



COUNTY COMMISSIONERS

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HEARING EXAMINER

Creating Solutions for Our Future

**BEFORE THE HEARING EXAMINER
 FOR THURSTON COUNTY**

In the Matter of the Application of)	NO. 2012105262
)	
)	
Jeff Pantier, on behalf of)	Chestnut Village Phase II
Evergreen Heights LLC)	
)	
)	FINDINGS, CONCLUSIONS,
For a Preliminary Plat)	AND DECISION
_____)	

SUMMARY OF DECISION

The requested preliminary plat subdividing 3.93 acres into 23 single-family residential lots, a landscaped tract, and a Mazama pocket gopher habitat tract within the Olympia Urban Growth Area is **GRANTED**, subject to conditions.

SUMMARY OF RECORD

Request

Evergreen Heights LLC (Applicant) requested approval of a preliminary plat subdividing 3.93 acres into 23 single-family residential lots and two open space tracts. The subject property is addressed as 3205 Yelm Highway SE within the Olympia Urban Growth Area in unincorporated Thurston County.

Hearing Date

The Thurston County Hearing Examiner conducted an open record public hearing on the request on May 20, 2013.

Testimony

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

- Scott McCormick, Associate Planner, Resource Stewardship Department
- Arthur Saint, P.E., Development Review Department
- Jeff Pannier, Hatton Godat Pannier
- Rob Rice, Evergreen Heights LLC, Applicant

Jim Zahn
Bonita Bourgault

Exhibits

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

Exhibit 1 Resource Stewardship Department Staff Report, dated May 20, 2013 with the following attachments:

Attachment a Notice of Public Hearing

Attachment b Thurston County Master Application, dated November 1, 2012

Attachment c Thurston County Division of Land Application, dated November 1, 2012

Attachment d Amended Preliminary Plat Map, dated May 8, 2013

Attachment e Original Preliminary Plat Map, dated October 23, 2012

Attachment f Landscaping Plans dated April 2013, received May 8, 2013

Attachment g Amended Narrative Summary for Chestnut Village Division 2, received May 8, 2013

Attachment h Mitigated Determination of Non-Significance, dated March 7, 2013

Attachment i SEPA Environmental Checklist, dated November 1, 2012

Attachment j Level 1 Traffic Impact Analysis by Steven Hatton P.E., dated October 17, 2012

Attachment k Letter from Hatton Godat Pantier to Scott McCormick, dated March 21, 2013 RE: request for a Hydrogeologic Assessment

Attachment l Hydrogeologic Assessment by Robinson Noble, Saltbush Inc., dated September 9, 2005

Attachment m Chestnut Village Div. 2 Preliminary Drainage and Erosion Control Report / Construction SWPPP, dated January 11, 2013.

Attachment n Mazama Pocket Gopher Habitat Management Plan by Envirovector, dated August 6, 2012 and revised September 12, 2012

Attachment o Email from Michelle Tirhi of WA Dept. of Fish and Wildlife to Curtis@envirovector.com, Robert Smith et. al., dated October 1, 2012

- Attachment p Letter from Gloria Rogers, WA Dept. of Fish and Wildlife (WDFW) to Robert Smith, TC Resource Stewardship, dated November 8, 2012
- Attachment q Integrated Pest Management Plan by Hatton Godat Pantier, dated March 20, 2013, received March 25, 2013
- Attachment r Memorandum from the City of Olympia to Arthur Saint, P.E. et. al., dated January 24, 2013
- Attachment s The Municipal Parks and Open Space Impacts of the Chestnut Village Phase II Project, by the City of Olympia, dated December 6, 2012
- Attachment t Recommendation for Approval from Brad Sangston, Thurston County Environmental Health Department, dated April 18, 2013
- Attachment u Memorandum from the Arthur Saint, Thurston County Public Works Department, dated March 29, 2013
- Attachment v SEPA Recommendation from the Arthur Saint, Thurston County Public Works Department, dated January 30, 2013
- Attachment w Project Address List from the Thurston County Addressing Desk (360) 754-3355 x 7590
- Attachment x Comment letter from Washington State Department of Ecology, dated March 27, 2013
- Attachment y Comment letter from Washington State Department of Ecology, dated November 26, 2012
- Attachment z Memorandum from Arthur Saint, P.E. to Scott McCormick, dated November 20, 2013; Recommendation for Approval of an Administrative Preliminary Plat Amendment to the Chestnut Village Phase 1 plat (Project 2005101410)
- Attachment aa Original project narrative submitted with application, dated November 1, 2012
- Attachment bb Approval of a minor amendment to the preliminary approval of Chestnut Village Phase 1 (project 2005101410)
- Exhibit 2 Memorandum from Scott McCormick to the file, dated May 20, 2013, with attachments:

Attachment a Correspondence to the Applicant from Rick Johnson, Thurston County Noxious Weed Coordinator, dated May 14, 2013 with declaration of mailing

Attachment b Thurston County Flyer (color brochure) entitled "Questions & Answers about Knotweed Containment

Attachment c Color copy of site photograph showing giant knotweed on-site

Attachment d Thurston County Code Title 17.30

Attachment e Recommended language for conditions of approval, prepared by Scott McCormick

Exhibit 3 Full size site plan set

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 3.93 acres into 23 single-family residential lots and two open space tracts. The subject property is addressed as 3205 Yelm Highway SE within the Olympia Urban Growth Area (UGA) in unincorporated Thurston County.¹ *Exhibit 1, Attachments b, c, and d.*
2. The instant application is for the second and final phase of the Chestnut Village Plat. On January 9, 2013, Thurston County Resource Stewardship Department administratively approved a minor amendment to the original preliminary approval of Chestnut Village Phase I. Approved changes included reducing the original number of lots in Phase I from 90 to 89 and reducing the previously approved the area of the Mazama pocket habitat protection tract. *Exhibit 1, Attachment bb; Exhibit 1, page 2.*
3. The subject property abuts Yelm Highway to the north, Rich Road to the west, and Chestnut Village Phase I to the south, currently under development. Surrounding parcels are residentially zoned and developed. Topographically, the site is flat to rolling with slopes from 0% to approximately 16%. Chambers Ditch traverses the southeastern corner of the site. *Exhibit 1, Attachments g and j; Exhibit 1, page 2.*

¹ The subject property is A portion of Section 31 Township 18 Range 1W **Donation Land Claim** LOWE, JOHN DLC COM 264F N OF SE COR DC N84-32-0W 609.73F N02-30-0E 1250F, S79-6-0E TO PT 1202F N OF BEG S1202F POB LESS RD and Section 31 Township 18 Range 1W. **Donation Land Claim** LOWE, JOHN DLC N10 AC OF FOLL TRACT THE SLN OF SAID 10 AC BEING PARALLEL TO OLY-YELM RD. COM SE COR DE, N264F, N84-32W 609.73F TO POB. *Exhibit 1, page 1.*

4. The application was submitted on November 1, 2012 and determined to be vested as of that date. *Exhibit 2.*
5. The property is zoned Residential six to twelve (R 6-12), with a permitted residential density of at least six and not greater than 12 units per acre. The R 6-12 zoning district requires a minimum lot size of 5,000 square feet and a minimum lot width of 50 feet. Minimum setbacks include: 20 feet for the front yard, or 10 feet with side or rear parking; five feet for side yards, except 10 feet along flanking streets; and fifteen feet for the rear yard. Maximum allowed lot coverage by building is 55% on lots of less than 1/4 acre, and maximum impervious surface coverage allowed is 65% for lots less than 1/4 acre. *Thurston County Code (TCC) 23.04.080, Table 4.0.*
6. The Olympia-Thurston County Joint Comprehensive Plan designates the area for residential use at six to 12 units per acre. Based on the zoning density requirements, the site could be developed with a maximum of 45 and a minimum of 22 dwelling units. *Exhibit 1, page 3.*
7. The proposal would divide the underlying 3.93 acres into 23 single-family residential lots, 0.17-acre landscaping tract (Tract F), and 0.26-acre Mazama pocket gopher habitat tract (Tract E-2), for an open space total of 0.43 acres. Twenty-one of the proposed lots would meet the standard R 6-12 zone's 5,000 square foot minimum lot size. Proposed Lots 87 and 98 would be developed using zero lot line provisions within the Olympia UGA residential design standards. The proposed minimum size of the zero lot line parcels is 4,000 square feet, consistent with the development standards. The proposed density of six units per acre is consistent with both the zoning and Comprehensive Plan land use designations for the site. Compliance with zoning setbacks, lot coverage by building, and impervious surface would be reviewed and confirmed through the building permit process. *Thurston County Code (TCC) 23.04.080, Table 4.04; McCormick Testimony; Exhibit 1, pages 2-3; Exhibit 1, Attachments d, g, and t.*
8. Pursuant to TCC 18.47.040.2, subdivisions of ten lots or more shall dedicate ten percent of the site as permanent open space. The instant plat's 0.43 acres of dedicated open space constitutes 11% of the site area. *Exhibit 1, page 8; Exhibit 1, Attachments d and g.*
9. Water and sanitary sewer would be provided by the City of Olympia municipal utility. City of Olympia provided a letter of water availability. The Applicant would be required to build a sewer lift station on Rich Road to connect the proposed lots to municipal sewer service. The site is currently served with electricity, natural gas, garbage and telephone utilities. The project would be required to bring its Rich Road frontage up to current road standards. *Exhibit 1, pages 2-3; Exhibit 1, Attachments d, g, r, and t.*
10. A new internal public roadway connecting to James Street within Chestnut Village Phase I would serve the lots. Although the site has frontage on both Rich Road SE and Yelm Highway SE, the proposed lots would not access either roadway; all access would be by James Street. *Exhibit 1, pages 2-3; Exhibit 1, Attachments d, g, and j.*

11. The Applicant submitted a professionally prepared Level I traffic impact assessment as required by the applicable 1999 Thurston County Road Standards. The proposed 23 lots are anticipated to generate 23 PM peak hour trips, of which 92% are projected to travel north on Rich Road and eight percent south. The existing road facilities in the vicinity have capacity to handle the project's new vehicle trips and no off-site infrastructure other than frontage improvements is required. Traffic impact fees would be payable to City of Olympia prior to final plat approval, as required through environmental review. *Exhibit I, Attachments h and j; Saint Testimony.*
12. Pursuant to the Applicant's professionally prepared drainage plan, roof runoff would infiltrate via drywells on individual lots. Stormwater runoff from other proposed improvements, including Rich Road frontage, would be collected and conveyed to facilities being constructed in Tract G of Chestnut Village Phase I, which were sized to address runoff from both phases. A wet pond would provide water quality treatment prior to discharging into a retention pond also in Tract G, which would infiltrate to ground water. The stormwater facilities approved in Phase I are being redesigned to satisfy current drainage standards. *Exhibit I, Attachment m; Saint Testimony.*
13. The Applicant submitted a professionally prepared hydrogeologic report with the original proposal of Chestnut Village Phase I in 2005, which assessed a proposed 141 lots. The report was accepted by the County's Environmental Health Division and resulted in approval of Phase I. The current proposal would reduce the overall number of lots in both phases to 113, thereby reducing potential impacts on the underlying aquifer. The Applicant's integrated pest management plan (IPMP) was reviewed and approved by EHD. The IPMP would be included in the plat's covenants, conditions, and restrictions (CC&Rs) and enforced by the homeowners' association. Recommended conditions of approval would require the IPMP to be disseminated to future lot owners by a method to be reviewed and approved by the Resource Stewardship Department. *Exhibit I, page 14; Exhibit I, Attachments k, l, and q; Pantier Testimony.*
14. Review of the overall property during processing of the Chestnut Village Phase I application included a Mazama pocket gopher study of the subject property. The entire property was reviewed for evidence of gopher mounding activity and 1.41 acres within Phases I and II were set aside for gopher habitat. However, the County's critical areas ordinance was amended after the original study was performed. In 2012, when preparing to submit the instant application, the Applicant commissioned an updated study of the site. Reviewing the subject property in 2012, eight mounds were identified on-site as possibly formed by gophers, only one of which was positively identified as Mazama pocket gopher. An additional eight mounds were identified in the Rich Road right-of-way that could be indirectly impacted by the proposal. These findings reflect a reduction in pocket gopher activity on the property since 2005. Areas with current evidence of gophers were calculated at 0.16 acres, requiring a set aside of three times that, or 0.47 acres. The existing 1.41 acre set aside (Tract E) is three times larger than required under current code. The proposed landscaping plan stipulates that Scotch Broom within Tract E would be removed by hand and the habitat tract would be fenced and signage posted. Washington Department of Fish and Wildlife (WDFW) approved the habitat management

plan and expressed appreciation for the excess set aside area. *Exhibit 1, Attachments n, o, and p; Exhibit 3.*

15. Thurston County adopted an impact fee ordinance (Ord. 14819) on December 11, 2012, addressing roads, parks, and school impacts among others. The subject property is within the service area of the Olympia School District (District). Application materials were routed to the District during environmental review, which agency did not submit comments. Resource Stewardship Staff recommended that the Applicant be required to designate and develop a bus waiting area and shelter acceptable to the District to be shown on the final plat map. Staff also recommended that the Applicant be required to either enter into a voluntary school mitigation agreement with the District or to pay school impact mitigation fees pursuant to Ordinance 14819 prior to final plat approval. The proposed internal public roads would connect to the bus waiting area via new sidewalks, providing safe walking for school children. *Exhibit 1, page 8; McCormick Testimony; Exhibit 2.*
16. There is an Intercity Transit bus stop on Yelm Highway adjacent to the subject property. Development of Chestnut Village includes improving the transit stop with a shelter and paved walkway. *Pantier 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 combined notice of application and mitigated determination of non-significance (MDNS) on March 7, 2013. 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:
 - Subdivision application submitted November 1, 2012
 - Narrative summary
 - Environmental Checklist submitted November 1, 2012
 - Plat maps and site plans dated October 2012
 - Mazama Pocket Gopher Habitat Management Plan, dated September 12, 2102
 - SEPA Determination 2005101410, dated April 1, 2008
 - Comments from WDFW, dated October 1, 2012
 - Comments from WA DOE, dated November 26, 2012
 - Level 1 Traffic Impact Analysis, dated October 17, 2103
 - Preliminary Drainage and Erosion Control report, dated October 17, 2012
 - Memorandum from Thurston County Public Works, dated January 30, 2103
 - Memorandum from City of Olympia Engineering Division, dated January 24, 2013

The MDNS identifies required mitigation for the environmental impacts of the proposal, including: payment of City of Olympia parks fees; payment of City of Olympia traffic impact mitigation fees; an agreement of no protest for future

annexation; frontage improvements built to City of Olympia standards; sanitary sewer extensions to and through the plat; a sanitary sewer lift station to be built on Rich Road; water metering; erosion control; stormwater management through all phases of construction; appropriate management of unanticipated archeological finds; compliance with construction hours of operation; management of sediment tracking into public roads; and compliance with a Construction Stormwater General permit, if required by the DOE. No appeals or comments were filed by the applicable deadlines and the MDNS became final on April 3, 2013. *Exhibit 1, Attachment h, MDNS; McCormick Testimony; Exhibit 1, page 5.*

18. The applications, preliminary site plan, drainage plan & report, and traffic impact analysis were routed to Thurston County Public Works Development Review Section (Public Works) for review of project compliance with applicable standards. Public Works determined that all of the preliminary requirements of the County's Road Standards and Drainage Design and Erosion Control Manual could be met and recommended approval with conditions. *Exhibit 1, page 8; Exhibit 1, Attachment u; Saint Testimony.*
19. Thurston County Environmental Health Department (EHD) reviewed the application materials for compliance with County health regulations. EHD determined that the project is not expected to result in any significant impacts to ground or surface water and would not endanger public health and welfare because: all lots would connect to municipal sewer and water; there would be no on-site sewage disposal and no new wells; one existing well within 107 feet of the site will be decommissioned; an integrated pest management plan has been developed and would be implemented; the hydrogeologic report reviewed and accepted by the County's hydrogeologist showed the project would not adversely impact the underlying aquifers; and all existing on-site wells and sewage systems would be properly decommissioned and abandoned. EHD recommended approval with conditions. *Exhibit 1, page 8; Exhibit 1, Attachment t.*
20. The Thurston County Weed Control Agency submitted comments identifying a regulated noxious weed on-site: Giant Knotweed. The agency requested that the proposal be required to comply with noxious weed removal regulations as part of the plat approval process. Resource Stewardship Staff recommended a condition of approval that would require compliance with the noxious weed containment agency's recommendations. *Exhibit 2, 2.a, 2.b, 2.c, 2.d, and 2.e.*
21. Written notice of the public hearing was sent to all property owners within 300 feet of the site on May 6, 2013. Notice was published in The Olympian and posted on-site on May 10, 2013, at least ten days prior to the hearing. *Exhibit 1, page 5; Exhibit 1, Attachment a.*
22. Members of the public appeared to provide comments at hearing. Jim Zahn is a strawberry grower who owns adjoining property. He requested that the Applicant join the Chambers Ditch District to assist in protection of the functions of Chambers Ditch as a water source and as a stormwater runoff conveyance. Mr. Zahn commented that he

thinks too much land has been set aside for Mazama pocket gopher habitat and disputes the extent of pocket gopher presence determined to be on-site. Mr. Zahn expressed concern that traffic from the proposed 23 lots would use Hampton Street SE and interfere with his access to Yelm Highway. *Zahn Testimony*. Bonita Bourgault owns property to the east and is in favor of the current proposal's reduced number of lots. She expressed the opinion that the interests of people should be put before those of pocket gophers. Her concerns were related to impacts of site clearing on the trees on the shared property boundary. She testified that several trees on the boundary had fallen since Chestnut Village Phase I clearing was performed, one of which fell onto a structure on her property. She requested the Applicant's consent to fell the remaining trees onto the Applicant's cleared land. *Bourgault Testimony*.

23. In response to public comment, Public Works Staff noted that there would be an insignificant level of traffic increase on Hampton Street SE. Resource Stewardship Staff noted that the County does not have a tree preservation ordinance and that whether the trees are felled on the Applicant's land is a private matter. *Saint Testimony; McCormick Testimony*.
24. In response to public comment, the Applicant indicated that he would be willing to consider joining the Chambers Ditch District. Noting that Level I traffic assessment projected that one trip would go south, the Applicant representative asserted that this is an insignificant level of increased traffic on Hampton Street SE. *Pantier Testimony*.
25. Considering the entire record including public comment, Resource Stewardship Staff determined that the proposal with recommended conditions would comport with the requirements of the zoning and platting and subdivision ordinances, the Thurston County-Olympia Joint Comprehensive Plan for the Urban Growth Areas, and the Thurston County-Olympia Urban Growth Area Zoning Ordinance. Staff recommended approval. *McCormick Testimony; Exhibit 1, pages 8-9*.

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

Consistent with Revised Code of Washington (RCW) 58.17.110, the preliminary plat may be approved if the record demonstrates that the following criteria in Thurston County Code 18.12.090 are 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 would 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 public road network would provide access to all lots and connect to the existing network within Phase I. A total of 11% of the site is to be set aside in open space, exceeding the minimum required, and the project would pay parks and recreation impact fees to the City of Olympia pursuant to the MDNS. Municipal sewer and water services would be extended to each lot. With conditions requiring lift station construction, the utilities have capacity to serve the proposed lots. Roof runoff from the 23 new homes would infiltrate on the individual lots, while stormwater runoff from the project's remaining new impervious surfaces would be collected and conveyed to Phase I's Tract G for treatment and retention, consistent with current County drainage standards. Children would be bused to the Olympia School District facilities. Sidewalks within the plat would connect to a bus waiting area, assuring safe walking for the distance that school aged children living in the plat would walk. Transit service is available and the proposal includes development of a bus shelter at the nearby stop. New vehicle trips resulting from the project would be low in number and their impacts would be mitigated by the payment of traffic impact fees to the City of Olympia. *Findings 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, and 25.*
2. **With conditions of approval, the public use and interest will be served by the platting of the subdivision.** The proposed 23 lots satisfy the density and minimum lot dimensions required by the underlying R 6-12 zoning district. Traffic and parks impacts City of Lacey would be mitigated through the payment of fees. School impacts would either be mitigated by voluntary mitigation agreement or by the payment of school impact fees. The proposed Mazama pocket gopher habitat exceeds the minimum required amount by three times and was approved by WDFW. The record supports the conclusion that the proposed plat as conditioned would not adversely impact the underlying aquifer. A condition of approval would ensure that the Giant Knotweed on-site would be removed consistent with the County's noxious weed control requirements. The proposal was reviewed for compliance with SEPA requirements and an MDNS was issued. The proposal complies with the Thurston County-Olympia Joint Comprehensive Plan for the Urban Growth Areas. *Findings 7, 13, 14, 15, 17, 18, 19, 20, and 25.*

DECISION

Based on the preceding findings and conclusions, the request for preliminary plat approval for Chestnut Village Phase II as described herein 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 Olympia 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. Permanent survey control need to be placed to establish all public street centerlines, intersections, angle points, curves, subdivision boundaries and other points of control.
14. 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.

Traffic

15. Payment of the off-site traffic mitigation required in the 3-7-13 Mitigated Determination of Non-significance is required prior to final plat 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.

General Conditions

16. No work shall take place until a construction permit has been issued by Thurston County Public Works – Development Review Section.
17. Development within the City of Olympia 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.
18. 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.
19. When all construction/improvements have been completed, contact the Thurston County Public Works – Development Review Section for a final inspection.
20. 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

21. 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.
22. 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.

Final Review

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.
 - 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 signing and striping.
 - k. Payment of any required permitting fees.
 - l. Payment of any required mitigation fees.
24. 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 Rich Road or Yelm Highway.
- 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. This plat is subject to storm water maintenance agreement recorded under auditor's file no. _____.
- g. 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 _____.
- h. The property described herein is required to accommodate storm water runoff from frontage improvements to Rich Road and Yelm Highway and all natural tributary areas abutting said property.
- i. Maintenance of the required landscaping and vegetated drainage facilities 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

- j. 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.).

- k. Delineate the access restrictions by showing a "no access" strip, written and hatched, between the County approved access points along the frontage of Rich Road and Yelm Highway on the final plat map.
- l. The final plat map shall clearly label all public and private roads.

Environmental Health Conditions:

- 25. City of Olympia sanitary sewer must be extended to and through the project and written confirmation of final sewer extension approval from the City of Olympia must be provided to this office prior to final plat approval.
- 26. City of Olympia water service must be extended to and through this project and written confirmation of final water extension approval from the City of Olympia must be provided to this office prior to final plat approval.
- 27. An Integrated Pest Management Plan (IPMP) has been developed for the homeowners of this development. Prior to final plat approval a proposal for the method of distribution for the IPMP to future property owners must be submitted to this office. The method of distribution must be accepted by this office prior to final plat approval. (Generally this is accomplished by including the IPMP into the subdivision covenants). In addition, the phone number listed in the IPMP to be distributed to future property owners for Thurston County Environmental Health must be changed to (360) 867-2664 as the current submittal lists an incorrect phone number.
- 28. Prior to final plat approval the existing well on this property must be decommissioned by a licensed well driller per Washington State Department of Ecology standards. Copies of the well drillers' decommissioning reports (well logs) must be submitted to this office.
- 29. Prior to final plat approval the existing on-site sewage system on this property must be abandoned per Article IV of the Thurston County Sanitary Code. An abandonment permit is required and all abandonment records must be submitted to this office.

Planning Conditions:

- 30. Prior to final plat approval comply with all conditions of the Mitigated Determination of Non-Significance dated March 7, 2013 (Attachment h).
- 31. Prior to final plat approval evidence that all necessary school, roads and public parks mitigation have been paid shall be submitted to Thurston County Resource Stewardship.
- 32. Zero lot line developments (TCC 23.04.080.H.4.a.i): Provisions for reduced or zero setbacks shall appear upon the face of the final plat map. The final plat map shall provide that the minimum distance between residences will be six (6) feet. If the distance between the proposed dwelling and a property line is less than three feet, the applicant shall provide evidence of a maintenance easement, at least three (3) feet in width, which

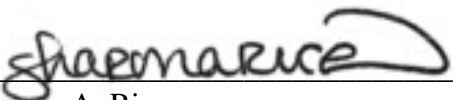
provides sufficient access for the owner of the dwelling to maintain the applicable exterior wall and roof of the dwelling.

33. Zero lot line developments (TCC 23.04.080.H.4.a.ii): Side yard setbacks shall not be less than five feet along a property line adjoining a lot which is not developed or approved for reduced setbacks (e.g., a conventional lot with two five-foot wide side yard setbacks). Side yard setbacks shall not be less than ten feet along property lines which abut a public right-of-way. The minimum side yard setback from bike paths and walkways shall comply with the side yard setbacks from the lot line as specified for the district in Table 4.04.
34. Encroachment into setbacks: Required setback (yard) areas shall be kept free of any building or structure taller than thirty inches in height, except as otherwise provided by TCC 23.04.080.H.5.
35. Prior to residential construction, Administrative Design Review approval is required for zero lot line parcels (TCC 23.50.080.E).
36. Where design review is required, no county permit shall be issued nor work begun until the department has approved the proposed activity, and no substantial changes shall be made after such approval until the department has approved the proposed changes.
37. Street addresses, lot size and dimensions for each lot shall be shown on the final map.
38. The final design of this subdivision and future development of lots shall conform to all minimum standards of the Zoning Ordinance (i.e. lot size, lot dimension, setbacks, etc.) and the Platting and Subdivision Ordinance.
39. All open space and landscaping and tree preservation tracts 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.
40. Prior to final plat approval, the Applicant shall submit evidence to the Resource Stewardship Department that adequate capacity exists in affected Olympia School District schools or that the Applicant has entered into an agreement with the Olympia School District to mitigate the impact the plat will have on the district schools. Alternatively, if a school impact mitigation agreement has not been completed prior to final plat approval, school mitigation fees shall be collected by Thurston County at the time of building permit issuance. School mitigation requirements shall be noted on the final plat map.
41. The following notes shall be shown on the final plat map:
 - A. This subdivision was reviewed through project number 2012105262 and approved

based on standards and allowances of the Residential six to twelve (R 6-12) zoning district in the Olympia Urban Growth Area (TCC 23.04.080).

- 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.
 - C. All proposed zero lot line parcels must receive Administrative Design Review prior to Thurston County Resource Stewardship issuing a building permit.
- 42. Prior to final plat approval, the Applicant shall meet with the Olympia School District management 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. If requested by the school district, a bus shelter shall be provided at the designated bus waiting area(s).
 - 43. The project shall comply with the project Mazama Pocket Gopher Habitat Management Plan approved by the WA Department of Fish and Wildlife (Attachment n) as conditioned by Thurston County Resource Stewardship.
 - 44. To protect the Mazama pocket gopher habitat tract, no clearing, grading, filling, or any construction activities shall be allowed in this area. Additionally, pesticide and herbicide use shall be prohibited within the Mazama pocket gopher habitat tract.
 - 45. The Applicant or successors in interest shall comply with all noxious weed containment requirements of the Thurston County Noxious Weed Control Agency regarding the Giant Knotweed discovered on-site. Noxious Weed Control Agency personnel shall be permitted on-site for inspections.
 - 46. 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 3, 2013.



Sharon A. Rice
Thurston County Hearing Examiner

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