



COUNTY COMMISSIONERS

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 District One
 Sandra Romero
 District Two
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 District Three

HEARING EXAMINER

Creating Solutions for Our Future

**BEFORE THE HEARING EXAMINER
 FOR THURSTON COUNTY**

In the Matter of the Application of)	NO. 2013104432
)	
Northwest Family Homes, Inc.)	2020 Yelm Highway Plat
)	
For approval of a Preliminary Plat and)	FINDINGS, CONCLUSIONS,
Shoreline Substantial Development Permit)	AND DECISIONS
_____)	

SUMMARY OF DECISIONS

The requests for preliminary plat and shoreline substantial development permit approval to allow subdivision of 5.4 acres including portions of the shoreline jurisdiction of Ward Lake into 25 single-family residential lots are **APPROVED** subject to conditions.

SUMMARY OF RECORD

Request

Northwest Family Homes, Inc. (Applicant) requested preliminary plat and shoreline substantial development permit approval to allow subdivision of 5.4 acres including portions of the shoreline jurisdiction of Ward Lake into 25 single-family residential lots. The subject property is located on the north side of Yelm Highway in the Olympia urban growth area.

Hearing Date

The Thurston County Hearing Examiner conducted an open record public hearing on the requests on September 15, 2014. At hearing, the record was held open through September 26, 2014 to allow Planning Staff to present a response to the Applicant's proposed alternate plat layout presented at hearing and to allow the Applicant a response to Staff's submittal. The Applicant did not submit a response and the record closed on September 26, 2014.

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
Brad Sangston, Environmental Health Division
Ron Deering, Applicant
Bob Connelly, Skillings Connelly, Applicant Representative
Jason Brown, Skillings Connelly, Applicant Representative
Brenda Bulger

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 Sept. 20, 2013
Attachment c	Thurston County Division of Land Application, dated Sept. 20, 2013
Attachment d	Project Narrative dated September 16, 2013
Attachment e	Vicinity Map
Attachment e-1	Preliminary Plat Map
Attachment e-2	Stormwater Basin Map
Attachment f	Zoning Map
Attachment g	Notice of Application (NOA) mailed Feb. 18, 2014
Attachment h	Adjacent Property Owners list for NOA
Attachment i	JARPA Application received Aug. 26, 2014
Attachment j	Mitigated Determination of Non-Significance, dated June 19, 2014
Attachment k	SEPA Environmental Checklist dated Sept. 20, 2013
Attachment l	Wetland Characterization of Ward Lake for Northwest Family Homes, dated August 29, 2013
Attachment m	Letter from US Dept. of Interior, Fish and Wildlife Service, Clearance letter regarding Mazama Pocket Gopher habitat on the proposed development site dated July 8, 2014
Attachment n	Letter from the City of Olympia – Water and Sewer availability letter dated November 13, 2013
Attachment o	Comment letter from the City of Olympia regarding development standards, parks and traffic mitigation dated November 13, 2013
Attachment p	City of Olympia analysis of municipal parks and open space impacts of the “2020 Yelm Hwy. Plat” dated November 6, 2013

- Attachment q SEPA Recommendation from the Arthur Saint, Thurston County Public Works Department dated March 14, 2014
- Attachment r Recommendation for Preliminary Approval from Arthur Saint, Thurston County Public Works Department dated July 25, 2014
- Attachment s Recommendation for Preliminary Approval from Brad Sangston, Thurston County Public Health and Social Services dated February 14, 2014
- Attachment t Comment letter from the WA Department of Ecology dated July 2, 2014
- Attachment u Comment letter from the Ward Lake Heights Neighborhood Assoc. dated March 7, 2014
- Attachment v Letter from Gerald Julian dated March 10, 2014
- Attachment w Email from DeWayne Enyeart dated March 10, 2014
- Attachment x Email from Brenda and Dave Bulger dated March 10, 2014
- Attachment y Email from Joan Knapp dated March 10, 2014
- Attachment z Email from Brandon and Elena Popovac dated March 10, 2014
- Attachment aa Letter from the WA Dept. of Ecology dated October 18, 2013
- Attachment bb Yelm Hwy Plat Integrated Pest Mgmt. Plan (IPMP) date received December 4, 2013
- Attachment cc 2020 Yelm Hwy Plat, TC DDECM 2009 Preliminary 12 Minimum Requirements dated Sept. 16, 2013
- Attachment dd 2020 Yelm Hwy Plat, Level 1 Traffic Impact Analysis dated September 2013
- Attachment ee Preliminary Drainage and Erosion Control Plan, 2020 Yelm Hwy Plat dated September 16, 2013
- Attachment ff Construction Stormwater Pollution Prevention Plan (SWPPP) for 2020 Yelm Hwy Plat, dated September 16, 2013
- Exhibit 2 Tree protection plan, submitted by the Applicant, prepared by Washington Forestry Consultants, dated September 5, 2014
- Exhibit 3 Photographs of site, including photos of notice taken by Resource Stewardship Department Staff
- Exhibit 4 Possible alternative lot layout (redline sketch) submitted by Skillings Connelly, September 15, 2014
- Exhibit 5 Resource Stewardship response to Applicant's proposed alternate plat layout, dated September 19, 2014

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

FINDINGS

1. The Applicant requested preliminary plat and shoreline substantial development permit approval to allow subdivision of 5.4 acres into 25 single-family residential lots. The underlying property includes portions of the 200-foot shorelands associated with Ward Lake. Because the proposed plat and shoreline permit are interdependent, the two were consolidated and processed together. The subject property is located on the north side of Yelm Highway in the Olympia urban growth area.¹ *Exhibit 1, Attachments b, c, d, e-1, and i.*
2. The preliminary plat applications were submitted on September 20, 2013 and deemed complete for review on October 19, 2013. The Joint Aquatic Resources Permit Application (JARPA) for the shoreline review was submitted August 26, 2014. *Exhibit 1, Attachments b, c, g, and i.*
3. The site is located between Ward Lake and Hewitt Lake on the north side of Yelm Highway SE, with Ward Lake approximately 75 feet northwest of the site east. There is a public park between the site and Ward Lake. Although there is no shoreline on site, approximately 0.4 acres in the northwest corner of the property are within the 200-foot shoreline jurisdiction of Ward Lake. *See Exhibit 1, page 19 for a graphic depiction of shoreline jurisdiction area.* The shoreline is designated as a Rural Shoreline Environment by the Shoreline Master Program for the Thurston Region (SMPTR). There are no wetlands on-site; however, an off-site lake fringe Class III wetland associated with Ward Lake has a 120-foot buffer that extends into the northwest corner of the site. Existing improvements on-site include a single-family residence in the north portion of the property, which would be retained in proposed Lot 14. The existing well and septic would be abandoned. Site vegetation includes ornamental and native trees, shrubs, and grasses. *Exhibit 1, pages 2-4, 19; Exhibit 1, Attachments e-1, i, and l.*
4. The subject property has a Residential Six to Twelve (R 6-12) zoning designation, which requires residential density of at least six and not greater than twelve residential units per acre. The Thurston County-Olympia Joint Comprehensive Plan similarly designates the area for residential use at a density between six and twelve dwelling units per acre. Single-family residences are allowed in the R 6-12 zoning district, except for mobile /manufactured homes and apartments. *TCC 23.04.040.* The R 6-12 zone requires a minimum of 5,000 square feet for standard lots and 3,500 for zero lot line parcels. Minimum lot width is 50 feet for standard single family residential lots. The minimum front yard is 20 feet, or 10 feet with side or rear parking or 10 feet for flag lots.

¹ The legal description of the site is a portion of Section 36, Township 18, Range 2W Quarter SW NE BLA09101444TC TR A Document 4101698; also known as Tax Parcel Number 12836130201. *Exhibit 1, page 1.*

Minimum side yards are five feet, or 10 feet along flanking streets, and a minimum total of ten feet for both sides. Zero lot line lots may be approved if the proposal undergoes design review. Maximum building area coverage is 40% and maximum impervious surface is 50% for lots greater than one-quarter acre in area. The maximum building height is two stories or thirty-five (35) feet, whichever is less, for residences and 16 feet for accessory structures. *Exhibit 1, pages 4, 6-8; Thurston County Code (TCC) 23.04.080, Table 4.04.*

5. The proposal would create 25 lots, three storm water tracts, and a tree tract. Proposed Tract D is a 0.27-acre tree tract occupying the wetland buffer and part of the shoreline jurisdiction area in the northwest corner of the site. The lots would average 6,197 square feet in area, with the smallest at 4,500 square feet. Some of the proposed lots are less than 50 feet in width. Pursuant to TCC 23.04.080.G, lot widths are required to vary by at least six-foot increments in order to avoid monotonous development patterns, and minimum lot widths may be reduced by up to six feet for individual lots, provided that the average lot width for the project is no less than the minimum lot width required. The proposed lots comply with these width requirements. Thurston County Staff would review individual building permit applications to ensure all setbacks, maximum lot coverages, maximum height, and other zoning development standards are satisfied. *Exhibit 1, Attachment e-1; Exhibit 1, pages 6-8.*
6. As proposed, the project would result in a residential density of 5.6 units per acre, which is less than the minimum of six units per acre required by the zone and Comprehensive Plan designation. However, pursuant to TCC 23.04.080.B.5, a reduction in the minimum density requirements may be approved if necessary to enable development of small (i.e., less than six acres in size), oddly shaped, or partially developed parcels if the site's configuration or constraints (e.g., existing structures) preclude development at the minimum density required. Planning Staff submitted the position that the site's size, existing residential development, and the presence of wetland buffer in the northwest corner of the site limit the space available for additional lots and justify a density lower than six units per acre. *Exhibit 1, Attachments e-1 and l; Exhibit 1, pages 5-6; McCormick Testimony.*
7. However, another factor influencing allowed density is the presence of shoreline jurisdiction within the northern portion of the site in proposed Lots 10, 11, 12, 13, and 14 and Tracts C and D. Policies applicable to the Rural Shoreline Environment limit residential density to two units per acre. The record does not identify with specificity the total square footage of the site within the Rural Shoreline Environment, but it is estimated at approximately 0.4 acres. Proposed Lot 14 contains the existing residence, to be retained, partially within the shorelands. Planning Staff noted that the SMPTR would not allow four additional lots on the 0.4 acres in the shoreline jurisdiction. While it may allow subdivision of the area into two lots (one with the existing residence being retained and one new lot), Staff asserted that the SMPTR would not allow any additional dwelling units in the shoreline jurisdiction. Staff submitted the position that proposed Lots 10, 11, 12, and 13 would need to be modified to comply with SMPTR residential density limits, but did not indicate a specific required modification. The following solutions to the

density conflict were suggested: modifying the plat map so more new lots would be placed outside the shoreline jurisdiction and only one new lot is created in the shoreline jurisdiction which is unbuildable; or identifying the new four proposed new lots in the shoreline jurisdiction as non-buildable tracts on the final plat map. With the latter option, if shoreline regulations are amended to allow higher density development, the owner of the lots could apply for an administrative plat amendment to change the non-buildable tracts into residential lots, which would allow the project to better meet zoning density standards. *Exhibit 1, Attachment e-1; Exhibit 1, pages 5-6, 18-19; McCormick Testimony.*

8. City of Olympia municipal water and sewer utilities would serve all lots, including the existing residence on proposed Lot 14. A 12-inch water main located along the frontage of the site would be extended to provide fire flow and domestic water to the site. Sewer lines within the Yelm Highway right-of-way would be extended to each lot. *Exhibit 1, page 2; Exhibit 1, Attachment n.*
9. An new public interior road of approximately 600 linear feet ending in a cul-de-sac is proposed with a layout designed to minimize grading. The internal roads would be built to City of Olympia road standards with curb, gutter, and sidewalk. Street lighting on the new internal roadway is proposed consistent with City of Olympia standards. Three stormwater tracts are proposed: 0.27-acre Tract A adjacent to Yelm Highway, 0.31-acre Tract B adjacent to the end of the cul-de-sac, and 0.1-acre Tract C on the northern perimeter would treat and infiltrate or disperse runoff from new impervious surfaces. The drainage facilities were designed to the 100-year design storm event, per Thurston County's 2009 DDECM design requirements. No frontage improvements are required along Yelm Highway, as the frontage was recently brought to current standards by a County project. *Exhibit 1, pages 3, 9; Exhibit 1, Attachments e-1, i, cc, ee, and ff; Exhibit 3, photos of frontage.*
10. The Applicant submitted a professionally prepared Level 1 traffic impact analysis (TIA). The TIA determined that the proposal would generate 240 average daily vehicle trips, with 26 in the PM peak hour. Recently renovated Yelm Highway has adequate capacity to handle the proposed trips, which the TIA asserted would have no significant effect on traffic volumes. *Exhibit 1, Attachment dd.* Thurston County Public Works Staff indicated that the TIA satisfied County requirements for traffic study. *Saint Testimony; Exhibit 1, Attachment r.*
11. Tree Tract D is proposed in the on-site portion of the 120-foot lake fringe wetland buffer. Existing trees and vegetation there would be retained. The Applicant submitted a professionally prepared tree protection and replacement plan, which confirmed that the required five percent of the overall site is being proposed as a tree tract. Of the 14 existing trees in that area, eight would be retained and six would be removed due to poor condition. Aside from the retained trees in the tree tract, all other site trees would be removed due to the location of proposed improvements. Applicable County code provisions require retention or planting of new trees at the rate of one tree per 4,000 square feet of lot area. The tree plan indicated that 50 trees planted on the lots would be

required to satisfy this requirement. An additional 33 street trees and 22 trees in Tracts A and B are proposed. Tree removal from the proposal would not impact off-site trees. The development plans depict internal and external landscaping areas, the lake/wetland buffers, tree tracts, and storm water treatment facilities. A formal landscaping plan would be required prior to final plat. *Exhibit 2; Exhibit 1, Attachments e-1 and j.*

12. Pursuant to TCC 18.47.020, the proposed plat is exempt from open space requirements because the site is smaller than ten acres. *Exhibit 1, pages 9-10.*
13. The subject property is mapped as containing potential habitat for the endangered Mazama pocket gopher (*Thomomys mazama*). Thurston County Resource Stewardship staff and US Department of Fish and Wildlife (USFW) biologists surveyed the site for presences of the pocket gopher, but no evidence was found. USFW issued a clearance letter on July 8, 2014 indicating that the proposal would not result in a take, or is unlikely to result in take, of the federally listed species. *Exhibit 1, Attachment m; McCormick Testimony.*
14. 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 June 19, 2014. 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 submitted September 20, 2013
 - Applications submitted September 20, 2013
 - Preliminary plat plans
 - Drainage Plan and Report
 - Correspondence from City of Olympia, dated November 26, 2013
 - Thurston County Public Works SEPA comments
 - Thurston County Health Department recommendation

The MDNS identified nine required measures for the mitigation of potential environmental impacts of the proposal, including: City of Olympia parks and traffic impact mitigation fees; voluntary mitigation agreement addressing school capacity impacts; compliance with the applicable drainage manual requirements for stormwater management; compliance with the Endangered Species Act regarding potential Mazama pocket gopher presence; unanticipated discovery procedures; construction hours of operation; erosion control and proper handling of contaminated soils if known or discovered. *Exhibit 1, Attachment j, MDNS; McCormick Testimony.*

15. The 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 9; Exhibit 1, Attachment i; Saint Testimony.*

16. Thurston County Environmental Health Department (EHD) reviewed the application materials for compliance with County health regulations. EHD noted that the site is within a Category II aquifer recharge area, which triggers a requirement for an integrated pest management plan for proposals of more than 10 lots. A pest management plan was prepared for the project. The on-site well and septic system would both be required to be properly abandoned/decommissioned in compliance with applicable state and County standards and all lots would be required to connect to municipal sewer and water. EHD recommended approval with conditions. *Exhibit 1, page 9; Exhibit 1, Attachments s and bb; Sangston Testimony.*
17. The project would be served by schools in the Olympia School District. Planning Staff recommended a condition of approval requiring the Applicant to designate a bus waiting area and shelter acceptable to the School District within or adjacent to the site and to enter into a school mitigation agreement to address school capacity impacts from the plat's schools aged residents. Staff noted that the internal public road system would provide sidewalks that would connect each lot to the proposed bus waiting area, providing safe passage for school children. *Exhibit 1, page 9.*
18. As proposed, the project would create five lots partially within the Rural Shoreline Environment of Ward Lake, each of which would sell for greater than \$6,416, triggering the requirement for shoreline substantial development permit. *Exhibit 1, Attachments e-1 and j; Exhibit 1, page 12.*
19. Due to the location, topography, and proposed lot layout, the project would have minimal visual impact as seen from either Yelm Highway or from the Ward Lake shoreline. The city park immediately west provides shoreline access to residents of the area. There are no submerged lands on the subject parcel and no over water development is proposed. No landfill, stair towers, or aquaculture uses are proposed, and there are no aquaculture districts in the vicinity. No grading or clearing is proposed within the 20-foot buffer or 50-foot shoreline setback area as both are located in the larger 120-foot wetland buffer. All proposed development would be setback more than 120 feet from the shoreline of Ward Lake. Land clearing and grading permits would be required for construction activities and would require compliance with all shoreline policies and regulations. *Exhibit 1, pages 12-21; Exhibit 1, Attachments e-1 and i.*
20. Notice of application was sent to all property owners within 300 feet of the site on February 18, 2014. Notice of public hearing was sent to the same property owners on August 29, 2015 and published in The Olympian and posted on-site on September 5, 2014. *Exhibit 1, page 5; Exhibit 1, Attachment a, g, and h; Exhibit 3.*
21. Ward Lake Heights, a residential development on the shores of Ward Lake, was represented by multiple public comments submitted in writing as well as in person at the hearing. Residents unanimously indicated that they treasure Ward Lake and expressed

strong concerns about the impacts of the proposed development. Issues of concern related to a recent algal bloom resulting from runoff into the lake from surrounding development. They also expressed concern about light and noise pollution from the nearest proposed lots and listed wildlife allegedly observed at the lake not included in the environmental checklist. They requested silt fencing and property line fencing to minimize additional pressure on the lake. *Brenda Bulger Testimony; Exhibit 1, Attachments u, v, w, x, y, and z.*

22. In response to public comment, Planning Staff noted that the proposal has incorporated and would be required to comply with all regulations regarding erosion control and stormwater management for both the construction phase and the life of the project. Staff also noted that the proposed tree Tract D and the proposed plantings in stormwater Tract C should buffer light and noise from the nearest lots. *McCormick Testimony.*
23. In response to public comment, Applicant representatives indicated that the builder typically fences the rear the yards, which would restrict access to the lake from the lots. Proposed site lighting would be low impact directional lights comporting with City of Olympia standards, which would be aimed away from the lake. *Deering Testimony; Connelly Testimony.*
24. Regarding the issue of conflicting densities allowed on-site, the Applicant requested that the Rural Shoreline Environment policy restricting residential density to two units per acre be interpreted to limit the number of actual dwelling units, rather than residential lots, in the shoreline environment to two per acre. At hearing, the Applicant submitted a proposed alternate lot layout that shifted the proposed internal road way and cul-de-sac closer to the eastern site boundary, leaving more area in proposed Lots 10, 11, 12, 13, and 14 that would be outside the shoreline jurisdiction. *Exhibit 4; Connelly Testimony.*
25. Splitting up the on-site Rural Shoreline Environment into multiple ownerships has the potential to lead to greater impact than one single-family lot. One practical implication of such an interpretation would be to allow four new lots to have rear yards extending into shoreline jurisdiction. Even with actual residences outside the shoreline jurisdiction. The numbers of people, pets (dogs, cats etc.), amounts of lawn and garden chemicals, storm runoff, noise, light, and other disturbances could be significantly increased by creating four lots. After post-hearing consultation with Thurston County Resource Stewardship Staff, the Thurston County Prosecuting Attorney's Office, and Washington State Department of Ecology Shorelines Staff Alex Callender, County Staff concluded that lots, not residences, are the measure of density for the purposes of establishing residential density limits within the Rural Shoreline Environment. *Exhibit 5.*
26. The Rural shoreline designation of Ward Lake was established in 1990, prior to adoption of the State Growth Management Act (GMA) in the same year. Planning Staff submitted the position that there is some inconsistency between the Rural shoreline designation, which allows a maximum of two dwelling units per acre, and the fact that Ward Lake is within a designated urban growth area that requires residential densities of up to 12 units per acre. Staff noted that shoreline designations are likely to be reviewed and revised

during the upcoming SMPTR update, potentially resulting in designations more consistent with existing development patterns and environmental conditions. *Exhibit 1, page 13; McCormick Testimony.*

27. Considering the entire record including public comment, Resource Stewardship Staff determined that with the recommended conditions the proposal would comport with the requirements of the zoning and platting and subdivision ordinances, the Thurston County-Olympia Joint Comprehensive Plan, the requirements of the Olympia Urban Growth Area Zoning Ordinance (TCC Title 23), and all applicable provisions of the SMPTR. Staff recommended approval with conditions. *McCormick Testimony; Exhibit 1, pages 21-30.*

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.

Preliminary Plat 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.

Shoreline Substantial Development Permit Criteria for Review

Pursuant to Washington Administrative Code 173-27-150, to be approved by the Hearing Examiner, the proposed shoreline substantial development permit must be consistent with:

- A. The policies and procedures of the Shoreline Management Act;
- B. The provisions of applicable regulations; and
- C. The Shoreline Master Program for the Thurston Region.

A. Shoreline Management Act

Chapter 90.58 RCW, the Washington State Shoreline Management Act (SMA) of 1971, establishes a cooperative program of shoreline management between the local and state governments with local government having the primary responsibility for initiating the planning required by the chapter and administering the regulatory program consistent with the Act. The Thurston County Shoreline Master Program (SMPTR) provides goals, policies and regulatory standards for ensuring that development within the shorelines of the state is consistent the policies and provisions of Chapter 90.58 RCW.

The intent of the policies of RCW 90.58.020 is to foster “all reasonable and appropriate uses” and to protect against adverse effects to the public health, the land, and its vegetation and wildlife. The SMA mandates that local governments adopt shoreline management programs that give preference to uses (in the following order of preference) that: recognize and protect the statewide interest over local interest; preserve the natural character of the shoreline; result in long term over short term benefit; protect the resources and ecology of the shoreline; increase public access to publicly owned areas of the shorelines; and increase recreational opportunities for the public in the shoreline. The public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state is to be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses that are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline, are to be given preference.

B. Applicable regulations from the Washington Administrative Code

WAC 173-27-140 Review criteria for all development.

- (1) No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the master program.
- (2) No permit shall be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.

WAC 173-27-190 Permits for substantial development, conditional use, or variance.

- (1) Each permit for a substantial development, conditional use or variance issued by local government shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.140 (5)(a) and (b).

C. Shoreline Master Program for the Thurston Region

The SMPTR contains standards for residential development. The applicable policies and general regulations for residential development are listed in SMPTR, Section Three – Policies and Regulations for Use Activities, Chapter XVI. Residential Development, beginning on page 98 and with specification for the Rural Shoreline Environment on page 106.

Policies - XVI –Residential Development, pg. 98

1. Residential development on shorelines and wetlands should be planned with minimum adverse environmental and visual impact.

2. Clustering of residential development is encouraged to minimize adverse environmental impact and to provide open spaces.
3. Residential developments created after the effective date of this Program should provide adequate common access to the shoreline and open space along the shoreline for all residences of the subdivision. The access and open space should be of adequate size to provide for recreation and to insure against unreasonable interference with adjacent properties.
4. When subdividing land, the area under shoreline jurisdiction may be set aside as an open space tract even if the tract would be smaller than the minimum lot size requirement in that shoreline environment. The public interest is served by maintaining shoreline property in a relatively undeveloped state, and private interests are furthered by allowing more flexibility in site design.
5. Residential developments created after the effective date of this Program should provide easements for access to or along the shorelines for the general public if there has been significant historical usage by the public. Historic use is regular use by the public over a period of years rather than incidental or occasional use by one or only a few members of the public. This policy is not intended to apply to construction of an individual dwelling on a single lot.
6. Residential development should be consistent with the environmental designation in which it is located as well as the local jurisdiction's land use plans and ordinances. If a conflict arises between the regulations of the Master Program and some other regulation of the local jurisdiction, then the most restrictive standard or density shall prevail.
7. Removal of vegetation should be minimized and any areas disturbed should be restored to prevent erosion and other environmental impacts.
8. Waste materials from construction should not be left on shorelines or beaches but stored upland.
9. A variety of housing types on land should be encouraged provided that they are consistent with the environmental designation criteria and the zoning regulations for the site.
10. Residential structures should be located to minimize obstruction of views of the water from upland areas. The intent of this policy is to encourage the retention of views in and through new residential developments. This policy is not intended to prohibit the development of individual shoreline lots simply because it may minimize or eliminate views from upland properties.
11. Residential development along shorelines should be designed and sited to make unnecessary such protective measures as filling, beach feeding, bulkheading, shoreline berms, construction groins or jetties, or substantial grading of the site.

General Regulations

1. Residential development over water is not permitted.

2. "Submerged lands" within the boundaries of any waterfront parcel shall not be used to compute required lot area, lot dimensions, densities and/or required yards. Wetlands, i.e., marshes, bogs, swamps and tidelands, may or may not be used to compute required lot area, lot dimensions, densities and/or required yards depending upon adopted local policy of the legislative body of each jurisdiction. That portion of a parcel not identified as a submerged land or a wetland shall be referred to as dry land area. Wetlands may be included as open space depending upon adopted local policy of the legislative body of each jurisdiction.
3. Residential development proposals shall identify those areas of natural vegetation, retention and erosion control measures.
4. Residential development shall be arranged and designed to protect views, vistas, aesthetic values to protect the character of the shoreline environment and the views of neighboring property owners.
5. Residential structures shall not exceed thirty-five (35) feet above average grade unless it can be shown through the variance process that a higher structure will not interfere with visual access to the water from landward or adjacent properties. [Exception: See Urban Environment regulation 1.d]
6. Landfill for residential development which results in the creation of new dry land is prohibited.
7. Landfilling in flood hazard areas is allowed only for flood protection.
8. Storm drainage facilities shall be separate from sewage disposal facilities and include provisions, as required by the jurisdiction, to prevent direct entry of surface water runoff into receiving waters (see Utilities and Road Section).
9. Residential developers must demonstrate that ground water withdraws are consistent with state regulations.
10. New residential subdivisions have the option of setting aside in an open space tract the portion of the property being divided that is under the jurisdiction of this Master Program. The following conditions must be met
 - a. Restrictive covenants must be filed prior to final subdivision approval prohibiting the use of the open space tract as a building site.
 - b. The open space tract must be clearly identified on the final plat map.
11. All stair towers meeting one of the following conditions must be designed by a licensed civil engineer:
 - a. The location proposed is mapped as "unstable" or "Intermediate Stability" in the Washington Coastal Zone Atlas prepared by the State Department of Ecology.
 - b. All stair towers 24 feet in height or greater.
 - c. Other instances where the building official determines that site conditions dictate the preparation of plans by a licensed civil engineer.

12. Stair towers shall be designed to minimize obstructing the views enjoyed by adjoining residences.
13. Only one (1) dock or pier is permitted in a new residential development. Prior to final project approval of a residential development, a usable area shall be set aside for pier or dock; unless there is no suitable area.
14. New residential developments shall provide general public access to and along shorelines that have been historically used by the public for recreation.
15. Residential subdivision developments and planned unit developments shall provide areas sufficient to ensure usable access to and along the shoreline area for all residents of the development except where the shoreline topography does not permit the same.
16. Each shoreline environment has a setback requirement for structures, from the ordinary high-water mark. Uncovered porches, decks or steps may project into the required setback provided such structures are no higher than thirty (30) inches above the average grade. The setback in each environment may be increased or decreased by the Administrator in the following way:
 - a. Increased Setback Requirements. The setback may be increased if the building area or setback areas have a slope of greater than forty percent (40%), severe slope instability exists or a feeder bluff is present. (Refer to the Coastal Zone Atlas of Washington, Volume 8, to identify these areas on marine shorelines.)
 - b. Decreased Setback Requirements. The setback may be relaxed provided that existing structures within three hundred (300) feet of each property line infringe on the setback. In such cases, the setback shall be determined by averaging the setback's existing structures within three hundred (300) feet along the waterfront of each property line. This shall not be construed to allow residential development over water. The setback shall be the minimum required in the environment on properties within three hundred (300) feet where residences do not exist for purposes of averaging.
17. Clustering of residential dwellings in all environments except Natural is allowed. The number of clustered lots or residential units encroaching into the shoreline area shall not exceed the number of units which results from multiplying the total acres (minus submerged lands) in shoreline area by the density allowed in the specific environment.
18. Proposed residential development in the vicinity of aquaculture operations shall install drainage and waste treatment facilities to prevent any adverse impacts to aquaculture operations.
19. Restrictive covenants shall be filed which will inform prospective buyers of the proximity of the Aquacultural District for residential development proposed within or adjacent to an Aquacultural District, or which may be adversely affected by the aquaculture operation. Residential development, which requires plat approval or site plan review, shall be approved subject to a requirement that notice of the proximity of the Aquacultural District be placed on the face of the plat. Another suitable

mechanism shall be used to notify new residents when the project does not require plat approval.

Environmental Designations and Regulations

Rural Environment

- a. Residential densities in this environment shall not exceed two dwelling units per acre, regardless of housing type.
- b. For shoreline lots which are not clustered, the minimum lot size shall be twenty thousand (20,000) square feet of dry land area and the minimum lot width shall be one hundred (100) feet (measured at the ordinary high water mark and at the building setback line). Lot coverage with impervious surfaces in this environment shall not exceed thirty percent (30%).
- c. The basic setback for residential structures shall be fifty (50) feet from the ordinary high-water mark and/or comply with General Regulation #16.
- d. Land clearing and grading is permitted after obtaining a shoreline permit, an exemption from the Administrator, or a land clearing permit from the local jurisdiction for preparation of new building sites. A buffer of existing ground cover must be maintained in the area between the ordinary high-water mark and twenty (20) feet from the structure. The ground cover in the buffer may be disturbed only after approval of the Administrator where one or more of the following conditions apply:
 1. A building site has been approved in the buffer area and an erosion control and vegetation protection plan has been approved by the Administrator.
 2. The applicant wishes to landscape the area with other vegetation and has an erosion control plan approved by the Administrator.
 3. When the construction of access pathway is proposed for to the shoreline, vegetation will be removed only within the boundaries of constructed access pathway.

Conclusions Based on Findings

A. Preliminary Plat

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 proposed internal public road network would provide access to all lots from recently improved Yelm Highway. The project's new vehicle trips would not adversely impact the local road network. No open space is required, but several tracts serving other purposes would provide passive open space. Municipal sewer and water services would be extended to each lot. Stormwater runoff from the project's impervious surfaces would be either infiltrated in place or conveyed to a stormwater facility on-site. School aged children would be bused to the appropriate Olympia School District facilities. Sidewalks within the plat would connect to a bus

waiting area, assuring safe walking for the school aged children living in the plat. Park and school impacts would be mitigated through the payment of fees. *Findings 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, and 27.*

2. **With conditions of approval, the public use and interest would be served by the platting of the subdivision.** The proposed density does not comply with the density range of the R 6-12 zone. However, the small size, existing residential development, and on-site critical and shoreline areas justify deviating from the minimum required density consistent with TCC 23.04.080.B.5 . The proposed lot dimensions comport with the requirements of the underlying R 6-12 zone as modified by TCC 23.04.080.G. Traffic impacts would be mitigated through the payment of fees. School impacts would be mitigated by voluntary mitigation agreement. USFW has cleared the site for development with respect to potential Mazama pocket gopher impacts. 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. *Findings 3, 4, 5, 6, 7, 10, 13, 14, 15, 16, 17, 21, 22, 23, and 27.*

B. Shoreline Substantial Development Permit

1. The six to twelve dwelling units per acre allowed by the underlying R 6-12 zoning is inconsistent with the two units per acre allowed by the Rural shoreline designation. The proposal cannot satisfy both the minimum zoning density and maximum density allowed by the SMPTR. Per SMPTR Policies - XVI, Residential Development, pg. 98 (B.6.), if a conflict arises between the regulations of the SMPTR and some other regulation of the local jurisdiction, the most restrictive standard or density applies. The preliminary plat map must be revised either to reduce the number of proposed residential lots within shoreline jurisdiction or to make the four proposed new lots into non-buildable tracts. While it may be possible to create one lot out of the portions of proposed Lots 10 through 13 that could meet applicable standards, such a lot may not be developable as one residence already exists within the less than half-acre of shoreline jurisdiction on-site. Conditions of approval would ensure that that prior to final approval, the preliminary plat map is revised to satisfy the current shoreline density standards. If future SMPTR updates amend the residential density allowed in the on-site shoreline jurisdiction area, the Applicant would be able to amend the plat such that the new lots in the shoreline area were buildable through an administrative review process. *Findings 5, 6, 7, 24, 25, 26, and 27.*
2. As conditioned to restrict subdivision of new lots in the 0.4 acres of on-site shoreline jurisdiction to comply with densities allowed in the Rural shoreline, the proposal would be consistent with the policies and procedures of the Shoreline Management Act. Conditioned to comply with SMPTR densities, the proposed subdivision is a “reasonable and appropriate use” of the on-site shorelands. The proposal was reviewed by the County's Health Department and no impacts to public health were identified. The proposal would not impact public shoreline access or views. *Findings 5, 7, 16, 18, and 27.*

3. As conditioned, the proposed subdivision complies with applicable regulations in the Washington Administrative Code. No improvements within the shorelands would be 35 feet or taller from grade at any point. There would be no impact to views. A condition of approval would ensure compliance with the requirements of WAC 173-27-190. *Findings 5, 8, 9, and 19.*
4. Conditioned to ensure (among other things) compliance with residential densities allowed in the Rural Shoreline Environment, the proposal would be consistent with the applicable policies and regulations of the Shoreline Master Program for the Thurston Region. Residential uses are allowed in the Rural Shoreline Environment subject to density restrictions. The proposal would have minimal visual impacts as seen from public roads or from the shoreline. The City park to the west provides shoreline access to residents of the area. All proposed development would be setback more than 120 feet from the shoreline of Ward Lake. There are no submerged lands located on-site; no over water development is proposed. No landfill, stair towers, aquaculture uses, or grading/clearing are proposed in the shorelands, and there are no aquaculture districts in the vicinity to be impacted. Land clearing and grading permits would be required for all construction activities that would ensure compliance with all shoreline policies and regulations. *Findings 5, 8, 9, 19, and 27.*

DECISION

Based on the preceding findings and conclusions, the requested preliminary plat and shoreline substantial development permit approvals to allow subdivision of 5.4 acres including portions of the shoreline jurisdiction of Ward Lake into 25 single-family residential lots are **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.

Traffic

13. Payment of the off-site traffic mitigation required in the 6/19/14 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

General Conditions

14. No work shall take place until a construction permit has been issued by Thurston County Public Works – Development Review Section.
15. 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.
16. 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.
17. When all construction/improvements have been completed, contact the Thurston County Public Works – Development Review Section for a final inspection.
18. 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

19. 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.
20. 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.

General Information: Final Review

21. 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.
22. 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 Yelm Highway 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. 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. 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 the said landscaping.

Delineate on the Plat:

- i. 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.).
- j. Delineate the access restrictions by showing a "no access" strip, written and hatched, between the County approved access points along the frontage of Yelm Highway SE on the final plat map.
- k. Please clearly label all public and private roads.

Environmental Health Conditions:

- 23. 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.
- 24. 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.
- 25. 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).

26. 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.
27. 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.

Resource Stewardship Conditions:

28. Prior to Final Plat approval the Applicant shall demonstrate consistency with current Shoreline Master Program for the Thurston Region density requirements for the Rural Shoreline environment, which limits residential density to two dwelling units per acre. This will require reconfiguration of the proposed lot layout or designation of new lots proposed within the Rural Shoreline Environment as unbuildable tracts.
29. Residential density calculations and allowances meeting the Thurston County Zoning Code and Shoreline Master Program for the Thurston Region shall be clearly stated on the face of the final plat and location of unbuildable tracts for use as potential future residential lots, if any, shall be clearly shown on the final plat map. An administrative plat amendment shall be required to alter the final plat and change unbuildable tracts into residential lots.
30. The maximum impervious surface limits within the 200-foot Rural Shoreline Environment is 30%. All future development shall comply with this standard.
31. Prior to final plat approval submit a final landscaping plan to the Resource Stewardship Department for review and approval.
32. All site development shall comply with all conditions of the mitigated determination of non-significance dated June 19, 2014 (Attachment j).
33. Prior to final plat approval evidence that all necessary school, roads, and public parks mitigation fees have been paid shall be submitted to Thurston County Resource Stewardship.
34. 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 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 feet in width, which provides sufficient access for the owner of the dwelling to maintain the applicable exterior wall and roof of the dwelling.

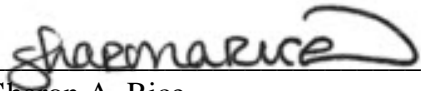
35. Zero lot line developments (TCC 23.04.080.H.4.a.ii): Side yard setbacks shall not be less than five feet along a property line adjoining a lot which is not developed or approved for reduced setbacks (e.g., a conventional lot with two five-foot wide side yard setbacks). Side yard setbacks shall not 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.
36. 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.
37. Prior to residential construction, Administrative Design Review approval is required for zero lot line parcels (TCC 23.50.080.E).
38. 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 except as modified in the instant approval.
39. All open space and landscaping and tree preservation shall comply with the following: New trees on individual residential lots shall be planted at a rate of one tree for every 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. The Applicant shall designate a bus waiting area and shelter, acceptable to the School District and enter into a school mitigation agreement prior to final plat approval. The bus waiting area and mitigation requirements shall be shown on the final plat map. 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.
41. The following notes shall be shown on the final plat map:
 - A. This subdivision was reviewed through project number 2013104432 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.
 - D. Regulated wetlands and their associated buffers have been identified on site. Pursuant to Thurston County Code, Chapter 24.30, these areas are designated as critical areas in Thurston County. To prevent disturbance of the sensitive area, no development or construction activities shall be allowed within wetlands or their associated buffers. Due to the importance of the wetlands for wildlife habitat, pollution control, ground water recharge and flood water storage, no clearing, filling, grading or other construction activities shall be allowed within the sensitive area except where exempted by and when prior authorization is obtained from Thurston County Resource Stewardship. Future development proposals within the sensitive area may require submittal of a wetland delineation and classification report prepared by a person with wetlands ecology expertise who is knowledgeable of wetland conditions within the Thurston region and who derives his/her livelihood from employment in this occupation.
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. Prior to final plat submittal and any site clearing, all tree on-site over 6 inches in diameter (DBH), which are to be removed for the project, i.e. road, stormwater, and lot development, shall be clearly marked. In addition, all proposed wetland buffers shall be clearly delineated and marked on site by installing orange construction fencing along the outside perimeter of all wetland buffers. After trees are marked and wetland buffers delineated, the Applicant shall contact Thurston County Development Services to request an inspection. Site clearing may not begin until the applicant obtains written permission from the Thurston County Public Works.
 44. No chemical fertilizers or herbicides shall be used immediately adjacent to or within the wetland buffers on-site. Any control of noxious weeds or invasive plants shall be done by hand or small hand operated tools rather than chemical application.
 45. Prior to final plat submittal, permanent wetland buffer fencing and signage must be installed along the outer edge of all regulated wetland buffers on-site in accordance with Thurston County Code, TCC 24.60 – Critical Area Signs and Fencing. Wetland buffer signs shall be installed at minimum 50-foot intervals and within 10 feet of the intersection with property lines. Critical area fencing may be low split rail, board or vinyl fencing at least three-feet in height or may be solid wood fencing. If open fencing is used, solid

wire strands shall be included to inhibit dogs from entering wetland buffers. A wetland buffer fencing and signage plan shall be submitted by the Applicant to Thurston County Resource Stewardship, Planning and Environmental Review Section for review and approval prior to final plat submittal.

46. All outdoor lighting fixtures shall be of low intensity and shielded to reduce light and glare (light pollution).
47. All development on the site shall be in substantial compliance with the approved plat as modified by these conditions. Any future 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 October 10, 2014.



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.

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 Resource Stewardship 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 Resource Stewardship 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 **\$638.00** for a Request for Reconsideration or **\$846.00** 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.



Project No. _____ 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 \$638.00 for Reconsideration or \$846.00 for Appeal. Received (check box): Initial _____ Receipt No. _____
 Filed with the Resource Stewardship Department this _____ day of _____, 20___.