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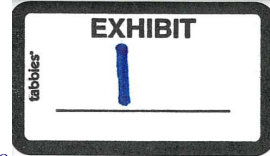
District One

Gary Edwards

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**COMMUNITY PLANNING &
ECONOMIC DEVELOPMENT DEPARTMENT**

Creating Solutions for Our Future

Joshua Cummings, Director

**THURSTON COUNTY COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT
DEPARTMENT STAFF REPORT**

HEARING EXAMINER HEARING

December 12, 2023

PROJECT NO: 2022103527, Sienna 1

SEQUENCE NO: 22 109077 ZJ (Plat) and 23 111934 ZQ (Variance)

APPLICANT: AMH Development

REQUEST

Preliminary Plat approval to divide 16.18 acres into 78 single-family residential lots, one community club lot, tracts for stormwater facilities, tree tracts and open space tracts. There is also a variance request to reduce a required 30-foot incompatible use buffer to a minimum of 8 feet on the west side of the site.

GENERAL INFORMATION

- A. Applicant: AMH Development
6811 South 204th St. Ste. 270
Kent WA 98032
- B. Representative: LDC Inc.
Attn: Tyrell Bradley, P.E.
1411 State Ave. NE, Ste. 200
Olympia WA 98506
- C. Location: 7731 Littlerock Road SW
- D. Legal Description: A portion of Section 09 Township 17 Range 2W
Abbreviated Legal:

W H BARNES DC COM X W LN DC & SELV LN
HWY 1-M N 43 DEG E 24 43-0-0 WM; known as Tax
Parcel Number 09090009000.

E. Land Area: 16.18 acres

PROJECT DESCRIPTION

The applicant proposes to subdivide 16.18 acres into 77 single-family residential building lots, one lot for a community clubhouse, several open space and tree tracts, including an open space tract to be used for stormwater and recreation, and a tract to be used for access and utility easements. The smallest proposed lot is 4,356 square feet in size and the average size is 5,422 square feet. All lots are at least 50 feet wide. The applicant will extend City of Tumwater domestic water and sanitary sewer utilities into the subdivision to serve all lots.

Access to all lots is to be provided by a public road network that will be constructed throughout the site. Most roads have already been constructed as a part of the Sienna 2 project which was finalized and recorded earlier in 2023 (Exhibit 4). The new public road has been constructed into the development easterly from Littlerock Road SW and includes stub roads to the northeast, southeast, and south property lines for the possibility of future road extensions into adjacent property. Stormwater will be treated and infiltrated in a pond system to be located on Tract D.

Proposed Tracts A and B are located adjacent to Littlerock Road, on either side of the new proposed internal access road. These tracts are proposed as open space. Tract C is a proposed open space/tree tract and is located in the center of the subject property. This tract is surrounded by proposed lots but does have two locations, between Lots 184 and 185 and between Lots 205 & 206, that abut the internal road and that will provide access for residents. A proposed walkway will be constructed within Tract C with connections to the internal road between lots mentioned above. Proposed Tract D, located in the center of the property and surrounded by Tract C, will be used to locate stormwater facilities and as an area for recreation. Storm pond slopes are 5:1 or flatter so it can be accessed by residents and their children. Proposed Tract E is located between Lots 183, 184, 185 and 186 in the east central portion of the site and will provide access and utility easement to Lots 183 and 186 and provide general subdivision access to Tracts C and D. A small access drive will provide access to the storm pond in Tract D.

BACKGROUND

The subject property is located within the Tumwater Urban Growth Area and is zoned Single-Family Medium Density Residential District (SFM) with a standard residential density of 6-8 residential lots per acre. The site is not within the jurisdiction of the

Shoreline Master Program. There are no streams or wetlands on the subject property and no related buffers which impact the project site.

Topographically, the property is mostly level. As development began on the originally approved project (2004104043) the site has already been cleared of trees and most or all native vegetation as can be seen in the 2022 aerial photo of the site below. Tree tracts will need to be planted with new trees. Additional trees and vegetation will likely be needed along the west side of the site, particularly if the requested incompatible use buffer variance is approved. Some other suggestions might be a 7 ft. high fence and fast-growing trees such as Cypress or other similar species which would create a very dense buffer if planted closely together.



Surrounding land use consists of the following: An agricultural field and undeveloped lands to the northeast, the Sienna 2 plat (approved and recorded) to the south / southeast, a 4.7 acre residential lot to the west (largely forested) and a dairy farm and the Black Hills High School to the north / northwest across Littlerock Road SW. The site was originally approved with about four more lots than currently proposed so density is slightly less than the original 2004 preliminary approval. It should be noted that the property owner to the west who owns all of the property along the west property line of the subject site is not in favor of reducing the 30-foot incompatible use buffer and asks for a larger buffer rather than a smaller one (Attachments g1 and i1).

NOTIFICATION

Written notice of the public hearing was sent to all property owners within 300 feet of the site and to others who had requested notice on November 28, 2023. Notice of the public hearing was published in The Olympian on December 1, 2023, at least ten (10) days prior to the hearing.

ENVIRONMENTAL EVALUATION

A Mitigated Determination of NonSignificance (MDNS) was issued on August 30, 2023 and was not appealed (Attachments l and m). The environmental determination became final on September 20, 2023.

DEVELOPMENT SERVICES DEPARTMENT ANALYSIS**A. Zoning Ordinance (TCC 22):**

The subject property is zoned Single Family Medium Density (SFM) within the Tumwater Urban Growth Area Zoning Ordinance (TCC 22.10). The SFM zone permits single-family detached dwellings (TCC 22.12.020). This zone allows densities from six to nine dwelling units per acre, except that any density greater than eight dwelling units per acre requires the purchase of transfer of development rights (TCC 22.12.050). Methods of calculating maximum and minimum densities are found in code section 22.12.050(B). The density of this development is 6.43 dwelling units per acre.

The minimum lot size for detached single-family lots is 4,000 square feet and the minimum lot width is 50 feet (TCC 22.12.050(D)). For this project the smallest lot is 4,356 square feet in size and the average size is 5,422 square feet and proposed lot width is 50 feet. The proposed use, density, and lot sizes of this project comply with requirements of the SFM zone.

B. Utilities:

The developer has extended City of Tumwater domestic water and sewer lines into the site as part of the Sienna 2 project. As part of their application, the applicant submitted a memorandum from the City of Tumwater that states these utilities are available to this subdivision. Tumwater submitted several comment letters (Attachments y, z, b1 and c1) outlining their requests and requirements for utility extensions, traffic impacts etc. The applicant will need to comply with Tumwater's conditions and requirements. Traffic mitigation for Tumwater is non-standard. It is requested by the City of Tumwater that additional Right of Way (ROW) be dedicated for a future multi-lane round-a-bout rather than standard mitigation. This is included as a condition of the Final Mitigated Determination of NonSignificance (Attachment l).

C. Stormwater Treatment and Control:

The Applicant submitted a preliminary drainage and erosion control plan as part of the application (Exhibit 2). The plan proposes to collect stormwater and direct it to an infiltration pond (Tract D). The Development Review Services division of the Roads and Transportation Services Department has reviewed and approved the preliminary plans (Attachment f).

D. Environmental Review:

The Mitigated Determination of NonSignificance (MDNS) (Attachment m) became final on September 20, 2023 (Attachment l). The Development Services Department believes the mitigating measures should become conditions of approval if the preliminary plat is approved. As part of the application, the applicant has provided an agreement between Thurston County and the applicant such that they will follow the Thurston County Habitat Conservation Plan and pay applicable mitigation fees. There are no other critical areas that impact the project aside from the requirement of an Integrated Pest Management Plan (IPMP) which is discussed in the attached Environmental Health recommendations (Attachments t and x). With regards to Pocket Gophers and the newly adopted Habitat Conservation Plan (HCP) regarding prairie species there is an agreement between the owner and Thurston County that they would follow the HCP once adopted (Attachment r).

E. Forest Practices Ordinance (TCC 17.25)

The Thurston County Forest Practices Ordinance requires that all new subdivisions in the urban growth areas dedicate 5% of the property as a tree tract and that each 4,000 square feet of lot area contain at least one tree (TCC 17.25.400). For this development the applicant proposes Tract C as a combination open space and tree tract. The portion of this tract to be used for tree preservation and new tree planting to satisfy TCC 17.25.400 requirements is at minimum 5% of the property. Also required by the Thurston County Forest Practices Ordinance is a Tree Preservation and New Tree Planting Plan (TCC 17.25.600). To satisfy this requirement the applicant submitted a Tree Preservation Plan from 2004 (Attachment q) so it is a bit out of date. The Tree Preservation Plan concluded that about 32 existing trees in proposed Tract C could have been retained. However, all trees in this tract have been removed unfortunately. There were additional (19) trees on proposed lots which could have been protected per this tree protection plan. It is not known if this recommendation was followed but it appears unlikely based on aerial photos. It is recommended that an updated tree management / mitigation plan be provided as part of final plat approval with updated planting recommendations with more tree planting given the removal of all or nearly all pre-existing trees and that the Tree Preservation Plan was apparently not strictly followed.

The 2004 Tree Preservation Plan which needs updating included a planting proposal to supplement trees and plant additional trees on open space tracts, including Tract C and provide for plantings on Tracts A and B and the residential lots. Prior to final plat approval the applicant must provide an updated Tree Preservation Plan and plant the proposed trees in the open space tracts. A note on the final plat can ensure that trees are planted on the individual lots, consistent with an approved landscape plan, when they are developed.

The applicant submitted a Class IV Forest Land Conversion application (folder no. 04 113437 XB) along with the original 2004 application. It does not appear that logging followed the recommendations of the Tree Protection Plan (Attachment q). The updated Tree Protection Plan will need to address the tree removal which occurred previously and provide updated tree planting recommendations.

F. Open Space (TCC 18.47):

Subdivisions within the Tumwater Urban Growth Area are required to dedicate 10 percent of the gross land area as open space [TCC 18.47.040(3)]. This project includes 4 open space tracts (Tracts A, B, C and D) totaling at least 10% of the site). Open Space Tracts A and B will be used for landscaping. Tracts C will be utilized partially for tree tract purposes and partially for general open space. Tract D will be for stormwater and usable open space.

Code section 18.47.040(C)(2) states that open space in residential developments need to include one active recreation facility from the list included in the code and at least one other facility for active and/or passive recreation, also listed in the code. For this development the applicant proposes a pedestrian trail in Tract C, a flat open lawn area within Tract D for the required active recreation element. The pedestrian trail proposed in Tract C serves as both a passive and active recreation component. These recreation features shall be installed prior to final plat approval.

Variance

- B. This section is regarding a Hearing Examiner Variance request from Incompatible Use Standards (TCC 22.47.050.H) of the Tumwater Urban Growth Area (UGA). The applicant has submitted a variance application (Attachments h, i and j) requesting a reduction of the minimum 30 foot incompatible use buffer which is required when a proposed residential subdivision lot is less than fifty percent of the square footage of an existing contiguous residential lot. In this case there is a large piece of property to the west of the subject parcel. This circumstance would trigger the above requirement due to the size of the proposed lots being substantially smaller than the existing lot to the west. The specific request is to reduce the 30-foot incompatible use buffer to a minimum of 8-feet. The variance narrative (Attachment j) needs some clarification. It

mentions that if the adjacent neighbor wanted to clear trees on his property, he would need to meet the same incompatible use standards. This is not the case. He would only need to meet this standard if proposing a subdivision that triggers TCC 22.47.050.H (incompatible uses). The adjacent neighbor to the west has not indicated any intention of subdividing, developing the subject property or removing any trees. Any required buffers would be evaluated and determined when a development application was received from the neighbor to the west.

Variances from zoning standards are reviewed pursuant to TCC 20.52. Section 20.52.020 contains criteria to be met in order for any variance to be approved. Those criteria are listed below, along with a staff analysis.

1. *That the granting of the proposed variance will not result in the allowance of a use which is not classified as a permitted or special use in the district wherein the use would be located;*

The proposed development was previously approved in 2007 under then project number 2004104043. However, this plat expired during the recession and mortgage crisis in 2007-2008. The request is to essentially permit the project in much the same way as it was approved originally. At the time the original project was approved there was no incompatible use requirement, therefore the project development began without this future requirement in mind. The proposal will not permit a special or non classified use. A plat is an approvable use within this zoning district.

2. *That special conditions and circumstances exist which are peculiar to the land, such as size, shape, topography or location, not applicable to other lands in the same district and that literal interpretation of the provisions of this title would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this title;*

This project received construction permits in 2008 and development commenced up until the recessions impacts in 2008. Due to utilities that have already been installed it may be challenging to meet the current incompatible use requirement.

When staff asked the applicant to provide more specifics regarding these utilities the following answer was provided:

"Hello Scott,

The sewer is already installed within all the roads around Phase 1. The stormwater pond within the center of the site was installed as part of Sienna II and is sized to handle the Sienna I

stormwater as well. Water is proposed within the Vallinger and Verona and is already stubbed into the site from 77th Way.

Tyrell

Tyrell Bradley, P.E.

Principal Engineer

E: tbradley@LDCCorp.com

D: [360-634-2066](tel:360-634-2066) | C: [360-878-0678](tel:360-878-0678)

321 Cleveland Ave SE Tumwater, WA 98501

www.LDCCorp.com 425-806-1869 "

3. *That the special conditions and circumstances are not the result of the actions of the applicant;*

In terms of this criterion, it was not the fault of the previous applicant that the recession occurred and essentially halted the project. This is the special circumstance, as well as the fact that the incompatible use standards came into effect about two years after the project expired.

4. *That granting of the variance requested will not confer a special privilege to the property that is denied other lands in the same district;*

In a way this will be granting a special privilege relative to other properties in the same zoning district or others with this same incompatible use requirement. However, this should not be a common occurrence by any means. It seems to fit this particular circumstance which was not under control of the previous owner and/or applicant.

5. *That the granting of the variance will not be materially detrimental to the public welfare or injurious to other land or improvements in the vicinity and district in which the property is situated;*

It would appear that the requested variance could have a detrimental impact to "other land" along the western property line. The current standard would require a 30-foot vegetated buffer that provides 100% or close to 100% visual separation between properties subject to the incompatible use buffer. This adjacent property owner (George Cowan) to the west has provided comments (Attachments g1 and i1) and staff have had at least one phone conversation with this owner and he is not in favor of the buffer reduction and instead suggests an even larger buffer to protect his property per his comments.

6. *That the reasons set forth in the application justify the granting of the variance, and that the variance, if granted, would be the minimum variance that will make possible the reasonable use of the land;*

Based on comments from the applicant they believe they do meet the variance criteria and that their request is the minimum possible for reasonable use of the land. It is possible that the applicant may have to provide additional information to the Hearing Examiner at the hearing or afterwards regarding the specific reasons for the requested variance.

7. *That the granting of the variance will be in harmony with the general purpose and intent of this title and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

Staff suggests that the requested variance is in harmony with previous code requirements, prior to incompatible use standards being adopted. Based on comments from the adjacent property owner (Attachment g1 and i1) he believes approval of the variance would be detrimental to his property.

G. Commenting Agencies:

The Thurston County review agencies have submitted their comments and recommendations, which are attached (Attachments w and x) and made part of this report. There are no comments from internal departments that would require amendment of the project as proposed.

During their review of this proposal, Public Works Development Review Services staff required and reviewed traffic studies and a preliminary stormwater drainage report. Based upon this review, Public Works staff has identified specific impacts resulting from this development and related conditions are attached (Attachment w). The City of Tumwater also provided comments (Attachments y, z, a1 and b1) and requested SEPA conditions that should be attached to the project.

The Environmental Health Department has recommended preliminary approval of the project (Attachment x). Their review concluded that public health will be protected based upon Tumwater sewer and water service and the preparation of an Integrated Pest Management Plan for the use of future residents.

Comments were also received from the WA Dept. of Ecology (Attachment h1). These were standard comments received for many projects and related to stormwater, clearing and toxics. There are no known toxics on site.

No tribal comments were received.

H. School, Roads and Parks Impacts:

School, roads and parks impact fees will be paid at the time of future building permit issuance for each individual proposed lot in the future subdivision per TCC Title 25.

I. Public Comment:

The Development Services Department received two comments from the adjacent property owner to the west of the subject property. Attachments g1 and i1 from George Cowan expressed opposition to the requested variance from the incompatible use standards. This is the request to reduce the standard 30-foot incompatible use buffer to a minimum of 8-feet in width. Mr. Cowan feels that granting of the variance would have a detrimental impact on his property. The applicant uses the possibility of a future subdivision on Mr. Cowan's property as a reason to approve the variance. However, Mr. Cowan has not mentioned an intention of subdividing his property. One consideration is that the previous development of the site was vested, though not currently vested under earlier regulations and prior to adoption of incompatible use buffer requirements under TCC 22.47.050 H.

J. Compliance with Comprehensive Plan:

With appropriate conditions, the proposed subdivision can likely conform to the requirements of the Platting and Subdivision Ordinance and Critical Areas Ordinance. As proposed and conditioned, it appears that the subdivision is consistent with the Thurston County Comprehensive Plan and the Thurston County – Tumwater Urban Growth Area Zoning Ordinance aside from the western property line incompatible use landscaping for which a variance has been requested.

K. Findings:

RCW 58.17.110 requires that findings be made in order to approve a preliminary plat. Those findings are as follows:

Appropriate provisions must be made for the public health, safety and general welfare and such 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 all other relevant facts including sidewalks and other planning features that assure safe walking conditions for students that only walk to and from school.

The Roads and Transportation Services Department requirements satisfy the stormwater, streets, and roads for this urban area plat. The plat must comply with the health code thereby assuring adequate provision for domestic water supply and sanitary waste disposal. Open space, totaling at least 10 percent of the site, will be dedicated to the homeowners. For the school children who will walk to nearby Black Hills High School sidewalks will be provided within the subdivision for safe walking conditions. Other school age children will be bussed

to Tumwater School District school sites. School, roads and park mitigation fees will be collected at the time of individual building permit issuance to ensure that the project can meet the above requirements of RCW 58.17.110.

The dedicated open space of this project will include active recreation facilities for use of the residents. All findings can be met for the public health, safety and general welfare.

DEPARTMENT RECOMMENDATION

If the Hearing Examiner finds that the requested preliminary plat for 78 building lots and the requested variance to reduce the standard 30-foot incompatible use buffer to 8-feet meet the applicable standards staff recommends the following conditions:

Public Works Conditions:

ROADS

1. The proposed roadway in concept and design shall conform to the Road Standards and the City of Tumwater standards and development guidelines.
2. A construction permit shall be acquired from the Thurston County Public Works – Development Review Section prior to any construction.
3. All access points with sight distance issues or abutting arterial or collector roadways shall be installed prior to final approval.

TRAFFIC CONTROL DEVICES

4. All traffic control devices shall be designed, located, manufactured, and installed in accordance with the Road Standards, Manual of Uniform Traffic Control Devices and applicable WSDOT Standards & Specifications. A sign and striping plan shall be incorporated into the construction drawings for the project. Please contact Thurston County Public Works – Development Review Section Staff to obtain the most current Thurston County guidelines.
5. County forces may remove any traffic control device constructed within the County right-of-way not approved by this division and any liability incurred by the County due to non-conformance by the applicant shall be transferred to the applicant.

DRAINAGE

6. The storm water management system shall conform to the Drainage Design & Erosion Control Manual.

7. All drainage facilities outside of the County right-of-way shall remain private and be maintained by the developer, owner and/or the property owners association.
8. Storm water runoff shall be controlled through all phases of the project by facilities designed to control the quality and quantity of discharges and shall not alter nor impact any existing drainage or other properties.
9. Because proper landscaping is vital to the performance of the stormwater system, the Landscape Plan (if required) shall be signed/sealed by a WA licensed civil engineer (preferably the engineer who designed the stormwater system).

UTILITIES

10. 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.
11. 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

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.

GENERAL CONDITIONS

14. No work shall take place until a construction permit has been issued by Thurston County Public Works – Development Review Section.
15. Development within the City of Tumwater urban growth boundary, requiring review by both Thurston County and the corresponding city jurisdiction, shall be designed to the more stringent standards of the two jurisdictions.
16. The proposed grading or site work shall conform to Appendix J of the International Building Code, Title 14.37 of the Thurston County Code and Drainage Design & Erosion Control Manual.
17. When all construction/improvements have been completed, contact the Thurston County Public Works – Development Review Section for a final inspection.
18. This approval does not relieve the Applicant from compliance with all other local, state and/or federal approvals, permits, and/or laws necessary to conduct the development activity for which this permit is issued. Any additional permits and/or approvals shall be the responsibility of the Applicant. 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

19. Once the planning department has issued the official preliminary approval, submit two complete full size sets of construction drawings, the final drainage and erosion control report and all applicable checklists along with an electronic copy to Thurston County Public Works – Development Review Section for review and acceptance.
20. PRIOR to construction, the applicant shall:
 - a. Pay outstanding construction review and inspection fees*
 - b. Receive an erosion and sediment control permit
 - c. Have the erosion and sediment control inspected and accepted
 - d. Receive a construction permit
 - e. Schedule a pre-construction conference with county staff.

* The current fee schedule can be found online at 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.

GENERAL INFORMATION

FINAL REVIEW

21. Prior to receiving final approval from this department, the following items shall be required:

- a. Completion of all roads and drainage facilities.
- b. Final inspection and completion of all punch list items.
- c. Record drawings submitted for review and acceptance. The record drawings shall include street names and block numbers approved by Addressing Official.
- d. Receive and accept Engineer's Construction Inspection Report Form (Appendix I-C, Volume I of the Drainage Design and Erosion Control Manual).
- e. Receive and accept Maintenance Agreement Form (Appendix I-E, Volume I of the Drainage Design and Erosion Control Manual).
- f. Execute an agreement with financial security for the maintenance and operation of the right-of-way improvements in accordance with Thurston County Code 18.24.010.
- g. Execute an agreement with financial security for the maintenance and operation of the drainage facilities in accordance with Thurston County Code 15.05.040.
- h. Approve the Final Plat Map.
- i. Property owners articles of incorporation and covenants in accordance with Volume I, Section 2.4.11 of the Drainage Design and Erosion Control Manual.
- j. Completion of required signing and striping.
- k. Payment of any required permitting fees.
- l. Payment of any required mitigation fees.

22. The final plat map shall note or delineate the following:

Required Plat Notes

- a. "ATTENTION": Thurston County has no responsibility to build, improve, maintain or otherwise service private roads, 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. Please clearly label all public and private roads.

Environmental Health Conditions:

- 23. There shall be no sanitary sewer lines located within 50 feet of any existing off -site well.
- 24. There shall be no stormwater infiltration within 100 feet of any existing off -site well.
- 25. All existing off -site wells within 100- feet of the property must be accurately shown on the final map with their associated 100- foot sanitary control radii.
- 26. Restrictive covenants are required for the three off -site wells located on tax parcels 09090010000 and 12709320200. The covenants must be submitted to Environmental Health for review prior to being recorded with the Thurston County Auditor' s Office. The covenants must be referenced on the final map.
- 27. Confirmation of final water and sewer construction approval from the City of Tumwater must be submitted to Environmental Health.
- 28. All remaining monitoring wells located on the project site must be decommissioned by a licensed well driller per Washington State Department of Ecology standards prior to final plat approval. Copies of the decommissioning reports must be submitted to Environmental Health.
- 29. A finalized version of the Integrated Pest Management Plan (IPMP) must be submitted to Environmental with the recommended revisions and specifying the proposed method of distribution of the IPMP to future homeowners within the subdivision. This is typically done by incorporating a copy of the accepted IPMP into the subdivision CC& Rs. Other methods may be allowed provided they assure future property owners will receive a copy of the IPMP at the time of sale.

Planning (CPED) Conditions:

- 30. Prior to submitting a final plat application, all required on-site and off-site road, utility, and landscaping construction, identified in the proposal and conditions shall be completed and approved (or bonded).

31. Street addresses shall be shown on the final map.
32. Prior to final plat approval, the applicant shall provide an updated tree preservation plan and plant required trees within the open space and tree tracts.
33. Prior to final plat approval, the applicant shall install all proposed active and passive recreation features/structures within the open space tracts.
34. The use of all open space tracts shall be noted on the final plat map. The open space tracts shall be dedicated to the lot owners and/or association on the final plat map.
35. The following notes shall be shown on the final plat map:
 - a. This subdivision has been approved through provisions of the Single-Family Medium Density Residential District (TCC 22.12).
 - b. At the time of home construction on individual lots trees shall be planted on the lot. The trees planted shall conform to the final approved landscaping plan.
 - c. The project number (2022103527) shall be referenced in the plat notes.
 - d. 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.
36. Thurston County required roads, parks and school mitigation fees shall be paid at or prior to building permit issuance.
37. During construction, all releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials must be contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills should take precedence over other work on the site.
38. All activities onsite shall fully comply with noise limitations outlined in WAC 173-60. In general, construction. Activities shall only occur between the hours of 7am – 7pm to limit noise disturbances.
39. If the requested variance from incompatible use standards (folder no. 23 111934 ZQ) is not approved by either the Hearing Examiner or BoCC for an

appeal then an updated landscaping plan shall be submitted to CPED for review and approval and meeting the standards contained in TCC 22.47.050.H.

39. All activities shall be in substantial compliance with the submitted plans.
40. Prior to final plat approval the applicant must provide an updated Tree Preservation Plan consistent with existing conditions and plant the proposed trees as approved by CPED in the open space tracts. Per TCC 17.25 at least 5% of the property must be preserved or planted with new trees and dedicated as a separate tract(s).

City of Tumwater condition below:

41. Per comments from the City of Tumwater, the proponent in lieu of extending off-site gravity sewer will dedicate additional right-of-way for construction of a future multi-lane round-a-bout at the intersection of Littlerock Road and 77th Way. Per the City of Tumwater, the developer has agreed to this arrangement.

Specific Goals and Policies related to the traffic condition:

- Transportation Chapter Five of the Thurston County Comprehensive Plan, Goal 1., Objective A, Policies 6 and 7; Objective B, Policy 2.
- Chapter eight of the Tumwater / Thurston County Joint Comprehensive Plan, Goals 3.1, 6.1, 6.2, and 6.3; Highways and Arterials Policy #2

Finding:

The Tumwater Boulevard/I-5 northbound ramps intersection currently operates at LOS F during both peak periods for the northbound left-turn movement. The project is projected to add fifty-three trips to this intersection. The City has recently developed a SEPA improvement project for the Tumwater Boulevard/I-5 interchange that include intersection improvements at the northbound I-5 ramps intersection, with a peak hour per trip impact fee of \$4,219 for each trip entering the interchange area.

Mitigation Measure (Condition):

Prior to issuance of the final plat:

- a. Construct a roundabout at the northbound Interstate 5 On/Off Ramp and Tumwater Boulevard intersection; or
- b. Voluntarily pay a mitigation fee of \$4,219 per peak trip generated by this project under RCW 82.02.020 to be used as described herein:
Tumwater Boulevard/I-5 Interchange: The City's planned transportation improvements at the Tumwater Boulevard/I-5 interchange include converting the interchange to a roundabout diamond interchange by

replacing the southbound on/off ramp signal and northbound stop controlled intersections with roundabouts. If the subject development has trips to the interchange before the roundabout is constructed, a temporary signal will be required.

NOTE: Pursuant to TCC 22.62.020(C)10, affected property owners may request a change in valuation for property tax purposes.

Scott McCormick, MES
Associate Planner

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LIST OF EXHIBITS

EXHIBIT 1 Development Services Planning and Environmental Section Report, including the following attachments:

Attachment a Notice of Public Hearing

Attachment b Zoning/Site Map

Attachment c Master Application, received July 13, 2022

Attachment d Updated Division of Land Application received May 24, 2023

Attachment e Narrative Summary, dated May 16, 2023

Attachment f Preliminary Plat Map and landscaping plans received May 24, 2023

Attachment g Notice of Application for Prelim. Plat dated October 7, 2022 with adjacent property owners list dated October 6, 2022

Attachment h Master Application for Hearing Examiner Variance received September 22, 2023

Attachment i Hearing Examiner Variance Application received September 22, 2023

Attachment j Variance narrative received September 22, 2023

Attachment k Notice of Application for Hearing Examiner Variance dated October 6, 2023

Attachment l Final SEPA Mitigated Determination of Nonsignificance

Attachment m Mitigated Determination of Nonsignificance issued on August 30, 2023

Attachment n SEPA Environmental Checklist received May 24, 2023

Attachment o Sienna 1 Plat Trip Generation Assessment received July 13, 2022

Attachment p Additional Trip Generation Assessment for Sienna 1 received June 2, 2023

- Attachment q Tree Protection and Replacement Plan by Washington Forestry Consultants Inc. dated August 9, 2004
- Attachment r Settlement Agreement between the owner and Thurston County regarding the Thurston County Habitat Conservation Plan received July 13, 2022.
- Attachment s Mazama Pocket Gopher and Thurston County Regulated Prairie Absence Report dated June 20, 2022
- Attachment t Integrated Pest Management Plan received July 13, 2022
- Attachment u Narrative for the “Existing” Septic System received May 24, 2023
- Attachment v Existing Well Exhibit for Sienna 1 Plat (undated)
- Attachment w Preliminary approval memo from Arthur Saint, PE with Thurston County Public Works Development Review dated September 21, 2023
- Attachment x Preliminary approval mem from Dawn Peebles with Thurston County Public Health and Social Services Dept., Environmental Health section dated October 27, 2023
- Attachment y Email from Jared Crews with the City of Tumwater to Scott McCormick TC CPED dated September 19, 2023 regarding the SEPA determination and requested conditions by the City
- Attachment z Email from Jared Crews with the City of Tumwater to Scott McCormick TC CPED dated August 31, 2023 regarding the SEPA determination and requested conditions by the City
- Attachment a1 Email from Scott McCormick, TC CPED to Tyrell Bradley (point of contact for applicant) regarding incompatible use standards dated August 2, 2023
- Attachment b1 Comment Letter from the City of Tumwater to Scott McCormick, TC CPED dated June 12, 2023 regarding plat conditions
- Attachment c1 Comment Letter from the City of Tumwater to Scott McCormick, TC CPED dated October 27, 2022 regarding plat conditions and review

Attachment d1 Communication Matrix from Thurston County CPED to the applicant dated February 15, 2023

Attachment e1 Thurston County Public Works comment Matrix with attached comment Memo to Arthur Saint, PE from Zach Severs PE, Public Works Water Resources dated January 26, 2023

Attachment f1 Updated Memo of Attachment e1 (directly above)

Attachment g1 Email from George Cowan (neighbor to the west) to Scott McCormick, TC CPED dated October 30, 2023

Attachment h1 Letter from the WA Dept. of Ecology dated October 27, 2022 regarding stormwater, solid waste and toxics

Attachment i1 Email from George Cowan (neighbor to the west) to Scott McCormick, TC CPED dated October 25, 2023

Attachment j1 Thurston County 2022 DDECM Project Info. & Elements Checklist (undated)

Attachment k1 Stormwater Pollution Prevention Site Plan Checklist received May 24, 2023

Attachment l1 Analysis Procedures for Infiltration BMPs Checklist received May 24, 2023

Attachment m1 Geotechnical/Infiltration Facility Checklist received May 24, 2023

Attachment n1 Drainage Report Elements Checklist (undated)

Attachment o1 Checklist LID.02 Post-Construction Soil Quality and Depth received May 24, 2023

Attachment p1 Construction Plan Elements Checklist (undated)

Attachment q1 LID Infeasibility Criteria Checklist

EXHIBIT 2 Drainage Report by LDC Inc. dated May 2023

EXHIBIT 3 Full sized plat map received May 26, 2023

EXHIBIT 4 Recorded plat of Sienna 2

EXHIBIT 5 Sienna II Stormwater Technical Memorandum, dated January 10, 2023