



COUNTY COMMISSIONERS

John Hutchings

District One

Gary Edwards

District Two

Bud Blake

District Three

HEARING EXAMINER

Creating Solutions for Our Future

**BEFORE THE HEARING EXAMINER
FOR THURSTON COUNTY**

In the Matter of the Application of)	NO. 2016106262
)	
Washington Tractor)	FINDINGS, CONCLUSIONS,
)	AND DECISION
For a Special Use Permit)	
_____)	

SUMMARY OF DECISION

The request for a special use permit to develop a 10,000 square foot tractor and equipment retail store at 204 Ranger Drive SE is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request

Washington Tractor (Applicant) requested a special use permit (SUP) to develop a 10,000-square-foot tractor and equipment retail store at 204 Ranger Drive SE (Tax Parcel No. 78720000200).

Hearing Date

The Thurston County Hearing Examiner conducted an open record public hearing on the request on October 10, 2017. The record closed on October 20, 2017.

Testimony

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

Leah Davis, Associate Planner, Thurston County Resource Stewardship Department

Dawn Peebles, Thurston County Environmental Health Division

Arthur Saint, Thurston County Public Works Department

Jim Cook, Hatton Godat Pantier, representing the Applicant

Lance Tornow, representing the Applicant

Mike Drennon

Exhibits

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

EXHIBIT 1 Resource Stewardship Planning and Environmental Section Report including the following attachments:

Attachment a	Master application, dated December 30, 2016
Attachment b	Special use permit application, dated December 30, 2016
Attachment c	SEPA Environmental checklist, dated December 30, 2016
Attachment d	Design review application, dated April 12, 2017
Attachment e	Narrative summary, dated March 17, 2017
Attachment f	Site plan
Attachment g	Landscape plan
Attachment h	Optional notice of application, dated May 30, 2017
Attachment i	MDNS, dated July 21, 2017
Attachment j	City of Lacey comment memorandum, dated February 10, 2017
Attachment k	City of Lacey comment memorandum, dated February 22, 2017
Attachment l	WA State Department of Ecology comments, dated February 2, 2017 and June 19, 2017
Attachment m	Comment letter from Nisqually Indian Tribe, dated June 12, 2017
Attachment n	Comment email from Ray Osburn, dated September 5, 2015
Attachment o	Approval memo from Thurston County Health Department, dated July 19, 2017
Attachment p	Approval memo from Thurston County Public Works, dated September 15, 2017
Attachment q	Legal notice

EXHIBIT 2 Public notice photos

- EXHIBIT 3 Memorandum by Insight Geologic dated March 1, 2017, re: Limited Soil Screening
- EXHIBIT 4 Comment Memorandum from Christy Osborn, City of Lacey Community Development Department dated October 9, 2017
- EXHIBIT 5 Applicant trip generation table
- EXHIBIT 6 Memorandum from Leah Davis dated October 19, 2017, in response to City of Lacey Memorandum dated October 9, 2017
- EXHIBIT 7 Letter from Jim Cook, Hatton Godat Pantier dated October 20, 2017, in response to City of Lacey Memorandum

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

FINDINGS

1. Washington Tractor (Applicant) requested a special use permit (SUP) to develop a 10,000 square foot tractor and equipment retail store at 204 Ranger Drive SE.¹ *Exhibit 1, page 1; Exhibit*
2. The 1.7-acre subject property is developed with a 3,500 square foot office building, which is currently vacant, at the northeast corner of Ranger Drive SE and 3rd Avenue SE. Surrounding land uses consist of single-family residences to the south and east and commercial uses to the north and west. *Exhibit 1, page 2; Exhibit 1, Attachment C.*
3. The Applicant proposes to demolish the existing structure and replace it with a 10,000 square foot building for sale of tractors and related equipment, and for repair of smaller tractor equipment. Larger equipment would be repaired at another facility. Approximately 4,500 square feet of the building would be used as a showroom, approximately 3,000 square feet would be used for retail sales (parts, supporting equipment) and repair, and approximately 2,000 square feet would be used for indoor parts storage. The remainder of the building area would be used as office/employee areas. Vehicles for sale would be displayed in front of the building, and the area behind the building would be used for staging, display, demonstration, and customer drop off and pick up for tractor repair and merchandise. *Exhibit 1, page 1; Exhibit 1, Attachments B and C; Exhibit 7; Lance Tornow Testimony.*
4. The Applicant proposes to store some new merchandise outside, under the building canopy and along the property fence, and to store machines waiting for repair behind the building. While outdoor storage is not allowed in the zone, County Planning Staff interprets this prohibition as applying to materials and supplies, and as not applying to

¹ The legal description of the subject property is: TANGLEWILDE BUSINESS PARK L 2 21/141; also known as Tax Parcel Number: 78720000200. *Exhibit 1.*

vehicles for sale on display, or vehicles parked temporarily while waiting for repair or customer pick-up . *Exhibit 1, Attachments B and K; Exhibits 6 and 7; Leah Davis Testimony.*

5. The subject property is located within the Lacey Urban Growth Area and is zoned Mixed-Use High Density Corridor (MHDC). The intent of the MHDC zone is described in Thurston County Code (TCC) 21.23.010 as follows:
 - A. Over time, that portion of the Martin Way designated mixed use high density is intended to gradually change from an area dominated by strip commercial development, light industry, warehousing, and other low intensity or nonpedestrian uses into mixed use, high density residential and commercial area where people enjoy walking, shopping, working and living;
 - B. To create three mixed high density corridor zones designed to reflect a desire to move away from traditional commercial strip development to a mixed high density corridor. The three zones are intended to reflect an emphasis on existing uses which are already established within the area to help promote a healthy business climate for existing uses;
 - C. Create a specific mixed high density corridor zone for the eastern portion of Martin Way between Marvin and Meridian that will make the transition away from strip commercial auto-oriented development; low intensity and motor-vehicle-oriented uses are not desirable within this area. ...
 - D. Create a mixed high density corridor zone for the western portion of Martin generally between Hensley and Carpenter Road that will make the transition away from classic strip commercial development to a full range of commercial uses
 - E. Create a mixed high density corridor zone as a transition between the east and west zones between Hensley and Marvin Road. This zone would recognize some automobile-related uses but only through a special use permit process;
 - F. Allow for commercial uses and other mixed use development in a way that serves the needs of the neighborhood and the community and enhances the appearance and identity of the mixed high density corridor;
 - G. Provide for a type, configuration and density of development that will entice pedestrian shoppers to frequent the area, encourage pedestrian traffic between businesses, facilitate efficient mass transit, and require less reliance on motor vehicles;
 - H. Encourage a variety of businesses which offer retail goods or consumer services that appeal to pedestrians and/or serve the needs of the surrounding neighborhood;
 - I. Integrate new development with existing uses to achieve a better environment for pedestrians and to maintain or enhance the livability of the adjacent residential neighborhood;
 - J. Provide development standards which require direct, convenient pedestrian and vehicular access to businesses;

- K. Balance the needs of motorists and businesses serving a community-wide market with the needs of pedestrians and neighborhood residents.

The subject property is located in the transitional zone described in subsection E. In this zone, automobile related uses including vehicle sales and service activities are allowed with approval of a special use permit, “provided, it can be shown the use can conform to other requirements for the high density corridor, is designed to accommodate the pedestrian emphasis, and is compatible and complementary to surrounding uses.” *TCC 21.23.025(B); Exhibit 6.*

6. The site design standards applicable to the MHDC zone include a *maximum* front building setback of 15 feet (there is no minimum building setback) unless the Department “determines it is appropriate for the specific use to have a greater setback finding that other techniques can be used to promote pedestrian emphasis and that the use with application of other techniques will be compatible and complementary to surrounding uses and intent of the zone” *TCC 21.23.060.* As proposed, the building would be set back approximately 75 to 80 feet from Ranger Drive, which is similar to the existing building setback and is generally consistent with the setbacks of existing nearby buildings. Star Rentals (700 feet west of site) is setback approximately 91 feet from the right-of-way, and Great Floors (1,500 feet east of site) is approximately 200 feet from the right-of-way. Both Star Rentals and Great Floors are within the same corridor and zone, with pedestrian plaza features in front of their properties in lieu of closer placement to the street. *Exhibit 1, Attachment F; Exhibit 7.*
7. In order to promote pedestrian emphasis as required by TCC 21.23.060, as well as to comply with the criteria for building/impervious surface coverage bonuses and applicable design criteria, the Applicant proposes to provide a pedestrian plaza along the Ranger Drive frontage that would link to the building via a stamped or painted concrete walkway. The plaza amenities would include a bench, a bike rack, sidewalk pavers, trash receptacle, and decorative trees. The primary entrance would face the pedestrian plaza, and the building would have an awning. *Exhibit 1, Attachment F; Exhibit 7.* In the post-hearing submittals, both the County and the Applicant indicated that - based on a County request - the Applicant would be willing to add an additional bench to the Ranger Drive pedestrian plaza and an additional pedestrian area with bench at the corner of Ranger Drive and 3rd Street SE. These post-hearing-offered additional pedestrian facilities would be over and above the requirements established in TCC 21.23.060.E.3. If the County feels these added amenities are necessary to meet the intent of the pedestrian emphasis, their design and placement may be addressed through the design review process. *Exhibits 6 and 7.*
8. Although the City of Lacey submitted comments contending that the Applicant should redesign the site to comply with the street setback maximum, County Planning Staff supported the proposed site design and recommended that it be approved. Staff submitted that the increased setback is appropriate because vehicle sales businesses typically rely on having outdoor merchandise visible from the street, and that the proposed pedestrian improvements would be adequate mitigation. Further, a recent

boundary line adjustment of the subject property created a pedestrian corridor between 3rd Avenue SE and Martin Way, which could provide access to a transit stop on Martin Way. *Exhibits 4 and 6.*

9. The maximum impervious surface coverage in the MHDC zone is 60%, but bonuses resulting in a total impervious surface coverage of up to 95% can be achieved. *TCC 21.23.060(F)*. The proposed pedestrian plaza would provide a bonus of 30%, for an impervious surface coverage total of 90%. Consistent with this, the proposed site design would have an impervious surface coverage of 89.9%. *Exhibit 1, Attachment C; Leah Davis Testimony.*
10. The Applicant proposes to provide perimeter landscaping in accordance with ordinance requirements, including 12 feet of planted area along the Ranger Drive frontage. A five-foot wide shrub and groundcover bed is proposed along the building perimeter to soften the building height. *Exhibit 1, Attachment E.*
11. Pursuant to TCC 21.23.085, the project is subject to the design review process established in TCC Chapter 21.70. Design review is an administrative process that is to be implemented concurrently with the underlying planning review process, and the decision is appealable. However, the ordinance provides an example of concurrent review that suggests that land use permit approval may be issued subject to design review approval. *TCC 21.70.040*. In this case staff provided an analysis of the project's compliance with the design guidelines (the conclusion was that the applicable guidelines are satisfied), but did not submit a decision document. A condition requiring completion of the design review process administratively would be sufficient to ensure compliance with this requirement. *Exhibit 1, pages 4 - 7.*
12. The Applicant anticipates that approximately 25 people would be employed on-site. *Exhibit 1, Attachment C.*
13. The proposed use is expected to generate 110 new average daily vehicle trips (i.e., net of trips potentially generated by the existing 3,500-square-foot office building), including nine new PM peak hour trips. *Exhibit 5.* Traffic impact fees based on net new trips (with credit for the trips projected by the existing use) would be assessed at the time of building permit. *Arthur Saint Testimony.*
14. The Applicant will be required to construct street frontage improvements in accordance with City of Lacey standards, which are more restrictive than Thurston County's standards. *Arthur Saint Testimony.* Ranger Drive is 60 feet wide and is designated a Collector Road south of Martin Way and along the subject property frontage (a distance of one block), but south of the subject property it is 30 feet wide and is designated a Local Road, serving a residential subdivision. The Applicant proposes to construct sidewalk, landscaping, and pedestrian plaza improvements along Ranger Drive within the existing public right-of-way. At the subject property, the Ranger Drive right-of-way is wide enough (100 feet) that placement of the improvements within the right-of-way would not prevent future improvement of the road to Major Collector standards. This

would also be consistent with usage of the right-of-way by other properties in the vicinity. Moreover, County Planning Staff considers development of the road into a five-lane collector to be improbable because it only serves four businesses and is only one block in length. The Thurston County Public Works Department recommends that the proposed frontage improvements be approved. *Exhibits 6 and 7; Jim Cook Testimony.*

15. Street frontage improvements would also be provided along 3rd Street SE, which is classified as a Major Local Residential Roadway. The submitted site plan shows use of an existing driveway off 3rd Street SE, which is compliant with Thurston County Road Standards, although the driveway is in close proximity to the intersection of Ranger Drive and ADA sidewalk ramps. The Applicant has agreed to move the driveway approximately 20 feet east of the current location, to provide additional separation. *Exhibits 4, 6, and 7.*
16. The Applicant proposes to provide 23 parking spaces. The Thurston County Code does not specify a parking requirement specific to the proposed use, and in such cases the approval authority may establish the parking standard. County staff submitted that it considers the proposed parking to be adequate. *Exhibit 1, page 8; Exhibit 1, Attachment F; Leah Davis Testimony.*
17. The subject property is located within a Category I Aquifer Recharge Area, within the wellhead protection area of a Group A public water system, and within a mapped area of elevated nitrates in the underlying aquifer. An integrated pest management plan (IPMP) has been prepared for the proposal to address potential sources of contamination of both surface and groundwater. The IPMP has been reviewed and accepted by the Thurston County Environmental Health Division. *Exhibit 1, Attachment O.*
18. The subject property is currently served by the Thurston County PUD Group A public water system and an on-site sewage system. With redevelopment of the site, the on-site sewage system would be abandoned in accordance with the Thurston County Sanitary Code and the site would be connected to the City of Lacey sanitary sewer system. The sewer is currently stubbed to the site. *Exhibit 1, Attachments J and O.*
19. Storm drainage improvements would be constructed in accordance with the Thurston County Drainage and Erosion Design Manual (DDECM). The County Public Works Department reviewed the application, determined that the preliminary requirements of the DDECM have been satisfied, and recommended approval of the project subject to conditions. *Exhibit 1, Attachment P.*
20. The subject property is located in an area designated by the Washington Department of Ecology (DOE) as potentially contaminated with heavy metals due to air omissions originating from the former Asarco smelter in Tacoma. The mitigated determination of non-significance that was issued for the proposal incorporates the recommendations of the DOE for soil testing (for arsenic and lead) and remediation. The Model Toxics Control Act (MTCA) establishes threshold levels for cleanup of these metals, which is 20 parts per million (ppm) of arsenic and 250 ppm for lead. The Applicant had the soils in

the proposed development area tested in February of 2017. For both metals, the concentrations were lower than the thresholds established in MTCA, with the arsenic content not exceeding 7 ppm among the four samples that were taken, and lead not exceeding 13 ppm among the four samples that were taken. *Exhibit 1, Attachments I and L; Exhibit 3.*

21. The Nisqually Indian Tribe reviewed the proposal and did not have comments, but requested that the Tribe be informed if there are discoveries of archaeological resources or human burials during construction. The mitigated determination of non-significance that was issued for the proposal includes a requirement that the Applicant stop work and provide notice to the Washington Department of Archaeological and Historic Preservation if such items are discovered during construction. *Exhibit 1, Attachments I and M.*
22. Thurston County Resource Stewardship Department assumed the role of lead agency for review of the environmental impacts of the proposal under the State Environmental Policy Act (SEPA). The SEPA Responsible Official issued a mitigated determination of non-significance (MDNS) on July 21, 2017. The MDNS contains eight conditions relating to grading, erosion and sediment control, cultural resources, soil testing/remediation, protection of Mazama pocket gophers, and traffic mitigation. The MDNS was not appealed. *Exhibit 1, Attachment I; Leah Davis Testimony.*
23. Notice of the open record hearing was mailed to property owners within 300 feet of the site on September 25, 2017, published in *The Olympian* on September 29, 2017, and posted on-site on September 28, 2017. *Exhibit 1, page 2; Exhibit 1, Attachment Q; Exhibit 2.*
24. Public comment on the application related to traffic and to current poor lighting and safety on 3rd Avenue. *Exhibit 1, Attachment N.* County staff submitted that having an active business on site with lighting would improve the security issues. Per the conditions identified by the City of Lacey, the Applicant would be required to construct frontage improvements along 3rd Avenue. The streetscape as shown on the submitted site plan includes street lighting. *Exhibit 1, Attachments F and J; Leah Davis Testimony.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to decide this special use permit application under Sections 2.06.010 and 21.80.040 of the Thurston County Code.

Criteria for Review

The Hearing Examiner may approve an application for a special use permit only if the following general standards set forth in TCC 21.87.035 are satisfied:

- A. Plans, Regulations, Laws. The proposed use at the specified location shall comply with the Lacey Joint Plan, and all applicable federal, state, regional, and Thurston County laws or plans.
- B. Underlying Zoning District. The proposed use shall comply with the general purposes and intent of the applicable zoning district regulations and subarea plans. Open space, lot, setback and bulk requirements shall be no less than that specified for the zoning district in which the proposed use is located unless specifically provided otherwise in this chapter.
- C. Location. No application for a special use shall be approved unless a specific finding is made that the proposed special use is appropriate in the location for which it is proposed. This finding shall be based on the following criteria:
 - 1. Impact. The proposed use shall not result in substantial or undue adverse effects on adjacent property, neighborhood character, natural environment, traffic conditions, parking, public property or facilities, or other matters affecting the public health, safety and welfare. However, if the proposed use is a public facility or utility deemed to be of overriding public benefit, and if measures are taken and conditions imposed to mitigate adverse effects to the extent reasonably possible, the permit may be granted even though said adverse effects may occur.
 - 2. Services. The use will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, or services existing or planned to serve the area.

Conclusions Based on Findings

- 1. With conditions of approval and those contained in the MDNS, the proposed use at the proposed location would comply with applicable laws and plans, including the applicable design guidelines, the City of Lacey street standards, the Drainage Design and Erosion Control Manual, the Thurston County Sanitary Code, and the MTCA. A condition of approval would require completion of the design review process. *Findings 11, 14, 15, 17, 18, 19, 20, and 22.*
- 2. As conditioned, the use would comply with the general purposes and intent of the MHDC zone, and with applicable open space, lot, setback, and bulk standards. The use is compatible with the designation of the property as a transition between the east and west MHDC zones. The project would provide streetscape amenities that would facilitate pedestrian traffic. The increased setback from Ranger Drive is appropriate for the proposed use, and the proposed pedestrian plaza and other frontage improvements would appropriately promote pedestrian emphasis. A condition of approval has been included that requires the Applicant to relocate the western site access from 3rd Street to a point approximately 20 feet to the east, to provide for greater separation between the Ranger Drive intersection and the driveway. With respect to impervious surface coverage, the project qualifies for an impervious surface bonus that allows up to 90% impervious surface coverage. The project is subject to design review, and building details would be

further reviewed at that time. With respect to the prohibition of outdoor storage in the MHDC zone, the Hearing Examiner concurs with Staff's interpretation that the proposed display of vehicles and temporary parking of vehicles awaiting repair does not constitute outdoor storage. *Findings 2, 4, 6, 7, 8, 9, and 11.*

3. The proposed use is appropriate in the location for which it is proposed.
 - a. With conditions, the use would not result in substantial or undue adverse effects on adjacent property, neighborhood character, natural environment, traffic conditions, parking, public property or facilities, or other matters affecting the public health, safety and welfare. The neighborhood consists of both commercial and residential uses. The proposal includes street lighting along 3rd Street which would provide security improvements for the adjacent residential neighborhood, landscaping to buffer the use from residential areas and the streets, and sidewalk/pedestrian plaza improvements that would facilitate pedestrian access to surrounding businesses. With respect to the natural environment, the soils on site have been tested and found to be below the cleanup thresholds for lead and arsenic. Traffic mitigation fees would be paid. Both street frontages would be improved to City of Lacey standards. The proposed location of the sidewalk and landscaping within the right-of-way is acceptable. The parking on site would be adequate. Environmental impacts were evaluated during the SEPA review process and the issued MDNS was not appealed. *Findings 5, 7, 8, 10, 13, 14, 15, 16, 20, 22, and 24.*
 - b. With the conditions identified by the Public Works and Public Health departments, the use would be adequately served by and would not impose an undue burden on any of the improvements, facilities, utilities, or services existing or planned to serve the area. *Findings 14, 15, 17, 18, 19, and 22.*

DECISION

Based on the preceding findings and conclusions, the request for a special use permit to develop a 10,000-square-foot tractor and equipment retail store at 204 Ranger Drive SE is **GRANTED**, subject to the following conditions:

Health Department related conditions:

1. All hazardous materials and wastes shall be stored and handled in such a way that any spilled or released materials are contained inside a secondary container, and are not allowed to release to the environment per Article VI, Nonpoint Source Ordinance. All hazardous waste shall be disposed of at a permitted hazardous waste management facility.
2. Any contamination discovered during site development must be immediately reported to the Solid and Hazardous Waste Section of Thurston County Environmental Health at 360-867-2664 and Department of Ecology at 360-407-6300.

3. The facility must comply with the noise standards outlined in Title 10, Chapter 10.36 of the Thurston County Code of Ordinances and Chapter 173-60 WAC.
4. Prior to release of the building permit, the existing septic tank must be properly abandoned per Article IV of the Thurston County Sanitary Code. An abandonment permit is required with copies of abandonment documentation from a licensed on-site sewage system pumper.
5. Prior to release of the building permit, documentation must be submitted confirming the existing drainfield easements on the property have been vacated.

Planning related conditions:

6. Prior to final occupancy of the building, the applicant shall install all landscaping as depicted on the approved landscape plan (Attachment g). If the time of year prevents the installation of the landscaping, the Applicant shall submit a performance assurance guarantee in the amount of 150% of all plants and installation costs. In no case may the Applicant delay performance for more than six months after occupancy.
7. Outdoor lighting fixtures shall be installed throughout the site for entryways, parking lots, and pedestrian areas and shall be oriented to avoid direct glare onto adjacent properties and rights-of-way while providing adequate safety. Lighting fixtures shall be activated by photo electric cells or timers.
8. All required parking shall be designed and constructed in accordance with TCC 21.72.050 and the approved site plan.
9. No outdoor storage of any kind is allowed in this zoning district. Outdoor display of vehicles for sale is not considered outdoor storage. All other equipment attached or detached from the building shall be enclosed.
10. Construction activity shall be limited to the hours of 7:00 am to 7:00 pm to minimize associated noise. All activities on-site shall fully comply with noise limitations outlined in WAC 173-60.
11. The maximum impervious surface of the subject property shall be 60%, plus a bonus of 30% for the pedestrian-oriented area containing five elements, for a total of 90%.
12. The design and style of the perimeter fence shall be proposed and reviewed through the commercial building permit application process (BC). The proposed fence along the frontage (Ranger Drive) shall be proposed and reviewed through the commercial design review permit application process (ZB).
13. Any signs shall be proposed and reviewed through the commercial building permit application process (BC) and shall meet all requirements of TCC 21.75.

14. All development on the site shall be in substantial compliance with the approved site plan. Any expansion or alteration of this use beyond that approved herein will require approval of a new or amended special use permit.
15. If a building permit has not been issued, or if construction activity or operation has not commenced within three years from the date of final approval, the special use permit shall expire. The special use permit shall also expire when the use has been vacated for a period of three years.

Public Works related conditions:

16. The proposed roadway in concept and design shall conform to the Road Standards.
17. A construction permit shall be acquired from the Thurston County Public Works – Development Review Section prior to any construction.
18. 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.
19. 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.
20. The storm water management system shall conform to the Drainage Design & Erosion Control Manual.
21. 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.
22. 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.
23. 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.
24. 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.
- 25. 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)754-4580.
 - 26. Per Thurston County Resolution 14820, traffic impact fees shall be paid prior to issuing any building permits associated with this project.
 - 27. No work shall take place until a construction permit has been issued by Thurston County Public Works – Development Review Section.
 - 28. Development within the Lacey Urban Growth Area, requiring review by both Thurston County and the City of Lacey, shall be designed to the more stringent standards of the two jurisdictions.
 - 29. 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.
 - 30. When all construction/improvements have been completed, contact the Thurston County Public Works – Development Review Section at 786-5214 for a final inspection.
 - 31. 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.
 - 32. Once the planning department has issued the official 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.
 - 33. PRIOR to construction, the applicant shall:
 - a. Pay outstanding construction review and inspection fees*
 - b. Receive 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.

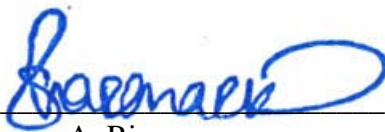
The current fee schedule can be found online at <http://www.co.thurston.wa.us/permitting/fees/docs/Roads-Development-Review-Fees-20090301.pdf> or contact Ruthie Padilla with the Thurston County Public Works – Development Review Section by phone at 754-3355, ext. 6595, or by e-mail at padillr@co.thurston.wa.us.

34. 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 drainage facilities in accordance with Thurston County Code 15.05.040.
 - g. 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.
 - h. Completion of required frontage improvements.
 - i. Completion of required signing and striping.
 - j. Payment of any required permitting fees.
 - k. Payment of any required mitigation fees.

Other:

35. The design review process shall be completed prior to site preparation/ground disturbance.
36. In furtherance of the pedestrian orientation of the zone, the west driveway access from 3rd Street SE shall be relocated approximately 20 feet to the east, as approved by the Thurston County Public Works Department.

DECIDED November 3, 2017.


 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 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 **\$669.00** for a Request for Reconsideration or **\$890.00** 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 ☐ \$669.00 for Reconsideration or \$890.00 for Appeal. Received (check box): Initial _____ Receipt No. _____

Filed with the Resource Stewardship Department this _____ day of _____, 20__.

Q:\Planning\FORMS\Current Appeal Forms\2016.Appeal-Recon-form.he.doc