



COUNTY COMMISSIONERS

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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. 2017102729
	)	
	)	<b>Plat of Pleasant Glade</b>
	)	
<b>Eldon B. Stanton Inc.</b>	)	FINDINGS, CONCLUSIONS,
	)	AND DECISION
	)	
For a Preliminary Plat	)	
_____	)	

**SUMMARY OF DECISION**

The requested preliminary plat to subdivide 5.66 acres into 16 single-family residential lots is **GRANTED** subject to conditions.

**SUMMARY OF RECORD**

**Request:**

Eldon B. Stanton Inc. (Applicant) requested a preliminary plat to subdivide 5.66 acres into 16 single-family residential lots. The subject property is located at 4611 20th Way NE within the Lacey Urban Growth Area of Thurston County.

**Hearing Date:**

The Thurston County Hearing Examiner conducted a virtual open record public hearing on the request on February 14, 2023. The record was held open through February 16, 2023 to allow members of the public who experienced difficulty joining the virtual hearing to submit post-hearing written comments, if any, with an additional two days scheduled for responses by the parties. No post-hearing public comment was submitted, and the record closed on February 16, 2023.

**Testimony:**

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

Heather Tschaekofske, Associate Planner, Thurston County Community Planning & Economic Development Department

Arthur Saint, Civil Engineer, Thurston County Public Works Department

Chris Cramer, Patrick Harron & Associates, Applicant Representative

**Exhibits:**

The following exhibits were admitted in the record through the virtual hearing process:

Exhibit 1 Community Planning and Economic Development Report, including the following attachments:

- A. Notice of Public Hearing
- B. Zoning map
- C. Master Application, received May 26, 2017
- D. Division of Land Application, received May 26, 2017
- E. Forestland Conversion Application, received May 26, 2017
- F. SEPA Environmental Checklist Application, received May 26, 2017
- G. Project Narrative, revised December 2021
- H. Preliminary plat map, dated February 2, 2023
- I. Traffic Impact Assessment, May 10, 2017
- J. Integrated Pest Management Plan, revised November 29, 2021
- K. Preliminary Drainage Report, revised June 2022
- L. Stormwater Infiltration and Steep Slope Evaluation, dated May 19, 2016
- M. Mark Bieber comment email, dated March 12, 2021
- N. Tree Protection and Replacement Plan, revised November 29, 2021
- O. Logging site plan, revised December 22, 2022
- P. Notice of Application, dated August 2, 2017
- Q. Address Assignment List
- R. Road Variance Application, dated February 21, 2018
- S. Short plat map SS 18-114343, Auditor File Number 4724579
- T. Applicant response to Public Works comments, dated March 17, 2021, submitted September 1, 2022
- U. Applicant response to criteria in TCC 24.30.310, submitted August 24, 2022

- V. Preliminary approval letter from Arthur Saint, Public Works Department, dated January 12, 2023
- W. SEPA recommendation from Arthur Saint, Public Works Department, dated September 16, 2020
- X. Preliminary approval letter from Dawn Peebles, Environmental Health Department, dated July 27, 2020
- Y. City of Lacey Conditions, dated April 20, 2022
- Z. Forest Practice approval letter, dated January 17, 2023
- AA. Comment letters from North Thurston Public Schools, dated August 22, 2017, December 28, 2020, and December 27, 2022
- BB. Comment letters from Brad Beach, Nisqually Indian Tribe, dated June 19, 2017, and December 20, 2022
- CC. Comment letters from Department of Ecology, dated June 26, 2017, August 22, 2017, and December 30, 2022
- DD. Public comments from Pleasant Acres HOA, dated August 21, 2017, and emails dated October 2019
- EE. Mitigated Determination of Non-Significance, issued December 16, 2022
- FF. Wetland Delineation Report, dated July 2016
- GG. Wetland Buffer reduction memo, dated September 22, 2016
- HH. Wetland Mitigation Plan, dated February 10, 2018
- II. Plat Name Reservation Certificate

Based on the record developed through the open record hearing process, the Hearing Examiner enters the following findings and conclusions.

### FINDINGS

1. Eldon B. Stanton Inc. (Applicant) requested approval of a preliminary plat subdividing 5.66 acres into 16 single-family residential lots. The subject property is located at 4611 20th Way NE in the Lacey Urban Growth Area of Thurston County.<sup>1</sup> *Exhibits 1.C, 1.D, 1.G, and 1.H.*
2. A preliminary plat application was received on May 26, 2017 and determined to be complete for the purpose of commencing project review on June 23, 2017. The 2017 application was for a subdivision of 10 acres into 28 single-family lots. In the intervening years, the Applicant obtained approval of and recorded a short plat (Stanton Short Plat) dividing the 10 acres into two lots. The property subject to the instant

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<sup>1</sup> The legal description of the property is Lot 1 of Short Plat No. SS 18-114343 TC, Auditor File Number 4724579; also known as Tax Parcel Number 11809230101. *Exhibit 1.*

application is Lot 1 of Stanton Short Plat, and the current proposal would subdivide Lot 1 into 16 single-family residential lots. *Exhibits 1.C, 1.D, 1.G, 1.P, and 1.S.*

3. The subject property is undeveloped except for a sewer lift station along the western property line. Surrounding land uses include Pleasant Glade Elementary School and single-family residences to the west, larger lots to the north and south, and wetlands and wetland buffer to the east within Lot 2 of Stanton Short Plat. *Exhibits 1, 1.F, and 1.H.*
4. The subject property is located in the Lacey Urban Growth Area and is zoned Low Density Residential (LD 0-4). Single-family residential development at a density of up to four dwelling units per acre is allowed in the LD 0-4 zone, depending on environmental sensitivity. For properties with wetlands or wetland buffers, the density formula set forth in TCC 21.53.040 applies. In this case, based on the 0.79 acres of land encumbered by wetland buffer (14% of total site area), the maximum number of dwelling units that may be developed on site is 22. The proposed 16 dwelling units would comply with the density standard. *Exhibits 1.B and 1.H; Thurston County Code (TCC) 21.53.040; TCC 21.53.050; TCC 21.12.020; TCC 21.12.035.*
5. The dimensional standards for lots in the LD 0-4 zone require a minimum lot area of 6,500 square feet and a minimum lot width of 60 feet where alleys are utilized, or a minimum lot area of 7,500 square feet and a minimum lot width of 70 feet where alleys are not utilized. *TCC 21.12.050.* Because none of the proposed lots would be served by alleys, the minimum lot area of 7,500 square feet and the minimum lot width of 70 feet apply. Each of the proposed lots would satisfy these standards; the proposed lots would range from 7,500 to 9,397 square feet in area, and each would be at least 70 feet wide. *Exhibit 1.H.*
6. The subject property is encumbered by the buffers of two off-site wetlands. Wetland A is to the east of the subject property (partially within Lot 2 of the Stanton Short Plat), and Wetland B is to the north of the subject property. Both wetlands are Category IV wetlands with habitat scores of 5, each requiring a standard buffer width of 160 feet. *Exhibits 1.FF and 1.HH.*
7. The Applicant proposes wetland buffer reconfiguration (i.e., wetland buffer averaging) pursuant to TCC 24.30.060 to allow for the proposed lot layout. The subject property is relatively narrow and irregularly shaped. Without reconfiguration of the buffer, there is insufficient width for lots of reasonable size and shape on each side of the internal street. The Applicant has reduced the number of lots from prior proposals resulting in the current lot layout, which minimizes the amount of buffer alteration needed. With respect to the Wetland A buffer, the Applicant proposes a reduction of 7,145 square feet to accommodate Lots 12, 13, 14, and 15. This reduction would be offset by increased buffer widths immediately northeast and southeast of the reduction area, within Lot 2 of the Stanton Short Plat. With respect to the Wetland B buffer, the Applicant proposes a reduction of 917 square feet to accommodate proposed Lot 3, which would be offset by an increased buffer immediately to the northwest, within proposed Tract C. Consistent with the criteria for wetland buffer reconfiguration, the buffer increase areas would be

located where additional buffer would be beneficial, which in this case is between the wetland and residential development. *Exhibits 1.H and 1.HH.*

8. Consistent with the criteria for wetland buffer reconfiguration, the reconfigured buffers would provide at least 75% of the standard width at their narrowest points, which in this case is 120 feet. In part because of the forested condition of the buffers, the wetlands would not be adversely affected by the decreased width. In the buffer increase areas, the buffers would be as wide as 205 feet. The proposed buffers within Lot 2 of the Stanton Short Plat would be preserved through a conservation easement per TCC 24.30.060.B.8. *Exhibits 1.H, 1.GG, and 1.HH.*
9. The buffer reconfiguration would not affect priority species of wildlife; no priority species listed by the Washington Department of Fish and Wildlife are known to occur on or immediately adjacent to the site. *Exhibit 1.HH.*
10. Access to the subdivision would be from an extension of 20th Way NE from its current terminus at the western property line. The road extension would be constructed to City of Lacey major local residential street standards, including sidewalks and planter strips on both sides of the street, and would terminate in a cul-de-sac. All lots within the plat would take access from the 20th Way NE street extension. *Exhibit 1.H.*
11. The Applicant requested a variance from Thurston County Road Standards because the number of lots served by 20th Way NE would exceed 30 once development of the lots is complete. No secondary access is feasible at this time due to critical areas and the location of adjacent development. Thurston County Public Works has administratively approved the variance. As mitigation for the limited access, all of the proposed residences would be built with internal fire sprinkler systems. *Exhibit 1.R; Arthur Saint Testimony.*
12. A traffic impact assessment was prepared for the original 28-lot proposal. Based on the trip generation rates contained in the Institute of Transportation Engineer's publication *Trip Generation*, 9th Edition, the larger subdivision was expected to generate 267 average weekday trips (9.52 per dwelling unit), including 21 AM peak hour trips (0.75 per dwelling unit) and 28 PM peak hour trips (1.00 PM peak hour trip per dwelling unit). *Exhibit 1.I.* These figures overstate the traffic impact of the current scaled-down proposal. Applying the same multipliers as were applied to the original proposal, the 16-lot subdivision could be expected to generate 152 average weekday trips, including 12 AM peak hour trips and 16 PM peak hour trips. As recommended by the County Public Works Department and required by the SEPA mitigated determination of non-significance, traffic impacts would be mitigated through construction of speed humps on 20th Way NE. This mitigation was developed to address traffic safety concerns raised by neighbors and by the school district. *Exhibits 1.V, 1.W, 1.AA, and 1.EE; Arthur Saint Testimony.*
13. Pursuant to TCC 21.80.055(1)(b), proposed subdivision lots that are smaller than 50% of the size of the contiguous residential lots are defined as an incompatible use. When the

shared property line is at least 20 feet in length, incompatibility is required to be screened by a 30-foot wide vegetated buffer planted with predominantly native and drought tolerant species that will mature to provide a very dense sight barrier and physical buffer to significantly separate conflicting uses. A combination of trees, shrubs, berms, fences, and related design features may be selected, provided that the result is sight-obscuring from adjoining properties. Retaining mature vegetation is preferred. *TCC 21.80.055(3)*. For the proposed development, there are two areas where the incompatible use buffer would apply: the north sides of Lots 1, 2, and 3 and the south side of Lots 9, 10, and 11. The required buffers would be contained within proposed Tracts C and D. These areas are forested and existing trees would be retained. *Exhibits 1.H and 1.O*.

14. Within the Lacey Urban Growth Area, at least 10% of a total subdivision site area must be preserved as usable open space. Up to 50% of the open space requirement may be satisfied by retained critical areas. Open space may include stormwater facilities that are designed for active and/or passive recreation. *Exhibit 1; TCC 18.47.040*. The minimum amount of open space required for the proposed development is 24,649 square feet, half of which may be satisfied by retained critical areas. The tracts containing wetland buffer total 41,714 square feet. The remaining open space requirement would be met through Tracts E and D, which total 23,959 square feet in area. Tract E (16,000 square feet) would contain the stormwater infiltration pond, and apparently is intended to address the “useable open space” requirement. County Planning Staff recommended as a condition of approval that the Applicant submit a final landscape plan prior to final plat approval that depicts the design of the active/passive recreation component of the open space. From the site plan and other materials, it is not clear what if any active recreation uses are proposed in Tract E around the storm pond, nor how Tract E would be made accessible to the 16 proposed lots, unless by easement over proposed Lot 3 or across the small portion of Lot 2 of the Stanton Short Plat that extends between Lots 3 and 16. The landscape plan would need to elucidate access to Tract E for active use, and access for storm pond maintenance would also need to be called out in more detailed future plans. *Exhibits 1 and 1.H*.
15. The Applicant requested a Class 4 forest land conversion to harvest approximately three acres of timber in conjunction with the development proposal. The County’s Community Planning and Economic Development Department administratively approved the forest land conversion application on January 17, 2023. As required by TCC 17.25.400, the approved tree plan provides for tree preservation over a minimum of five percent of the site area. In this case, trees would be preserved within the on-site wetland buffers (Tracts F and G) and within the incompatible use buffers (Tracts C and D). The conditions of permit approval address erosion control, logging hours, and protection of trees to be retained. *Exhibits 1.E, 1.N, 1.O, and 1.Z; Heather Tschaekofske Testimony*.
16. The subject property is located within the North Thurston Public Schools (School District) service area. School aged residents of the plat would attend Pleasant Glade Elementary, Chinook Middle, and North Thurston High Schools. The School District commented that its schools are over capacity, and that it anticipates the need to purchase land and construct additional facilities due to increased enrollment from the proposed and

other residential developments. The School District requested payment of mitigation fees for each new single-family residence, and requested street improvements on 20th Way NE to ensure safe walking conditions for students. *Exhibit 1.AA*. With the conditions of approval recommended by Planning and Public Works Staff, school impact fees would be paid pursuant to TCC Title 25, speed humps would be constructed on 20th Way NE, and the proposed internal sidewalks would connect to the existing sidewalks on 20th Way NE, addressing the state subdivision statute requirement to provide safe walking conditions. *Exhibits 1, 1.V, and 1.W*.

17. The proposed stormwater management system would be designed consistent with the Thurston County Drainage Design and Erosion Control Manual. Stormwater runoff from the proposed road and most of the driveways would be treated in a filter vault and infiltrated on site within a pond in Tract E, in the northeast corner of the subject property. For those lots that are downgradient of the road (Lots 11 through 16), driveway runoff would be fully dispersed within the natural vegetation. Roof runoff from Lots 11 through 16 would also be dispersed. Roof runoff from Lots 4 through 10 would be infiltrated through downspout infiltration systems. Roof runoff from Lots 1 through 3 would be tightlined to the common infiltration pond. *Exhibit 1.K*. The location of the infiltration pond was evaluated by a geotechnical engineer, who concluded that the slope between the infiltration pond and Wetland A is not a landslide hazard area and would not be destabilized by the infiltration of stormwater. The soils in the area are suitable for infiltration. *Exhibits 1.H, 1.L and 1.M*.
18. As authorized by TCC 24.30.310, the proposed stormwater facilities would be located within the outer 25% of the buffers of Wetlands A and B. The proposed location is necessitated by the topography of the site, as the proposed location is within a flat area downgradient of the areas served. Consistent with ordinance criteria, the infiltration pond would be the minimum size needed to accommodate runoff that could not be managed through other means, the selected location would not degrade the functions of the wetlands, minimum wetland buffers of 120 feet would be maintained, the runoff would be treated prior to release into the infiltration pond, the design would not create channelization of the buffer, the pond would be open and vegetated, and wetland hydrology would be maintained. Planning Staff concurred that the criteria for placement of stormwater facilities within the wetland buffers are satisfied in this case. *Exhibits 1 and 1.U*.
19. The Thurston County Public Works Department reviewed the project for compliance with the Thurston County Road Standards and the Drainage Design and Erosion Control Manual and determined that the preliminary requirements have been satisfied. Public Works recommended approval of the project, subject to conditions. The recommended conditions address right-of-way dedication (including right-of-way dedication along the western property line for future extension of College Street), mitigation fees, safe walking conditions on 20th Way NE, and required plat notes. The conditions also require the road improvements to be consistent with City of Lacey standards. The City of Lacey submitted comments identifying the applicable requirements. *Exhibits 1.V and 1.Y; Arthur Saint Testimony*.

20. The subdivision would be connected to the City of Lacey water and sewer systems, which have adequate capacity to serve the subdivision. Water and sewer service would be subject to the developer's provision of specified improvements including extension of the transmission mains located in 20th Way NE into the site. *Exhibits 1.X and 1.Y.*
21. The subject property is within a Category II aquifer recharge area, a designation which does not prohibit residential development but which requires the project's design to include best management practices designed to protect groundwater. *Exhibit 1.X; TCC 24.10.020; TCC 24.10.030.* The Applicant submitted an integrated pest management plan (IPMP) that describes landscape management practices designed to minimize the application of chemicals within the subdivision. *Exhibit 1.J.*
22. The Thurston County Environmental Health Division reviewed the project for compliance with the Thurston County Sanitary Code and recommended approval, subject to conditions. The recommended conditions require City of Lacey water and sewer to be extended through the site and the final IPMP to be approved and distributed. *Exhibit 1.X.*
23. Thurston County acted as lead agency for review of the environmental impacts of the proposal under the State Environmental Policy Act (SEPA). Having reviewed the preliminary plat plans, technical reports, environmental checklist, agency comments, and other documents, the County's SEPA responsible official issued a mitigated determination of non-significance (MDNS) on December 16, 2022. The MDNS imposed mitigation measures requiring the following: installation of speed humps on 20th Way NE; compliance with conditions identified by the City of Lacey; notification of the Department of Ecology if contamination occurs during development; implementation of erosion control measures; protection of archaeological deposits discovered during construction; and minimization of sediment tracking by construction vehicles onto public roads. The MDNS was not appealed and became final on January 6, 2023. *Exhibit 1.EE.*
24. Notice of the open record hearing was mailed to property owners within 300 feet of the subject property on January 26, 2023 and posted on site and published in *The Olympian* on February 3, 2023. *Exhibit 1.A; Heather Tschaekofske Testimony.*
25. The Pleasant Acres Homeowners Association (HOA) submitted comments on the proposal in August 2017 in response to the initial notice of application issued for the original development proposal. The homes within Pleasant Acres front 20th Way NE, and the HOA was concerned about the traffic impacts of the project, particularly when combined with school-related traffic. *Exhibit 1.DD.* Since these comments were submitted, the number of lots in the subdivision and resulting trip generation have decreased, and speed humps have been incorporated into the project as traffic mitigation after receiving input from a neighborhood meeting. *Exhibit 1.EE; Chris Cramer Testimony.* The HOA has not commented on the updated proposal. There was no further public comment on the proposal. *Heather Tschaekofske Testimony.*



26. Having heard all testimony and considered all Applicant submissions, Planning Staff maintained their recommendation that the conditions in the staff report be imposed if the proposal is found to meet preliminary plat criteria for approval. *Exhibit 1; Heather Tschaekofske Testimony*. The Applicant representative waived objection to the recommended conditions. *Chris Cramer Testimony*.

## CONCLUSIONS

### **Jurisdiction:**

The Examiner is granted jurisdiction to hear and decide preliminary plats pursuant to TCC 2.06.010.A and TCC 18.10.030.

### **Criteria for Review:**

#### ***Preliminary Plat Criteria***

Pursuant to TCC 18.12.090.B, preliminary plat approval may be granted if the following criteria are shown to be satisfied:

1. Appropriate provisions are made for the public health, safety, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
2. The public use and interest will be served by the platting of such subdivision and dedication. If the hearing examiner finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the hearing examiner shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090 may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. The county shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.

### **Conclusions Based on Findings:**

1. As conditioned, the proposal satisfies the criteria for a preliminary plat. Appropriate provisions are made for the public health, safety, public ways, transit stops, potable water, sanitary wastes, parks and recreation, playgrounds, schools, and all other relevant factors. With respect to safe walking conditions, the plat would include sidewalks along the internal street that would connect to the existing sidewalks on 20th Way NE, and speed humps would be provided on 20th Way NE. School mitigation fees would be paid. Transportation, water, and sewer infrastructure would be provided consistent with Thurston County and City of Lacey requirements. Open space exceeding 10% of the site area would be provided. Conditions of approval would ensure that access to Tract E is provided, both for any intended "active use" and for storm facility maintenance. Public health and safety would be addressed through the conditions of the Environmental Health Division and the Public Works Department, the conditions of the MDNS, and the

installation of fire sprinklers in the homes. *Findings 10, 11, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23, 25, and 26.*

2. The public use and interest would be served by approval of the subdivision. The overall development density and lot dimensions are consistent with LD 0-4 standards. Right-of-way would be dedicated for a future extension of College Street. Critical areas would be preserved consistent with the requirements of the County's CAO. Offsite impacts would be minimized through the incompatible use buffers, the retention of existing trees, the installation of traffic calming street improvements, and the payment of impact fees. *Findings 4, 5, 6, 7, 8, 9, 12, 13, 15, 16, 19, 21, 25, and 26.*

### **DECISION**

Based on the preceding findings and conclusions, the requested preliminary plat is **GRANTED** subject to the following conditions:

#### ***Public Works Department related conditions:***

##### Roads

1. The proposed roadway in concept and design shall conform to the Road Standards and the City of Lacey standards and development guidelines.
2. A construction permit shall be acquired from the Thurston County Public Works – Development Review Section prior to any construction.

##### Traffic Control Devices

3. 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.
4. 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

5. The stormwater management system shall conform to the Drainage Design & Erosion Control Manual.
6. 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.
7. Stormwater 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.

8. Because proper landscaping is vital to the performance of the stormwater system, the Landscape Plan (if required) shall be signed/sealed by a Washington licensed civil engineer (preferably the engineer who designed the stormwater system).

#### Utilities

9. 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.
10. 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 0.17 feet of asphalt concrete pavement.

#### Right-of-Way and Survey

11. In order to meet the requirements of the Road Standards, additional right-of-way shall be required. Right-of-way for the extension of College Street shall be dedicated.
12. Permanent survey controls need to be placed to establish all public street centerlines, intersections, angle points, curves, subdivision boundaries and other points of control.
13. Permanent survey control monuments shall be installed in accordance with the standards provided by the Thurston County Public Works – Survey Division. The Survey Division can be reached at 360-867-2378.

#### Traffic

14. Payment of the off-site traffic mitigation required in the Mitigated Determination of Non-Significance issued December 16, 2022 is required prior to final approval in accordance with 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

15. No work shall take place until a construction permit has been issued by Thurston County Public Works – Development Review Section.

16. Development within the City of Lacey urban growth boundary, requiring review by both Thurston County and the corresponding city jurisdiction, shall be designed to the more stringent standards of the two jurisdictions.
17. The proposed grading or site work shall conform to Appendix J of the International Building Code, Title 14.37 of the Thurston County Code and Drainage Design & Erosion Control Manual.
18. When all construction/improvements have been completed, contact the Thurston County Public Works – Development Review Section for a final inspection.
19. 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. One permit that may be required is a Construction Stormwater Permit from the Washington State Department of Ecology. Information on when a permit is required and the application can be found at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/permit.html>. Any additional permits and/or approvals shall be the responsibility of the Applicant.

#### Project Specific Conditions

20. Once the planning department has issued the official preliminary approval, submit two complete sets of construction drawings, the final drainage and erosion control report and all applicable checklists to Thurston County Public Works – Development Review Section for review and acceptance.
21. In order to satisfy the requirements of RCW 58.17.110, Thurston County must make a determination that a safe walking condition exists for students who walk to and from school. Typically students within a one-mile radius are expected to walk if safe conditions exist. As a condition of final approval, this project shall be required to construct a safe walking route to Pleasant Glade Elementary. This safe walking route shall be reviewed and accepted by Thurston County and the North Thurston School District prior to construction and include at a minimum, connecting the sidewalk from the project site to the existing sidewalk on 20th Way.
22. Prior to construction, the Applicant shall:
  - a. Pay outstanding construction review and inspection fees\*
  - a. Receive an erosion and sediment control permit
  - b. Have the erosion and sediment control inspected and accepted
  - c. Receive a construction permit
  - d. Schedule a pre-construction conference with county staff.

\* The current fee schedule can be found online at Thurston County Permit Assistance Center webpage or contact Ruthie Padilla with the Thurston County Public Works –

Development Review Section by phone at (360) 867-2046 or by e-mail at [padillr@co.thurston.wa.us](mailto:padillr@co.thurston.wa.us).

## General Information

### 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 frontage improvements.
  - k. Completion of required signing and striping.
  - l. Payment of any required permitting fees.
  - m. Payment of any required mitigation fees.
  - n. Complete the right-of-way dedication process.
24. The final plat map shall note or delineate the following Public Works notes:
- Required Plat Notes
- a. "ATTENTION": Thurston County has no responsibility to build, improve, maintain or otherwise service private roads, alleys, or driveways within or providing access to property described in this plat. The building, maintenance, repair, improvement, operation, or servicing of the stormwater facilities outside the county rights-of-way are the responsibility of the property owner(s).
  - b. Thurston County has no responsibility to control road runoff that flows down driveways that are constructed below road grade. Homeowners are responsible for grading their access point and adjacent property to manage any runoff from the roadway.

- 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. Per Thurston County Resolution 14820, impact fees shall be paid prior to issuing any building permits associated with this project.
- g. This plat is subject to the RESIDENTIAL AGREEMENT TO MAINTAIN STORMWATER FACILITIES AND TO IMPLEMENT A POLLUTION CONTROL PLAN”, as recorded under Auditor’s File No. \_\_\_\_\_.
- h. Easements are hereby granted for the installation, inspection, and maintenance of utilities and drainage facilities as delineated on the plat for subdivision \_\_\_\_\_ including unrestricted access for Thurston County staff to any and all stormwater system features for the purpose of routine inspections and/or performing maintenance, repair and/or retrofit as may become necessary. No encroachment will be placed within the easements shown on the plat which may damage or interfere with the installation, inspection, and maintenance of utilities. Maintenance and expense thereof of the utilities and drainage facilities shall be the responsibility of the Property Owners’ Association as established by covenant recorded under Auditor’s file number \_\_\_\_\_.
- i. Maintenance of the landscaping, trees, sidewalk, planter strips, and roadside drainage and stormwater facilities such as ditches, swales, and ponds within the public right-of-way is the sole responsibility of the (property owners) or (homeowners association) within this subdivision. Thurston County has no responsibility to maintain or service said landscaping, trees, sidewalk, planter strips or roadside stormwater facilities and the property owner(s) adjacent to the right-of-way shall be responsible for maintaining the planter strip and street trees (weeding, pruning, irrigating, mowing, etc.) in a healthy and growing manner in perpetuity.

Delineate on the Plat

- j. Provide language on the plat describing the drainage design requirements for all projected hard surfaces and lawn/landscape areas within individual building lots (drywell design/sizing, storm drain connection points, incorporated into pond design, 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 College Street on the final plat map.
- l. Please clearly label all public and private roads.

***Public Health and Social Services Department related conditions:***

25. City of Lacey water and sewer utilities must be extended through the subdivision prior to final approval. Confirmation of final water and sewer construction approval from the City of Lacey must be provided to this office.
26. A finalized version of the integrated pest management plan (IPMP) with the revisions identified in Environmental Health's May 4, 2020 memorandum must be submitted for review and acceptance. The method of distribution of the IPMP must be specified. This is typically done by incorporating a copy of the accepted IPMP into the subdivision CC&Rs or recording the document. Other methods may be allowed provided they assure future property owners will receive a copy of the IPMP at the time of sale.

***Development Services related conditions:***

27. Comply with all conditions of the mitigated determination of non-significance (MDNS) dated December 16, 2022 (Exhibit 1.EE).
28. Development pursuant to the forest practices approval shall adhere to Development Services approval letter dated January 17, 2023 (Exhibit 1.Z).
29. Street addresses, lot size and dimensions for each lot shall be shown on the final map with approved plat name (Exhibit 1.II and 1.Q).
30. The final design of this subdivision and future development of lots shall conform with all minimum standards of the Zoning Ordinance (i.e. lot size, lot dimension, setbacks, etc.) and the Platting and Subdivision Ordinance.
31. Per TCC 24.55.070, residents of subdivisions with more than eight lots, and that have critical areas within the subdivision boundaries, shall be required to use integrated pest management practices for pest control to protect critical areas and their species. The requirement to use integrated pest management shall be noted on the plat and the title of all lots. As a condition of subdivision approval, the Applicant shall provide educational materials pertaining to Integrated Pest Management to each initial homeowner in the subdivision.
32. The property shall not be logged until all engineering and construction drawings have been issued by Thurston County Public Works.
33. All open space and landscaping and tree preservation shall comply with the submitted Tree Protection and Replacement Plan dated November 29, 2021 and the following:
  - a. Prior to final plat approval, the Applicant shall submit a final landscape plan. The landscape plan shall be submitted to Thurston County Community Planning and Economic Development Department for review and approval. The final landscape plan shall include the design of the active/passive recreation component to the open space, i.e., play equipment, sports court, evaluation of incompatible use screening, and irrigation and shall include provision of legal access to the active open space

- available to all lots in the subdivision. Landscaping shall be provided in compliance with the Thurston County Zoning Ordinance (Title 21) and the Thurston County Subdivision Ordinance (Title 18), and Forest Lands Conversion Ordinance (Title 17.25). All landscaping shall be planted as shown on the final approved landscape plan prior to final plat approval. Any conditions, improvements or maintenance requirements associated with the landscaping plan shall be shown on the final plat map.
- b. Any easements required to ensure access to the active recreation area for all lots within the plat shall be required to be recorded prior to building permit issuance for any lot.
  - c. A bond or other such method of financial security in an amount equal to one hundred twenty-five percent of the cost to purchase and install the required trees, based upon a contractor's estimate accepted by the County, shall be provided to the County to secure the successful establishment of newly planted trees. The County shall draw upon this surety as needed to replace any trees that die, upon failure of the developer or other responsible party to do so within the time period specified by the county. The developer shall not be required to replant trees which die or suffer severe degradation as a result of a water purveyors failure to supply adequate water, acts of vandalism or other actions of unrelated third parties acting beyond the developer's control. Such financial security shall be effective for a two-year period following completion of the planting.
34. The wetland buffers adjacent to the development area shall be fenced with orange construction fencing and erosion control prior to final map recording, and prior to any development activities. The construction fencing shall be maintained throughout the site development process.
35. Critical area signage shall be in place prior to any site development or logging activities, in accordance with TCC 24.60.
36. Homeowners covenants shall include language limiting/restricting backyard lighting on lots abutting wetland buffers.
37. Conservation tract agreement shall be recorded on the title of Lot 2 of short subdivision SS 18-114343 prior to final map recording, which protects the entirety of the standard wetland buffer area plus any expanded buffer area required to accommodate the proposed plat. This conservation tract will be recorded on the title for both short plat Lots 1 and 2 (TCC 24.30.060(B.8)). No development would be allowed within the standard and expanded wetland buffer areas within the conservation easement for Lot 2. Should a development proposal be submitted and approved for Lot 2 which violates the conservation agreement prior to final plat recording, the plat cannot be recorded without some form of alternative wetland mitigation banking or conservation easement approval. A restriction shall be recorded on the title of all critical area tracts and lots containing critical area easements created pursuant to Title 24. The restriction language shall be substantially similar to the following:



"Prior to and during the course of any grading, building construction or other development activity on a lot or development site containing or abutting a critical area and/or associated buffer or conservation area, the area of development activity must be fenced or otherwise marked to the satisfaction of the Thurston County Development Services Department. The critical area shall be maintained in its existing condition, except as provided for by Title 24 of the Thurston County Code, the Critical Areas Ordinance. Yard waste, debris, fill, equipment, vehicles, and materials shall not be placed within a critical area tract or delineated critical area and associated buffer."

38. Prior to submitting a final plat application, the Applicant shall install Critical Area signs on the edge of all areas identified as protected wetland buffer. The signs shall be permanent and shall be surveyor verified. Additional alternative signage or fencing options can be submitted for review and approval at the time of final plat application. For inspection, call Heather Tschackofsky (360)786-5553.
39. Comply with all conditions of the April 20, 2022 Memorandum from the City of Lacey Public Works Department (Exhibit 1.Y).
40. Per Title 25, payment of impact fees shall occur prior to building permit issuance.
41. Prior to submitting a final plat application, all required on-site and off-site road, utility, and landscaping construction shall be completed and approved (only minor improvements remaining to be installed may be bonded as provided for in TCC 18.24).
42. 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.
43. The final plat map shall note or delineate the following Development Services notes:
  - a. This subdivision has been approved through provisions of the Low Density Residential District 0-4 within the Lacey UGA (TCC 21.12).
  - b. This subdivision was reviewed under project number 2017102729, Folder 17 106618 ZJ.
  - c. 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, per approved landscape plan.
  - d. The Applicant and subsequent property owners must comply with all requirements of state and/or federal law to avoid disturbance and alteration of artifacts, remains, or other cultural resources on site during development. In the event of inadvertent disturbance or alteration, the Applicant must immediately stop work and contact the Tribe and the State Department of Archaeology and Historic Preservation.

- e. Critical area tracts, critical areas and their buffers, or conservation lots containing critical areas and/or associated buffers shall not be altered except as provided for under the Critical Areas Ordinance (Title 24 of the Thurston County Code). The owner(s) of a critical area tract or lot containing critical areas and/or associated buffers is responsible for ensuring that no alterations occur within such tract or lot and that all vegetation remains undisturbed unless the Thurston County Development Services Department provides express written authorization for such alteration.
- f. Standard and enhanced wetland buffer on Lot 2 of Stanton short plat SS 18-114343 is protected from future development by conservation tract, recorded under AFN #\_\_\_\_\_. Lot 2 owner is responsible for compliance with this agreement.
- g. Future development shall be subject to impact fees pursuant to Title 25 and the most current impact fee schedule.

**Decided** February 23, 2023 by



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Sharon A. Rice  
Thurston County Hearing Examiner

**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 Community Planning & Economic Development 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 **\$821.00** for a Request for Reconsideration or **\$1,112.00** an Appeal. Any Request for Reconsideration or Appeal must be **received** in the Building Development Center at 3000 Pacific Ave SE, Suite 100 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.



<b>Project No.</b> _____ <b>Appeal Sequence No.:</b> _____
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**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  \$821.00 for Reconsideration or \$1,112.00 for Appeal. Received (check box): Initial \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Filed with the Community Planning & Economic Development Department this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_.