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## COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

*Creating Solutions for Our Future*

Joshua Cummings, Director

### THURSTON COUNTY COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT LAND USE & ENVIRONMENTAL REVIEW REPORT

#### HEARING EXAMINER HEARING

February 14, 2023

**PROJECT NO:** 2017102729, Plat of Pleasant Glade

**SEQUENCE NO:** 17 106618 ZJ

**APPLICANT:** Eldon B Stanton Inc.

#### REQUEST

Approval of a Preliminary Plat to subdivide 5.66 acres into 16 single family residential lots with 1.5 acres dedicated to open space.

#### GENERAL INFORMATION

- A. Applicant: Eldon B Stanton Inc.  
2201 Carpenter Rd NE  
Olympia, Washington, 98516
- B. Representative: Chris Cramer  
Patrick Harron & Associates  
8270 28th Court NE, Suite 201  
Lacey, Washington, 98516
- C. Location: 4611 20th Way NE  
Lacey, 98516
- D. Legal Description: Section 09 Township 18 Range 1W Quarter SW SW NW  
SS18114343TC LT 1 Document 4724579.; known as Tax Parcel  
# 11809230101
- E. Land Area: 5.66 acres

## **PROJECT DESCRIPTION**

The applicant proposes to subdivide a 5.66 acre parcel into 16 single family residential lots and dedicate 1.5 acres of open space (Attachments c, d, e, f, g, and h). A proposed public road extending from 20th Way NE, to run southerly and end in a cul-de-sac will provide access to the proposed subdivision. Water and sewer will be obtained from this same stub street. The sewer system will be a gravity system connected to the City of Lacey main. For the lots that cannot gravity into this main, individual grinder pumps are proposed (lots 1-5, 11-15 and Lot 2 of Stanton Short Plat) Domestic water will be extended from 20th Way NE. The smallest proposed lot is 7,500 square feet, and the average lot size is 7,842 square feet. 7 total tracts are proposed. Tract A and B are for future ROW, Tracts E and D are for open space, with Tract E also for stormwater, and Tracts C, F, and G are set aside for wetland buffers (Attachment h). Tracts C and D also function to screen the proposed lots from bordering incompatible uses.



2019 Aerial image

## **BACKGROUND**

The subject property is within the City of Lacey Urban Growth Area and is zoned Low Density Residential District (LD 0-4) with a required density of up to four residential units per acre. The Lacey-Thurston County Joint Comprehensive Plan designates the area for residential use at a density up to four dwelling units per acre. The proposed density of this project is 2.83 dwelling units per acre.

The 5.66 acre site is situated at the end of 20<sup>th</sup> Way NE, directly east of the Pleasant Glade Elementary School. The site is currently mostly undeveloped with only a sewer lift station along the west property line. 20<sup>th</sup> Way NE is improved up to the west property line where a temporary cul-de-sac resides. The site generally slopes to the east. Water and sewer are currently stubbed to the property. The property is partially forested and is currently designated as Lot 1 of Stanton Short Plat SS 18-114343 (Attachment s). There is a wetland to the east and north of the project area. ACERA has completed a wetland delineation report (Attachment ff) and the delineation flags have been survey located and the appropriate buffers applied. Off-site wetlands A and B were delineated as Category IV wetlands, with standard wetland buffers of 160 feet each. Both wetland buffers encroach onto the subject property. Soils survey was conducted by Insight Geologic (Attachment l) to support infiltration onsite.

The site is currently fully pervious with mostly native vegetation surrounded by fully developed areas to the west. Full Dispersion is not feasible for the project due to the required flow path length. For most of the individual lots, drywells are proposed on site. For those lots with fill, infiltration BMPs are not feasible, and those roof areas will be collected and directed to the infiltration pond. The City Streets will have a stormwater collection system that will also send water to the ponds for treatment and infiltration (see Preliminary Drainage report, Attachment k).

All surrounding properties are within the Lacey Urban Growth Area. The surrounding zoning consists of Low Density Residential (LD 0-4), Low Density Residential (LD 3-6), and Open Space Institutional (OS/I) (Attachment b).

### **NOTIFICATION**

Written notice of the application was sent to all property owners within 300 feet of the site on August 2, 2017 (Attachment p). Notice of the public hearing was published in The Olympian on February 3, 2023, and was sent to all property owners within 300 feet of the site and to others who had requested notice, at least ten (10) days prior to the hearing (Attachment a).

### **ENVIRONMENTAL EVALUATION**

A Mitigated Determination of NonSignificance (MDNS) was issued on December 16, 2022 (Attachment ee). The environmental determination became final on January 6, 2023.

### **DEPARTMENT ANALYSIS**

#### **A. Density (TCC 21.12.035 and 21.53.040)**

The subject property is zoned Low Density Residential District (LD 0-4). The proposed use of the lots within the proposed subdivision is for single-family residences, which the LD 0-4 zone permits (Thurston County Code (TCC) 21.12.020(A)(1)).

The LD 0-4 zoning district requires no minimum density, and a maximum density of four units per acre (TCC 21.12.035). The proposed density of this project is 2.83 dwelling units per acre.

The maximum number of dwelling units allowed in a residential development which contains wetlands or wetland buffers per TCC 21.53.040, calculates to 22.35 units for the subject lot.

**Staff comments:** The proposed density of 16 dwelling units for the subdivision complies with the density requirements within the district.

#### **B. Subdivision Design (TCC 21.12.050)**

In the LD 0-4 zoning district, the minimum lot size for detached single-family lots is 7,500 square feet where alleys are not provided (TCC 21.12.050(A)). The minimum lot width is 70 feet where alleys are not provided (TCC 21.12.050(B)). This project proposes no alley access.

**Staff comments:** The smallest lot within the plat is 7,500 square feet and there are no lots with a lot width less than 70-feet per the lot width definition of TCC 21.06.490.



Minimum lot setbacks shall meet the following:

Minimum front yard:

1. Sixteen feet
2. Garages facing the street, twenty feet
3. On front yard flanking streets, ten feet
4. Unenclosed porches may project up to six feet into the front yard, provided the porches are at least forty-eight square feet in area with no dimension less than six feet.

Minimum side yards:

1. Minimum on one side, five feet
2. Minimum total both sides, ten feet

**Staff comments:** The proposed lot sizes and dimensions of this project comply with requirements of the LD 0-4 zone. At the time of building permit application, Thurston County staff will review the individual building permit applications to ensure all yard setbacks are met.

Other lot standards for all uses within the LD 0-4 zone:

Maximum building area coverage, forty percent

Maximum development coverage, fifty five percent

Maximum height, thirty five feet for main building and accessory dwelling  
twenty feet for accessory buildings

(An additional two feet in height is permitted for structures with green roofs occupying at least fifty percent of the area of the roof.)

**Staff comments:** The proposed lot sizes and dimensions of this project comply with requirements of the LD 0-4 zone. At the time of building permit application, Thurston County staff will review the individual building permit applications to ensure all lot standards are met.

#### C. Utilities

The development will be utilizing City of Lacey sanitary sewer and water utilities.

Although the parcel contains a Category II aquifer recharge area, Thurston County Environmental Health determined ground and surface water protection has been demonstrated based on the following information:

- There are no existing off-site wells that encroach onto the project site. One off-site well was identified within 200 feet and is shown on the map.
- There are no existing or proposed on-site septic systems or wells located on the property. The subdivision will be served by public water and sanitary sewer.
- An Integrated Pest Management Plan (IPMP) has been prepared outlining landscape management practices to help reduce impacts to surface and ground water. The preliminary plan has been reviewed and revisions are required prior to final approval. (Attachment j).

#### D. Critical Areas Ordinance (TCC 24)

Subject property is mapped within a Critical Aquifer Recharge Area (CARA) 2 primarily, with a sliver of CARA 1 along the north property line. The subject property is also mapped with wetland habitat.

The applicant has submitted critical area reports that provide on-site assessment and evaluation of the off-site wetlands in accordance with the Thurston County Critical Areas Ordinance (TCC 24) (Attachments ff, gg, and hh). The report delineated Wetland A and B as Category IV wetlands requiring a 160-foot buffer in accordance with Table 24.30-1 of Title 24. Portions of the 160-foot buffer have been averaged to accommodate lot configuration, subsequent to several redesigns and reductions in the total lots proposed, per TCC 24.30.060. A conservation tract agreement will be recorded to protect the necessary wetland buffer areas on the adjacent Lot 2 of SS 18-114343 property title prior to final plat recording, since the short subdivision was mistakenly recorded with the reduced wetland buffer shown (Attachment s). The proposed storm water treatment facility is proposed within the outer 25% of the Wetland B 160-foot wetland buffer. TCC 24.30.050(A) allows encroachment into the outer 25% of the wetland buffer under certain circumstances, and Table 24.30-4 allows storm water retention/treatment facilities, temporary sediment control ponds, and surface water conveyance systems-construction, subject to the requirements of TCC 24.30.300 and TCC 24.30.310.

TCC 24.30.300 states the following:

Storm water facilities (e.g., detention, retention, treatment, and conveyance facilities) associated with new roads and other development shall be designed and located outside of wetlands and wetland buffers, except as otherwise provided in Section 24.30.310. Storm water facilities shall not be allowed in the buffers of Category I and II wetlands, including bogs or wetlands of high conservation value, with the exception of storm water conveyance pipes extending through the outer twenty-five percent of the standard buffer when there is no alternative. No discharges of storm water shall be allowed to flow to bogs or wetlands of high conservation value.

**Staff comments:** The subject wetland is not a Category I or II wetland and the proposed storm water facility is within the outer 25% of the of the off-site Category IV wetland.

TCC 24.30.310 states the following:

New and expanded storm water facilities (e.g., detention, retention, treatment, and conveyance facilities) may only be allowed in the outer twenty-five percent of Category III and IV wetland buffers, or in wetlands meeting the criteria of TCC 24.30.090(C) if all of the following are met:

- A. The facilities are consistent with the Drainage Design and Erosion Control Manual for Thurston County, as amended (Chapter 15.05 TCC).
- B. The facilities are designed and sized to only to accommodate storm water from:
  - 1. Development allowed in the buffer pursuant to this chapter; and/or
  - 2. Existing or new impervious surfaces within or adjacent to the buffer when there is no available alternative outside of the buffer for accommodating storm water due to topographic or other physical constraints.
- C. Design and Location.
  - 1. The facilities shall be designed and located to minimize impacts on the wetland or buffer; and
  - 2. The approval authority may require that the proposed development be redesigned or reduced in scale to avoid or minimize impacts to the wetland or buffer; and

3. No other location is feasible; and
4. The location of such facilities will not degrade the functions of the wetland and buffer; and
5. Storm water facilities shall be limited to the twenty-five percent of the standard buffer furthest from the wetland, unless another location is necessary to accommodate storm water from a road or bridge.
6. Storm water facilities shall not be allowed in portions of the buffer that have been reduced in width pursuant to TCC 24.30.050.
7. Portions of buffers expanded pursuant to TCC 24.30.055 shall not be used to accommodate storm water facilities.

D. Treatment. All storm water from storm water facilities, with the exception of conveyance facilities extending through the buffer, shall be treated prior to release to a wetland buffer, consistent with the Clean Water Act, the Drainage Design and Erosion Control Manual for Thurston County, as amended (Chapter 15.05 TCC), and other applicable state and federal standards pertaining to water quality and treatment of storm water. Direct storm water outfalls to wetlands are prohibited.

E. Avoid Channelization. Storm water flows released to wetland buffers, with the exception of conveyance facilities extending through the buffer, shall be dispersed as sheet flow at the outer edge of the buffer to avoid channelization and allow filtration of sediment, nutrients, and pollutants and infiltration of water. The approval authority may require, if slopes exceed five percent, that obstructions or devices be installed outside of the buffer to maintain sheet flow within the buffer.

F. Open and Vegetated. Storm water detention, retention, and treatment ponds in wetland buffers shall be open and, to the extent possible, vegetated with native plants. Invasive vegetation shall not be planted. Storm water conveyance facilities shall be open and vegetated with non-invasive plants unless the approval authority determines, in consultation with the applicant's qualified engineer, that design constraints or protection of public safety warrant burying the conveyance facility (e.g., underground storage is needed or the facility would span a steep slope and must be "tight lined" to avoid slope failure - see Chapter 24.15 TCC). Vegetation shall be maintained and, if necessary, planted adjacent to all open swales, channels, and ponds in order to retard erosion, filter sediments and pollutants, and (if warranted to maintain water temperatures necessary to sustain aquatic life) shade the water, consistent with the Drainage Design and Erosion Control Manual for Thurston County, as amended (Chapter 15.05 TCC), and the Clean Water Act.

G. Protection of Wetland Hydrology. Wetland hydrology shall be protected through the development process, as determined by the director and pursuant to the Drainage Design and Erosion Control Manual for Thurston County, as amended (Chapter 15.05 TCC). Post-development wetland hydrology shall match pre-development wetland hydrology unless the approval authority determines that changes in hydrology will not harm wetland functions. The approval authority may require a hydrologic study if it is determined that the project has potential to significantly impact a wetland. The approval authority may call upon experts as needed, at the applicant's expense, to evaluate the study.

H. Roadside storm water Conveyance Facilities. Roadside storm water conveyance facilities (e.g., swales, ditches, and pipes) may be extended through wetland buffers within rights-of-way. When possible and practical, they shall be along the side of the road

furthest from the wetland. If the conveyance facility must be located along the side of the road closest to the wetland, it shall be located as close to the road/sidewalk as possible, consistent with public safety. In no case shall facilities that infiltrate storm water be less than one hundred feet from a Category I—III wetland or fifty feet from a Category IV wetland. Storm water conveyance facilities shall be designed and constructed consistent with the BMPs listed in the Regional Road Maintenance ESA Program Guidelines, 2002, and, if applicable, the Drainage Design and Erosion Control Manual for Thurston County, as amended (Chapter 15.05 TCC).

I. Use of wetlands for storm water Storage. Use of Category II-IV wetlands for storage of storm water (not including storm water facilities) is only allowed for public projects designed to halt or improve deteriorated wetland conditions, consistent with TCC 24.30.300, other applicable provisions of this chapter, and the following:

1. The project shall be for the purpose of solving an existing problem, not to accommodate storm water generated from new impervious surfaces; and
2. The alteration in the timing, amount, duration and quality of storm water reaching the wetland shall not be harmful to wetland functions, dependent aquatic life, wildlife, and native plants.
3. Category I wetlands shall not be used for storm water storage.

J. Temporary storm water Management Facilities. If there is no alternative to avoid impacts to wetlands and buffers, surface water discharges may be allowed from new temporary sediment control ponds, retention/detention facilities, or other temporary surface water management structures located beyond the buffer and, if necessary, within the outer twenty-five percent of Category III and IV wetland buffers.

**Staff comments:** The proposed storm water facility was designed in accordance with and reviewed by Thurston County Engineers to ensure compliance with the Drainage Design and Erosion Control Manual. The County Geologist also reviewed and approved the submitted Stormwater Infiltration and Steep Slope Evaluation (Attachments l and m). The proposed stormwater ponds have suitable soil, a natural flat area and are down grade of the drainage areas they serve while allowing for development outside the buffers meeting the zoning code. The stormwater pond will not degrade the functions and will maintain recharging of the wetland. Facilities are outside the 120 foot mark, in the outer 25% of the standard 160 foot wetland buffer. The stormwater pond infiltrates water so the only flow to the wetland is subsurface, no channelized discharge is proposed. Elsewhere on the site, channelization is also avoided as dispersion methods are used for some of the lots. No roadside conveyance facilities are proposed through the wetland for this project. All disturbed areas during construction within the outer 25% wetland buffer will be replanted to ensure the wetland buffer is not degraded. The proposed plat and storm water improvements appear to be in compliance with TCC 24.30.310 (Attachment l and u).

**E. Open Space (TCC 18.47.040(B))**

Within the Lacey Urban Growth Area. The minimum usable open space dedicated in residential subdivisions shall be ten percent of the total site. For the purposes of calculation of the ten percent requirement, the open space area shall be separate and distinct from required yards, setbacks, and other undeveloped portions of the site. Up to fifty percent of the open space requirement may be satisfied by wetlands, wetland buffers and other critical areas, and trees tracts in compliance with TCC 17.25. The open space area may include stormwater facilities that are

designed for active and or passive recreation opportunities in accordance with this chapter and Chapter 15.05 TCC (Thurston Region Drainage Design and Erosion Control Manual). Per TCC 20.32.030 (2.), at least thirty percent of land dedicated for open space shall be maintained in a natural condition.

The applicant has set aside a total of 1.5 acres of open space or twenty six percent of the entire site. The open space tracts include a stormwater retention area, wetland buffer, incompatible use landscape screening, and active and/or passive recreation. Fifty two percent of the open space area is within protected wetland buffer area that will remain in a natural condition. The stormwater pond and incompatible use screening areas meet the remaining minimum fifty percent of the total ten percent of open space required outside of critical areas.

**Staff comments:** Staff recommends prior to final plat approval, the applicant would be required to submit a final landscape plan for review and approval that depicts the active/passive recreation component, and all landscaping and irrigation to be installed, in addition to final landscaping/tree retention for incompatible use buffer areas. As proposed and conditioned, staff believes the proposed plat is in compliance with all open space requirements (TCC 18.47.040(B)).

**F. Parking (TCC 21 Table 21T.13)**

For single-family residential development, a minimum of two parking spaces is required per lot.

**Staff comments:** As proposed and conditioned, staff believes the proposed plat is in compliance with all parking requirements.

**G. Landscaping**

Pursuant to TCC 21.80.055(1)(b), the proposed residential subdivision is considered to be an incompatible use to the adjacent properties to the north and south along proposed Lots 1, 2, 3, 9, 10 and 11, as a result of the proposed lot sizes within the subdivision being less than fifty percent of the square footage of the existing contiguous residential lots.

TCC 21.80.055(3) provides the following landscape standards to screen between incompatible uses:

Screening between incompatible uses—Screening shall consist of a thirty-foot wide buffer containing the following:

1. A vegetated buffer of predominantly native and drought tolerant species that will provide a very dense sight barrier and physical buffer to significantly separate conflicting uses and land use districts.
2. Plant materials and ground cover shall be selected and maintained so that the thirty-foot buffer will be fully vegetated within three years.
3. A combination of trees, shrubs, earthen berms, and related plant materials or design features may be selected, provided that the resultant effect is sight-obscuring from adjoining properties. In addition, fences and walls may be incorporated into the landscaping buffer.
4. A minimum of one tree per twenty-five linear feet shall be planted. Trees shall be a minimum one inch in caliper measured six inches above the base at the time of planting.



5. Shrubs must be capable of growing to a minimum of five feet in height, within three years. Shrubs shall be planted on eight-foot centers at minimum.

6. Ground cover shall consist of bark, mulch, native grasses and/or native understory vegetation such as salal, Oregon grape, Kinnikinnick, Sword fern, etc.

7. Retention and salvage of existing native vegetation and trees is preferred over removal and replacement of vegetation.

TCC 21.80.060(B) allows the department/or hearings examiner to approve a modification to the landscape requirements if:

1. The proposed landscaping implements portions of an urban forestry program or plan duly adopted by the county;
2. The proposed landscaping represents an equal result that could have been achieved by strictly following the requirements of this chapter; and
3. The proposed landscaping complies with the stated purpose of this chapter.

**Staff comments:** As a recommended condition of approval, the applicant will be required to submit a final landscape plan for review and approval at the time of final plat submittal. The landscape plan will need to be in compliance with TCC 18.47.040(B), 21.12.070, and 21.80. As proposed and conditioned, staff believes the proposed plat design can meet landscaping requirements.

#### H. **Forestland Conversion**

The application includes a Class IV – Forest Lands Conversion Application (Attachment e). The forest practice permit and the preliminary plat application were reviewed jointly with one SEPA determination issued for the project (Attachment ee).

The Forest Lands Conversion Ordinance (TCC 17.25) requires projects that include conversion within the North County Urban Growth Area to include a “Tree Preservation and New Tree Planting Plan”. TCC 17.25.400 (D.5.) requires the retention of existing trees or the planting of new trees on individual residential lots at a rate of one (1) tree for every four thousand (4,000) square feet of lot area. A tree tract is also required of at least five percent of the project site. The proposed preliminary plat map incorporates the tree tract into the wetland buffer open space tracts of the preliminary plat map. The site plan indicates that twenty six percent of the entire property will be dedicated to open space (Attachment h).

The following is a summary of the tree retention/replanting requirements for the proposed plat:

Total Lot 1 Area = 5.66 acres

Total Area in Lots = 2.89 acres (125,728 square feet)

Minimum # of Retained/ Replacement Trees Required = 32 trees

The applicant has provided a Tree Protection and Replacement Plan that demonstrates the above standards are met within the proposed plat, and forest lands conversion (Attachment n). The project site is mostly forested with the exception of a small cleared area in the west-central portion of the site. Only the buildable area will be cleared on the east side lots. No tree tracts are

proposed, as the wetland buffers will be used to satisfy the 5% tree tract requirement. Two open space areas with retained trees will be created on the north and south sides of the lot area. A total of 19 street trees are proposed for replanting, along with 4 stormwater area trees, and 20 lot trees. With this plan, the minimum tree requirement on lots is exceeded by 7 trees (19 street trees plus 20 lot trees = 39 trees) against the 32 tree minimum requirement. As proposed and conditioned the proposed plat is in compliance with the standards of the Forest Lands Conversion Ordinance (TCC 17.25).

**I. Compliance with Comprehensive Plan and Applicable Ordinances**

**Staff comments:** With appropriate conditions, the proposed subdivision will conform to the requirements of the Thurston County Zoning Ordinance, Critical Areas Ordinance, Forest Practice Ordinance, and Platting and Subdivision Ordinance. As proposed and conditioned the subdivision is consistent with the Thurston County-Lacey Joint Comprehensive Plan for the Urban Growth Areas and the Thurston County Lacey Urban Growth Area Zoning Ordinance.

**J. Findings**

TCC 18.12.090 requires that findings be made in order to approve a preliminary plat. Those findings are as follows:

1. Appropriate provisions must be made for the public health, safety and general welfare for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary waste, parks and recreation, playgrounds, schools and school grounds and considering all other relevant facts including sidewalks and other planning features that assure safe walking conditions for students that only walk to and from school; and
2. Whether the public use and interest will be served by the platting of such subdivision and dedication.

**Staff comments:** The Public Works Department requirements satisfy the stormwater, streets, traffic safety, and road provisions for this urban area plat (Attachments i, k, r, t, v, and w). A traffic impact assessment was completed (Attachments i) and determined the project “is anticipated to be a mild generator of traffic with approximately 21 am and 28 pm peak hour trips.” There were 28 lots proposed at the time of traffic impact assessment and the project is now proposing 16 lots, so this is a conservative estimate under the current proposal. Traffic impact fees will be due at the time of building permit submittal. The plat must comply with the Health Code, thereby assuring adequate provision for domestic water supply and sanitary waste disposal. The project will extend City of Lacey sanitary sewer and water to serve the lots. Transit service is available within the vicinity and school children will be bussed to North Thurston School District school sites if within designated distant requirements. 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 20<sup>th</sup> Way NE. The open space tracts provide for stormwater management, landscape screening, and critical area protections. Impact fees will provide for additional parks and recreation opportunities and will ensure that adequate school facilities are

available. All findings can be met for the public health, safety, and general welfare. The proposed plat in conjunction with the recommended conditions is in compliance with RCW 58.17.110.

**K. School Impacts**

The project is located within the North Thurston Public School (NTPS) district. School impact fees will be due prior to building permit issuance, and safe school walking conditions will be agreed upon prior to final plat recording (Attachment aa). The internal public road within the plat provides sidewalks, connecting from the development to the school side of the road. 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 20<sup>th</sup> Way. The new speedhumps will slow down existing and new traffic along the roadway.

**Staff comments:** At the time of building permit issuance, school mitigation fees will be collected to offset any future school impacts within the NTPS district.

**L. Review Agency Comments**

The Environmental Health Section of the Public Health and Social Services Department reviewed the project for compliance with all applicable health codes. The Environmental Health Department has recommended preliminary plat approval subject to conditions (Attachment x).

The Public Works Department conducted their review of the project for compliance with all road and drainage requirements. All requirements outlined in the Thurston County Roads Standards and Drainage Design and Erosion Control Manual have been satisfied. The Public Works Department has recommended preliminary plat approval with conditions (Attachment v and w).

The Department of Ecology submitted comment letters regarding the proposed plat, and the MDNS SEPA determination (Attachment cc).

The Nisqually Indian Tribe submitted comment letters regarding the proposed plat, and the MDNS SEPA determination (Attachment bb).

**M. Public Comments**

Public comments were received early on in the permit review in 2017, from the adjacent Pleasant Acres Homeowners Association, regarding traffic and school safety concerns (Attachment dd). Provisions have been made through the Public Works review addressing these concerns (Attachments v and w).

**DEPARTMENT RECOMMENDATION**

If the Hearing Examiner grants **approval** of the preliminary plat, then based on the above analysis, the Community Planning and Economic Development Department recommends the preliminary plat be subject to the following conditions and notes:

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

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' of asphalt concrete pavement.

#### RIGHT-OF-WAY & 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 control 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 12/16/22 Mitigated Determination of Non-significance 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 whom 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 20<sup>th</sup> Way.
22. PRIOR to construction, the applicant shall:
  - a. Pay outstanding construction review and inspection fees\*
  - b. Receive an erosion and sediment control permit
  - c. Have the erosion and sediment control inspected and accepted
  - d. Receive a construction permit
  - e. Schedule a pre-construction conference with county staff.

\* The current fee schedule can be found online at 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 storm water 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 storm water system features for the purpose of routine inspections and/or performing maintenance, repair and/or retrofit as may become necessary. No encroachment will be placed within the easements shown on the plat which may damage or interfere with the installation, inspection, and maintenance of utilities. Maintenance and expense thereof of the utilities and drainage facilities shall be the responsibility of the Property Owners' Association as established by covenant recorded under Auditor's file number \_\_\_\_\_.

- 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 dated December 16, 2022 (Attachment ee).
28. Conditions for Forest Practice approval shall adhere to Development Services approval letter dated January 17, 2023 (Attachment z).
29. Street addresses, lot size and dimensions for each lot shall be shown on the final map with approved plat name (Attachment ii and 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 home owner 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. All landscaping shall be 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. 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 Tschaekofske (360)786-5553.
39. Comply with all conditions of the April 20, 2022 Memorandum from the City of Lacey Public Works Department (Attachment 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.

  
Heather Tschaekofske, MES  
Associate Planner/Biologist

**LIST OF EXHIBITS**

EXHIBIT 1 Community Planning Staff Report, including the following attachments:

- Attachment a Notice of Public Hearing
- Attachment b Zoning map
- Attachment c Master Application, received May 26, 2017
- Attachment d Division of Land Application, received May 26, 2017
- Attachment e Forestland Conversion Application, received May 26, 2017
- Attachment f SEPA Environmental Checklist Application, received May 26, 2017
- Attachment g Project Narrative, revised December 2021
- Attachment h Preliminary plat map, dated February 2, 2023
- Attachment i Traffic Impact Assessment, May 10, 2017
- Attachment j Integrated Pest Management Plan, revised November 29, 2021
- Attachment k Preliminary Drainage Report, revised June 2022
- Attachment l Stormwater Infiltration and Steep Slope Evaluation, May 19, 2016
- Attachment m Mark Biever comment email, dated March 12, 2021
- Attachment n Tree Protection and Replacement Plan, revised November 29, 2021
- Attachment o Logging site plan, revised December 22, 2022
- Attachment p Notice of Application, dated August 2, 2017
- Attachment q Address Assignment List
- Attachment r Road Variance Application, February 21, 2018
- Attachment s Short plat map SS 18-114343, Auditor File Number 4724579
- Attachment t Applicant response to Public Works comments, dated March 17, 2021, submitted September 1, 2022
- Attachment u Applicant response to criteria in TCC 24.30.310, submitted August 24, 2022
- Attachment v Preliminary approval letter from Arthur Saint of the Public Works Department, dated January 12, 2023

Attachment w	SEPA recommendation from Arthur Saint of the Public Works Department, dated September 16, 2020
Attachment x	Preliminary approval letter from Dawn Peebles of the Environmental Health Department, dated July 27, 2020
Attachment y	City of Lacey Conditions, dated April 20, 2022
Attachment z	Forest Practice approval letter dated January 17, 2023.
Attachment aa	Comment letters from North Thurston Public Schools, dated August 22, 2017, December 28, 2020, and December 27, 2022.
Attachment bb	Comment letter from Brad Beach of the Nisqually Indian Tribe dated June 19, 2017, and December 20, 2022
Attachment cc	Comment letters from Ecology, dated June 26, 2017, August 22, 2017, and December 30, 2022
Attachment dd	Public comments from Pleasant Acres HOA, dated August 21, 2017, and emails dated October 2019
Attachment ee	Mitigated Determination of Non-significance, issued December 16, 2022
Attachment ff	Wetland Delineation Report, July 2016
Attachment gg	Wetland Buffer reduction memo, September 22, 2016
Attachment hh	Wetland Mitigation Plan, February 10, 2018
Attachment ii	Plat Name Reservation Certificate

