

**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	)	NO. 2010103389
	)	
	)	
<b>Stuart Schuur</b>	)	<b>Sunset Hollow</b>
	)	
	)	
For a Preliminary Plat	)	FINDINGS, CONCLUSIONS, AND DECISION
_____	)	

**SUMMARY OF DECISION**

The requested preliminary plat subdividing 6.09 acres into 32 single-family residential lots and 1.01 acres of open space on property located at 8320 Mullen Road SE within the Lacey Urban Growth Area is **GRANTED**, subject to conditions.

**SUMMARY OF RECORD**

**Request**

Stuart Schuur (Applicant) request approval of a preliminary plat subdividing 6.09 acres into 32 single-family residential lots and four open space tracts. The subject property is addressed as 8320 Mullen Road SE within the Lacey Urban Growth Area in unincorporated Thurston County.

**Hearing Date**

The Thurston County Hearing Examiner conducted an open record public hearing on the request on June 4, 2012.

**Testimony**

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

- Tony Kantas, Resource Stewardship Department
- Arthur Saint, P.E., Development Review Department
- John Ward, Public Health Department
- John Knowles, Knowles & Associates, Inc., Applicant Representative
- Jerry Schuur, Applicant Representative

## **Exhibits**

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

EXHIBIT 1 Resource Stewardship Department Report including the following exhibits:

Attachment a Notice of Public Hearing

Attachment b Thurston County Master Application, dated October 26, 2010

Attachment c Thurston County Division of Land Application, dated October 26, 2010

Attachment d Preliminary Plat Map (3 pages)

Attachment e Landscape Plan

Attachment f Aerial and Zoning Map

Attachment g Re-Issuance of a Mitigated Determination of Non-Significance, dated April 17, 2012

Attachment h August 11, 2011 Comment Letter from John Ward, Thurston County Environmental Health Department

Attachment i May 7, 2012 Memorandum from the Arthur Saint, Thurston County Public Works Department

Attachment j August 10, 2011 letter from Tony Kantas, Thurston County Resource Stewardship to North Thurston School District

Attachment k December 6, 2011 comment letter from North Thurston School District

Attachment l February 24, 2011 letter from North Thurston School District to the Applicant

Attachment m February 24, 2011 letter from North Thurston School District to Thurston County

Attachment n May 1, 2012 comment letter from Washington State Department of Ecology

Attachment o March 27, 2012 comment letter from Washington State Department of Ecology

Attachment p March 8, 2011 comment letter from Washington State Department of Ecology

Attachment q November 17, 2010 comment letter from Washington State Department of Ecology

Attachment r Priority Habitat and Species Assessment Report, dated June 24, 2011

Attachment s December 12, 2010 Sunset Hollow Mazama Pocket Gopher and Prairie Survey

EXHIBIT 2 Photos of the site, Photos of Public Hearing Notice Posting

EXHIBIT 3 Full Size Landscape Plan

EXHIBIT 4 Preliminary Drainage Report, revised dated December 2012

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

## FINDINGS

### *Site Description*

1. The Applicant request approval of a preliminary plat subdividing 6.09 acres into 32 single-family residential lots and four open space tracts. The subject property is addressed as 8320 Mullen Road SE.<sup>1</sup> *Exhibit 1, Attachments b, c, and d.*
2. The site is situated between the Burling Northern Santa Fe (BNSF) right-of-way and Mullen Road approximately 1,000 feet east of the railroad crossing. The plat of Mullen Heights is across the road. The subject property abuts properties with residential zoning to the west, south, and east and the BNSF right-of-way to the north. *Exhibit 1, Attachments d and f; Exhibit 4, page 1.*
3. Topographically, the site slopes gently down from elevation 195 along Mullen Road to elevation 172 along the BNSF right-of-way. The existing single-family residence and several detached accessory buildings would be removed as part of the project. The parcel has historically been used for pasture and other agricultural uses. On-site vegetation is dominated by grasses and non-native weedy species with some mature trees along the northern property line. *Exhibit 1, page 3; Exhibit 1, Attachment r.*
4. The application was submitted on October 26, 2010 and determined to be complete on February 2, 2011.<sup>2</sup> *Exhibit 1, Attachments b and c; Kantas Testimony.*

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<sup>1</sup> The subject property is a portion of Section 35, Township 18 North, Range 1 West, W.M., also known as Tax Parcel Number 09710012003. *Exhibit 1, Attachments b, c, and d.*

5. The site is within the historical range of the Mazama Pocket Gopher and South Puget Sound prairies, with an underlying soil type associated with these habitats and species. The Applicant commissioned a professionally prepared priority habitat and species assessment, which reviewed the subject property for the presence of prairie habitat and for the Mazama Pocket Gopher. The assessment concluded that no soil mounds or other indicators of Mazama Pocket Gophers were observed on-site, with all existing mounds attributed to common moles, and that the site contains no functioning prairie habitat. Not one native prairie plant species was observed on-site. *Exhibit 1, Attachment r.*
6. The subject property is located within the Lacey UGA and has a McAllister Springs Geologically Sensitive Area Residential District (MGSA) zoning designation. Residential development is permitted in the MGSA zone. *Exhibit 1, page 3; Thurston County Code (TCC) 21.10.020.* The MGSA zone requires a minimum density of three dwelling units per acre and allows a maximum density of six dwelling units per acre if connected to sanitary sewer. It requires a minimum lot size of 4,500 square feet and a minimum lot width of 40 feet where access alleys are provided. *TCC 21.10.050.*
7. The proposal calls for extension of City of Lacey sewer service and for each lot to be accessed by an alley. The smallest proposed lot size is 4,502 square feet and the narrowest lot would be 58 feet wide. Other applicable bulk dimensional zoning standards, including required setbacks, maximum lot coverage by impervious surface, and maximum building height would be reviewed for compliance at the time of building permit issuance. *Exhibit 1, page 3; Exhibit 1, Attachment d.*
8. The project would set aside 1.01 acres of open space, which is 16 percent of the total site area. Tract A (12,501 square feet) would provide landscaped recreational area, including a frisbee golf course. Tract B (31,799 square feet) would include stormwater retention facilities and active and passive recreation opportunities. Two additional landscaping tracts (Tract C, 2,751 square feet, and Tract D, 2,760 square feet) would provide a landscaped buffer between the proposed lots and Mullen Road SE. Tracts A and B are proposed to be adjacent to the BNSF right-of-way. Resource Stewardship Staff recommended that an 8-foot high solid wood fence be required along the north property line to provide safe conditions for the open space area along the railroad. *Exhibit 1, pages 6-7; Exhibit 1, Attachment d; Exhibit 3.*
9. The Applicants submitted a professionally prepared landscape plan, indicating the conceptual layout of proposed plat landscaping. The plan calls for 98 trees, hydroseeding of lawn areas, and shrub plantings. It also provides details for the proposed on-site frisbee gold course in Tract A. *Exhibit 3.* Public Works Staff recommended a condition of plat approval that would require the final landscape plan to be signed by a licensed civil engineer in order to ensure landscaping would not interfere with proper functioning of the proposed stormwater facilities. *Exhibit 1, page 9.* A note on the final plat would

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<sup>2</sup> The Applicant representative requested that the findings reflect application completeness as of submission in October 2010; however, Staff testimony established that completeness was not determined until February 2011. *Knowles Testimony; Kantas Testimony.*

inform future homeowners that maintenance of landscaping within all on-site public rights-of-way and tracts would remain the responsibility of the lot owners and would not be assumed by the County. *Exhibit 1, pages 12-13.*

10. A new north-south public road would connect the lots to public streets and utilities. As proposed, the public road would stub to the east to provide for future connectivity; however, at hearing, the Applicant representative indicated that the Applicant hopes to negotiate out of that requirement, because it is not likely the property to the east would develop in such a way that would connect to the resulting stub. If the road stub requirement is withdrawn by the County, the excess area would be distributed among lots and open space tracts. Whether or not the stub design is retained, each lot would access the new interior public road by one of eight proposed alleys (Tracts E, F, G, H, I, J, K, and L). Thurston County Public Works Development Review section reviewed the proposed accesses and determined that they satisfy the applicable Thurston County road standards. *Exhibit 1, pages 5-6; Exhibit 1, Attachment d; Knowles Testimony.*
11. The Applicant proposes to extend City of Lacey municipal water and sewer service to each new lot. The record does not contain confirmation of utility availability by the City. County Staff noted that proof of utility capacity is not required until final plat and that the developers proceed at their own risk in the absence of this confirmation. *Exhibit 1, page 6; Kantas Testimony.* The Applicant representative indicated that the project would participate in a latecomers' agreement for the step sewer main built with the plat of Courtney Place. *Knowles Testimony.*
12. Pursuant to the Applicant's professionally prepared drainage plan, stormwater from the project's new impervious surfaces, including the new north half street frontage improvement for Mullen Road, would be collected in a series of catch basins and conveyed to a stormwater facility in Tract B. Tract B would include an open infiltration basin with a biofiltration swale to provide treatment and retention. The infiltration pond would be gently sloped and hydroseeded such that it would be available for recreation when no standing water is present. The preliminary facilities were designed to be consistent with the 2009 Thurston County Drainage Design and Erosion Control Manual. *Exhibit 4.*
13. 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. Public Works Staff reviewed site plans, the drainage report, and the Applicant's professionally prepared traffic impact analysis dated November 2010. Based on the information reviewed, Staff determined that all preliminary requirements of the County's road and drainage standards were satisfied and indicated support for project approval with conditions. Recommended conditions included the fact that dedication of right-of-way may be required along the site's Mullen Road frontage in order to provide 49 feet of right-of-way north of the centerline of the existing road. The exact location of the centerline had not been surveyed, but an adjacent plat had calculated it location. The Applicant representative indicated that the project anticipates that approximately 30 feet

would be required to be dedicated for Mullen Road right-of-way. Public Works and Resource Stewardship Staff were satisfied that any right-of-way dedication required would not reduce site area to an extent that would impact density or open space calculations such that the project would cease to comply with MGSA development standards. *Exhibit 1, Attachment i; Saint Testimony; Kantas Testimony; Knowles Testimony.*

14. 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 Lacey sewer and domestic water utilities; a condition of approval would ensure that any on-site wells and/or septic systems were appropriately decommissioned and abandoned prior final plat; the depth to ground water ranges from 64 to 167 feet; and the Applicant would be required to prepare and distribute to owners within the plat an integrated pest management plan (IPMP). EHD recommended approval with conditions. *Exhibit 1, Attachment h; Exhibit 1, page 5; Ward Testimony.*
15. The subject property is within the service area of the North Thurston School District (District). Students within the proposed plat would be served by Woodland Elementary, Komachin Middle School, and Timberline High School. The District's comments indicated that the three schools have adequate capacity to accommodate the students from the project. While in the case of the elementary school additional interim capacity is needed through the purchase or relocation of portable classrooms, the District stated that it has funding to provide the needed portable classroom capacity. Resource Stewardship Staff recommended a condition of plat approval requiring the Applicant to designate a bus waiting area acceptable to the District and to enter into a school mitigation agreement prior to final plat approval. The voluntary mitigation agreement is also a requirement of the mitigated determination of non-significance (see Finding 17 below), which the Applicant did not challenge. *Exhibit 1, page 6; Exhibit 1, Attachments g, j, k, and l; Kantas Testimony.*
16. Negotiation of the voluntary mitigation agreement had already begun as of the public hearing date. Testimony at hearing indicated that the Applicant intends to discuss the appropriate location and configuration for the suggested bus waiting area with the District, but that the most likely place for it on-site would be in landscape Tract D. The proposed internal public road would provide sidewalks on both sides, providing safe walking to the bus waiting area wherever it is located. *Exhibit 1, page 6; Knowles Testimony.*
17. 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 April 17, 2012.<sup>3</sup> As stated in the MDNS,

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<sup>3</sup> The April 17, 2012 MDNS is a Re-Issued MDNS. The first environmental threshold determination issued inadvertently omitted traffic impact mitigation. *Kantas Testimony.*

the County's review and threshold determination were based on information included in (but not limited to) the following documents:

- Environmental Checklist, dated October 26, 2010
- Thurston County Master Application, dated October 26, 2010
- Thurston County Plat Application, dated October 26, 2010
- Preliminary Drainage Report, dated January 10, 2011
- Correspondence from North Thurston School District, dated February 24, 2011 and December 6, 2011
- Thurston County Public Works comments, dated January 13, 2012
- Thurston County Health Department comments, dated August 11, 2011
- Washington State Department of Ecology comments, dated November 17, 2010 and March 8, 2011
- Priority Habitat and Species Report, dated June 24, 2011
- Mazama Pocket Gopher and Prairie Survey, dated December 12, 2010
- Correspondence from John Knowles, dated December 28, 2010
- Landscape Plan, dated February 25, 2011
- Preliminary Site Plan, dated January 10, 2011

*Exhibit 1, Attachment g.*

18. The MDNS identifies measures the Applicant must take to mitigate the environmental impacts of the proposal, including: execution of a voluntary mitigation agreement to mitigate school impacts; payment of traffic impact fees to the City of Lacey; and control of construction noise to comply with the County's noise ordinance. No appeals or comments were filed by the applicable deadlines and the MDNS became final on May 8, 2012. *Exhibit 1, Attachment g, MDNS; Kantas Testimony; Exhibit 1, page 3.*
19. Written notice of the public hearing was sent to all property owners within 300 feet of the site on May 22, 2012. Notice was published in The Nisqually Valley News and posted on-site on May 25, 2012, at least ten days prior to the hearing. *Exhibit 1, page 2; Exhibit 1, Attachment a; Exhibit 2.* The County received no public comment on the application. *Exhibit 1, page 7.*

## 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 consisting of public roads and alleys would be built to County road standards, providing access to all lots and stubbing at the east site boundary for future connectivity. Open space set aside in the project would contain active and passive recreation options for residents; the quantity of open space proposed exceeds the minimum Code requirements. City of Lacey municipal sewer and water services would be extended to each lot. All stormwater runoff from the project's new impervious surfaces would be collected and conveyed to Tract B for treatment and retention. Roads and stormwater facilities would be designed and constructed consistent with current County standards. Children would be bused to the schools and safe walking would be provided within the plat to a bus waiting area. *Findings 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16.*
2. **With conditions of approval, the public use and interest will be served by the platting of the subdivision.** The proposed 32 lots are consistent with the density and minimum lot dimensions required by the underlying MGSA zoning district. The project would provide an eight-foot solid fence between open space areas and the BNSF right-of-way adjacent to the north. Traffic impacts to the City of Lacey would be mitigated through the payment of fees. A condition of approval would require the Applicant to execute a voluntary mitigation agreement to address impacts to North Thurston School District facilities. A condition of approval would ensure that an IPMP is prepared and distributed for the protection of the underlying groundwater. The project was reviewed for compliance with SEPA requirements and an MDNS was issued. *Findings 5, 6, 8, 9, 14, 17, and 18.*

### **DECISION**

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

#### **Public Works Conditions:**

##### **ROADS**

1. The proposed roadway in concept and design shall conform to the Road Standards and the City of Lacey standards and development guidelines.



2. A construction permit shall be acquired from the Thurston County Public Works – Development Review Section prior to any construction.
3. All access points with sight distance issues or abutting arterial or collector roadways shall be installed prior to final approval.

Traffic Control Devices:

4. All traffic control devices shall be designed, located, manufactured, and installed in accordance with the Road Standards, 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.
5. County forces may remove any traffic control device constructed within the County right-of-way not approved by this division and any liability incurred by the County due to non-conformance by the applicant shall be transferred to the applicant.

Drainage:

6. The storm water management system shall conform to the Drainage Design & Erosion Control Manual.
7. All drainage facilities outside of the County right-of-way shall remain private and be maintained by the developer, owner and/or the property owners association.
8. 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.
9. Because proper landscaping is vital to the performance of the stormwater system, the Landscape Plan (if required) shall be signed/sealed by a WA licensed civil engineer (preferably the engineer who designed the stormwater system).
10. A Construction Stormwater Permit from the Washington State Department of Ecology may be required. Information about the permit can be found at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/permit.html>. It is the applicant's responsibility to obtain this permit if required.

Utilities:

11. 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.
12. Proposed utility work within the Thurston County Right of Way shall conform to the Road Standards and Chapter 13.56 Thurston County Code. These standards do not

address specific city design requirements but rather only items such as restoration of 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.

Right-Of-Way & Survey:

13. In order to meet the requirements of the Road Standards, additional right of way may be required. Please have your legal representative or surveyor prepare a Quit Claim Deed describing the necessary right-of-way, being a strip of land which when added to the existing right of way totals 49 feet of right-of-way lying North of and abutting the existing centerline of Mullen Road SE. 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 360-867-2356.
14. Permanent survey control 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 360-867-2378.

Traffic:

16. Payment of the off-site traffic mitigation required in the 4/17/12 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
17. No work shall take place until a construction permit has been issued by Thurston County Public Works – Development Review Section.
18. Development within the City of Lacey urban growth boundary, requiring review by both Thurston County and the corresponding city jurisdiction, shall be designed to the more stringent standards of the two jurisdictions.
19. The proposed grading or site work shall conform to Appendix J of the International Building Code, Title 14.37 of the Thurston County Code and Drainage Design & Erosion Control Manual.

20. When all construction/improvements have been completed, contact the Thurston County Public Works – Development Review Section for a final inspection.
21. This approval does not relieve the Applicant from compliance with all other local, state and/or federal approvals, permits, and/or laws necessary to conduct the development activity for which this permit is issued. Any additional permits and/or approvals shall be the responsibility of the Applicant.

Project Specific Conditions:

22. 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.
23. PRIOR to construction, the applicant shall:
  - a. Pay outstanding construction review and inspection fees\*
  - b. Receive an erosion and sediment control permit
  - c. Have the erosion and sediment control inspected and accepted
  - d. Receive a construction permit
  - e. Schedule a pre-construction conference with county staff.

\* The current fee schedule can be found online at <http://www.co.thurston.wa.us/permitting/fees/fees-home.html> or contact Ruthie Padilla with the Thurston County Public Works – Development Review Section by phone at (360) 867-2050 or by e-mail at [padillr@co.thurston.wa.us](mailto:padillr@co.thurston.wa.us).

Final Plat Review:

24. Prior to receiving final approval from this department, the following items shall be required:
  - a. Completion of all roads and drainage facilities.
  - b. Final inspection and completion of all punch list items.
  - c. Record drawings submitted for review and acceptance. The record drawings shall include street names and block numbers approved by Addressing Official.
  - d. Receive and accept Engineer's Construction Inspection Report Form (Appendix I-C, Volume I of the Drainage Design and Erosion Control Manual).
  - e. Receive and accept Maintenance Agreement Form (Appendix I-E, Volume I of the Drainage Design and Erosion Control Manual).

- f. Execute an agreement with financial security for the maintenance and operation of the right-of-way improvements in accordance with Thurston County Code 18.24.010.
  - g. Execute an agreement with financial security for the maintenance and operation of the drainage facilities in accordance with Thurston County Code 15.05.040.
  - h. Approve the Final Plat Map.
  - i. Property owners articles of incorporation and covenants in accordance with Volume I, Section 2.4.11 of the Drainage Design and Erosion Control Manual.
  - j. Completion of required frontage improvements.
  - k. Completion of required signing and striping.
  - l. Payment of any required permitting fees.
  - m. Payment of any required mitigation fees.
  - n. Complete the right-of-way dedication process.
25. The final plat map shall note or delineate the following:

Required Plat Notes

- a. ATTENTION: Thurston County has no responsibility to build, improve, maintain or otherwise service private roads or driveways within or providing access to property described in this plat. The building, maintenance, repair, improvement, operation or servicing of the storm water facilities outside the county rights of way are the responsibility of the property owner(s).
- b. Increased storm water runoff from the road(s), building, driveway and parking areas shall be retained on site and shall not be directed to roadway ditches adjacent to Mullen Road SE.
- c. If seasonal drainage crosses subject property, no filling or disruption of the natural flow shall be permitted.
- d. 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.
- e. 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.
- f. Approval of this subdivision is conditioned upon payment of City of Lacey Traffic

Mitigation Fees in the amount of \$ \_\_\_\_\_ per lot. This fee increases on July 1 of each year in accordance with the increase in the Engineering News Record Construction Cost Index and the amount is determined at the date of payment. Payment is required prior to the issuance of a water meter for those lots served by the Lacey Water Utility and prior to building permit issuance for those lots not served by such Utility.

- g. This plat is subject to storm water 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 storm water 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. The property described herein is required to accommodate storm water runoff from frontage improvements to Mullen Road SE and all natural tributary areas abutting said property.
- j. Maintenance of the required landscaping within the public right of way is the sole responsibility of the property owners within this subdivision. Thurston County has no responsibility to maintain or service said landscaping.

Delineate on the Plat

- k. Provide language on the plat describing the drainage design requirements for runoff from buildings and parking surfaces for individual building lots (drywell design/sizing storm drain connection points, etc.).
- l. Delineate the access restrictions by showing a "no access" strip, written and hatched, between the County approved access points along the frontage of Mullen Road SE on the final plat map.
- m. Please clearly label all public and private roads.

Health Conditions:

- 26. Prior to final plat approval documentation must be provided confirming the availability water and sewer utilities from the City of Lacey.

27. Prior to final plat approval water and sewer service must be extended to and through this subdivision. Confirmation of final water and sewer construction approval from the City of Lacey must be provided.
28. Prior to final plat approval the IPMP for this subdivision must be submitted. This document must be reviewed and approved prior to final plat approval.
29. Prior to final plat approval the applicant must provide in writing a proposed method of IPMP distribution to future homeowners within this subdivision. This distribution method must be reviewed and deemed acceptable by this office prior to final plat approval.
30. Prior to final plat approval all existing on site wells on the property must be decommissioned by a licensed well driller per Washington State Department of Ecology standards. Copies of all well decommissioning reports (well logs) must be provided to this department.
31. Prior to final plat approval all existing on-site sewage systems on the property must be abandoned per the requirements of Article IV of the Thurston County Sanitary Code. Abandonment permits are required for each abandoned system (abandonment permit fees may be waived as the review is part of the subdivision application). All documentation of abandonment must be provided.

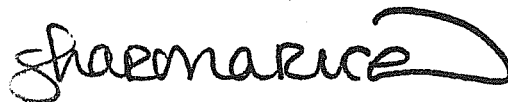
Planning Conditions:

32. Development shall comply with all conditions of the Mitigated Determination of Non-Significance dated April 17, 2012 (Attachment g).
33. Street addresses, lot size and dimensions for each lot shall be shown on the final map.
34. The final design of this subdivision and future development of lots shall conform with all minimum standards of the Zoning Ordinance (i.e. lot size, lot dimension, setbacks, etc.) and the Platting and Subdivision Ordinance.
35. All open space and landscaping and tree preservation shall comply with:
  - A. New trees on individual residential lots shall be planted at a rate of one (1) tree for every four thousand (4,000) square feet of lot area at the time of building permit application.
  - B. All landscaping shall be planted as shown on the approved landscape plan (Attachment e) prior to final plat approval. Any conditions, improvements or maintenance requirements associated with the landscaping plan shall be shown on the final plat map.
  - C. Prior to final plat approval, the applicant shall submit a fence plan for the open space areas that are adjacent to the railroad right-of-way. The fencing shall be a

minimum of eight-feet in height, be solid, and prevent residents within the subdivision to entering the railroad right-of-way.

36. Prior to final plat approval, the applicant shall submit evidence to the Resource Stewardship Department that adequate capacity exists in affected North Thurston School District schools or that the applicant has entered into an agreement with the North Thurston School District to mitigate the impact the plat will have on the district schools. If the agreement requires payment of mitigation fees or other actions after the final plat is recorded then such conditions shall be noted on the final plat map.
37. The following notes shall be shown on the final plat map:
  - A. This subdivision was reviewed and approved based on standards and allowances of the McAllister Springs Geologically Sensitive Area Residential District (MGSA) (TCC 21.10).
  - B. New trees on individual residential lots shall be planted at a rate of one (1) tree for every four thousand (4,000) square feet of lot area at the time of building permit application.
38. Prior to final plat approval, the applicant shall meet with the North Thurston 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. A bus shelter shall be provided at the designated bus waiting area(s).
39. 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** June 18, 2012.



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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.

