



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)	NO. 2007101348
)	
Ronald Deering and Bob Hilden)	Sienna II
)	
)	
For a Preliminary Plat)	FINDINGS, CONCLUSIONS, AND DECISION
_____)	

SUMMARY OF DECISION

The requested preliminary plat subdividing 54.38 acres into 206 single-family residential lots and ten tracts located generally south and southeast of 7731 Littlerock Road SW in unincorporated Thurston County is **GRANTED**, subject to conditions.

SUMMARY OF RECORD

Request

Ronald Deering and Todd Hilden (Applicants) request approval of a preliminary plat subdividing 54.38 acres into 206 single-family residential lots and ten tracts. The subject property is located generally south and southeast of 7731 Littlerock Road SW in unincorporated Thurston County.

Hearing Date

The Thurston County Hearing Examiner conducted an open record public hearing on the request on July 18, 2011.

Testimony

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

- Robert Smith, Resource Stewardship Department
- John Ward, Environmental Health Department
- Nadine Romero, Resource Stewardship Department

Robert Connolly, Applicant Representative
Ronald Deering, Applicant
Bill Halbert, Insight Geologic, Inc.
Charlie Reed
Barbara Osborn
Evelyn May

Exhibits

At the open record public hearing, the following exhibits were admitted into the record:

EXHIBIT 1 Resource Stewardship Staff Report, including the following attachments:

Attachment a	Notice of Public Hearing
Attachment b	Zoning/Site Map
Attachment c	Preliminary Plat Application, received April 11, 2007
Attachment d	Development Report, Skillings Connolly, dated March 2007
Attachment e	Preliminary Plat Map, received December 9, 2009
Attachment f	Mitigated Determination of Non-Significance, issued May 26, 2011
Attachment g	Comment Memorandum from Arthur Saint of the Public Works Department, dated June 23, 2011
Attachment h	Comment Letter from John Ward of the Environmental Health Department, dated July 5, 2011
Attachment i	Water & Sewer Availability Letter from Dan Smith, the City of Tumwater, dated May 27, 2011
Attachment j	E-Mail from Nadine Romero, Thurston County Resource Stewardship Department, dated February 2, 2011
Attachment k	May 25, 2011 Comment Letter from Tumwater School District
Attachment l	June 28, 2011 Comment Letter from Tumwater School District
Attachment m	June 5, 2007 Comment Letter from Mr. and Mrs. Henry Osborn
Attachment n	June 11, 2007 Comment Letter from Evelyn May
Attachment o	June 12, 2007 Comment Letter from Charles Reed
Attachment p	June 12, 2007 Comment Letter from Paul and Bonnie Workland
Attachment q	May 31, 2011 Comment E-Mail from Paul Workland
Attachment r	June 1, 2011 Comment E-Mail from Charles Reed
Attachment s	June 5, 2011 Comment Letter from the Osborn Family
Attachment t	June 6, 2007 Comment Letter from Evelyn May

EXHIBIT 2 Tree Protection Plan, March 27, 2007

EXHIBIT 3 Wetland Delineation Report, April 3, 2007

EXHIBIT 4 Traffic Impact Analysis, revised march 22, 2011

EXHIBIT 5 Preliminary Landscape Plan, received May 21, 2008

- EXHIBIT 6 Enlarged Revised Site Plan, received July 6, 2011
- EXHIBIT 7 Preliminary Drainage Report, revised February 2010
- EXHIBIT 8 Color Photos of Public Hearing Notice Posting
- EXHIBIT 9 Ordinance 13637, September 11, 2006
- EXHIBIT 10 Site Plan with color highlights
- EXHIBIT 11 Mazama Pocket Gopher survey from Brian Missildine, Skillings Connolly, Inc., October 13, 2010
- EXHIBIT 12 Robert Connolly public hearing written testimony, July 18, 2011
- EXHIBIT 13 Salmon Creek Comprehensive Drainage Basin Plan, June 2004

Based upon the record developed at the open record hearing, the Hearing Examiner enters the following findings and conclusions.

FINDINGS

Site Description

1. The Applicants request approval of a preliminary plat subdividing 54.38 acres into 206 single-family residential lots and ten tracts. The subject property is located generally south and southeast of 7731 Littlerock Road SW in unincorporated Thurston County.¹ *Exhibit 1, Attachments c, Application and d, Narrative.*
2. Between the time of application and the date of the public hearing, the size of the subject property was enlarged by approximately 0.44 acres through a boundary line adjustment incorporating a formerly off-site strip of land.² The 30-foot-wide strip of land was adjacent to the north boundary of proposed Lots 8 through 18, separating Sienna II from Sienna I and cutting off the project's access route. Although nearly half an acre in area, the added property cannot be made into additional lots due to its long, narrow configuration. The portion of the 30-foot strip that is not needed to provide access to Sienna II may either be added into the adjacent proposed lots or retained as open space, depending on whether it is needed to meet open space minimum requirements. Its final configuration would be determined during civil engineering review. *Connolly Testimony; Exhibit 6; Smith Testimony.*
3. The undeveloped subject property has a varied topography, with slopes from 0 to 6% with an overall elevation change of approximately 12 feet. It is comprised of two

¹ The subject property is a portion of the Section 9, Township 17 North, Range 2 West, W.M.; also known as Tax Parcel Nos. 09090034000 and 09090035000. *Exhibit 1, Attachment c, Application.*

² The Staff Report's reference to a 53.94-acre subject property excluded the addition of this area. *Exhibit 1, page 1; Connolly Testimony.*

sections: the southern-most 40.01-acre portion is roughly square, while the northern 13.93-acre portion is roughly triangular, off-set from the base of the square. The site was partially logged between 1996 and 2000, but it still contains moderate tree cover. It is vegetated with a mix of grass, scrub brush of both native and invasive species, and trees. *Exhibit 1, page 3; Exhibit 7.*

4. According to a professionally prepared wetland delineation, a category 2 wetland extends into the southeast corner of the subject property. An area classified as a high ground water hazard area also extends into the southeast corner of the site, in the same general area as the wetland. Both the wetland and high groundwater hazard area are regulated pursuant to the Thurston County critical areas ordinance (CAO). The site is not subject to the jurisdiction of the Shoreline Master Program. *Exhibit 1, page 3; Exhibit 6; Exhibit 7.*
5. Properties to the east, north, and west are within the Tumwater urban growth area (UGA); property to the south is in a rural portion of the County, zoned Rural - One Dwelling Unit Per Ten Acres. Development in the area consists of agricultural uses and rural single-family residential development. Adjacent to the north are the as-yet undeveloped lots of Sienna I. *Exhibit 1, page 3; Exhibit 6.*
6. The subject property is located within the Tumwater UGA and has split zoning. The northern 13.93-acre portion is zoned Single-Family Medium Density Residential (SFM), while the 40.01-acre southern portion is zoned Single-Family Low Density Residential (SFL). Residential development is permitted in both zones. *Thurston County Code (TCC) 22.10.020; TCC 22.12.020.* The SFL zone requires a minimum density of four dwelling units per acre and allows a maximum density of six dwelling units per acre. *TCC 22.10.050.* The SFM zone allows densities from six to nine dwelling units per acre, provided that density greater than eight dwelling units per acre requires transfer of development rights. *TCC 22.12.050.*
7. As originally submitted, the application proposed 225 lots for the project. Through review and redesign to address County requirements, the number of proposed lots had been reduced to 207 by the date the staff report was issued. In the staff report, the proposed density within the SFL-zoned portion of the project was 6.02 dwelling units per acre, which is greater than the maximum allowed. Resource Stewardship Department Planning Staff (Planning Staff) noted that one lot would have to be removed from SFL-zoned portion of the site. At hearing, the Applicants amended the request for approval of 206 lots, as reflected on the revised site plan in the record at Exhibit 6. The proposed density within the SFM zoned portion of the property is 6.45 dwelling units per acre. Lots would be built in phases, with each phase providing all needed roads, utilities, and drainage. The phasing scheme would be reviewed and determined during civil engineering. *Exhibit 1, page 4; Smith Testimony; Exhibit 1, Attachment c; Connolly Testimony; Exhibit 6, Site Plan.*
8. Both the SFL and SFM zones require a minimum lot size of 4,000 square feet and a minimum lot width of 50 feet. *TCC 22.10.050(D); TCC 22.12.050(D).* The smallest

proposed lot size is 4,700 square feet and the average lot size is 5,000 square feet. On the revised site plan at Exhibit 6, a number of lots are less than 50 feet wide. The site contains adequate room to reorganize the lot boundaries, decreasing the widths of wider lots (such as 75 through 78) to widen the narrower lots (such as by removing a lot from the row containing Lots 118 through 127). *Exhibit 1, page 4; Exhibit 6; Deering Testimony.*

9. The project is required to set aside 5.44 acres, or ten percent of the overall site area, in open space, and five percent (2.72 acres) in dedicated tree tracts. The project would include ten tracts, with the following configurations and purposes:

Tract A	0.69 acres	stormwater
Tract B	1.49 acres	stormwater
Tract C	0.40 acres	stormwater
Tract D	7.34 acres	7.34 acres open space 2.28 acres stormwater 2.72 acres tree tract
Tract E	0.78 acres	stormwater
Tract F	1.42 acres	stormwater
Tract G	2.16 acres	2.16 acres stormwater 0.73 acres open space
Tract H	0.06 acres	open space
Tract I	0.73 acres	0.73 acres open space 0.56 acres tree tract
Tract J	0.10 acres	pump station

The project would set aside a total of 8.86 acres in open space and 2.72 acres in tree tract. Some stormwater facilities are included in the open space calculations, depending on the type of facility, where consistent with code. The portions of tracts used for stormwater are noted in blue in Exhibit 10, while the portions intended for open space are noted in green. Tract D would contain all of the on-site portions of the category 2 wetland, the high ground water hazard area, and all of both associated buffers. *Exhibit 6; Exhibit 10, color coded site plan; Exhibit 3; Exhibit 7.*

10. In addition to the passive open spaces, the project proposes to provide recreational opportunities. Tract D would include a walking path, a swing set, and a picnic table. Portions of the infiltration facility in Tract G are anticipated to dry out in low rain months for use as a playfield. *Exhibit 1, page 2; Exhibit 1, Attachment d; Exhibit 10.*
11. All proposed lots would be accessed by new public roads, which would connect to existing public roads via the plat of Sienna I to Littlerock Road SW, to the north. The project would include road stubs to the northeast, south, and west site boundaries. The new internal road system was designed around site topography to minimize grading for road construction to the extent possible. *Exhibit 1, page 2; Exhibit 1, Attachment d.*

12. The Applicants propose to extend City of Tumwater municipal water and sewer service to each new lot. The City submitted a letter indicating the utility has capacity to serve the project subject to compliance with typical connection conditions. *Exhibit 1, page 2; Exhibit 1, Attachment i.*
13. The subject property is within the Salmon Creek Basin, an area known to experience high ground water and seasonal flooding. Thurston County Geodata indicate high ground water hazard areas in two portions of the site: the southeast corner (contiguous with the wetland) and the northeast corner of the site. Throughout the basin, the high groundwater elevation is identified as 186 feet; more locally, groundwater elevation in the vicinity of the subject property is at 188 feet. Geodata indicates the elevation of the subject property at 188 feet. Because the evidence on the ground in the northeast corner did not match Geodata, the Applicants commissioned a professional topographical survey, which identified the actual elevation of the northeast corner area at 192 feet, making it a high spot rather than a high groundwater hazard area. The survey identified the elevations throughout the site allowing an accurate identification of the southeastern high groundwater hazard area and its required 300-foot buffer. All of the on-site high ground water hazard area and the associated 300-foot buffer would be included in Tract D. *Connolly Testimony; Romero Testimony; Exhibit 7, Preliminary Drainage Report; Exhibit 1, page 8; Exhibit 1, Attachments d and j.*
14. In December 2006, fourteen test holes were dug on-site to depths of ten to 12 feet. The test holes showed mottling (soil rusting) at an average elevation of 180 feet, with groundwater encountered at an approximate elevation of 176.5 feet. Site soils were identified as Cagey Loamy Sand and Norma Silt Loam. *Exhibit 7.*
15. Given the historic flooding in the vicinity, extensive groundwater mounding studies were conducted to enable design of stormwater facilities that would ensure infiltration of stormwater runoff and result in no new flooding on or off-site. Analysis of the final design showed groundwater mounding of less than 0.5 feet at all property lines, consistent with the requirements of Thurston County.³ The highest groundwater level rise is projected to occur at the eastern site boundary, at 0.2 feet. *Exhibit 7, Appendix b, Groundwater Mounding Analysis; Halbert Testimony.* The lowest elevation on the site engineering drawings is 188 feet, for roads only. Due to connection to municipal utilities, the project would not add to existing runoff aside from landscape irrigation, which is not typically used during wet weather. All stormwater runoff would be captured and infiltrated on-site after treatment in 31 separate treatment facilities, to include biofiltration strips, swales, and stormfilters. The stormwater facilities would be finished with 3:1 slopes, hydro-seeded or sodded, and placed between back property lines of the lots, creating privacy buffers between residences. All facilities were sized according to the 1994 Thurston County Drainage Design and Erosion Control Manual. One hundred percent of the 100 year storm would infiltrate on-site. A culvert with a flow line above

³ The requirement is established in the Interim Site Development Standards for New Development in Salmon Creek Basin, as implemented through Thurston County's Storm and Surface Water Program. *Cited in Exhibit 7, Appendix B; Exhibit 13, Salmon Creek Comprehensive Drainage Basin Plan, June 2004, Section 7.3.5.*

the 100 year storm would connect to the wetland for emergency overflow. The stormwater management facilities for the project would be privately owned and maintained through creation of a homeowners' association. *Exhibit 7; Exhibit 1, Attachment j.*

16. Reviewing the survey and the proposal in comparison with the Geodata, the County hydrogeologist agreed that the Geodata was incorrect. In a February 2, 2011 memo, she noted as follows:

Given a conservative assumption of 188 feet for high groundwater elevation and an assumed site elevation of 192 feet, there would be at least four feet of separation from the highest ground water elevations known in this part of the Salmon Creek Basin. The stormwater engineers discussed that even with minimal high ground water separation, that stormwater ponds would still equilibrate to high ground water conditions though they may not 'empty' for quite some time until ground water levels subside. The high ground water risks would be '1 foot' puddles in the road ways.

The County is satisfied that the Salmon Creek Basin interim standards and Thurston County drainage standards are met. *Exhibit 1, Attachments g and j; Romero Testimony.*

17. The wetland delineation identified a category II Palustrine emergent, temporarily flooded depression wetland, most of which is located off-site. Pursuant to the CAO, category II wetlands must be provided with a 200-foot buffer, to which some modifications are allowed. The study concluded that the proposed plat would not affect the wetland and buffer for the following reasons: there would be no work in the wetland, and the only work in the wetland buffer might include plantings, which would enhance buffer function; best management practices would be employed during construction for wetland protection; the project would import municipal water, connect to sanitary sewer, and collect all runoff from impervious surfaces in treatment and infiltration facilities. *Exhibit 3, Wetland Delineation.*
18. The Applicants submitted a professionally prepared traffic impact analysis (TIA), dated revised March 22, 2011, which considered trip generation and distribution, intersection capacity, and safety. At 224 lots, the project was anticipated to result in 2,144 average daily trips, including 226 PM peak hour trips.⁴ The TIA considered existing (2011) and projected (2014) traffic volumes at the intersections in Tumwater and Thurston County anticipated to receive project traffic. The study concluded that the project would not contribute significantly to intersection delay. However, the City of Tumwater has planned improvement projects at Littlerock Road, Tumwater Boulevard, and associated streets that would receive project traffic. Sienna II would be required to contribute a per trip fee to these improvement projects to mitigate the impacts of the proposed development. Payment of Tumwater and Thurston County traffic impacts fees was included in the project's environmental review. *Exhibit 4.*

⁴ The Examiner notes that since the TIA was completed, the number of proposed lots has been reduced and the project's impacts would be correspondingly reduced.

19. The applications and supporting materials were routed to Thurston County Public Works Development Review Section (Public Works) for review of project compliance with applicable standards. Roads Staff reviewed site plans, the drainage plan and report, and the TIA. Based on the information reviewed, Public Works Staff determined that all preliminary requirements of the County's road and drainage standards were satisfied by the proposal and Public Works recommended project approval with conditions. *Exhibit I, Attachment g.*
20. Thurston County Environmental Health Department (EHD) reviewed the application materials for compliance with County health regulations. EHD determined that ground and surface waters would not be impacted by the project for the following reasons: no neighboring supply wells are within 200 feet of the site; the project would connect to City of Tumwater sewer and water utilities; stormwater facilities and sewer lines would exceed the minimum setbacks for adjacent wells, surface waters, and sewage systems; no on-site septic systems exist; the Applicants prepared an IPMP; and the hydrogeologic report submitted indicates that there would be no significant impact to groundwater from the proposal. EHD recommended approval with conditions. *Exhibit I, Attachment h; Exhibit I, page 6.*
21. The subject property is within the service area of the Tumwater School District (District). Sienna II would served by Michael T. Simmons Elementary School, Tumwater Middle School, and Black Hills High School. The middle and high schools have adequate capacity to serve the students projected to live in the new plat; however, the elementary school would need additional interim capacity through the purchase or relocation of portable classrooms. The District requested that the Applicants enter into a voluntary mitigation agreement to address these capacity concerns and also requested that a designated bus waiting area be agreed to within the plat for elementary and middle school students. Planning Staff noted that once the project connects to public streets though adjacent Sienna I, there would be sidewalks connecting the proposed lots to the high school, ensuring safe walking. *Exhibit I, pages 7, 9; Exhibit I, Attachments k and l.*
22. The Applicants submitted a professionally prepared tree protection plan which evaluated all trees on-site pursuant to the requirements of the Thurston County Forest Land Conversion Ordinance at TCC 17.25. Due to the small sizes of the proposed lots, the potential to retain trees within the lots is low. The ordinance requires one tree per 4,000 square feet of lot area to be retained or replanted; 289 trees are necessary to satisfy this requirement. The Applicants propose two tree tracts, Tracts D and J. According to the tree plan, there are 99 trees within those tracts with retention potential. Tree retention in the tree tracts, in some stormwater tracts, and on a few of the perimeter lots would help to maintain the treed character of the site. It is projected that 200 street trees, 279 trees in the lots, and 160 open space/stormwater tract trees would be planted. *Exhibit 2, Tree Preservation Plan; Exhibit 5, Landscape Plan.*
23. Pursuant to the State Environmental Policy Act, Thurston County acted as lead agency for review of environmental impacts of the proposal. The County issued a mitigated

determination of non-significance (MDNS) on May 26, 2011. As stated in the MDNS, the County's review and threshold determination were based on information included in (but not limited to) the following documents:

- Environmental Checklist, dated April 11, 2007
- Preliminary Site Plan, December 9, 2009
- Development Report, Skillings Connolly, dated March 2007
- Tree Protection Plan, Washington Forestry Consultants, March 27, 2007
- Landscape Plan, Jeffrey Glander & Associates, May 21, 2008
- Wetland Delineation Report, Skillings Connolly, April 3, 2007
- Buffer Mitigation Plan, Skillings Connolly, July 19, 2007
- Preliminary Drainage Report, Skillings Connolly, March 3, 2010
- Traffic Impact Analysis, Skillings Connolly, March 22, 2011
- Integrated Pest Management Plan
- Thurston County Public Works comments, dated April 22, 2011
- Washington Department of Fish and Wildlife comments, dated October 15, 2010
- Tumwater School District Comments, dated May 25, 2011
- Washington State Department of Ecology comments, dated May 2, and November 13, 2007

Exhibit 1, Attachment f.

24. The MDNS identifies measures the Applicants must take to mitigate the environmental impacts of the proposal, including but not limited to the following: voluntary mitigation agreement to mitigate school impacts; payment of traffic impact fees to both the City of Tumwater and Thurston County pursuant to ordinance; best management practices to treat stormwater runoff; retention of existing vegetation to the extent possible; and control of timber harvesting noise during site clearing. No appeal was filed and the MDNS became final on June 9, 2011. *Exhibit 1, Attachment f, MDNS.*
25. Written notice of the public hearing was sent to all property owners within 300 feet of the site and published in The Nisqually Valley News on July 15, 2011. Notice of public hearing was posted on-site on July 8, 2011, ten days prior to the hearing. *Exhibit 1, page 3; Exhibit 1, Attachment a; Exhibit 8.*
26. The County received extensive public comment from neighboring property owners in the Salmon Creek Basin concerned about the following: historic flooding alleged on the subject property and all around it; compliance with the Salmon Creek Basin plan's recommendations; clear cutting and logging elsewhere in the basin; impacts to other properties from the development of the site; safety of neighboring well water volumes and quality; lack of an area-wide drainage project; traffic volumes; concerns that the project would result in off-site groundwater flooding; objection to the density and number of homes; questions as to whether the site was under a development moratorium at the

time the application was submitted; and questions as to whether this number of new housing units is "prudent" at the time given the economy. *Exhibit 1, Attachments m, n, o, p, q, r, s, and t; Reed Testimony; Osborn Testimony; May Testimony.*

27. The Salmon Creek Comprehensive Drainage Basin Plan Phase II: Alternative Analysis and Recommendations (the Plan) was approved by the County Commissioners in June 2004. Local governments are expected to incorporate the Plan's recommendations into programs and services that affect the basin and to review development proposals for consistency with the Plan. *Exhibit 13, Section 2.1.* The Plan directed Thurston County and Tumwater to re-evaluate the feasibility of the Tumwater UGA supporting urban-level development in areas of high groundwater flooding, defined as surface water flooding and groundwater less than six feet below the surface. *Exhibit 13, Section 7.3.1.* Thurston County was directed to adopt stormwater standards equivalent to the Revised Interim Stormwater Design Standards for New Development in Salmon Creek Basin as an amendment to the 1994 Drainage Design and Erosion Control Manual. The Plan's revised interim standards require new development to be screened to determine whether at least six feet of separation could be provided between the winter 1999 groundwater elevation and the bottom of a given proposed infiltration pond. If the answer to that question was no, the revised interim standards required the project to be redesigned to ensure it does not cause increased groundwater elevations at the property's boundaries. *Exhibit 13, Section 7.3.5.* Thurston County's stormwater standards were subsequently amended to prohibit new development from creating more than one-half foot of groundwater mounding at any property boundary. *Romero Testimony; Smith Testimony; Exhibit 7, Appendix B.*
28. In response to the Plan (and other factors), the County adopted Ordinance No 13405, a development moratorium prohibiting subdivisions in unincorporated Thurston County on August 1, 2005. After subsequent public meetings and hearings considering site-specific information, the County concluded that certain areas of the County should not be included in the development prohibition. Adopted September 11, 2006, Ordinance No. 13637 released the subject property, among others, from the moratorium. *Exhibit 9, 'Exhibit 1'; Smith Testimony; Exhibit 1, page 8.*
29. The instant application was submitted April 11, 2007. *Exhibit 1, Attachment c.*
30. The project was specifically designed to be consistent with the Salmon Creek Basin Plan. The project would not change the amount of water infiltrating into the site from pre-development conditions. It would not use wells or septic. There would be no groundwater withdrawal and no water added to the site. Infiltration galleries would capture and infiltrate all precipitation from the site's impervious surfaces after water quality treatment. Groundwater mounding studies looked at lateral groundwater movement as well as infiltration. Using commercial software called ModFlow, the Applicants' consultants looked at a one-mile radius around the site and considered precipitation and recharge. They modeled all stormwater runoff in proposed drainage facilities for a hypothetical three-year period with rain levels based on 1999's actual precipitation. Where the model showed greater than half a foot of groundwater

mounding at a site boundary, the drainage facilities were reconfigured until the present configuration was reached. In its final design, modeling shows no groundwater mounding greater than 0.2 feet would occur at any site boundary given the above hypothetical scenario. The Applicants noted that the project won't solve existing problems in the basin but it has been designed to avoid new problems. *Connolly Testimony; Halbert Testimony; Deering Testimony; Exhibit 7, Appendix B.*

31. Resource Stewardship Staff reviewed all application materials and public comment prior to reaching its recommendation for approval of the plat with conditions. *Exhibit 1, pages 10-16.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and decide applications for preliminary plats pursuant to RCW 36.70.970, TCC 2.06.010(A), and TCC 18.12.090.

Criteria for Review

The following preliminary plat criteria in Thurston County Code 18.12.090 must be satisfied:

1. Appropriate provisions are made for the public health, safety, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
2. The public use and interest will be served by the platting of such subdivision and dedication.

Conclusions Based on Findings

1. **With conditions, appropriate provisions will be made for the public health, safety, public ways, potable water supplies, sanitary wastes, schools and school grounds and all other relevant facts.** The internal road network would be built to County road standards, providing access to all lots and stubbing at site boundaries for future connectivity. City of Tumwater municipal sewer and water services would be extended to each lot. No development is proposed or would occur within the category II wetland or the high groundwater hazard area in the southeastern corner of the site or in the buffer associated with either critical area. With conditions, stormwater runoff would be controlled through all phases of project development. The proposed stormwater management system is consistent with County standards, including the 2004 Salmon Creek Basin Plan. A condition of approval would ensure that a homeowners' association maintains and operates the drainage facilities for the life of the project. Children would be bused to the elementary and middle schools and safe walking would be provided for high school students. The open space set aside in the project would contain active and passive recreation options for residents. *Findings 1, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 27, 28, 29, 30, and 31.*

2. **With conditions of approval, the public use and interest will be served by the platting of the subdivision.** The proposed 206 lots are consistent with the density allowed by the underlying zoning designations. Conditions of approval would ensure that every lot satisfies the minimum lot width requirements of the underlying zone. School and traffic impacts would be mitigated through the payment of fees. Adequate open space and tree tracts are provided in satisfaction of County standards. Critical areas are provided with the required buffers; the wetland buffer may receive additional plantings which would enhance its functions. An IPMP was prepared and conditions would ensure it is distributed. The project was reviewed for compliance with SEPA requirements and a DNS was issued. *Findings 7, 8, 9, 10, 17, 18, 19, 20, 21, 23, 24, and 31.*

DECISION

Based on the preceding findings and conclusions, the request for preliminary plat approval for Sienna II is **GRANTED**, subject to the following conditions:

- A. Prior to submitting a final plat application, all required on-site and off-site road, utility, and landscaping construction, identified below, shall be completed and approved (or bonded). Also, prior to submitting a final plat application, all agreements (school mitigation, etc.) shall be secured, all mitigation payments paid, and all applicable review fees paid.
- B. Prior to final plat approval the following Health Code conditions shall be met:
1. City of Tumwater water and sewer utilities must be extended to and through this subdivision. Written confirmation of final water and sewer extension approval from the City of Tumwater must be provided prior to final plat approval.
 2. An Integrated Pest Management Plan (IPMP) has been developed for this project and is approved for the subdivision. The Applicants must provide in writing a proposed method of IPMP distribution to future homeowners within this subdivision. This distribution method must be reviewed and approved by the Environmental Health office prior to final plat approval.
- C. Prior to final plat approval, the following Public Works Department 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 traffic control devices shall be designed, located, manufactured, and installed in accordance with the TCRS, Manual of Uniform Traffic Control Devices and applicable WSDOT Standards & Specifications. A sign and striping plan shall be incorporated into the construction drawings for the

project. Please contact Thurston County Public Works – Development Review Section Staff to obtain the most current Thurston County guidelines.

3. County forces may remove any traffic control device constructed within the County right-of-way not approved by this division and any liability incurred by the County due to non-conformance by the Applicant shall be transferred to the Applicant.
4. The stormwater management system shall conform to the 1994 Thurston County Drainage Design & Erosion Control Manual and Title 15.05 Thurston County Code.
 - a. For this project this also includes a two-year operation & maintenance agreement and financial security that shall be executed prior to final approval.
 - b. Prior to final approval a maintenance agreement found in Appendix K of the Drainage Design & Erosion Control Manual must be prepared for this project and recorded.
 - c. A property owners' association shall be formed. The document creating the Property Owners' Association shall at a minimum make provision for the following: (1) Members of the Property Owners' Association shall be responsible for maintenance of storm drainage facilities as described in Maintenance Plan (See Section 3.3), (2) Inclusion by reference of the maintenance manual prepared by the Project Engineer in accordance with Section 3.3 and (3) Power to assess fees to maintain storm drainage facilities and sanctions in the event that jurisdiction takes action to maintain facilities. Refer to Appendix E, Section E.2 of the Drainage Design & Erosion Control Manual for sample language.
5. All drainage facilities outside of the County right-of-way shall remain private and be maintained by the developer and/or the homeowner's association.
6. Storm water runoff shall be controlled through all phases of the project by facilities designed to control the quality and quantity of discharges and shall not alter nor impact any existing drainage or other properties.
7. All natural and man-made drainage paths contained in the proposed development require easements as set forth in **Section 2.14** of the DDECM.
8. The proposed water and sewer system shall be designed in accordance with the standards and specification of the respective utility purveyor. All water and sewer plans are subject to review and acceptance by the respective utility purveyor.

9. Proposed utility work within the Thurston County Right of Way shall conform to the 1999 Thurston County Road Standards and Chapter 13.56 Thurston County Code. These standards do not address specific city design requirements but rather on item 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.
10. 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.
11. Permanent survey control need to be placed to establish all public street centerlines, intersections, angle points, curves, subdivision boundaries and other points of control.
12. 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.
13. Payment of the off-site traffic mitigation required in the 5/26/11 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
14. The proposed roadway in concept and design shall conform to the 1999 Thurston County Road Standards and the City of Tumwater standards and development guide.
15. Development within the City of Tumwater urban growth boundary, requiring review by both Thurston County and the corresponding city jurisdiction, shall be designed to the more stringent standards of the two jurisdictions.

16. Required plan submittal information is presented in **Chapter 3.00** of the TCRS.
17. The proposed grading or site work shall conform to Appendix J of the International Building Code, Title 14.37 of the Thurston County Code and 1994 Drainage Design & Erosion Control Manual.
18. When all construction/improvements have been completed, contact the Thurston County Public Works – Development Review Section at (360) 867-2051 for a final inspection.
19. This approval does not relieve the Applicants from compliance with all other local, state and/or federal approvals, permits, and/or laws necessary to conduct the development activity for which this permit is issued. Any additional permits and/or approvals shall be the responsibility of the Applicant.
20. Once the planning department has issued the official preliminary approval, a construction permit application shall be submitted along with a complete set of construction drawings and the final drainage and erosion control report to Thurston County Public Works – Development Review Section for review and acceptance.
21. PRIOR to construction, the Applicants shall:
 - a. Pay outstanding construction review and inspection fees*
 - b. Receive a construction permit
 - c. Schedule a pre-construction conference with county staff.

* The current fee schedule can be found online at <http://www.co.thurston.wa.us/permitting/fees/docs/Roads-Development-Review-Fees-20090301.pdf> or contact Ruthie Padilla with the Thurston County Public Works – Development Review Section by phone at (360) 867-2046, or by e-mail at padillr@co.thurston.wa.us.
22. A duplicate original mylar drawing, certified by the design engineer as "record drawing" in accordance with the January 1, 1999 edition of TCRS, shall be provided prior to final approval. The final plat map and the survey traverse closure calculations shall be submitted to the Resource Stewardship Department prior to receiving final approval.
23. Prior to receiving final approval from this department, the following items shall be required:
 - a. Completion of all roads and drainage facilities

- b. Final inspection and completion of all punch list items, if required after final inspection
 - c. Receive and accept **Appendix "F"** and **"K"** per the DDECM submitted and signed by the project engineer
 - d. Review and accept contractor's blueline record of changes. The changes shall be incorporated on to the original mylars, within "clouds". The record drawing mylars shall be received and accepted, then submit two sets of final record drawings for project file and bond file. The record drawings shall include street names and block numbers approved by Addressing Official.
 - e. Financial security will be necessary for maintenance and operation of the drainage facilities
 - f. Required survey information on the final plat map
 - g. Homeowner's articles of incorporation or covenants
 - h. Completion of required signing and striping
 - i. Payment of any required utility fees
 - j. Payment of any required final fees
 - k. Payment of any required mitigation fees
24. The final plat map shall note or delineate the following:
- a. "ATTENTION": Thurston County has no responsibility to build, improve, maintain or otherwise service the private road or driveway within or providing access to property described in this plat. The building, maintenance, repair, improvement, operation or servicing of the stormwater facilities outside the county rights of way are the responsibility of the property owner(s).
 - b. If seasonal drainage crosses subject property, no filling or disruption of the natural flow shall be permitted.
 - c. Private roads are required to remain open at all times for emergency and public service vehicle use. Any future improvements (gates, fencing, etc.) that would not allow for "open" access will need to be approved by all applicable departments of Thurston County.
 - d. Storage requirements for runoff from buildings and parking surfaces

shall be shown on individual building lots, including drywell sizing or storm drain connection points.

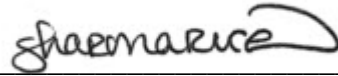
- e. Maintenance of the required landscaping and vegetated drainage facilities within the public right of way is the sole responsibility of the (property owners) or (homeowners association) within this subdivision. Thurston County has no responsibility to maintain or service the said landscaping.
- f. The owner and/or Homeowners Association shall be responsible to operate and maintain the streetlights until such time the property is annexed to the city.
- g. This plat is subject to stormwater maintenance agreement recorded under auditor's file no. _____.
- h. Easements are hereby granted for the installation, inspection, and maintenance of utilities and drainage facilities as delineated on the plat for subdivision _____ including unrestricted access for Thurston County staff to any and all stormwater system features for the purpose of routine inspections and/or performing maintenance, repair and/or retrofit as may become necessary. No encroachment will be placed within the easements shown on the plat which may damage or interfere with the installation, inspection, and maintenance of utilities. Maintenance and expense thereof of the utilities and drainage facilities shall be the responsibility of the Property Owners' Association as established by covenant recorded under Auditor's file number _____.
- i. Please clearly delineate and label all public and private roads.

- D. Street addresses shall be shown on the final map.
- E. The density and minimum lot widths of the final subdivision shall conform with requirements of the Single-Family Low Density Residential District (TCC 22.10) and the Single-Family Medium Density Residential District (TCC 22.12).
- F. Prior to final plat approval, the Applicant shall install the proposed plantings within the open space and tree tracts.
- G. Prior to final plat approval, the Applicant shall install all proposed active and passive recreation features/structures within the open space tracts.
- H. Prior to final plat approval, the Applicant shall meet with Tumwater School District personnel to locate an acceptable bus waiting area(s), make any necessary

- improvements for the waiting area(s), and show the waiting area(s) on the final plat map.
- I. To provide a safe walking route to Black Hills High School, the Sienna I subdivision street system, complete with sidewalks, must be constructed prior to or at the same time as this subdivision.
 - J. Prior to final plat approval an agreement with the Tumwater School District that provides mitigation for the project's impacts to school facilities shall be submitted. If this agreement requires payment of mitigation fees or other actions after the final plat is recorded then such agreement shall be referred to on the final plat map.
 - K. All conditions of the Mitigated Determination of Non Significance shall be completed at the times specified.
 - L. The use of all open space tracts shall be noted on the final plat map. The open space tracts shall be dedicated to the lot owners and/or association on the final plat map.
 - M. The category II wetland and its 200-foot buffer shall be shown and labeled on the final plat map.
 - N. The high groundwater hazard area and its 300-foot buffer shall be shown and labeled on the final plat map.
 - O. Prior to final plat approval "Critical Areas" signs shall be placed along the edge of the wetland buffer and shall conform to the requirements for these signs outlined in TCC 17.15. Templates for these signs can be obtained from the Thurston County Resource Stewardship Department.
 - P. The following notes shall be shown on the final plat map:
 - 1. This subdivision has been approved through provisions of the Single-Family Low Density Residential District (TCC 22.10) and the Single-Family Medium Density Residential District (TCC 22.12).
 - 2. This subdivision was reviewed under project number 2007101348, folder 07 104319 ZJ.
 - 3. At the time of home construction on individual lots trees shall be planted on the lot. The trees planted shall conform to the approved landscaping plan.
 - 4. Wetlands are designated as critical areas in Thurston County. Due to the importance of these wetlands for wildlife habitat, pollution control, groundwater recharge and floodwater storage, no clearing, filling, grading or other construction activities shall be allowed within the wetland or buffer area except where exempted by TCC 17.15 and when prior authorization is obtained from Thurston County Resource Stewardship Department.

- Q. All development on the site shall be in substantial compliance with the approved plat. Any alteration of this site plan will require approval of a new or amended plat. The Planning and Environmental Section will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.

DECIDED this 1st day of August 2011.



Sharon A. Rice
Thurston County Hearing Examiner *Pro Tem*

NOTE: Pursuant to TCC 22.62.020(C)10, affected property owners may request a change in valuation for property tax purposes.



Project No. 2007101348 PLAT
Appeal Sequence No.: _____

Check here for: RECONSIDERATION OF HEARING EXAMINER DECISION

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

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

Check here for: APPEAL OF HEARING EXAMINER DECISION

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

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

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

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

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

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

STANDING

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

Signature required for both Reconsideration and Appeal Requests

APPELLANT NAME PRINTED _____

SIGNATURE OF APPELLANT _____

Address _____

Phone _____

Please do not write below - for Staff Use Only:

Fee of \$595.00 for Reconsideration or \$820.00 for Appeal. Received (check box): Initial _____ Receipt No. _____

Filed with the Development Services Department this _____ day of _____ 20____.

THURSTON COUNTY

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

NOTE: THERE MAY BE NO EX PARTE (ONE-SIDED) CONTACT OUTSIDE A PUBLIC HEARING WITH EITHER THE HEARING EXAMINER OR WITH THE BOARD OF THURSTON COUNTY COMMISSIONERS ON APPEALS (Thurston County Code, Section 2.06.030).

If you do not agree with the decision of the Hearing Examiner, there are two (2) ways to seek review of the decision. They are described in A and B below. Unless reconsidered or appealed, decisions of the Hearing Examiner become final on the 15th day after the date of the decision.* The Hearing Examiner renders decisions within five (5) working days following a Request for Reconsideration unless a longer period is mutually agreed to by the Hearing Examiner, applicant, and requester.

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

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

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

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

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

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

D. FILING FEES AND DEADLINE If you wish to file a Request for Reconsideration or Appeal of this determination, please do so in writing on the back of this form, accompanied by a nonrefundable fee of **\$595.00** for a Request for Reconsideration or **\$820.00** an Appeal). Any Request for Reconsideration or Appeal must be **received** in the Permit Assistance Center on the second floor of Building #1 in the Thurston County Courthouse complex no later than 4:00 p.m. per the requirements specified in A2 and B2 above. **Postmarks are not acceptable.** If your application fee and completed application form is not timely filed, you will be unable to request Reconsideration or Appeal this determination. The deadline will not be extended.

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