



May 2, 2024

Thurston County Hearings Examiner
c/o Sonja Cady
3000 Pacific Ave SE, Suite 100
Olympia, WA 98501

RE: Hearing Examiner Staff Report, Revised 04-26-2024 – Project No. 2023100649

Dear Hearing Examiner,

Please see below our responses in red to comments and conditions of approval provided in the Hearing Examiner Staff Report, revised 04-26-2024, for project no. 2023100649:

1. Page 4 of 44 – Staff Comment A(1): Applicant intends to provide Accessory Dwelling Units (ADU) within primary units prior to sale; therefor, the applicant is limited to seven ADUs combined when the primary structure.
 - a. Applicant does not intend to provide ADUs within the primary units prior to sale as communicated during the public hearing held on April 23, 2024. ADUs were removed from the plan with the second submittal.
2. Page 5 of 44 – Staff Comment A(3): Applicant intends to provide Accessory Dwelling Units (ADU) within primary units prior to sale; therefore, the applicant is limited to twenty percent of the proposed 34 units; or, seven ADUs total when combined with primary structures prior to initial sale.
 - a. This comment appears incomplete, but Applicant does not intend to provide ADUs within the primary units prior to sale as communicated during the public hearing held on April 23, 2024. ADUs were removed from the plan with the second submittal.
3. Page 6 of 44 – Staff Comment B(1)(b): Applicant is limited to seven ADUs combined when the primary structure before initial sale.
 - a. Applicant does not intend to provide ADUs within the primary units prior to sale as communicated during the public hearing held on April 23, 2024. ADUs were removed from the plan with the second submittal.

4. Page 9 of 44 – Staff Comment G(2): This requirement will affect lots 2 through 8, and 19 through 24.
 - a. This comment is referencing Varied Lot Widths from TCC 23.04.080(G)(2). This is the first time the Applicant has seen this comment from the planning department throughout the submittal process. Under TCC 23.56.140(A)(1), all requirements of the ordinances and design guidelines apply within the PRD “unless specifically modified pursuant to the provisions of this chapter.” As a result of this recent comment, we are therefore requesting an exception to the varied lot widths requirement, justified by the “design and amenities incorporated in the development plan” per TCC 23.56.140(A)(2)(b). Given the site constraints imposed by the on-site wetlands, we are utilizing clustering per the code. As such, we have provided a few 50’ wide lots to provide differentiating product types, in an effort to do our best to vary the lot widths as much as possible and still meet minimum density requirements in the usable area of the site.
5. Page 9-10 of 44 – Staff Comment G(4): As proposed a majority of lots are forty feet in width by one hundred feet in depth, resulting in a building envelope of thirty by sixty feet. The Applicant is requesting a fifty percent reduction of the twenty foot rear yard setback. The proposed dimensions would result in a structure three times its width. A fifty percent reduction in the rear yard may result in a structure seventy feet long. The requested variance conflicts with the requirement of Sec. 23.04.080(G)(4).
 - a. The project’s current design *does* comply with TCC 23.04.080(G)(4). If the Applicant’s variance request for reduction of the rear yard setback is granted, that would result in a buildable envelope of 30’ wide by 70’ long. In that case, the greatest length any structure could be is 70’ because of the setback requirements, which complies with TCC 23.04.080(G)(4). For example, the referenced code says *“Narrow Lots. The length of the primary structure on a lot of forty feet or less in width shall not exceed three times the structure’s width or seventy feet, whichever is less. This provision does not apply to attached housing units (e.g., townhouses)”*. If the greatest possible width of the house is (30) feet, then (3) times (30) feet is (90) feet...and since (70) feet is less than (90) feet, then (70) feet is the greatest length of the primary structure. Therefore, we meet this code provision. Further, Applicant has not proposed any structure for the development exceeding seventy (70) feet.
6. Page 16 of 44 – Staff Comment C(2): Accessory structures are not proposed with this application; however, the Applicant has indicated intention to incorporate “Accessory Dwelling Unit” (Attachment e, gl) within some if not all single-family residential structure. These units will be subject to conditions as noted above in Ch. 23.04.060, subsections: (a), (b), (c) and (e). Subsections (d), (f) and (g) are not applicable.

- a. Applicant does not intend to provide ADUs within the primary units prior to sale as communicated during the public hearing held on April 23, 2024. ADUs were removed from the plan with the second submittal.
7. Page 20 of 44 – Staff Comment B(1): Community Planning and Economic Development staff will determine the
 - a. This comment appears incomplete.
8. Page 25 of 44 – Staff Comment (g): OMC - 18.040.080(G)(4), states, "Narrow Lots. The length of the primary structure on a lot of forty feet or less in width shall not exceed three times the structure's width or seventy feet, whichever is less...". Twenty-eight of the proposed lots are approximately forty feet in width and one hundred in depth. The resulting building envelope would result in a structure three time longer than the lots buildable area potentially resulting in a structure seventy feet long. This would appear to conflict with the standard noted above.
 - a. This comment appears to reference Olympia Municipal Code; however, the Applicant believes this reference to be a mistake as OMC 18.04.080(G)(4) does not exist. OMC 18.04.080(G) has only one subsection. Regardless, the Applicant does believe it complies with the similar requirement listed in response no. 5 above. Moreover, the Applicant believes it should be governed by TCC rather than the OMC as the proposed project is with within the UGA, not the city limits.
9. Page 27 of 44 – Staff Comment (d): Standards for the Olympia UGA must be applied. The variance request should be modified to address, OMC - 18.040.080(G)(4), which states, "Narrow Lots. The length of the primary structure on a lot of forty feet or less in width shall not exceed three times the structure's width or seventy feet, whichever is less...". Twenty-eight of the proposed lots are approximately forty feet in width by one hundred feet deep and showing twenty foot front and rear yard setbacks along with five foot setbacks on the sides. The building envelope would allow thirty feet for a structures width and the length being three times or sixty feet. Granting of a variance would result in a single structure of seventy feet.
 - a. This comment appears to reference Olympia Municipal Code; however, the Applicant believes this reference to be a mistake as OMC 18.04.080(G)(4) does not exist. OMC 18.04.080(G) has only one subsection. Regardless, the Applicant does believe it complies with the similar requirement listed in response no. 5 above. Moreover, the Applicant believes it should be governed by TCC rather than the OMC as the proposed project with within the UGA, not the city limits. Even so, the staff comment says "the building envelope would allow **thirty feet** for a structures width and the length being **three times or sixty feet**", however, three times (30) feet is (90) feet, not (60) feet. As a result, we meet the requirement of the TCC code.

10. Page 27-28 of 44 – Staff Comment regarding Chapter 24: The Applicant has proseed buffer averaging and seeks a determination to reduce standard buffer for an off-site wetland. A Critical Area Review Permit Application was submitted February 14, 2023. However, a determination has not yet been made. The County's Biologist has reviewed the applicant's materials and provided an analysis to the Examiner post hearing. The recently submitted critical area report was turned in on April 8, 2024 (Attachment v), and County staff initiated a quick review turnaround, providing comments by April 11, 2024, thus there was no delay in this most recent review. No prior critical area report had been accepted, and County staff have made similar revision requests during the review time period, please see attached email chronology. Elements within this latest report were never included in any of the prior reports, such as the proposed "temporary impact area", and the new restoration mitigation plan for this new impact area. These are newly proposed impacts and mitigation, and they are now being reviewed to the current code. As you have referenced the standard wetland buffer table in the email below (Attachment t1), you will note the minimum allowance for buffer reduction as the "buffer width with mitigation". This is what is considered the administrative buffer reduction. When I refer to the "inner" buffer area, it is the area of intrusion further into the wetland buffer than what would be administratively allowed. The maximum allowed reduction using buffer averaging for the wetlands is based on the code within TCC 24.30.060 (B), specifically 7.) "The reconfigured buffer shall be no less than one hundred feet wide at any point, or no less than seventy-five percent of the standard buffer, whichever is more. The reconfigured buffer shall contain the same square footage as the standard buffer. It shall not exceed one hundred percent of square footage of the standard buffer, as modified pursuant to TCC 24.30.050(B) or 24.30.055, without the landowner's consent."

Since we cannot "reduce" a wetland buffer for the plat development, the offsite wetland buffer must be represented as the standard wetland buffer, unless it is to be reconfigured. Per TCC 24.30.045: "Table 24.30-1 identifies the standard buffer widths. Buffer widths are specified for both water quality and habitat protection. The widest of the applicable buffers under habitat and water quality applies." Therefore, the minimum buffer required for the offsite wetland is 100 feet.

Finally, the proposed impact area within the inner wetland buffer area is for the development of the plat. Impacts within the inner portion of the wetland buffer, beyond what can be administratively allowed through buffer reconfiguration, are not permitted for the plat.

- a. *First, regarding the ON-SITE wetland comment stating, "the proposed impact area within the inner wetland buffer area is for the development of the plat."*

Impacts within the inner portion of the wetland buffer, beyond what can be administratively allowed through buffer reconfiguration, are not permitted for the plat”, as stated during the Hearings Examiner public hearing, the Applicant is proposing a retaining wall along the rear lot line for Lots 31-34, instead of the grading activities represented in our most recent submittal. This will negate the need to disturb the buffer within the (100) feet minimum buffer and should resolve this staff comment.

- b. Second, regarding the **OFF-SITE** wetland comments, county staff is maintaining that the off-site wetland buffer should be (100) feet. However, the Applicant and its wetland consultant (Confluence) do not agree with county staff's interpretation of the code. You can reference Confluence's previous communications to the county (Exhibit 4 in the record), as well as her testimony at the public hearing, and her stance has not changed. In addition, after the public hearing, we reached out to Heather Burgess, a local land use attorney who is experienced in these matters, requesting her opinion to the county staff's interpretation of this code. Her response is attached in the form a letter to the Thurston County Hearings Examiner. In summary, she concludes that:
- i. *“When interpreting code provisions, the overarching goal is to give effect to legislative intent. That intent is determined based on the text at issue as well as the relevant legislative enactment in its totality, which requires that provisions be harmonized by reading them in context with related provisions and the statute as a whole. The law also requires that an interpretation not lead to absurd results and not make another portion of the statutory scheme superfluous. Every effort should be taken to avoid an interpretation that would cause two provisions to conflict.”*
 - ii. *Here, there is no dispute that the off-site wetland has a water quality score of 7, hydrology score of 4, and a habitat score of 3, which meets the very specific and limited 50-foot buffer width provided for water quality in the last row of the table. The County points to the provision that “the widest of the applicable buffers under habitat and water quality applies” in support of its assertion that that the buffer should instead be 100 feet. However, the County’s interpretation would render the very specific and limited 50-foot buffer provision in the table entirely superfluous, contrary to established principles of statutory interpretation, as there is no listed water quality buffer less than 100 feet. In other words, if the County’s interpretation were correct, then there would never be an instance where the 50-foot buffer could be applied, despite being specifically defined in the code.*

iii. For these reasons, together with the technical reasons provided in the Confluence Letter, the Hearing Examiner should find that the off-site wetland has a 50-foot, rather than a 100-foot, minimum standard buffer width based on Table 24.30-1.

11. Page 30-31 of 44 – Staff Comment 4: Protection of Ground & Surface Waters: The property is located within a Category II Aquifer Recharge Area Areas as defined by the Thurston County Critical Areas Ordinance. Based on the scope of the project, an Integrated Pest Management Plan (IPMP) has been prepared outlining landscape management practices to help reduce impacts to surface and ground water. The IPMP has been reviewed and accepted by Environmental Health. The applicant has not identified existing off-site wells within 200-feet of the property as required by Environmental Health. Public comment was received identifying existing off-site wells on adjacent tax parcels 83012300600 and 83012200100. Revised application materials dated April 4, 2024, responding to Environmental Health's requirement, noted the applicant has been in contact with the property owner of parcel 83012300600 and are in the process of locating any potential wells and will update plans if wells are found to be within 200 feet of the proposed development.
 - a. *Prior to the first submittal, the Applicant was unable to identify any documented wells within 200 feet after extensive researching using the county's and state's available resources. Applicant was made aware of the presence of wells via comment from a neighboring property owner. Applicant has met with the neighboring property owner to identify the well locations and will update its final map to show any wells that exist within 200 feet of the proposed project.*
12. Page 34 of 44 – Staff Comment N: Two off-street parking spaces are to be provided per dwelling unit (TCC 23.38.100). Dwelling units with an Accessory Dwelling Unit shall provide one additional off-street parking space (Table 38-1).
 - a. *Applicant does not intend to provide ADUs within the primary units prior to sale as communicated during the public hearing held on April 23, 2024. ADUs were removed from the plan with the second submittal. The Applicant meets the requirement for two off-street parking spaces per dwelling unit.*
13. Page 34 of 44 – Staff Comment R: the Applicant has indicated that ADUs will be incorporated with some units at time of initial construction and is limited to seven ADUs combined when the primary structure.
 - a. *Applicant does not intend to provide ADUs within the primary units prior to sale as communicated during the public hearing held on April 23, 2024. ADUs were removed from the plan with the second submittal. The Applicant meets the requirement for two off-street parking spaces per dwelling unit.*

14. Page 34 of 44 – Staff Comment S: Varied Lot Widths. The width of lots in new subdivisions and planned residential developments with more than ten lots shall be varied to avoid monotonous development patterns.
- a. This comment is referencing Varied Lot Widths from TCC 23.04.080(G)(2). This is the first time the Applicant has seen this comment from the planning department throughout the submittal process. Under TCC 23.56.140(A)(1), all requirements of the ordinances and design guidelines apply within the PRD “unless specifically modified pursuant to the provisions of this chapter.” As a result of this recent comment, we are therefore requesting an exception to the varied lot widths requirement, justified by the “design and amenities incorporated in the development plan” per TCC 23.56.140(A)(2)(b). Given the site constraints imposed by the on-site wetlands, we are utilizing clustering per the code. As such, we have provided a few 50’ wide lots to provide differentiating product types, in an effort to do our best to vary the lot widths as much as possible and still meet minimum density requirements in the usable area of the site.
15. Page 36 of 44 – Staff Comment regarding the CRITICAL AREA ORDINANCE: The Applicant has proseed buffer averaging and seeks a determination to reduce standard buffer for an off-site wetland. A Critical Area Review Permit Application was submitted February 14, 2023. However, a determination has not yet been made. The County’s Biologist has reviewed the applicant’s materials and provided an analysis to the Examiner post hearing. The recently submitted critical area report was turned in on April 8, 2024 (Attachment v), and County staff initiated a quick review turnaround, providing comments by April 11, 2024, thus there was no delay in this most recent review. No prior critical area report had been accepted, and County staff have made similar revision requests during the review time period, please see attached email chronology. Elements within this latest report were never included in any of the prior reports, such as the proposed “temporary impact area”, and the new restoration mitigation plan for this new impact area. These are newly proposed impacts and mitigation, and they are now being reviewed to the current code. As you have referenced the standard wetland buffer table in the email below (Attachment t1), you will note the minimum allowance for buffer reduction as the “buffer width with mitigation”. This is what is considered the administrative buffer reduction. When I refer to the “inner” buffer area, it is the area of intrusion further into the wetland buffer than what would be administratively allowed. The maximum allowed reduction using buffer averaging for the wetlands is based on the code within TCC 24.30.060 (B), specifically 7.) “The reconfigured buffer shall be no less than one hundred feet wide at any point, or no less than seventy-five percent of the standard buffer, whichever is more. The reconfigured buffer shall contain the same square footage as the standard buffer. It shall not exceed one hundred percent of

square footage of the standard buffer, as modified pursuant to TCC 24.30.050(B) or 24.30.055, without the landowner's consent."

Since we cannot "reduce" a wetland buffer for the plat development, the offsite wetland buffer must be represented as the standard wetland buffer, unless it is to be reconfigured. Per TCC 24.30.045: "Table 24.30-1 identifies the standard buffer widths. Buffer widths are specified for both water quality and habitat protection. The widest of the applicable buffers under habitat and water quality applies." Therefore, the minimum buffer required for the offsite wetland is 100 feet.

Finally, the proposed impact area within the inner wetland buffer area is for the development of the plat. Impacts within the inner portion of the wetland buffer, beyond what can be administratively allowed through buffer reconfiguration, are not permitted for the plat.

- a. This is a duplicate comment. Please reference comment response number 10.
16. Page 37 of 44 – Staff Comment (Roads 1): The proposed roadway in concept and design shall conform to the Road Standards and the City of Olympia standards and development guidelines and the Thurston County Drainage Design and Erosion Control Manual.
 - a. We have looked at the 2023 joint plan and do not see an adoption or incorporation of City standards in that document, nor is there an Interlocal Agreement cited in the comments, so we are unsure of the enforceability of City road standards in the UGA. The City's EDDS standards would generally not apply in the absence of an interlocal agreement between the City and County requiring it.
17. Page 38 of 44 – Staff Comment 14: 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.
 - a. This comment is vague because it does not specify what development standards are to be designed to the more stringent standards of the two jurisdictions. This comment is not listed under the "Roads" section, rather it is listed under the "General Conditions" section, so we are unsure what standards this comment was intended to apply to. In general, the Applicant believes the Thurston County code standards govern this development and not the City of Olympia standards, except as explicitly stated in Thurston County code.
18. Page 40 of 44 – Staff Comment 2: There shall be no stormwater infiltration within 100 feet of any existing well.
 - a. The Applicant would like to clarify that the drainage manual states that the stormwater infiltration buffer is 100 feet (from drinking water wells and springs

used for drinking water supplies) but goes on to state the buffer may be reduced to 30 feet for “downspout infiltration facilities serving a single family residence”. Given the location of the offsite wells that we have identified, it is our intention to use “downspout infiltration facilities” on any lots affected by well buffer requirements. See screenshot below referencing this language in the drainage manual:

100 feet – from edge of septic drainfield and drainfield reserve area. Infiltration facility shall be located downgradient unless site topography clearly prohibits subsurface flow from intersecting drainfield. May be reduced to 30 feet for infiltration facilities serving a single family residence.

100 feet – from drinking water wells and springs used for drinking water supplies. May be reduced to 30-feet for downspout infiltration facilities serving a single family residence. In wellhead areas, for the siting of “high risk” activities as defined through implementation of the Northern Thurston County Groundwater Management Plan, recommendation HM-14, pp. 5-88, 5-97, and 5-98, the Administrator may require the proponent to supply hydrogeologic analysis and to calculate acceptable separation distances between the activity and the well. Higher setbacks may be required if the well serves a public water system and/or Washington State Department of Health requirements apply for locations within the 1, 5, or 10 year time of travel.

i.

19. Page 42 of 44 – Staff Comment regarding Streets and Alleys from the City of Olympia:

The subject property is within the City of Olympia’s Urban Growth Area therefore any frontage improvements and internal streets are to be constructed to standards set forth in the current City of Olympia Engineering Design and Development Standards.

- a. We have looked at the 2023 joint plan and do not see an adoption or incorporation of City standards in that document, nor is there an Interlocal Agreement cited in the comments, so we are unsure of the enforceability of City road standards in the UGA. The City’s EDDS standards would generally not apply in the absence of an interlocal agreement between the City and County requiring it.

20. Page 42 of 44 – Staff Comment Streets and Alleys (3): At a minimum on the private access lane, provide a 5 foot wide sidewalk adjacent to the curb. Provide a private street light similar to the City of Olympia standard 12-foot ornamental pole and 60 watt acorn fixture adjacent to the sidewalk. In lieu of extending the public cul-de-sac or providing a full residential block, provide a recreational pedestrian trail (EDDS standard drawing 4-2L) with a public access easement between Lots 20 and 21. See EDDS 2.040.B.3e “Where larger blocks are necessary due to topography, existing development, or other constraints, intervening public cross-block pedestrian, bicycle and emergency access will be provided.”

- a. Again, we have looked at the 2023 joint plan and do not see an adoption or incorporation of City standards in that document, nor is there an Interlocal Agreement cited in the comments, so we are unsure of the enforceability of City road standards in the UGA. The City’s EDDS standards would generally not apply

in the absence of an interlocal agreement between the City and County requiring it.

21. Page 42 of 44 – Staff Comment Streets and Alleys (4): Since driveways are less than 12 feet provide “No Parking” signs on both sides of the street.
 - a. This comment is incorrect. Our plans show that driveways are greater than 12 feet in width and depth. “No Parking” signs should not be required.
22. Page 42 of 44 – Staff Comment Streets and Alleys (5): To accommodate frontage improvements along 24th Avenue a dedication of a minimum of 11 feet of right of way is required. The ROW dedication will need to be on the final plat map or can be recorded separately, after city review and approval, and referenced with the AFN on the final plat map.
 - a. Our plans already show the additional dedication of 11 feet of right of way along our property frontage. Please see Section C-C on sheet PP-04. This section shows the additional 11 feet of right of way accounted for.

In addition to the staff report, there have been additional exhibits entered into the record since the public hearing, which include a letter from Heather Tschaekofske with Thurston County, and multiple public comments. Please see below in red for our response to each of these exhibits:

1. Exhibit 5 – letter to the Hearings Examiner from Heather Tschaekofske:
 - a. The Applicant and its wetland consultant (Confluence) do not agree with Ms. Tschaekofske’s interpretation of the code. You can reference Confluence’s previous communications to the county (Exhibit 4 in the record), as well as her testimony at the public hearing, and her stance has not changed. We are not proposing to decrease or increase the required buffer, rather we believe we are interpreting the required buffer correctly to be 50 feet.
 - b. In addition, after the public hearing, we reached out to Heather Burgess, a local land use attorney who is experienced in these matters, requesting her opinion to Ms. Tschaekofske’s letter. Her response is attached in the form a letter to the Thurston County Hearings Examiner. In summary, she concludes that:
 - i. *“When interpreting code provisions, the overarching goal is to give effect to legislative intent. That intent is determined based on the text at issue as well as the relevant legislative enactment in its totality, which requires that provisions be harmonized by reading them in context with related provisions and the statute as a whole. The law also requires that an interpretation not lead to absurd results and not make another portion of*

the statutory scheme superfluous. Every effort should be taken to avoid an interpretation that would cause two provisions to conflict.”

- ii. *Here, there is no dispute that the off-site wetland has a water quality score of 7, hydrology score of 4, and a habitat score of 3, which meets the very specific and limited 50-foot buffer width provided for water quality in the last row of the table. The County points to the provision that “the widest of the applicable buffers under habitat and water quality applies” in support of its assertion that the buffer should instead be 100 feet. However, the County’s interpretation would render the very specific and limited 50-foot buffer provision in the table entirely superfluous, contrary to established principles of statutory interpretation, as there is no listed water quality buffer less than 100 feet. In other words, if the County’s interpretation were correct, then there would never be an instance where the 50-foot buffer could be applied, despite being specifically defined in the code.*
- iii. *For these reasons, together with the technical reasons provided in the Confluence Letter, the Hearing Examiner should find that the off-site wetland has a 50-foot, rather than a 100-foot, minimum standard buffer width based on Table 24.30-1.*

2. Exhibit 7A – email from Robert Gundlach:

- a. Regarding the developer’s unpreparedness and assertion that we moved forward too quickly to the Hearings Examiner with a lot of missing information, I would like to set the record straight that we have followed the County’s mandated project review timelines in every regard. The county staffing issues prolonged the required timelines with which the county is required to respond to our application materials. Any resulting confusion was not the fault of the Applicant.
- b. We are not proposing to narrow the off-site wetland buffer, rather we are interpreting the required wetland buffer to be 50 feet based on the type of wetland it is. We have sought a third-party land use opinion which agrees with our interpretation.
- c. The designed detention pond meets the County code requirements for treating stormwater on our site.
- d. We are not required by any code or traffic analysis to widen Milroy Street. We are providing a new sidewalk to the corner of 24th and Milroy. There is an existing sidewalk from that point heading south about halfway to Burbank. We are prepared to continue that sidewalk to the intersection of Milroy and Burbank, where the school district said a bus stop is located, if required by the Hearings Examiner.

- e. We are meeting the zoning requirements for our parcel and developing much needed homes within code guidelines.
3. Exhibit 7B – email from Lawrence Bennett:
- a. We are not proposing to narrow the off-site wetland buffer, rather we are interpreting the required wetland buffer to be 50 feet based on the type of wetland it is. We have sought a third-party land use opinion which agrees with our interpretation.
4. Exhibit 7C – email from Dave West:
- a. We are not required by any code or traffic analysis to widen Milroy Street. We are providing a new sidewalk to the corner of 24th and Milroy. There is an existing sidewalk from that point heading south about halfway to Burbank. We are prepared to continue that sidewalk to the intersection of Milroy and Burbank, where the school district said a bus stop is located, if required by the Hearings Examiner.
 - b. The stormwater pond will be a detention pond, designed to detain water from the roadway improvements. The water from the pond will be released back into the existing wetland on our property at a rate that meets stormwater code guidelines; this is a drainage manual code requirement. The pond itself will be located outside of the wetland and required buffers. The pond has been sized to detain water to allow the release of certain amounts of water back into the water table on our property at prescribed infiltration rates.
 - c. We have conducted traffic studies per county requirements. As Arthur Saint (county roads department) stated in the public hearing, our project meets the road and emergency access standards for the project.
 - d. The public hearing sign was erected timely and put in a location on our property that is visible from the road. We realize Mr. West is concerned, but the accusation of trying to hide something is unfounded and entirely false.
5. Exhibit 7D – email from Donna Landry:
- a. We have conducted traffic studies per county requirements. As Arthur Saint (county roads department) stated in the public hearing, our project meets the road and emergency access standards for the project.
 - b. We are not proposing to narrow the off-site wetland buffer, rather we are interpreting the required wetland buffer to be 50 feet based on the type of wetland it is. We have sought a third-party land use opinion which agrees with our interpretation.
6. Exhibit 7E – email from Joe Taskey and Moira Gray:
- a. Since the public hearing, we have met on site with Joe and Moira, in an effort to better understand their concerns and to identify the location of the

undocumented wells located on their property. In addition to meeting Joe and Moira, another neighbor, Josh Miller, also joined our on site meeting since he gets his water from the same wells.

- b. Their concern is that our development will negatively impact the flow of water to their wells. We understand their concern and validated that potable water sources are absolutely necessary for the health and wellbeing of us all. Although we don't believe our project will have an adverse impact on the amount of water flowing into their wells, as concerned neighbors, we discussed mitigating measures to protect the stability of their water source and any mitigating agreement will be privately documented between us and them in the very near future.

7. Exhibit 7G – email from Cate Holmes-Stilson: (note: the online documents for the Hearings Examiner show this as Exhibit 7F, however it is labeled as Exhibit 7G)

- a. We have conducted traffic studies per county requirements. As Arthur Saint (county roads department) stated in the public hearing, our project meets the road and emergency access standards for the project.
- b. We are not required by any code or traffic analysis to widen Milroy Street. We are providing a new sidewalk to the corner of 24th and Milroy. There is an existing sidewalk from that point heading south about halfway to Burbank. We are prepared to continue that sidewalk to the intersection of Milroy and Burbank, where the school district said a bus stop is located, if required by the Hearings Examiner. We don't see a requirement or need for us to relocate that existing portion of sidewalk to the west side of Milroy.
- c. We understand that Roger Holmes completed a nearby development and at that time met the requirements of county codes by installing the existing sidewalk on the east side of Milroy street. We too, are meeting county codes by installing sidewalks along our street frontage. In addition we are adding a sidewalk all the way to 24th and Milroy, and are prepared to continue the existing portion of the sidewalk on Milroy down to the bus stop at Milroy and Burbank, if required by the Hearings Examiner.

Respectfully submitted,



Jeff Yates
Partner
RJ Development