

THURSTON COUNTY
 WASHINGTON
 SINCE 1852

COUNTY COMMISSIONERS

Cathy Wolfe
 District One
 Sandra Romero
 District Two
 Karen Valenzuela
 District Three

HEARING EXAMINER

Creating Solutions for Our Future

**BEFORE THE HEARING EXAMINER
 FOR THURSTON COUNTY**

In the Matter of the Application of)	File No. 2008101377
)	
)	
Grand Mound Properties, LLC)	Shaffer Plat
)	
)	
for Preliminary Plat Approval)	FINDINGS, CONCLUSIONS, AND DECISION

SUMMARY OF DECISION

The request for approval of a preliminary plat subdividing four acres into five commercial lots and two tracts reserved for habitat preservation at 19245 Guava Street SW, Olympia in unincorporated Thurston County, Washington is **APPROVED**, subject to conditions.

SUMMARY OF RECORD

Request

Robert Patrick, on behalf of Grand Mound Properties, LLC (Applicant) requested approval of a preliminary plat subdividing four acres into five commercial lots and two tracts reserved for habitat preservation at 19245 Guava Street SW, Olympia.

Hearing Date:

The Thurston County Hearing Examiner *pro tem* held an open record hearing on the application on July 6, 2010.

Testimony:

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

- Gayle Zeller, Associate Planner, Development Services Department
- Arthur Saint, Public Works Department
- John Ward, Environmental Health Department
- Robert Patrick, Applicant Representative
- Chris Cramer, Applicant Representative

Attachment q Traffic Impact Analysis prepared by Heath & Associates, dated December 9, 2009

Attachment r Photographs of site (Numbered 1 through 7)

EXHIBIT 2 Photos of Public Hearing Notice Posting

EXHIBIT 3 Drainage Report, prepared June 2008, revised 2010

Upon consideration of the testimony and exhibits submitted at the open record hearing, the Hearing Examiner *pro tem* enters the following findings and conclusions:

FINDINGS

1. The Applicant requested approval of a preliminary plat subdividing four acres into five commercial lots and two tracts reserved for habitat preservation at 19245 Guava Street SW, Olympia.¹ The site is within the Grand Mound urban growth area (UGA). *Exhibit 1, pages 1-2; Exhibit 1, Attachment f.*
2. The subject property is developed with one single-family residence, outbuildings, and a gravel access road, which would be removed. The overall parcel is generally flat, with slopes ranging from zero to three percent to the north. It is vegetated with grass and sparse trees. There are no surface waters or hydric soils found on or around the site, and the property is not located within an aquifer sensitive area, a wellhead protection area, or a 100-year floodplain. *Exhibit 1, page 2; Exhibit 1, Attachments d, f, and r photos 4 and 5; Exhibit 3.*
3. The subject property is zoned Planned Industrial Park (PI). *Exhibit 1, Attachment c.* The purpose of the PI district is to: provide for industrial development under controls to protect the nearby uses of land: stabilize property values primarily in those areas not suitable for the light industrial zoning designation; and encourage planning of industrial sites within a park-like environment. The district is characterized as being on or near a major arterial highway or other transportation facilities, and close to developing cities, community centers, or relatively intense residential development. Controls to provide freedom from nuisance-creating features such as noise, dirt, odor, vibration, air and water pollution, are established together with adequate traffic circulation, open space and landscaping requirements, to establish compatibility with surrounding residential, commercial or other development and offer protection from industrial blight. *Thurston County Code (TCC) 20.27.010.*
4. Storage and warehousing facilities are a permitted use in the PI district, together with many other light industrial, commercial, retail, and service uses. *TCC 20.27.020(4)(c).*

¹ The legal description of the subject property is a portion of the southwest quarter of the southwest quarter of Section 1, Township 15 North, Range 3 West, W.M.; also known as Tax Parcel No. 31420500100. *Exhibit 1, page 1; Exhibit 1, Attachment f, S.*

10. The Applicant submitted a professionally prepared Level 1 Traffic Impact Analysis (TIA) which included the warehouse facility presently proposed for development in Lot 1. The Applicant's traffic consultants determined that the proposed project would be a moderate traffic generator, with approximately 21 AM peak hour trips and 23 PM peak hour trips anticipated. Considering existing road conditions and existing levels of traffic, the traffic consultants stated that the proposal would not be expected to have any significant impact on local traffic conditions. *Exhibit 1, Attachment q.*
11. There is presently no transit service near the subject property. *Exhibit 1, Attachment q.*
12. Thurston County Public Works Development Review Section (Public Works) reviewed the preliminary site plan, the preliminary drainage plan, and the Level 1 TIA. Based on Staff's determination that the submittals satisfied preliminary requirements outlined in the Thurston County Roads Standards and the Drainage Design and Erosion Control Manual, Public Works recommended approval with conditions requiring all development of the proposed lots to comport with the 1994 Drainage Design and Erosion Control Manual and Thurston County Roads Standards. *Exhibit 1, Attachment o; Saint Testimony.*
13. The Applicant proposes to extend Grand Mound municipal water and sewer lines through the project to serve all future development on-site. The utility operations manager submitted comments indicating that water and sewer service are available to the site. The existing well and septic on-site would be decommissioned and abandoned. Thurston County Public Health and Social Services Department's Environmental Health Division (EHD) reviewed the proposal for compliance with health codes and recommended approval with conditions. *Exhibit 1, page 3; Exhibit 1, Attachments j and n; Ward Testimony.*
14. Washington Department of Fish and Wildlife (WDFW) prepared a habitat management plan for the subject property. The gopher management plan required 0.24 acres to be retained in habitat areas for the gopher, set aside in a separate tract. Within the management area, the Applicant would be required to: remove Scotch Broom using above-ground techniques; mow the area to a height of five to six inches to enhance grasses and prevent Scotch Broom reinvasion; install educational signage and post no-entry signage on perimeter fence around the set aside; and to refrain from tree planting and pesticide use within the set aside area. The conditions of the gopher management plan apply indefinitely to the subject property unless the gophers move or are relocated. The language on the face of the plan requires the current and subsequent owners to sign a new management plan or to file a new one to reflect changes in use. *Exhibit 1, Attachment k.*
15. While the site plan shows only 0.2 acres set aside for gopher habitat, the area under the portion of the access road that bisects the habitat tracts is also available to gophers for tunneling. The total area equals 0.24 acres. *Patrick Testimony.* Staff recommended approval of the proposed habitat tracts as proposed. *Zeller Testimony.*

2. The public use and interest will be served by the platting of such subdivision and dedication.

Conclusions Based on Findings

1. **With conditions, appropriate provisions will be made for the public health, safety, and welfare.** As proposed, the plat satisfies the dimensional criteria of the PI zoning district. Compliance with yard and setback requirements would be ensured during review of individual lot development. Grand Mound water and sewer service are available to the site and conditions of approval would ensure that the public utilities are extended throughout the site prior to construction. The on-site well and septic system would be appropriately decommissioned and abandoned consistent with state and county requirements, as also ensured by conditions. The preliminary drainage report demonstrates the feasibility of the proposed drainage management plan and conditions would ensure that all future site development is consistent with the requirements of the 1994 Drainage Design and Erosion Control Manual. Conditions would ensure frontage improvements are installed on public streets consistent with County road standards and that all impacts to local and state transportation infrastructure are mitigated by the payment of fees. Any impacts to schools would be mitigated through school impact fee payment. The Applicant and future owners would be notified of and required to comply with the requirements of the Mazama Pocket Gopher management plan, including the signage, fencing, noxious weed removal, and maintenance provisions. *Findings 3, 4, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, and 18.*
2. **With conditions of approval, the public use and interest will be served by the proposed subdivision.** The subdivision would result in five new commercial lots consistent with the purposes and development standards of the PI zoning district. The proposal was reviewed for compliance with the requirements of SEPA and an MDNS was issued, which no party appealed. *Findings 3, 4, 7, and 17.*

DECISION

Based on the preceding findings and conclusions, the requested preliminary plat subdividing four acres into five commercial lots and two tracts reserved for habitat preservation at 19245 Guava Street SW, Olympia, in unincorporated Thurston County Washington is **APPROVED**, subject to the following conditions:

Prior to final plat submittal, the following Public Works-Development Review Section related conditions shall be met:

1. Please note a construction permit shall be acquired from the Thurston County Public Works – Development Review Section prior to any construction. This shall be applied for, and paid for prior to the pre-construction conference.
2. All access points with sight distance issues or abutting arterial or collector roadways shall be installed prior to final approval.

[These standards do not address specific city design requirements but rather items such as restoration of the County right of way and traffic control.]

- a. Placement of utilities within the County right of way will require a Franchise Agreement with Thurston County pursuant to Title 13.56 TCC. This agreement shall be executed with Thurston County prior to final approval.
 - b. Please note all utilities placed parallel to and within the pavement structure are required to rebuild a minimum of half the road, to include grinding and replacement of a minimum of 0.20' of asphalt concrete pavement.
11. In order to meet the requirements of the 1999 Thurston County Road Standards, additional right of way may be required. Please have your legal representative or surveyor prepare a Quit Claim Deed describing the necessary right-of-way, being a strip of land which when added to the existing right of way totals **35 feet** of right-of-way lying East of and abutting the existing centerline of Guava Street SW. Upon your request, Thurston County's right-of-way representative will prepare the Quit Claim Deed describing the necessary right-of-way dedication. Please contact the Thurston County Right-of-Way section at 754-4998.
 12. In order to meet the requirements of the 1999 Thurston County Road Standards, additional right of way may be required. Please have your legal representative or surveyor prepare a Quit Claim Deed describing the necessary right-of-way, being a strip of land which when added to the existing right of way totals **35 feet** of right-of-way lying North of and abutting the existing centerline of 193rd Avenue SW. Upon your request, Thurston County's right-of-way representative will prepare the Quit Claim Deed describing the necessary right-of-way dedication. Please contact the Thurston County Right-of-Way section at 754-4998.
 13. Pursuant to Title 18.24 Thurston County Code the Applicant shall execute an agreement and provide a financial security to assure successful operation of the required improvements prior to final approval. Improvements not covered by this agreement are water, sewer and stormwater facilities. These are addressed either by separate county ordinance or in the case of the water and sewer utilities by the utility purveyor.
 14. Permanent survey controls need to be placed to establish all public street centerlines, intersections, angle points, curves, subdivision boundaries and other points of control.
 15. Permanent survey control monuments shall be installed in accordance with the standards provided by the Thurston County Public Works – Survey Division. The Survey Division can be reached at 754-4580.
 16. Payment of the off-site traffic mitigation required in the 5/27/10 Mitigated Determination of Non-significance is required prior to final approval in accordance with Section 2.13 of the Thurston County Road Standards. Timing of such payments to the other jurisdictions may be altered upon agreement with respective jurisdiction and Thurston County.

need to be modified to address the inclusion of the road within then radius and how storm water from the road will be addressed (as noted in section G. above). A copy of the recorded covenant must be received by this department prior to final plat submittal.

27. Grand Mound public water and sanitary sewer utilities must be extended to and through the subdivision prior to final plat approval, confirmation of completion for the utility extensions will be required from Thurston County Public Works.

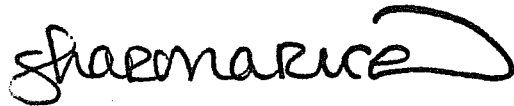
Prior to final plat submittal, the following Resource Stewardship Department related conditions shall be met:

28. Comply with all conditions of the Mitigated Determination of Non-Significance issued May 28, 2010.
29. Prior to final plat submittal, the Applicant shall submit a landscape plan for review and approval. The landscape plan is only required to address the swale/planter running parallel with Guava St., SW and 193rd Avenue, SW. This plan shall comply with applicable landscape standards referenced in TCC 20.27.040.
30. All approved landscaping shall be installed prior to final plat submittal. In lieu of such installation, security in the amount of 125 percent of materials and labor will be required provided that the security may not be for a period exceeding nine months from the date of recording, at which time installation shall occur.
31. The owner, lessee or user shall be responsible for maintaining an orderly appearance of the landscaping installation. All required yards adjacent to the public right-of-ways shall be maintained in a neat and orderly manner at all times.
32. Prior to final plat submittal, covenants setting out the conditions for the Reserve Tracts for Habitat Preservation, as stated in the MDNS, are required.
33. The following notes and/or features shall be shown on the face of the final plat map:
 - a. This subdivision has been approved through provisions of Planned Industrial Park Zoning District (TCC 20.27).
 - b. This plat was reviewed through Project No. 2008101377, Folder Sequence No. 09 105572 ZJ.
 - c. All development on the site shall be in substantial compliance with the approved plat. Any alteration of the site plan will require approval of a new or amended plat. The Planning & Environmental Section will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.
 - d. The Reserve Tracts for Habitat Preservation must be shown and labeled on the face of the map.

Maintenance and expense thereof of the utilities and drainage facilities shall be the responsibility of the Property Owners' Association as established by covenant recorded under Auditor's file number _____.

- p. The property described herein is required to accommodate stormwater runoff from frontage improvements to Guava Street SW and 193rd Avenue SW and all natural tributary areas abutting said property.
- q. The final plat map shall clearly delineate and label all public and private roads.
- r. Specific industrial uses for these lots may not be known at the time of final plat recording. At the time of non-residential building permit applications the Health Department will review the specific businesses and activities for compliance with hazardous materials/waste regulations and food service regulations if applicable.
- s. The existing neighboring well must be shown on the final short plat map along with the 100 foot sanitary control radius

DECIDED July 19, 2010.



Sharon A. Rice, Toweill Rice Taylor LLC
Thurston County Hearing Examiners *pro tem*