed that was overtaking the area until the applicant bought the property. Since the tree layer is relatively thin, but the slope is steep, a focus on shrubs will make sure that the area remains stable, and the vegetation provides the functions mentioned above. This will occur where it matters most, near the patio and bulkhead. The planting plan will also provide species diversity and structure as well as roughness and nutrient uptake from uplands as shown in the previous chapters.

9.3 Planting Plan

The following planting plan will be installed. Figure 4 illustrates the placement zones which were created to maximize plant performance by placing species in a position in the landscape where they will thrive.

Insert Figure 5 - Planting Zones



LAND SERVICES NORTHWEST
120 STATE AVE NE #190
OLYMPIA, WA 98501
360-481-4208

FIGURE 6
MITIGATION PLANTING PLAN
(NOT A SURVEY)

Scale: 1" = 50'

STAIRS (EXISTING)
MITIGATION PLANTING AREA
RETAINING WALL IMPACT AREAS

VEGETATION MANAGEMENT AREA
EXISTING RESIDENCE
PROPERTY BOUNDARY

Table 3 – Zone 1 Patio Area (1041.5 square feet) Plants and Costs

Common Name	Scientific Name	Zone	Spacing	Quantity	Cost	Total
Honeysuckle	*Lonicera ciliosa*	1	2ft oc	20	$5.00	$100.00
Kinnick	*Arctostaphylos uva-ursi*	1	10 ft oc	100	$2.00	$200.00
Mock orange	*Philadelphus lewisii*	1	5 ft oc	20	$5.00	$100.00
Evergreen huckleberry	*Vaccinium ovatum*	1	5 ft oc	10	$5.00	$50.00
Total				**40**		**$450.00**

Table 4 – Zone 2 – Bulkhead (216 square feet)

Common Name	*Zone*	Scientific Name	Spacing	Quantity	Cost	Total
Vine maple	*2*	*Acer circnatum*	15 ft oc	2	$5.00	$10.00
Quaking aspen	*2*	*Populus tremuloides*	15 ft oc	5	$5.00	$25.00
salal	*2*	*Gaultheria shallon*	8 ft oc	20	$2.00	$40.00
kinnikin nick	*2*	*Arctostaphylos uva-ursi*	2 ft	20	$3.00	$60.00
Total				**47**		**$135.00**

Table 5 - Zone 3 - Vegetation Management Area (3661 sq ft)

Common Name	*Zone*	Scientific Name	Spacing	Quantity	Cost	Total
Blue elderberry	*3*	*Sambuca nigra*	15 ft oc	10	$5.00	$50.00
Beaked hazelnut		*Corylus cornuta*	10 ft oc	10	$5.00	$50.00
Red elderberry	*3*	*Sambuca racemosa*	15 ft oc	10	$5.00	$50.00
Mock orange	*3*	*Philadelphus lewisii*	8 ft oc	10	$10.00	$100.00
Flowering current	*3*	*Ribes sanguineum*	8 ft oc	10	$5.00	$50.00
Salal	3	Gaultheria shallon	2 ft oc	100	$1.00	$100.00
Evergreen huckleberry	3	Vaccinium ovatum	5ft oc	20	$5.00	$100.00
Total				**170**		**$500.00**

Table 6 – Blow down Tree Mitigation

Common Name	*Zone*	Scientific Name	Spacing	Quantity	Cost	Total
Sitka spruce		*Picea sitchensis*	15 ft oc	9	$5.00	$45.00
Noble fir		*Abies procera*	10 ft oc	9	$5.00	$45.00

Western Red Cedar	*3*	Thuja plicata	15 ft oc	9	$5.00	$45.00
Total				**27**		**$135.00**

Table 7 –Trees and Pathway groundcover (105 sq frequired in VMA)

Common Name	*Zone*	Scientific Name	Spacing	Quantity	Cost	Total
Shore pine	*3*	*Sambuca nigra*	15 ft oc	4	$5.00	$20.00
Sitka spruce	*2*	*Philadelphus lewisii*	8 ft oc	4	$15.00	$60.00
kinnikin nick	*Pathway*	*Arctostaphylos uva-ursi*	2 ft	20	$3.00	$60.00
Total				**28**		**$140.00**

Table 8- Total Costs

Labor	$300	$3000.00
Mulch	$100/5 yards	$300.00
Monitoring w/report (5 years)	200.00/yr.	$1000.00
Plants and Materials		$1360.00
Total		**$5,660.00**

Trees and shrubs will be planted at grade in holes 2-3 times the width of the container or root ball. Mulch will be applied around each tree 2-4 inches deep in a three-foot diameter around the tree with an edge to retain water. Containerized rootbound trees will be cut with sharp shears on the bottom in an x pattern to promote root growth. Four cuts will be made vertically to allow roots to spread. Trees and shrubs will be thoroughly watered in after installation. The whole area will be sheet mulched to prevent weeds from taking hold and to retain water.

9.4 Monitoring Plan

The planting plan will be monitored for five years following the as – built (Year 0). Monitoring of the performance standards will be provided each spring, shortly after leafing out, to aid in plant identification. A report that communicates the findings will be provided to the County staff a month following the monitoring. The report will contain pictures to allow the County personnel to evaluate site conditions and performance standards. The photos in the report will be taken in four cardinal directions, unless there is a direction that provides a better view. Four photo points that will be established during the as-built (Year 0). Management of performance deficiencies or maintenance will occur during the spring or fall season following monitoring and a summary of management actions will be included in the following year's monitoring report to track effectiveness and adaptively manage the site.

9.5 Performance Standards

The performance standards are as follows:

Year 0 an inventory of plants and photo points will be established for monitoring during the monitoring period within 1 month of the installation.

Year 1 will have 100% survival of installed plants. Noxious weeds will be less than 10% aerial coverage.

Volunteer trees or shrubs may account for up to 10 percent of the overall count of surviving plants. Dead plants will be replaced in kind unless a volunteer is a replacement.

Year 2 -5 will have a survival rate of 80 percent of the original count. Volunteers can account for 10 percent of the total if present. Noxious weeds such as Himalayan blackberry, Reed canary grass, and other invasives will not have more than 10 percent aerial coverage of the planting area. Japanese knotweed yellow flag iris or hogweed will have a zero percent tolerance and be removed or sprayed using an appropriate herbicide approved for aquatic use by a licensed applicator.

Application of herbicide to control knotweed, it is not expected that the plants will grow as quickly as they would normally, therefore, aerial coverage will be at least 80% by year 5.

Failure to meet standards by year 5 will require an additional year of monitoring.

9.6 Contingency plans

If the site does not meet performance standards. Contingencies may be developed to adapt to the site-specific conditions. Contingencies may include:

- Increased watering
- Mulching
- Integrated Pest Management
- Microtopography changes
- Species substitution
- Herbivory protection

- Bark wrap

The area is frequented by deer and the choice of plants were chosen to avoid herbivory issues, but exclusion fencing may be necessary until the plants reach maturity. This is not expected to be needed to be a permanent fixture if required. Any contingencies will be developed in conjunction with landscapers, nursery staff, and other experts. The city would be notified in advance of the contingency plans. No contingencies will be applied without city consent.

In accordance with the surety agreement, the applicant will provide a surety for the proposed planting plan.

10.0 SUMMARY AND CONCLUSIONS

The applicant is seeking an after-the-fact Substantial Development Permit, Conditional Use Permit, and a Variance for installation of a Patio in the Vegetation Management Area.

The patio will cause impacts to 670 square feet of impacts due to impervious surface and loss of habitat. A buffer enhancement plan has been developed that will have invasive Knotweed, blackberries and other invasives removed. It is also proposed that the applicant enhance the vegetation from the Ordinary High-Water Mark landward for 50-feet. In addition, a drainage plan will be installed that will allow the patio to drain without discharge to the water. An enhancement/ restoration plan is proposed to lead to no net loss of shoreline functions. The native plants will be planted that will be monitored for success for five years and should be self-sustaining upon maturity.

This project will use best management practices to limit storm water impacts and other impacts and should result in a proper single-family residential lot with the amenities provided by the natural resources of the City of Lacey.

11.0 LIMITATIONS

This report was created with care and best professional judgment using the current best available science, but the report is subject to interpretation by local state and federal regulators who have the final regulatory authority on shorelines and the no net loss provisions of the Shoreline Master Program. No outcomes are warranted by this report.

12.0 REFERENCE

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Appendix A

Photographs


Latitude: 47.023751
Longitude: -122.795779
Elevation: 54.39 m
Accuracy: 4.5 m
Azimuth: 32° (NE)
Pitch: -21.7° (3.1°)
Time: 09-02-2020 11:40
Note: Gusta
Powered by AngleCam


Latitude: 47.023749
Longitude: -122.79578
Elevation: 53.6 m
Accuracy: 11.1 m
Azimuth: 40° (NE)
Pitch: -19.0° (1.6°)
Time: 09-02-2020 11:41
Note: Gusta
Powered by AngleCam


Latitude: 47.023737
Longitude: -122.795791
Elevation: 52.77 m
Accuracy: 10.3 m
Azimuth: 315° (NW)
Pitch: -0.2°
Time: 09-02-2020 11:45
Note: Gusta
Powered by AngleCam


Latitude: 47.023822
Longitude: -122.795097
Elevation: 56.24 m
Accuracy: 26.6 m
Azimuth: 74° (E)
Pitch: 2.1° (3.3°)
Time: 09-02-2020 11:54
Note: Gusta
Powered by AngleCam


Latitude: 47.023822
Longitude: -122.795097
Elevation: 56.24 m
Accuracy: 26.6 m
Azimuth: 46° (NE)
Pitch: -15.7°
Time: 09-02-2020 11:54
Note: Gusta
Powered by AngleCam


Latitude: 47.023929
Longitude: -122.795353
Elevation: 41.37 m
Accuracy: 9.3 m
Azimuth: 51° (NE)
Pitch: -62.9° (7.8°)
Time: 09-02-2020 11:54
Note: Gusta
Powered by AngleCam


Latitude: 47.023918
Longitude: -122.795332
Elevation: 70.07 m
Accuracy: 10.0 m
Azimuth: 72° (E)
Pitch: 1.0° (7.0°)
Time: 09-02-2020 11:54
Note: Gusta
Powered by AngleCam


Latitude: 47.023911
Longitude: -122.795431
Elevation: 57.8 m
Accuracy: 4.3 m
Azimuth: 141° (SE)
Pitch: 9.5° (-5.4°)
Time: 09-02-2020 11:54
Note: Gusta
Powered by AngleCam


Latitude: 47.023903
Longitude: -122.795434
Elevation: 56.46 m
Accuracy: 4.3 m
Azimuth: 93° (E)
Pitch: 8.9° (3.7°)
Time: 09-02-2020 11:54
Note: Gusta
Powered by AngleCam


Latitude: 47.024011
Longitude: -122.795367
Elevation: 49.65 m
Accuracy: 3.8 m
Azimuth: 230° (SW)
Pitch: -18.3° (-2.5°)
Time: 09-02-2020 11:55
Note: Gusta
Powered by AngleCam


Latitude: 47.023764
Longitude: -122.79518
Elevation: 40.39 m
Accuracy: 5.3 m
Azimuth: 235° (SW)
Pitch: -84.5° (-83.6°)
Time: 09-02-2020 12:06
Note: Gusta
Powered by AngleCam

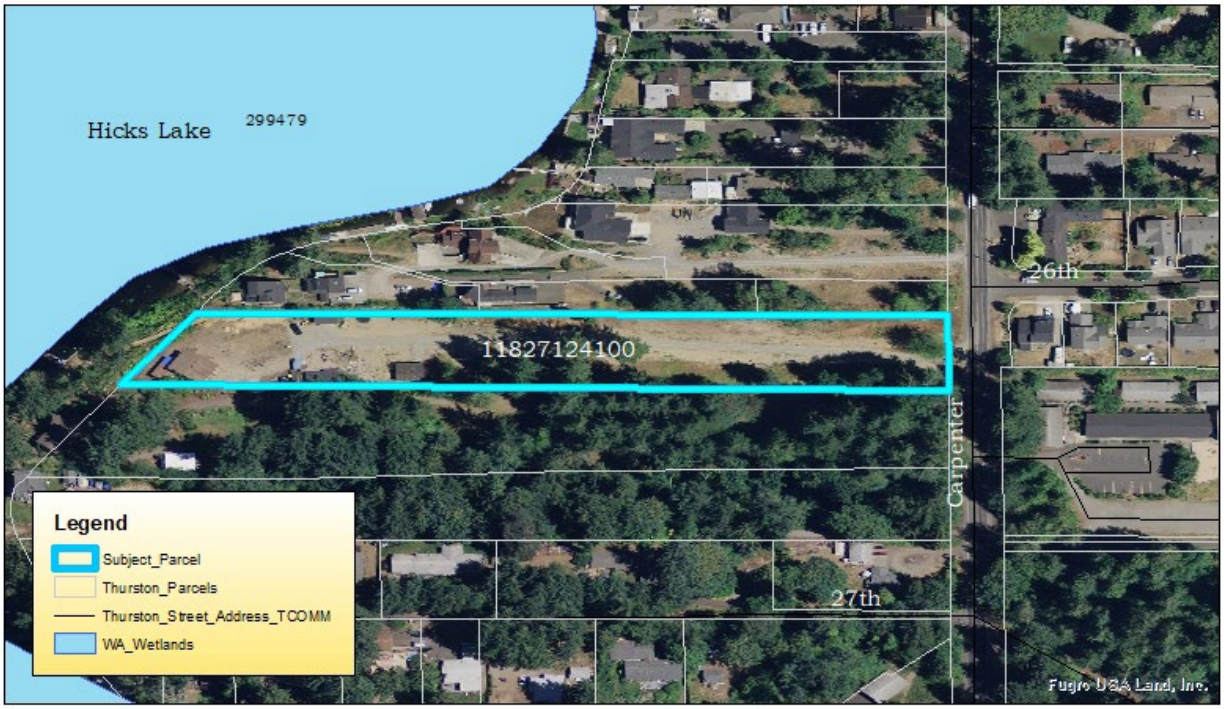

Latitude: 47.023976
Longitude: -122.794996
Elevation: 56.24 m
Accuracy: 29.8 m
Azimuth: 236° (SW)
Pitch: -14.0° (-2.0°)
Time: 09-02-2020 12:11
Note: Gusta
Powered by AngleCam


Latitude: 47.023883
Longitude: -122.795255
Elevation: 60.44 m
Accuracy: 9.9 m
Azimuth: 223° (SW)
Pitch: -11.3° (-3.7°)
Time: 09-02-2020 12:16
Note: Gusta
Powered by AngleCam

Appendix B

U.S. Fish and Wildlife Service

NWI MAP



LSNW Land Services Northwest 120 State Avenue NE PMB 190 Olympia, WA 98501 360.481.4208	Appendix B US Fish and Wildlife Service National Wetland Inventory	0 150 300 600 Feet

Appendix C

Thurston County NRCS Soil Survey Map


Soil Map—Thurston County Area, Washington
Carpenter
129
47
27th Ln
Soil Map may not be valid at this scale.
Map Scale: 1:1,810 if printed on A landscape (11" × 8.5") sheet.
Meters
Feet
Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84
Natural Resources Conservation Service
Web Soil Survey
National Cooperative Soil Survey
8/23/2021
Page 1 of 3

Soil Map—Thurston County Area, Washington

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Thurston County Area, Washington
Survey Area Data: Version 14, Jun 4, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 22, 2018—Jul 27, 2018

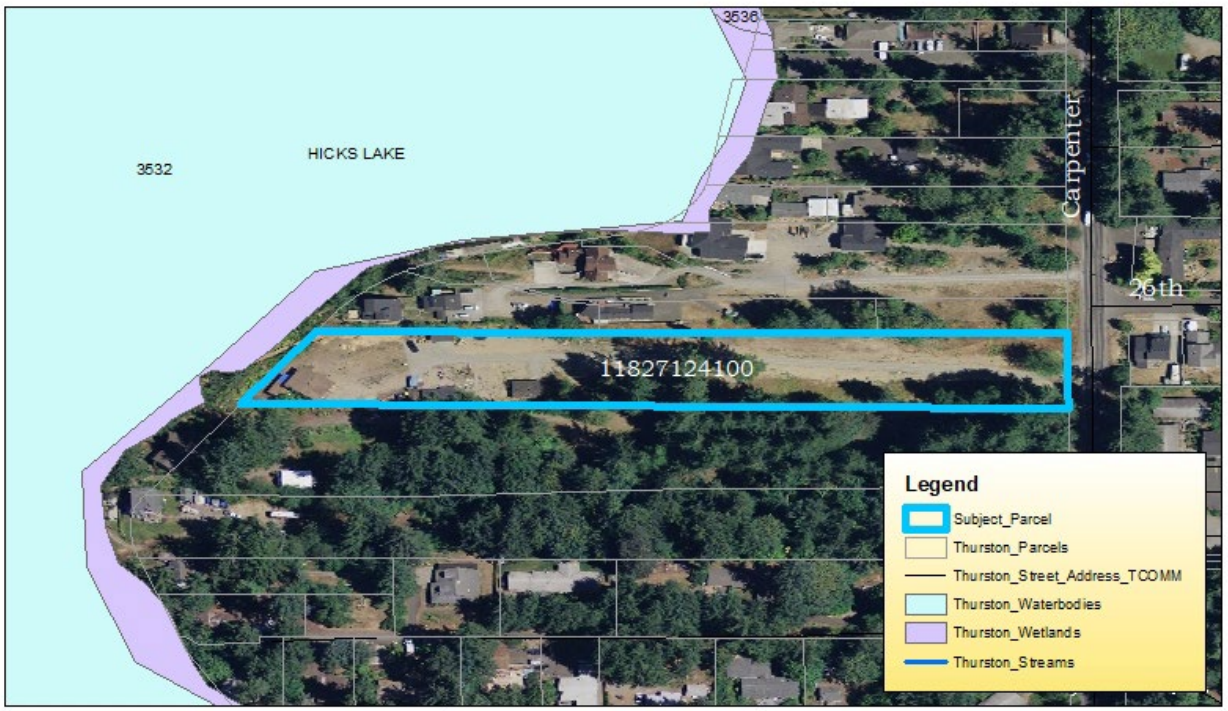
The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
47	Indianola loamy sand, 5 to 15 percent slopes	3.8	90.5%
129	Water	0.4	9.5%
Totals for Area of Interest		**4.2**	**100.0%**

Appendix D

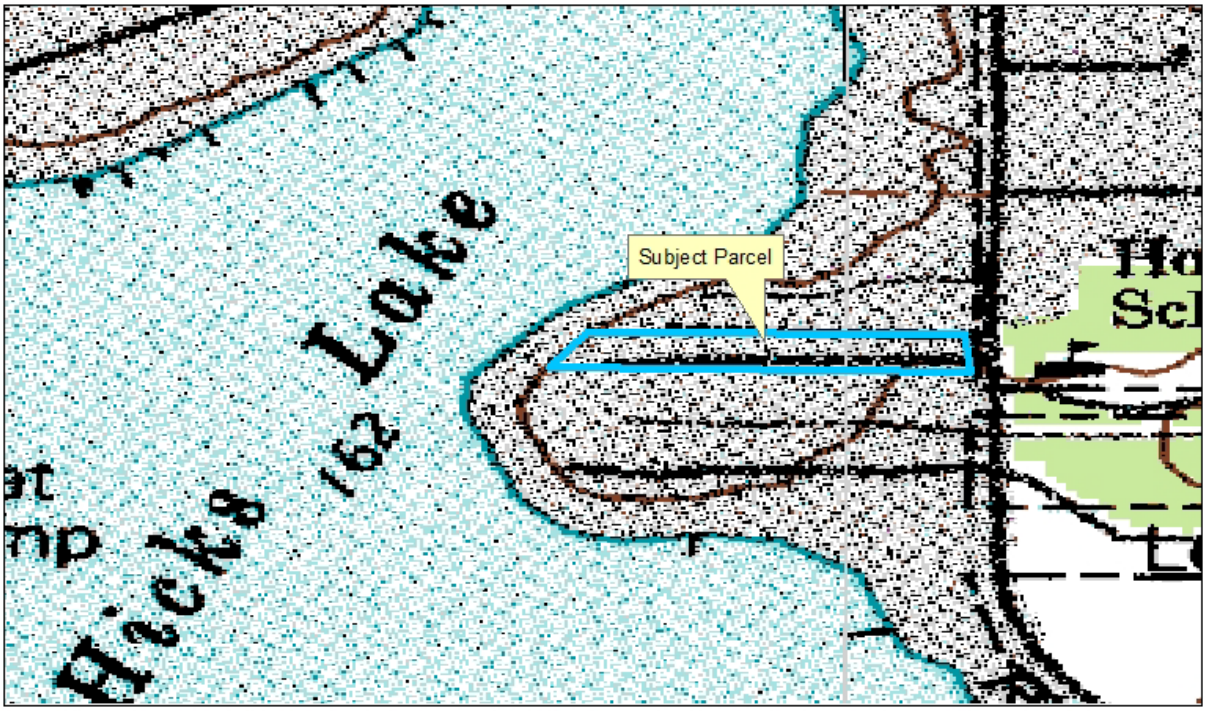
Thurston County Lake and Wetland Inventory



LSNW Land Services Northwest 120 State Avenue NE PMB 190 Olympia, WA 98501 360.481.4208	Appendix D Thurston County Geodata Wetland and Stream Inventory Shapefiles	0 125 250 500 Feet

APPENDIX E

USGS 7.5 MINUTE TOPOGRAPHIC MAP



Land Services Northwest 120 State Avenue NE PMB 190 Olympia, WA 98501 360.481.4208	Appendix E USGS Topo Map	0 295 590 1,180 Feet

APPENDIX F

WDFW
PRIORITY HABITATS AND SPECIES
SALMONSCAPE AND FORGE FISH MAPS

7/27/2021 PHS Report

Priority Habitats and Species on the Web

Buffer radius: 330 Feet

Report Date: 07/27/2021, Parcel ID: 11827124100

PHS Species/Habitats Overview:

Occurence Name	Federal Status	State Status	Generalized Location
Big brown bat	N/A	N/A	Yes
Little Brown Bat	N/A	N/A	Yes
Yuma myotis	N/A	N/A	Yes

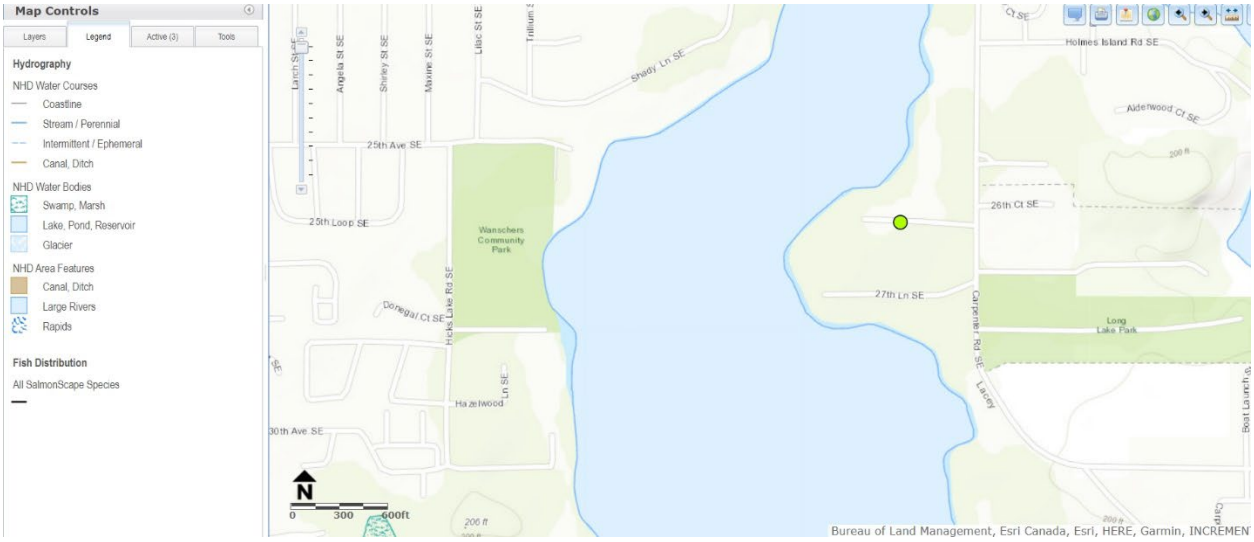
PHS Species/Habitats Details:

Big brown bat	
Scientific Name	*Eptesicus fuscus*
Notes	This polygon mask represents one or more records of the above species or habitat occurrence. Contact PHS Data Release (360-902-2543) for obtaining information about masked sensitive species and habitats.
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS Listed Occurrence
Sensitive	Y
SGCN	N
Display Resolution	TOWNSHIP
ManagementRecommendations	http://wdfw.wa.gov/publications/pub.php?id=00605

Little Brown Bat	
Scientific Name	*Myotis lucifugus*
Notes	This polygon mask represents one or more records of the above species or habitat occurrence. Contact PHS Data Release (360-902-2543) for obtaining information about masked sensitive species and habitats.
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS Listed Occurrence
Sensitive	Y
SGCN	N
Display Resolution	TOWNSHIP
ManagementRecommendations	http://wdfw.wa.gov/publications/pub.php?id=00605

1/2

Yuma myotis	
Scientific Name	*Myotis yumanensis*
Notes	This polygon mask represents one or more records of the above species or habitat occurrence. Contact PHS Data Release (360-902-2543) for obtaining information about masked sensitive species and habitats.
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS Listed Occurrence
Sensitive	Y
SGCN	N
Display Resolution	TOWNSHIP
ManagementRecommendations	http://wdfw.wa.gov/publications/pub.php?id=00605


Map Controls
Layers
Legend
Active (3)
Tools
Hydrography
NHD Water Courses
Coastline
Stream / Perennial
Intermittent / Ephemeral
Canal, Ditch
NHD Water Bodies
Swamp, Marsh
Lake, Pond, Reservoir
Glacier
NHD Area Features
Canal, Ditch
Large Rivers
Rapids
Fish Distribution
All SalmonScape Species
Larch St SE
Angela St SE
Shirley St SE
Maxine St SE
Lilac St SE
Trillium
Shady Ln SE
25th Ave SE
25th Loop SE
Wanschers Community Park
Hicks Lake Rd SE
Donegal Ct SE
Hazelwood
30th Ave SE
Holmes Island Rd SE
Aldenwood Ct SE
26th Ct SE
27th Ln SE
Carpenter Rd SE
Lacey
Long Lake Park
Boat Launch
N
0 300 600ft
Bureau of Land Management, Esri Canada, Esri, HERE, Garmin, INCREMEN

APPENDIX H

QUALITY GEO, PLLC GEOTECHNICAL REPORT

Exhibit 4 - b

QUALITY GEO
TRUSTED GEOTECHNICAL ENGINEERING & CONSULTING

1/19/2021

Ean Joyner
1420 Marvin Rd NE
Ste C, #103
Lacey, WA

Subject: **Joyner Slope Consultation**
2603 Carpenter Rd SE, Lacey, WA
QG Project No.: QG21-007

Dear Mr. Joyner:

At your request, Quality Geo, PLLC (QG) has completed a limited evaluation of the existing developed slope face on your property. We understand the general quality of the slope, surface, and waterside improvements is in question. Further information has been requested by the permitting authority to inform if it is acceptable for the site to remain in its current condition, and if there may be any additional improvements.

LITERATURE REVIEW

The Washington Geologic Information Portal (WGIP) maintained by the Department of Natural Resources Division of Geology and Earth Resources provides 1:24,000-scale geologic mapping of the region. The subject site is mapped as Quaternary Glacial Outwash Sands (Qgos), Described as: "Moderately well-sorted, moderately to well-rounded, fine- to medium-grained sand with minor silt; noncohesive and highly permeable; thickness inferred from wells reaches up to 100 ft; deposited in and around the margins of glacial lakes; surrounds numerous steep-walled lakes and depressions (kettles), evidence that this unit was largely deposited during deglaciation when there was stagnant ice occupying much of the southern Puget Lowland."

According to the regional-scale interactive map, **no deep-seated landslides are known to exist within the site or adjacent vicinity**. Available LiDAR imagery of the site did not reveal any obvious or prominent landslide features within the site or immediate vicinity.

SITE INVESTIGATION METHODOLOGY

On 1/4/2021, a QG senior geologist visited the site to perform visual reconnaissance of surface and topographic features. Salient slope features and existing vegetation were observed to assess general site and wall condition. This included looking for signs of recent or past erosion or subsurface instability. The slope area was observed and photographed from within the site. Direct observations of soils where exposed by localized surface erosion or outcropping, were used to classify stratigraphy and interpret site geology. Inferences from observations are described herein. A site map is included in Appendix A. Site photos are included in Appendix B.

SURFACE OBSERVATION

QG performed general site reconnaissance to observe and document any indications of localized surface degradation or slope instability. The site is a recently developed residential parcel with a large home adjacent to the subject slope crest. Portions of the upland have been resurfaced with concrete, and landscape stabilizations. The slope face is partly terraced, with a pathway down to the waterfront portion of the property. A concrete patio exists at the interface between the slope toe and the water, connected to the floating boat dock. The slope face is moderately vegetated with new plantings, some landscape and wall features, and occasional mature trees.

No indications of impending or historic deep-seated movement were observed along the slopes. Topography was generally consistent, lacking features such as: significantly oversteepened native slopes, apparent scarps, channelized runout zones, or hummocky zones. No obvious evidence of rotational or translational failures or toppling hazards was observed. No significant failure features were observed on adjacent slope areas visible from the subject property during the visit. No massive downslope accumulation, or tension cracks were observed. No significant areas of scouring from natural stormwater channelization were observed.

Areas of bare soil were identified across portions of the slope face. These appear related to mild stormwater erosion, and a lack of vegetation development. Where soils were exposed, they appeared to resemble a sand and closely resemble the mapped glacial outwash deposits. Many of the established trees appeared to grow with tilted or arched tree trunks.

DISCUSSION & RECOMMENDATIONS

The findings of QG's limited reconnaissance at the subject site do not indicate that any excessively prohibitive conditions exist for the current level of slope development. In consideration of the available information, and our direct observations, at this time **QG does not consider the site to be within an active landslide hazard area.** Erosional hazards related to soil creep and loose soils may be mitigated per the following development and site-specific recommendations.

Dockside Patio Considerations:

Considering the generally satisfactory condition of the concrete slab, and lack of evidence regarding any movement or degradation of the feature, QG does not expect that the patio will need to be removed. The patio generally serves to limit storm and wave interactions against the toe of the slope, and additionally offers protection by confining the toe soils, limiting their potential for erosion or destabilization. Overall, the patio is anticipated to improve slope conditions by reducing erosion and stabilizing the lower soil surfaces. As the patio is considered a minor structure with no dwelling unit, and its location being at the toe of a slope, no required slope setback is anticipated.

The satisfactory condition of the patio and adjacent slope toe suggest that it's removal may only serve to reduce the slopes existing erosion protections. Further, its removal would then necessitate some new form of toe stabilization. Any time that the toe remains exposed would then further destabilize the soils. While vegetation and rockery may offer a temporary reduction to erosive forces, an engineered structure, such as a patio or wall, is anticipated to offer a permanent solution which will further protect the property and increase its longevity.

Retaining Wall Considerations:

Based on our observations of native soil and slope conditions, further erosion can be expected over time. QG understands the client desires to utilize retaining walls in some locations. In our opinion, properly engineered and constructed walls (by others) are anticipated to offer significant additional stabilization to the slope and will help limit erosive forces if appropriately developed. The following recommendations pertain to the design (by others) of laterally loaded wall structures founded on compacted existing (or fill) soils as specified by the engineer. These recommendations are not applicable to: exceedingly sloping backfills, backfills composed of non-granular soil materials, braced or tied-back walls, or for walls greater than 10 feet in height.

- **Excavations:**

  New and existing walls shall their base embedded or "keyed in" a minimum of 6 inches, but not less that the depth specified by the engineer and the plans/specifications.

  The duration of time that excavations behind walls remain open should be limited to only as necessary to prepare the base pad and placement of the wall features, backfilling with drain rock and approved fill immediately. Temporary worker protections such as trench boxes or temporary shoring may be required for entering excavations deeper than 4 feet, and all OSHA safety regulations should be observed. Extended open cut periods or work proceeding in wet weather may require surface coverings, lesser cut angles, and/or temporary bracing be applied.

Wall Drainage:

QG recommends the designer account for the potential effects of hydrostatic pressure, and head pressure/uplift on any new wall features. To preclude build-up of hydrostatic pressure, we recommend a minimum width of 1 foot of clean, granular, free-draining material extend from the footing drain at the base of the wall to the ground surface immediately behind the wall. Native soils are not considered suitable as drainage material. Imported wall drain aggregate should conform to WSDOT Standard Specification 9-03.12(4) Gravel Backfill for Drains or 9-03.12(5) Gravel Backfill for Drywells. A filter fabric suitable for use in soil separation and water transmission is recommended to be placed against retained soil cuts behind the wall (if present) to limit migration of fines into the drain corridor. Final parameters shall be determined by the wall designer.

Drainage Controls:

QG recommends proper drainage controls for stormwater runoff during and after site development to protect the site. The ground surface adjacent to structures should be sloped to drain away at a 5% minimum to prevent ponding of water adjacent to them.

QG recommends all roof, wall, and footing water sources (new or existing) be tightlined (piped) away from the upland site to an existing catch basin, stormwater system, established channel, or down the slope to be released beyond the base using appropriate energy-dissipating features at the outfall to minimize point erosion. Roof and footing drains should be tightlined separately or should be gathered in an appropriately sized catch basin structure and redistributed collectively. If storm drains are incorporated for impervious flatworks (driveways, patios, etc.), collected waters should also be discharged according to these recommendations. All drainage tightlines should be composed of appropriately sturdy material (such as rigid PVC), sized adequately according to anticipated flow, and anchored sufficiently. QG recommends slope tightlines be inspected by the owner periodically to look for signs of damage or displacement requiring repair.

With county/city approval, an outfall at the lake may be considered for reasonable quantities of stormwater, so long as appropriate energy reducing features are established at the outfall, such as fabric and quarry spalls, or other approved methods, to prevent erosion.

Vegetation Improvements:

Across the site, some mature trees were noted to be tilted beyond 10 degrees, likely due to shallow soil creep, which is a common condition for slopes composed of granular soils where weathered soil slowly creep downslope inches over years, allowing trees to tilt over time. The added soil

pressure from the leaning weight of the tree is expected lead to further erosion and minor block topples over time. Any trees showing the potential to fall should be considered for removal, if possible. Where revegetation is not possible, stumps should be left in the ground to offer some stabilization of shallow surface soils. QG ultimately recommends the client consult the local code and permit requirements when determining which trees may be removed.

Following construction and for long-term site use, maintaining existing downslope vegetation and installing additional beneficial deep rooting ground plantings within the vicinity of the improvements and over the slopes is encouraged assuming installation is done in a manner that minimizes slope face disturbance and erosional hazard in the long term. Adding vegetation will increase the erosional and hydrologic resistance of the slope and assist in retaining cover soils. Further information and recommendations for erosion control including typical beneficial native plantings for sloping areas are provided herein.

Erosion Controls:

Erosion is one of the most common driving forces leading to slope instability. In addition to the above commentary, the following general recommendations should be implemented in general to reduce long-term erosion potential of the slope below the project site and maintain slope stability:

- Stability of exposed and newly graded slope faces are to be improved by planting and maintaining deep rooting vegetation coverage. Installing beneficial ground plantings is encouraged. Alternatives to vegetation may include erosion control measures such as a staked geotextile fabric and 6 to 8-inch rockery (quarry spall or rip rap) cover. This may be considered suitable for slopes at or greater than 3H:1V, but no steeper than 1H:1V. It may be preferable to incorporate rolled erosion control products (RECPs) on an as needed basis during replanting activities to increase the likelihood of successful vegetation or replace areas not receptive to vegetation.
- Adding vegetation will encourage rooting stabilization and in turn increase the erosional and hydrologic resistance of the slope. The slope inclination calls for careful plant selection, planning, and execution, to best achieve establishment and long-term surface stability.
- Minimize the volume and velocity of water that travels toward and down the slope face (via proper choice of site development features including stormwater controls discussed above).
- Avoid accelerating slope erosion and mass wasting due to human activity such as:
  - ✓ Adding side-cast such as dumping landscape debris or fallen trees on or above the slopes.
  - ✓ Using heavy construction equipment on or near steep slopes.
  - ✓ Excavating near adjacent steep slopes toe or on slope face.
  - ✓ Placing excavated soil near the steep slope crest.

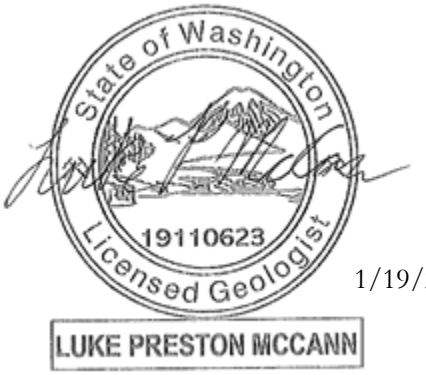
- Prior to construction, a silt fence and/or a continuous line of straw bales should be placed on the slopeward edge of the construction area. Heavy construction equipment, construction materials, or native and imported soils should not be placed behind the erosion control devices. Suitable temporary erosion and sediment control measures should be implemented at the construction site during and immediately after ground disturbance occurs. Temporary areas bare of vegetation should be protected from erosion via a blanket of straw or rolled erosion control product (RECP) during prolonged breaks in site work and prior to reseeding or revegetation.
- At the end of the project, all bare surfaces and areas of disturbed vegetation should be replanted and maintained until fully reestablished. Concentrated surface water should not be allowed to traverse the slope during or after the construction phase of the project. Roof downspouts and footing drains should be routed into closed separate pipes which outfall into appropriate drainages. Outlets for these pipes should be protected from erosion through the use of rip-rap (quarry spalls) or some other energy dissipating device. Similarly, concentrated drainages should be captured in closed pipe systems and routed down slope to appropriate outfalls.
- Clearing of existing vegetation outside the proposed building area on and adjacent to the existing slopes should be avoided except as approved by a qualified professional. This provides additional stability to the loose topsoil and minimizes the effects of down-slope water movement. This is excepting removal of problem, dead, or dying, trees if posing a direct hazard to site installations or adjacent roadways.
- Grading or excavation of soils during construction should be accompanied by grass reseeding and re-vegetation as the project is completed.

CLOSING REMARKS

We trust this letter satisfies your project needs currently and greatly thank you for the opportunity to be of service. QG wishes you the best while completing the project.

Respectfully Submitted,

Quality Geo, PLLC



1/19/2021

Luke Preston McCann, L.G.
Principal Geologist

LIMITATIONS

Upon acceptance and use of this report, and its interpretations and recommendations, the user shall agree to indemnify and hold harmless QG, including its owners, employees and subcontractors, from any adverse effects resulting from development and occupation of the subject site. Ultimately, it is the owner's choice to develop and live in such an area of possible geohazards (which exist in perpetuity across the earth in one form or another), and therefore the future consequences, both anticipated and unknown, are solely the responsibility of the owner. By using this report for development of the subject property, the owner must accept and understand that it is not possible to fully anticipate all inherent risks of development. The recommendations provided above are intended to reduce (but may not eliminate) such risks.

This report does not represent a construction specification or plan and shall not be used or referenced as such. The information included in this report should be considered supplemental to the requirements contained in the project plans & specifications and should be read in conjunction with the above referenced information. The selected recommendations presented in this report are intended to inform only the specific corresponding subjects. All other requirements of the above-mentioned items remain valid, unless otherwise specified.

Recommendations contained in this report are based on our understanding of the proposed development and construction activities, field observations and explorations, and laboratory test results. It is possible that soil and groundwater conditions could vary and differ between or beyond the points explored. If soil or groundwater conditions are encountered during construction that differ from those described herein, or If the scope of the proposed construction changes from that described in this report, QG should be notified immediately in order to review and provide supplemental recommendations.

The findings of this study are limited by the level of scope applied. We have prepared this report in substantial accordance with the generally accepted geotechnical engineering practice as it exists in the subject region. No warranty, expressed or implied, is made. The recommendations provided in this report assume that an adequate program of tests and observations will be conducted by a WABO approved special inspection firm during the construction phase in order to evaluate compliance with our recommendations.

This report may be used only by the Client and their design consultants and only for the purposes stated within a reasonable time from its issuance, but in no event later than 18 months from the date of the report. It is the Client's responsibility to ensure that the Designer, Contractor, Subcontractors, etc. are made aware of this report in its entirety. Note that if another firm assumes Geotechnical Engineer of Record responsibilities, they need to review this report and either concur with the findings, conclusions, and recommendations or provide alternate findings, conclusions and recommendation.

Land or facility use, on- and off-site conditions, regulations, or other factors may change over time, and additional work may be required. Based on the intended use of the report, QG may recommend that additional work be performed and that an updated report be issued. Non-compliance with any of these requirements by the Client or anyone else will release QG from any liability resulting from the use of this report. The Client, the design consultants, and any unauthorized party, agree to defend, indemnify, and hold harmless QG from any claim or liability associated with such unauthorized use or non-compliance. We recommend that QG be given the opportunity to review the final project plans and specifications to evaluate if our recommendations have been properly interpreted. We assume no responsibility for misinterpretation of our recommendations.

Appendix A. Site Map

0 60
SCALE (FEET)

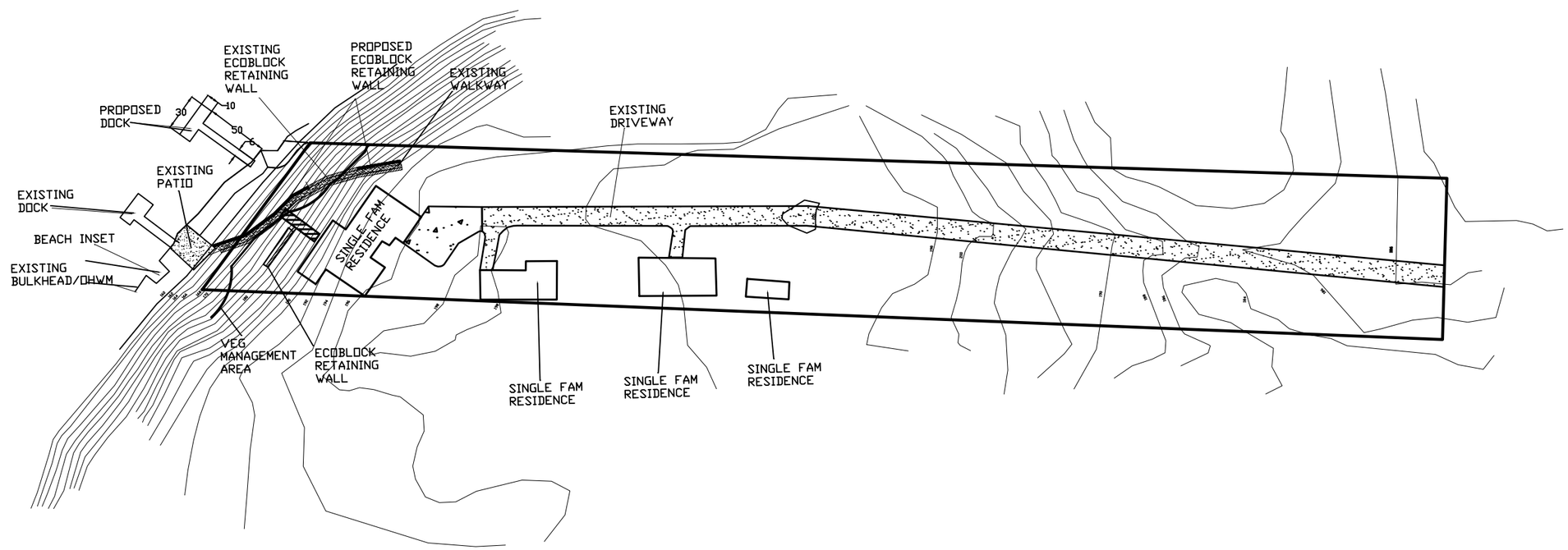
Quality Geo, PLLC	Site Map Joyner Consult	Source: Google Imagery Scale & Locations are approx. Not for Construction	Figure 1

Appendix B. Site Photos

Photo 1. Typical slope profile conditions.

Photo 2. Slope toe conditions.

Exhibit 4 - c



LAND SERVICES NORTHWEST
120 STATE AVE NE #190
OLYMPIA, WA 98501
360-481-4208

FIGURE 5
SITE PLAN
PARCEL#11827124100
(NOT A SURVEY)

Scale: 1" = 100'

ORDINARY HIGH WATER MARK
SINGLE-FAMILY RESIDENCE
RETAINING BLOCKS (INSTALLED)
VEGETATION MANAGEMENT AREA
STAIRS(EXISTING)
RETAINING BLOCKS (PROPOSED)

Exhibit 5 - a

NOTICE OF APPLICATION

The City of Lacey Department of Community & Economic Development has received the following application for a Shoreline Substantial Development Permit.

Date Application Received:	December 6, 2019 and March 13, 2020
Project Name:	Joyner Shoreline Violation/Substantial Development Permit
Project Description:	A retroactive permit to review unpermitted construction activities within the shoreline jurisdiction including bulkhead repair, installation of a concrete patio, vegetation removal and proposed installation of ecology block wall.
Project Location:	2603 Carpenter Rd SE, Lacey, Washington. Assessor's parcel 11827124100

The following studies and/or reports are required as a part of this application:
Shoreline/critical areas report and mitigation plan

This Application will undergo the following approval process:
Other Permits/Approvals[1]
Required: grading permit

No preliminary determination of consistency with City plans or standards has been made. At minimum, this project will be subject to the following regulations:
Title 14 Buildings and Construction, Title 16 Zoning, Title 17 Shoreline Master Program, International Building and Fire Codes, City of Lacey Stormwater Design Manual, as well as the Development Guidelines and Public Works Standards.

On March 23, 2020 this application was deemed complete pursuant to RCW 36.70B.070. This determination of completeness means that the application is sufficient for continued review. This determination does not preclude the City of Lacey or other reviewing agencies from requesting additional information or studies either at the time of this notice or subsequently, if new information is required or if substantial changes in the proposal occur.

Anyone may review any document submitted as part of this project application and may comment on this proposal. No action will be taken on this application for 14 days from the date of this notice or before **April 7, 2020.**

If you would like to make written comments, these may be directed to Samra Seymour, Senior Planner in the Department of Community & Economic Development at 420 College St. SE, Lacey, WA 98503 or in person at 420 College Street SE. If a public hearing is required as part of the application review process, any member of the public may request to be notified, and may give written or oral comment on the proposal to the Hearings Examiner, and may request a copy of any decisions made on the project. A request for advance notification should be made to the Department of Community & Economic Development.

[1] This application and related studies are available for review at the Department of Community & Economic Development, Lacey City Hall, 420 College Street SE, Lacey, Washington. For more information please contact the Community Development Department at 360-491-5642 during normal business hours, typically between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

Exhibit 5 - b

NOTICE OF PUBLIC HEARING

This is to notify you that the City of Lacey Hearings Examiner will conduct a public hearing on October 18, 2022 at 10:00am via Zoom video conference at the following address: https://us02web.zoom.us/webinar/register/WN__A1ASijiQcmpSZGqHxYLXA. Interested parties may also attend in-person at Lacey City Hall, 420 College Street SE, in the Council Chambers. The Hearings Examiner will be considering the following item(s):

> Project# 19-309: Ean Joyner and Michelle Gusta are proposing installation of a second dock, restoration of the shoreline vegetation management area, repair and replacement of the existing bulkhead, installation of gravel adjacent to the bulkhead, as well as grading and resurfacing of an existing pathway within the shoreline setback. The proposal also includes a request to retain an unpermitted 670 square foot cement patio and retaining wall.
>
> The proposal is located at 2603 Carpenter Rd SE, Assessor's parcel 11827124100. It is located in a protion of Section 27, Township 18N, Range 1W, W.M., Lacey, Thurston County, Washington.

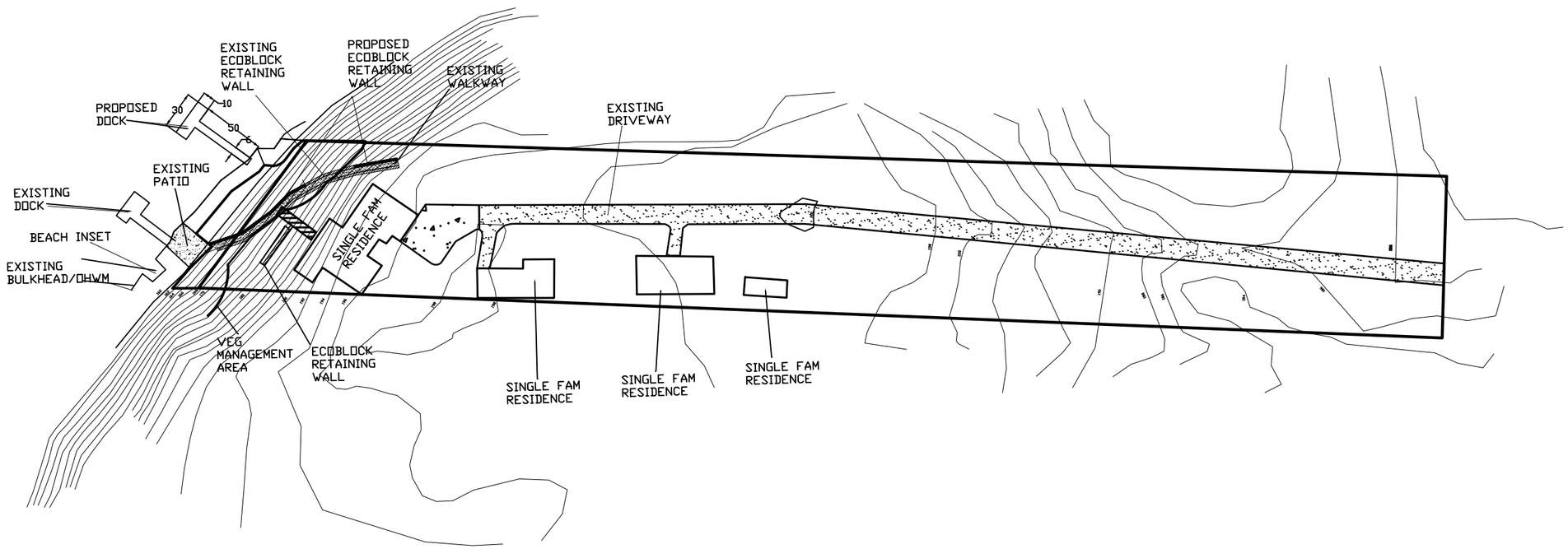
If you want to state your opinion of this project, please attend the public hearing. Be prepared to speak briefly to the Hearings Examiner. What you say will then become part of the public record. If you cannot come to the public hearing but wish to comment, please write a letter to: Hearings Examiner, 420 College St. SE, Lacey, WA 98503 OR send an email to sseymour@ci.lacey.wa.us. Your letter will become part of the public record if we receive it **before the hearing.**

Information on this project, including a study of possible environmental impacts, is available at City Hall. Or, you may phone the Community Development Department at (360) 491-5642.

If you need special accommodations to participate in this meeting, please call us at (360) 491-5642 by 10:00 a.m. the business day before the hearing.

LACEY COMMUNITY DEVELOPMENT DEPARTMENT
Samra Seymour, Senior Planner
420 College St. SE
Lacey, WA 98503

DID YOUR NEIGHBORS RECEIVE THIS NOTICE?
PLEASE SHARE IT WITH THEM!



LAND SERVICES NORTHWEST
120 STATE AVE NE #190
OLYMPIA, WA 98501
360-481-4208

FIGURE 5
SITE PLAN
PARCEL#11827124100
(NOT A SURVEY)

Scale: 1" = 100'

ORDINARY HIGH WATER MARK
VEGETATION MANAGEMENT AREA
SINGLE-FAMILY RESIDENCE
RETAINING BLOCKS (INSTALLED)
RETAINING BLOCKS (PROPOSED)

Exhibit 5 - c

CERTIFICATION OF PUBLIC NOTICE

I, Samra Seymour, for the City of Lacey hereby certify that public notice for the Project# 19-309 was given as follows:

APPLICATION

Notice of Application Published:	March 26, 2020
Notice of Application Posted:	March 26, 2020
Posting Locations:	parcel frontage on Carpenter Rd SE
Environmental Determination Published:	September 25, 2022

HEARING

Notice of Public Hearing Published:	September 20, 2022
Notice of Public Hearing Posted:	September 19, 2022
Posting Locations:	parcel frontage on Carpenter Rd SE
Notice of Public Hearing Mailed to Mailing List:	September 16, 2022

The above is an accurate accounting of the public notice provided for the project.

Samra Seymour

October 6, 2022
Date

STATE OF WASHINGTON)
) ss.
County of Thurston)

This is to certify that on October 6, 22 before the undersigned Notary Public, personally appeared Samra Seymour Planner for the City of Lacey.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Jennifer Lee-Anne Schaefer
Notary Public
State of Washington
My Appointment Expires 03/19/2025
Commission Number 143156

Notary Public in and for the State of Washington, residing at: Grays Harbor, WA

My Commission Expires: 3/19/2025

Exhibit 6

Shaping our community together

CITY OF LACEY

DETERMINATION OF NONSIGNIFICANCE

SEPA/Case Number: 19-309

Description of Proposal: Proposal for installation of a second dock, restoration of the shoreline vegetation management area, repair and replacement of the existing bulkhead, installation of gravel adjacent to the bulkhead, as well as grading and resurfacing of an existing pathway within the shoreline setback. The proposal also includes a request to retain an unpermitted 670 square foot cement patio and retaining wall.

Proponent: Michelle Gusta and Ean Joyner

Location of Proposal: The proposal is located at 2603 Carpenter Rd SE, Assessor's parcel 11827124100. It is located in a portion of Section 27, Township 18N, Range 1W, W.M., Lacey, Thurston County, Washington.

Lead Agency: City of Lacey Community Development Department

Threshold Determination: As provided by RCW 43.21C.240 and WAC 197-11-158, the lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the applicable development regulations and comprehensive plan adopted under Chapter 36.70A RCW and in other local, state, or federal laws or rules. Therefore, this proposal is not likely to have a significant adverse impact upon the environment, an Environmental Impact Statement is not required under RCW 43.21C.030(2)(C), and the City of Lacey will not require additional mitigation measures under SEPA. This decision was made after review of an Environmental Checklist and other information on file with the City. This information is available to the public upon request.

____ There is no comment period for this DNS.

_X__ This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days. Comments must be submitted by October 5, 2022

____ The comment period, pursuant to WAC 197-11-355, was combined with the Notice of Application comment period, using the Optional DNS Process. The comment period closed on [Click **here** and type date].

Assigned Staff Person: Samra Seymour, Senior Planner

Responsible Official: Rick Walk, AICP, Director of Community & Economic Development

Address: 420 College Street SE, Lacey, WA 98503

Phone: (360) 491-5642 **Fax:** (360) 438-2669

Date: September 21, 2022 **Signature:**

Appeal Deadline: 5:00 p.m. on October 5, 2022

NOTE: Pursuant to RCW 43.21.C.075 and Lacey City Code 14.24.170(A), a project denial based upon environmental information, and a conditioned or mitigated Determination of Nonsignificance (DNS) may be appealed by any agency or aggrieved person. Appeals are filed ether with the Community Development Department when there is also an underlying governmental action or with the City Council if there is no underlying governmental action. Appeals to the City Council must be filed within fourteen (14) days of the issuance of the written decision (refer to the Lacey City Code for time periods on appeals filed with the Community Development Department).
cc: Department of Ecology

Exhibit 7

From: Rothwell, Rebecca (ECY)
To: Samra Seymour
Subject: RE: City of Lacey: 2603 Carpenter Rd Shoreline SDP - Site Visit
Date: Friday, April 01, 2022 9:31:38 AM

Caution: This is an external email. Please take care when clicking links or opening attachments. When in doubt, contact the IS Department

Hi Samra,

I have reviewed the report and have the following comments:

Gravel

Application of gravel is not an accepted method for controlling knotweed. Gravel fill in shoreline jurisdiction meets the definition of development. The gravel is within the 50-foot shoreline setback and was not authorized. In order to retain the gravel, the applicants would need a shoreline variance. It is unlikely Ecology could grant a variance for the gravel, as it would not meet the variance criteria in WAC 173-27-170. The gravel needs to be removed from the shoreline setback.

Patio

The concrete patio is also within the 50-foot shoreline setback and was not authorized. In order to retain the patio, the applicants would need a shoreline variance. It is unlikely Ecology could grant a variance for the patio, as it would not meet the variance criteria in WAC 173-27-170. The patio needs to be removed from the shoreline setback.

Bulkhead

It appears from looking at the adjacent property to the south that the unauthorized bulkhead may extend waterward of the ordinary high water mark (see photo 0076, attached, which shows the south end of the subject property and the north end of the property to the south). In order to be eligible for the SDP exemption for maintenance and repair (WAC 173-27-040(2)(b)), the bulkhead would have to meet the precise terms of the exemption, as exemptions are required to be construed narrowly:

(b) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or

environment;

-

Because we don't know exactly where the previous bulkhead was or whether it actually needed to be replaced, it is difficult to evaluate this. I recommend that the bulkhead be left in place, as moving it would cause undue disruption to the lake and shoreline that would not offset any potential benefit. However, because the SMP states at 17.45.010.3 that "Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures," the determination of how to address after-the-fact permitting needs to take this into consideration.

Proposed second dock

This parcel already has a dock. It appears that the property has one or more accessory dwelling units in addition to the single-family residence. LMC 17.25.010.5 states that "New residential development of two or more dwellings must provide joint use or community dock facilities, when feasible, rather than allow individual docks for each residence."

Restoration

The 50-foot shoreline setback has been developed with gravel and concrete without permits. Once these developments have been removed, the setback area needs to be restored. The applicants will need to submit a restoration plan that is consistent with Article 4 of the SMP.

Please let me know if you have any questions or would like to discuss this in more detail.

Rebecca Rothwell, Shoreline Planner
WA Department of Ecology | cell: 360-810-0025

From: Samra Seymour <Sseymour@ci.lacey.wa.us>
Sent: Thursday, March 10, 2022 4:54 PM
To: Rothwell, Rebecca (ECY) <rebs461@ECY.WA.GOV>
Subject: RE: City of Lacey: 2603 Carpenter Rd Shoreline SDP - Site Visit

Hi Rebecca - We received the revised information for the Joyner property. I would appreciate any and all comments you have. I have not yet had the opportunity to review the materials myself, but hopefully we can set up a call/zoom to discuss in a few weeks.

Let me know if you have any questions, thank you.

Samra Seymour AICP | Senior Planner
(she/her)

City of Lacey
360.491.5642 department
360.413.3541 direct

From: Rothwell, Rebecca (ECY) <rebs461@ECY.WA.GOV>
Sent: Friday, May 29, 2020 9:47 AM
To: Samra Seymour <Sseymour@ci.lacey.wa.us>
Subject: RE: City of Lacey: 2603 Carpenter Rd Shoreline SDP - Site Visit

We can look at the adjacent parcels to help with the determination. We can't use an unauthorized bulkhead to establish the OHWM. I would like to mark the 50-foot setback at the site so that the property owners are very clear about where it is. I'm looking forward to meeting you next week.

Rebecca Rothwell

Wetlands and Shorelands Technical and Regulatory Lead
WA Department of Ecology | Southwest Regional Office | 360-407-7273
300 Desmond Drive SE, Lacey, WA 98503 | PO Box 47775 Olympia, WA 98504-7775

From: Samra Seymour <Sseymour@ci.lacey.wa.us>
Sent: Friday, May 29, 2020 9:40 AM
To: Rothwell, Rebecca (ECY) <rebs461@ECY.WA.GOV>
Subject: RE: City of Lacey: 2603 Carpenter Rd Shoreline SDP - Site Visit

Well, they have a bulkhead type structure – which is actually part of the violation – so the natural OHWM is no longer there I would assume. I do think that establishing where the 50-foot shoreline setback/buffer should be located would be helpful.

I will send out a meeting invite shortly. Thanks!

Samra Seymour AICP | Senior Planner
City of Lacey
360.491.5642 department
360.413.3541 direct

From: Rothwell, Rebecca (ECY) <rebs461@ECY.WA.GOV>
Sent: Friday, May 29, 2020 9:28 AM
To: Samra Seymour <Sseymour@ci.lacey.wa.us>
Subject: RE: City of Lacey: 2603 Carpenter Rd Shoreline SDP - Site Visit

That will work. Do we need to do an ordinary high water mark determination?

From: Samra Seymour <Sseymour@ci.lacey.wa.us>
Sent: Friday, May 29, 2020 9:15 AM
To: Rothwell, Rebecca (ECY) <rebs461@ECY.WA.GOV>
Subject: RE: City of Lacey: 2603 Carpenter Rd Shoreline SDP - Site Visit

How about 10am on-site? I may ask our erosion control specialist to attend as well. He has had lots on interaction with the applicant and can provide some consistency to the conversation.

Also, I am attaching a revised site plan that the applicant sent earlier this week proposing an additional patio off the back of the house.

Samra Seymour AICP | Senior Planner
City of Lacey
360.491.5642 department
360.413.3541 direct

From: Rothwell, Rebecca (ECY) <rebs461@ECY.WA.GOV>
Sent: Friday, May 29, 2020 9:10 AM
To: Samra Seymour <Sseymour@ci.lacey.wa.us>
Subject: RE: City of Lacey: 2603 Carpenter Rd Shoreline SDP - Site Visit

Yes, that will work. What time should we meet?

Rebecca Rothwell

Wetlands and Shorelands Technical and Regulatory Lead
WA Department of Ecology | Southwest Regional Office | 360-407-7273
300 Desmond Drive SE, Lacey, WA 98503 | PO Box 47775 Olympia, WA 98504-7775

From: Samra Seymour <Sseymour@ci.lacey.wa.us>
Sent: Friday, May 29, 2020 9:07 AM
To: Rothwell, Rebecca (ECY) <rebs461@ECY.WA.GOV>

Subject: RE: City of Lacey: 2603 Carpenter Rd Shoreline SDP - Site Visit

Hi Rebecca,

I heard back from the applicant this morning. Would you be available next Thursday morning for a site visit?

Samra Seymour AICP | Senior Planner
City of Lacey
360.491.5642 department
360.413.3541 direct

From: Rothwell, Rebecca (ECY) <rebs461@ECY.WA.GOV>
Sent: Thursday, May 28, 2020 9:02 AM
To: Samra Seymour <Sseymour@ci.lacey.wa.us>
Subject: RE: City of Lacey: 2603 Carpenter Rd Shoreline SDP - Site Visit

Hi Samra,

I was just cleared for site visits too! Should we set something up for next week? Wed, Thurs, or Fri would be best for me.

Rebecca Rothwell

Wetlands and Shorelands Technical and Regulatory Lead
WA Department of Ecology | Southwest Regional Office | 360-407-7273
300 Desmond Drive SE, Lacey, WA 98503 | PO Box 47775 Olympia, WA 98504-7775

From: Samra Seymour <Sseymour@ci.lacey.wa.us>
Sent: Thursday, May 28, 2020 8:58 AM
To: Rothwell, Rebecca (ECY) <rebs461@ECY.WA.GOV>
Subject: City of Lacey: 2603 Carpenter Rd Shoreline SDP - Site Visit

Good morning Rebecca,

I hope you're doing well. I wanted to check in with you on your ability to schedule a site visit. I'm anxious to get out to the site and get the applicant reigned in a bit. Our erosion control specialist just received an email from the applicant yesterday with a revised site plan showing an additional patio that they have planned off the back door of the main house…and wanted to start pouring now that they "are able to work again". Yikes. I know Thurston County is now in Phase 2, but I wasn't sure if Ecology's administrative guidelines were allowing for site visits just yet. I am still working from home, but we have been cleared to schedule site visits.

I appreciate all the help you have provided thus far and look forward to hearing from you – thanks!

Samra Seymour AICP | Senior Planner
City of Lacey
420 College St SE
Lacey, WA 98503
www.ci.lacey.wa.us www.locationlocationlacey.com

360.491.5642 department
360.413.3541 direct

Exhibit 7 - a

IMG_0072.JPG

Exhibit 7 - b

IMG_0073.JPG

Exhibit 7 - c

IMG_0074.JPG

Exhibit 7 - d

IMG_0075.JPG

Exhibit 7 - e

IMG_0076.JPG

Exhibit 7 - f

IMG_0077.JPG

Exhibit 8

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Southwest Region Office
PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

October 5, 2022

Samra Seymour, Senior Planner
City of Lacey
Department of Community and Economic Development
420 College Street SE
Lacey, WA 98503

Dear Samra Seymour

Thank you for the opportunity to comment on the determination of nonsignificance for the Joyner Shoreline Violation Project (19-309) located at 2603 Carpenter Road Southeast as proposed by Ean Joyner. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

SHORELANDS & ENVIRONMENTAL ASSISTANCE: Lizzie Carp, (564) 200-4184

The answer to A.10 in the SEPA checklist states that an exemption would be required for installation of gravel (which is already in place). Gravel fill is development and is not allowed within the shoreline setback without a variance, even if it meets the criteria for an SDP exemption. The gravel fill in the setback will not meet variance criteria and is required to be removed. Gravel fill will also require a CUP.

The answer to A.10 also states that a CUP would be required to retain the cement patio. It is unclear whether a CUP would actually be required, but a shoreline variance is required. The patio does not meet the variance criteria in WAC 173-27-170 and is required to be removed. Ecology has already informed the applicant of this.

The project description in A.11 does not include all of the elements listed in the answer to A.10. This should be corrected. It also describes the structures the applicants wish to retain as "water enjoyment" structures. Water enjoyment is defined in WAC 173-26-020(42) as follows:

"Water-enjoyment use" means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

This proposal does not include water enjoyment structures or uses per the WAC definition.

LMC 17.25.010.5 states that "New residential development of two or more dwellings must provide joint use or community dock facilities, when feasible, rather than allow individual docks for each residence." The property already has a dock, which can feasibly be shared by all residents on this parcel.

Once the unauthorized development is removed, the applicants need to submit a restoration plan consistent with Article 4 of the SMP. Ecology has commented to the applicants and the city in the past (see Rebecca Rothwell's email of June 11, 2020) that "…several established trees within shoreline jurisdiction to the north and east of the new house that were removed. The loss of these trees will need to be compensated." Compensation for lost trees and planting the area where the gravel will be removed with native shrubs need to be addressed in the restoration plan.

SOLID WASTE MANAGEMENT: Derek Rockett (360) 407-6287

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.

WATER QUALITY/WATERSHED RESOURCES UNIT:
Evan Wood (360) 706-4599

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 water or stormdrains 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.

<u>Construction Stormwater General Permit</u>:
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 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.
   a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, **and** discharge to surface waters of the State; and
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 Carol Serdar at Carol.Serdar@ecy.wa.gov, or by phone at (360) 742-9751.

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 operators 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.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology
Southwest Regional Office

(GMP:202204775)

cc: Lizzie Carp, SEA
Derek Rockett, SWM
Evan Wood, WQ

Exhibit 9