



COUNTY COMMISSIONERS

Carolina Mejia, District One  
Gary Edwards, District Two  
Tye Menser, District Three  
Wayne Fournier, District Four  
Emily Clouse, District Five

## HEARING EXAMINER

*Creating Solutions for Our Future*

### BEFORE THE HEARING EXAMINER FOR THURSTON COUNTY

In the Matter of the Applications of	)	NO. 2023102411
	)	
	)	
	)	
<b>Aurora Oaks Development LLC</b>	)	<b>Aurora Oaks PRD</b>
	)	
	)	
For Preliminary Plat, Planned	)	FINDINGS, CONCLUSIONS,
Residential Development, and	)	AND DECISIONS
<u>Forest Land Conversion</u>	)	

### SUMMARY OF DECISIONS

The requested preliminary plat, planned residential development, and forest land conversion are **GRANTED** subject to conditions.

### SUMMARY OF RECORD

#### Request

Aurora Oaks Development LLC requested a preliminary plat to subdivide 30.59 acres into 171 single-family residential lots using the planned residential development (PRD) design standards and a forest land conversion permit to harvest approximately 20,000 board feet of timber from 27.5 acres. The subject property consists of three tax parcels (Nos. 11701220100, 11701220300, and 11701220700) located 8541 SE 58th Avenue, Olympia, Washington.

#### Hearing Date

The Thurston County Hearing Examiner conducted a virtual open record public hearing on the request on January 22, 2024. The record was held open through January 24, 2024 to allow any members of the public who were unable to access the virtual hearing to submit written comments, with time scheduled for responses from the parties. The record was also held open

for the parties to submit additional documents discussed at the hearing. No post-hearing public comment was submitted, and the record closed on January 24, 2024.<sup>1</sup>

No in-person site visit was conducted, but the Examiner viewed the subject property and environs on Google Maps.

### **Testimony**

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

Kraig Chalem, Senior Planner, Thurston County Community Planning & Economic Development Department

Dawn Peebles, Senior Environmental Health Specialist, Thurston County Public Health and Social Services Department

Arthur Saint, Civil Engineer, Thurston County Public Works Department

Steve Chamberlain, SCA Group, Applicant representative

Mark Steepy, P.E., KPFF

Blake Lord, Project Manager, KPFF

Kyle Dorsey

Lindsey Harrell

Sheri Terwilleger

### **Exhibits**

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

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

- A.1 Notice of Application, June 9, 2023
- A 2023102411 Aurora Oaks PRD Legal Notice, dated January 5, 2024
- B Application-Master & Division of Land Supplement, dated May 30, 2023
- C.1 Forest Practice Application Site Plan, dated May 30, 2023
- C Application-Forest Land Conversion, dated May 30, 2023
- D SEPA Checklist, dated May 30, 2023
- E Email transmitting Aurora Oaks PRD Comment Matrix 4 PW, dated September 13, 2023
- F PRD Matrix1, Applicant Responses, dated September 26, 2023
- G Resubmittal Letter of Transmittal, dated September 26, 2023

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<sup>1</sup> This record closure date would have resulted in a decision issuance deadline of February 7, 2024 per code; however, the undersigned requested, and the Applicant agreed, to extend the decision deadline by three business days to February 12, 2023. The extra time was not in fact needed.

- H Resubmittal PRD Preliminary Plat cover letter, dated September 26, 2023
- I SEPA Mitigated Determination of Non-Significance, dated December 6, 2023
- J Cultural Assessment, dated January 3, 2023
- K Letter - PRD Sewer Availability, dated April 19, 2023
- L Letter - Final Updated water availability (WAL), dated December 20, 2022
- M IPMP (Environmental Health Comments Incorporated), dated May 12, 2023
- N Preliminary Landscape Plans, dated September 21, 2023
- O Civil and Landscape Plans, dated May 12, 2023
- P Traffic Impact Analysis, dated May 16, 2023
- Q Critical Areas Evaluation, dated October 18, 2022
- R Critical Area Determination Letter, dated November 3, 2023
- S Oak Survey-Date Unknown
- T Public Comments:
  - T.1 Casey Deligeannis, dated June 27, 2023
  - T.2 David & Judy Larson, dated June 27, 2023
  - T.3 Debbie Guillot, dated June 27, 2023
  - T.4 Doug Christenson, dated June 28, 2023
  - T.5 Jeannette Iverson, dated June 28, 2023
  - T.6.1 Lindsey Harrell, dated June 15, 2023
  - T.6 Lindsey-Harrell, dated January 11, 2024
  - T.7 Sherry and Richard Sauers, dated June 27, 2023
  - T.8 Kyle and Debbie Dorsey, dated June 23, 2023
  - T.9 Jessilyn Enlow, dated June 19, 2023
  - T.10.1 Kathy Gilbert, dated June 27, 2023
  - T.10 Kathy-Gilbert, dated January 10, 2024
  - T.11 Email Hannah Ballou Citizen Concerns, dated June 18, 2023
  - T.12 Ernest & Gail Grubb, dated June 12, 2023
  - T.13 Gary Johnston, dated June 6, 2023
  - T.14 Steven B. Edwards, received June 30, 2023
  - T.15 Winnwood Homeowners Association, dated June 29, 2023

- T.16 Richard Dunn and Dawn Hitchens, dated June 29, 2023
- T.17 Ron Branham and Kim Otis Branham, dated June 18, 2023
- U Agency Comments:
- U.1 Drainage Scoping Comments #01 (Storm), dated August 2, 2023
- U.2 Addressing Assigned, dated May 12, 2023
- U.3 Department of Archaeological and Historic Preservation, dated June 23, 2023
- U.4 Department of Ecology, dated December 19, 2023
- U.5 Email Squaxin Island Tribe, dated June 16, 2023
- U.6 Email supporting PRD in MGSA, dated March 3, 2023
- U.7 Nisqually Indian Tribe, dated June 15, 2023
- U.8 Public Works recommendation for Preliminary Plat, dated December 12, 2023
- U.9 Environmental Health recommendation for Preliminary Plat, dated January 16, 2024
- V Letter, Lacey Public Works project conditions, dated July 5, 2023
- W Affidavit of Hearing Sign and Notice, dated January 8, 2024
- Exhibit 2 Public comments received after publication of Staff Report:
  - a. Karen Messmer email, received January 17th and 18th, 2024
  - b. Lori Ausburn email, June 29, 2023, routed January 19, 2024
  - c. Dave Sutherland email, June 28, 2023, routed January 19, 2024
  - d. Kim Otish Branham, email June 15, 2023, routed January 19, 2024
  - e. Ed and Alice Huston email, June 29, 2023, routed January 19, 2024
  - f. Lindsay Harrell email, received January 20, 2024
- Exhibit 3 North Thurston Public Schools Sketch and email, received January 19, 2024
- Exhibit 4 Drainage Core Requirements #5 Compliance Justification, dated January 17, 2024
- Exhibit 5 Potential Phasing Memo from KPFF, received January 23, 2024
- Exhibit 6 Open Space and Incompatible Use Buffer Calculations updated, KPFF, received January 23, 2024

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

## FINDINGS

1. Aurora Oaks Development LLC (Applicant) requested a preliminary plat to subdivide 30.59 acres into 171 single-family residential lots using the planned residential development (PRD) design standards and a forest land conversion permit to harvest approximately 20,000 board feet of timber from 27.5 acres. The subject property consists of three tax parcels located 8541 SE 58th Avenue, Olympia, Washington.<sup>2</sup> *Exhibits 1, 1.B, and 1.C*
2. The subject property is within the Lacey Urban Growth Area and is zoned McAllister Geologically Sensitive Area (MGSA). *Exhibit 1*. Land uses permitted outright in the MGSA zone include single-family residences, planned residential developments, townhouse developments, condominiums, two and three-family dwelling units, and housing for people with functional disabilities. *Thurston County Code (TCC) 21.10.020.A*. The permitted residential density is a minimum of three and a maximum of six residential units per acre when sewer is provided (as is proposed), and one dwelling unit per five areas if sewer is not provided. *TCC 21.10.035*. The Lacey-Thurston County Joint Comprehensive Plan designates the area for residential use. *Exhibit 1*.
3. The purpose of the planned residential development provisions in the Lacey UGA is established in County Code as follows: a) to encourage imaginative design and the creation of permanent open space by permitting greater flexibility in zoning requirements than is generally permitted by other chapters of this title; b) to preserve or create environmental amenities superior to those generally found in conventional developments; c) to create or preserve usable open space for the enjoyment of the occupants; d) to preserve to the greatest possible extent the natural characteristics of the land, including topography, natural vegetation, waterways, views, etc.; e) to encourage development of a variety of housing types; f) to provide for maximum efficiency in the layout of streets, utility networks, and other public improvements; and g) to provide a guide for developers and County officials in meeting the purpose and provisions of this chapter. *TCC 21.60.010*. PRD developments are subject to the land use restrictions of the underlying zone but are not subject to the setback, lot size, height limits, or other dimensional requirements of the zone. Instead, the provisions of *TCC 21.60.140* apply. *TCC 21.60.050.A*.
4. The subject property is developed with one single-family residence, which would be removed in conjunction with the proposed development. Surrounding development consists of single-family residences on larger lots. Lot sizes to the west within the Winnwood subdivision are approximately one-third of an acre; otherwise, surrounding lots are at least one acre in area. *Exhibits 1 and 1.O; Thurston County GeoData Center*.

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<sup>2</sup> The staff report identifies the legal descriptions of the three tax parcels as follows: “TP 11701220100 – 1-17-1W NW NW W675.5F OF E990F LESS N30F HENSLIN RD [Total Acres: 20.45]; TP #11701220300 – 1-17-1W S2 NW NW LESS E990F [Total Acres: 5.15]; and TP #11701220300 – 1-17-1W SW NW TRACT 7 OF SURVEY VOL 11 PG 61 [Total Acres: 4.99].” *Exhibit 1, page 2*.

5. The subject property is forested. Tree species in the northern portion of the property include Oregon white oak, a species protected by the Thurston County critical areas ordinance. On-site Oregon white oaks and their five-foot protection zones would be preserved within open space tracts A and B. *Exhibits 1.C1, 1.O, 1.Q, and 1.S.*
6. Thurston County soil mapping indicates that the subject property has potential to provide habitat for the Mazama pocket gopher, a species listed as endangered pursuant to the federal Endangered Species Act. However, based on a site-specific study, no Mazama pocket mounds have been detected on the subject property, and County reviewing staff concluded that the risk of impact to the Mazama pocket gopher as a result of the proposed development activities is low. The subject property does not contain regulated prairie habitat or Mima mounds. *Exhibits 1.Q and 1.R.*
7. The subject property is within Category 1 and Category II aquifer recharge areas, critical areas designations that do not prohibit residential development, but which require the project to include best management practices designed to protect groundwater. *TCC 24.10.020; TCC 24.10.030; Exhibit 1.U9.* The Applicant has prepared and received Thurston County Environmental Health Division approval of an integrated pest management plan that outlines landscape management practices designed to reduce impacts to surface and ground water. *Exhibits 1.M and 1.U9.*
8. The proposal includes an application for forest land conversion, stating an intention to harvest approximately 20,000 board feet from 27.5 acres of the subject property. *Exhibit 1.C.* The criteria for forest land conversion require that at least five percent of the property being subdivided be preserved or planted with new trees and dedicated as a separate tree tract. The County may waive the dedication requirement if an equivalent means of retaining or planting trees is provided in the development proposal. *TCC 17.25.400.D.5.a.* To meet the tree tract requirement (which equates to 1.53 acres for the subject property), the Applicant proposes to retain Oregon white oak trees within open space Tract A (5.43 acres).<sup>3</sup> The County considers the open space tract, as conditioned to be owned and maintained by the Homeowners Association, to be an acceptable means of tree retention. *Exhibits 1, 1.C1, and 6.*
9. In addition to the tree tract requirement, the forest land conversion ordinance requires a tree plan identifying safeguards to be employed to protect retained trees, the landscaping or planting of all common areas within the subdivision, the retention or planting of new trees on individual lots at a rate of one tree for every 4,000 square feet of lot area, and the installation of street trees. *TCC 17.25.400.D.5.c, -f, -g, and -h.* Consistent with these requirements, the Applicant proposes to landscape or plant all common areas, plant street trees, and plant trees on individual lots. The landscape plan notes that if existing trees within the proposed incompatible use buffer can be retained, they need to be protected during development. Additionally, the staff report states that a condition of approval would be added requiring the landscape plans to be revised to provide an irrigation plant

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<sup>3</sup> See Exhibit 6 for the revised open space plan. The preliminary plat and landscaping plans submitted as Exhibits 1.O and 1.N reflect an earlier open space configuration.

adequate to meet the standards established in TCC 21.80.080.A. Planning Staff's recommended conditions of approval appear to omit the revised landscaping irrigation plan and retaining existing trees in the incompatible use buffer, but they do note that the oak trees must be protected with construction fencing. *Exhibits 1 and 1.N.*

10. The proposed development density is consistent with the allowance of the MGSA zone. A minimum of 92 and a maximum of 183 dwelling units are allowed on the 30.59-acre site. The number of residential lots proposed is 171, ranging from 3,059 to 7,120 square feet in area. Each would be at least 35 feet wide. *Exhibits 1.H and 1.O.*
11. One of the key requirements of the PRD ordinance is the requirement to set aside 30% of the overall site area as common open space, which must be usable and accessible physically and visually from an adjacent street or internal pedestrian route, must have convenient access for residents of the development, and must be safe and inviting. Up to half of the open space requirement may be met by tree or critical habitat preservation. *TCC 21.60.050 and 21.60.140.* The proposed PRD would set aside approximately 32% of the site area as open space. The amount of open space comprised of stands of retained oak woodland (approximately 4.43 acres) would not exceed 50% of the 9.18-acre open space requirement. The open space would include Tract A (5.43 acres), Tract B (0.37 acre), Tract C (0.97 acre), Tract D (0.25 acre), and Tract E (2.70 acres). In addition to providing oak tree preservation, Tract A would be developed with a walking path through the oak woodland, a play structure, and benches for seating. Lawn area would be provided between the stands of preserved trees. The Tract A open space would be visible and accessible from the streets. Tracts B, C, and D would be interior to large groupings of residences (creating the effect of a series of squares). Each would be landscaped and contain benches for seating and would be physically and visually accessible from a street. Tract E would consist of the perimeter incompatible use buffer required by TCC 21.80.055.<sup>4</sup> All of the open space would be owned and maintained by the homeowners association. *Exhibits 1.H, 1.N, and 6.*
12. Pursuant to TCC 21.80.055(1)(b), a subdivision proposing residential lots smaller than 50% of the size of the contiguous residential development creates lots that are defined as an incompatible use. Incompatibility is required to be screened by a 30-foot wide vegetated buffer planted with predominantly native and drought tolerant species that provides a very dense sight barrier and physical buffer to significantly separate conflicting uses. The plant materials must be selected and maintained so that the buffer would be fully vegetated within three years. A combination of trees, shrubs, berms, fences, and related design features may be selected, provided that the result is sight-obscuring from adjoining properties. Trees must be spaced no more than 25 feet apart, and shrubs eight feet apart. Retaining mature vegetation is preferred. *TCC 21.80.055(3).* Because the proposed lots would be less than half the size of adjacent existing lots, the Applicant proposes a 30-foot wide incompatible use buffer between all proposed lots and the exterior boundary of the PRD. The Applicant submitted a landscape plan depicting compliance with the buffer design standards of TCC 21.80.055(3). Although the plan

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<sup>4</sup> TCC 21.80.055(4) allows the incompatible use buffer to be counted towards required open space.

visually depicts compliance through planting new trees, the notes indicate that the trees are only to be planted as needed to satisfy the screening standards and that existing trees that satisfy the standards are to be protected and retained. However, no specific existing trees are identified for retention and protection. *Exhibits 1.N and 6.*

13. One of the issues raised by Planning Staff in review of the open space plan was whether a pedestrian trail and lighting (to meet safety guidelines) should be required within the perimeter buffer. *Exhibit 1; Kraig Chalem Testimony.* The Applicant argued that a path, and especially a lighted path, would be inconsistent with the purpose of the incompatible use buffer by adding foot traffic along neighboring parcel boundaries and reducing the density of vegetative screening. Neighboring property owners also opposed installation of a lighted trail within the buffer. Although the original plat map consolidated the Tract A open space and the incompatible use buffer into a single tract, following a discussion on the record at hearing, the Applicant proposed to revise the open space plan to create a new Tract E for the incompatible use buffer to clarify the difference in purpose between the two open space areas. Such a revised plan was discussed at hearing and was submitted by the Applicant and admitted in the record at Exhibit 6. It calls out a separate Tract E of 2.7 acres of incompatible use buffer, which is included in the total open space calculation of 9.72 acres. *Testimony of Lindsey Harrell, Sheri Terwilleger, Mark Steepy, and Steve Chamberlain; Exhibit 6.*
14. In addition to common open space, a minimum of 300 square feet of private, usable open space with a minimum of 15 feet in depth and width must be provided for each ground level dwelling unit within a PRD, visible and accessible from the dwelling unit. *TCC 21.60.140.A(6).* Each proposed lot would have a rear yard that is 15 feet deep and more than 15 feet wide (the narrowest lots would be 35 feet wide). *Exhibit 1.O.*
15. Although PRD developments are exempt from standard setback and yard requirements, all detached structures must be separated by a minimum of 10 feet. *TCC 21.60.110.* The submitted project plans depict that the building separation requirement can be met with the lot dimensions proposed. *Exhibit 1.O; Blake Lord Testimony.*
16. The minimum building setback from the exterior boundary of a PRD must be compatible with existing development on adjacent properties, but not less than 20 feet. *Exhibit 1; TCC 21.60.110.* All proposed structures would be set back at least 45 feet from the exterior boundary of the PRD. Thirty feet of the setback would consist of the incompatible use buffer and the remaining 15 feet would consist of proposed rear yards. *Exhibit 1.O.*
17. To comply with the landscaping standards contained in TCC 21.80.050, the Applicant proposes to install a minimum eight-foot wide Type II landscape buffer along the PRD's northern boundary, along 58th Avenue SE, which would contain a combination of trees, shrubs, and groundcover. *Exhibit 1.N.*
18. The Applicant proposes to treat and infiltrate stormwater onsite through bioretention facilities, an approved flow control best management practice that may be used to satisfy



the low impact development (LID) performance standards of the Thurston County Drainage Design and Erosion Control Manual (DDECM). Two bioretention cells are proposed, with one to be located in the northern portion of the property and the other to be located in the southeastern portion of the property. The bioretention cells would be sized consistent with DDECM standards. Roof runoff would be directed to drywells on individual lots. *Exhibits I.O, I.H, and 4; Blake Lord Testimony.*

19. Primary vehicular access to the subdivision would be from a single entrance off 58th Avenue SE, and access to individual lots would be from an internal network of new public streets. Road B of the internal street system would stub at the eastern property line to allow for future extension in the event of redevelopment of offsite abutting parcels. Road C of the internal street system would end in a cul-de-sac at the southern site boundary, adjacent to the existing Waldon Drive SE cul-de-sac that serves the subdivision to the south. A 30-foot-wide street connection is proposed between the two cul-de-sacs, but it would be restricted to emergency vehicle access only. Removable bollards would prevent general vehicular access between the neighborhoods but would allow for access by pedestrians and cyclists. *Exhibit I.O; Arthur Saint Testimony.*
20. Consistent with the conditions recommended by the City of Lacey to ensure compliance with the City of Lacey 2017 Development Guidelines and Public Works Standards Manual, the Applicant would construct half-street frontage improvements along the subdivision's 58th Avenue SE frontage to Minor Collector Type II standards. The new internal streets would be constructed to the City's Major Local Residential standards. Both street sections would include planter strips and detached sidewalks. *Exhibits I.O and I.V.*
21. Pursuant to TCC 21.60.120 and Table 21T-13, each single-family unit must provide a minimum of two off-street vehicle parking stalls. *TCC Title 21, Table 21T-13.* Each proposed residence would have a garage and individual driveway. Compliance with the parking standards would be verified prior to building permit issuance. *Exhibit I.O; Mark Steepy Testimony.*
22. Based on the trip generation rates contained in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 11th Edition*, the proposed development is expected to add 1,603 net new average daily trips to the local street system, including 160 PM peak hour trips.<sup>5</sup> *Exhibit I.P.*
23. The Applicant submitted a professionally prepared traffic impact analysis (TIA) evaluating the project's impact on 18 intersections in the project vicinity. The result of the analysis was that for four of the studied intersections – Marvin Road SE/Union Mills Road SE, Marvin Road SE/19th Avenue SE, Marvin Road SE/Mullen Road SE, and

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<sup>5</sup> These numbers are lower than those presented in the submitted traffic study, which assumed 180 lots instead of the 171 lots proposed. Appendix D of the study contains the trip generation calculations. The numbers in this finding were derived by multiplying the trip generation rates indicated in the Appendix D table by the actual number of lots proposed, less the traffic generated by the existing residence (as was done for the original calculation). *Exhibit I.P.*

Kagy Street SE/Mullen Road SE – the level of service (LOS) would drop below the adopted standard (LOS D) during the PM peak hour in 2025 at full project buildout.<sup>6</sup> For the three intersections on Marvin Road, intersection improvements planned as part of a development known as Oak Tree Preserve would address the LOS deficiency. With respect to the intersection of Kagy Street SE and Mullen Road SE, an intersection improvement planned as part of a development known as Manor House (across 58th Avenue SE from the subject property) would address the LOS deficiency.<sup>7</sup> The improvement would provide a refuge lane for northbound left-turning vehicles. *Exhibit I.P.* The TIA was reviewed by County, City of Lacey, and WSDOT Staff. Through the SEPA environmental review process, the County has required the Applicant to construct the Kagy Street SE/Mullen Road SE intersection improvement prior to final plat approval if it is not first constructed by the other project. The other review agencies did not request any further intersection improvements. Other than the intersection improvement (if applicable) traffic impacts would be mitigated through payment of traffic impact fees and the construction of frontage improvements on 58th Avenue SE. *Exhibits I.I and I.P; Arthur Saint Testimony.*

24. The Thurston County Public Works Department reviewed the project for compliance with the Thurston County Road Standards and the Drainage Design and Erosion Control Manual and determined that the preliminary requirements have been satisfied. Public Works recommended approval of the project, subject to conditions as outlined in a memorandum dated December 12, 2023 and incorporated into the County’s Staff Report. *Exhibits I and I.U8.*
25. The subdivision would be served by the City of Lacey public sewer system, which has sufficient capacity for the proposed lots. *Exhibit I.K; Dawn Peebles Testimony.* The City of Lacey Public Works Department has identified the specific water and sewer improvements required for the project (Exhibit I.V), and these have been incorporated into the County’s recommended conditions of project approval. *Exhibits I and I.V.*
26. Potable water would be provided to the subdivision by the Pattison 500 public water system, which is owned and operated by Thurston PUD. The PUD confirmed that it has sufficient connections available to serve the proposed lots. *Exhibit I.L; Dawn Peebles Testimony.*
27. The Thurston County Environmental Health Division reviewed the project for compliance with the Thurston County Sanitary Code and recommended approval, subject to conditions. The recommended conditions of approval require any existing irrigation wells located within 200 feet of the subject property to be shown on the final plat map, require the existing on-site septic system on the subject property to be abandoned consistent with Sanitary Code requirements, and require public sewer and water facilities

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<sup>6</sup> Three additional intersections are projected to operate at LOS E or F, but the intersections are exempt from LOS standards. *Exhibit I.P.*

<sup>7</sup> See Sheet C4.0 of Exhibit I.O.

to be extended through the subdivision prior to final approval. *Exhibit 1.U9; Dawn Peebles Testimony.*

28. The Nisqually Indian Tribe and Squaxin Island Tribe each commented that they have no issues of concern but requested to be notified if there are any inadvertent discoveries of archaeological resources or human burials. *Exhibits 1.U5 and 1.U7.*
29. The subject property is located within the service area of North Thurston Public Schools (School District). Impacts to schools would be mitigated through payment of impact fees pursuant to TCC Title 25. Students from the subdivision would be bussed to their respective schools. County Planning Staff recommended as a condition of project approval that the Applicant designate a bus waiting area and shelter that is acceptable to the School District. Potential locations along the subject property's 58th Avenue SE frontage have been identified by the School District. *Exhibits 1 and 3; Kraig Chalem Testimony.*
30. Thurston County acted as lead agency for review of the environmental impacts of the proposal under the State Environmental Policy Act (SEPA). Having reviewed the project plans, technical reports, environmental checklist, agency comments, and other documents, the County's SEPA responsible official issued a mitigated determination of non-significance (MDNS) on December 6, 2023. The MDNS contains mitigation measures requiring the Applicant to pay \$248,298 in traffic mitigation fees to the City of Lacey, construct frontage improvements to Lacey standards along SE 58th Avenue, and provide a refuge lane for northbound left-turning vehicles at the intersection of Kagy Street and Mullen Road (if not already provided by another project). The MDNS was not appealed and became final on December 27, 2023. *Exhibits 1 and 1.I.*
31. Notice of the open record hearing was mailed to the owners of property within 300 feet of the subject property on January 5, 2024 and published in *The Olympian* on January 12, 2024. *Exhibits 1.A and 1.W.*
32. Public comment on the application included objections to the proposed number of lots and anticipated traffic impact. Several of the comments expressed concern regarding the potential for a public street connection between Waldon Drive and the subdivision, which the commenters indicated would be completely addressed by the restriction of the connection to emergency vehicle, pedestrian, and cyclist access only. Several commenters expressed concern about loss of privacy and requested the retention of existing trees within the incompatible use buffer and/or an increased buffer. Concern was also expressed regarding water supply impacts. *Exhibits 1.T (including subparts) and 2 (including subparts); Lindsey Harrell and Sheri Terwilleger Testimony.*
33. The Applicant requested approval to phase build-out of the subdivision. The Applicant proposes to obtain construction permit approval for the entire subdivision at one time, but requested the ability to construct the plat in up to two phases, with Phase 1 including the infrastructure needed for at least 80 and up to as many as 110 of the proposed lots in the northern portion of the subdivision (including landscaping of open spaces adjacent to

those lots), and Phase 2 including the remaining lots. With this plan, roughly 75% of the open space required for the project would be developed as part of Phase 1. A more detailed phasing plan specifying the phase boundaries would be developed at the time of engineering approval. *Exhibit 5; Testimony of Mark Steepy and Steve Chamberlain.*

34. Having heard all testimony, Staff maintained their recommendation that the conditions stated in the staff report should be imposed if the applications are approved. *Exhibit 1; Kraig Chalem Testimony.* Applicant representatives waived objection to all recommended conditions except those requiring a lighted pedestrian path in the incompatible use buffer. *Testimony of Mark Steepy and Steve Chamberlain.*

## **CONCLUSIONS**

### **Jurisdiction:**

The Thurston County Hearing Examiner is granted jurisdiction to hear and decide applications for planned residential developments within the Lacey UGA pursuant to TCC 2.06.010.B and TCC 21.81.040. The Examiner is granted jurisdiction to hear and decide preliminary plats of lands within unincorporated Thurston County pursuant to TCC 2.06.010.A, TCC 18.10.030, and TCC 21.60.050.B. Pursuant to TCC 20.60.020(3), TCC 17.225.400.E(3), and TCC 20.60 Table 2, the Hearing Examiner is granted jurisdiction to hear and decide applications for Type III forest land conversion applications.

### **Criteria for Review:**

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

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

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

### ***Planned Residential Development***

#### ***TCC 21.60.050 Relationship to other ordinance provisions***

- A. Zoning Requirements. The provisions of the Zoning Ordinance pertaining to land use of the underlying zoning district shall govern the use of land in a planned residential

development. The specific setback, lot size, height limits and other dimensional requirements are waived, and the regulations for PRDs shall be those indicated in Section 21.60.140.

- B. Platting Requirements. A PRD shall be exempt from the specific design requirements of the Subdivision Ordinance, except that when any parcel of land in a PRD is intended for individual ownership, sale or public dedication, the platting and procedural requirements of the Subdivision Ordinance and applicable state laws pertaining to the subdivision and conveyancing of land and the preparation of maps shall be followed.

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*TCC 21.60.070 Relationship of PRD site to adjacent areas*

The design of a planned residential development shall take into account the relationship of the site to the surrounding areas. The perimeter of the PRD shall be so designed as to minimize undesirable impact of the PRD on adjacent properties and, conversely, to minimize undesirable impact of adjacent land use and development characteristics on the PRD.

*TCC 21.60.080 Site acreage*

The minimum site for a planned residential development shall be a full block or a portion of a block if it was a numbered block in the original plat of the county, or a numbered block of a subdivision recorded prior to the adoption of the ordinance codified in this title. For all previously unplatted areas, the minimum site shall be two acres.

*TCC 21.60.090 Access to public right-of-way*

The major internal street serving the PRD shall be connected to at least one major arterial, secondary arterial or collector street.

*TCC 21.60.100 Lot size*

The minimum lot size provisions of other chapters of the zoning title are waived in a planned residential development.

*TCC 21.60.110 Setback and side yard requirements*

- A. Setbacks from the exterior boundary line of the PRD area shall be comparable to or compatible with those of the existing development of adjacent properties, or, if adjacent properties are undeveloped, the type of development which may reasonably be expected on such properties given the existing zoning of such properties or the projections of the comprehensive plan. In no event shall such setback be less than twenty feet.
- B. Setbacks or Side Yards Between Buildings. The standard setbacks and yard requirements between buildings may be waived in a PRD. Buildings may have common walls and, therefore, built to the property line as in townhouse construction. Wherever buildings are separated, a minimum distance of ten feet shall be maintained between such buildings.

*TCC 21.60.120 Off-street parking*

Off-street parking shall be provided in a PRD in the same ratios for types of buildings and uses as required for the underlying zoning district, and as described in Chapter 21.72 of this title.

*TCC 21.60.140 Design standards*

A. Open space requirements shall be as follows:

1. Common Open Space. Each planned residential development shall provide not less than thirty percent of the gross land area for common open space which shall be either:
  - a. Held in single ownership where such ownership assumes full responsibility for maintenance and operation; or
  - b. Held in common ownership by all of the owners in the development area; or
  - c. Dedicated for public use, if acceptable to the county.
2. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the PRD, provided that the building coverage of such building or structure combined with the building coverage of the residential structures shall not exceed the maximum permitted by the underlying zone.
3. Up to fifty percent of the common open space requirement may be satisfied by the preservation of tall stands of trees and/or wetland and/or critical area habitat and required critical area buffers in consideration of the significant passive recreation opportunities provided by said lands. Development shall be configured to take advantage of these areas as a significant site amenity. These areas should be visually accessible to the public rather than walled off from view. To the extent possible, trail networks should be integrated with these areas. For example, a trail along the wetland buffer is a desirable option. The remaining fifty percent of the common open space area must meet the criteria in subsection (4) below.
4. Common open space must meet the following design criteria:
  - a. Must be usable and accessible. All common open spaces intended for public use shall be physically and visually accessible from the adjacent street or major internal pedestrian route. Open spaces shall be in locations accessible to intended users—rather than simply left—over or undevelopable space in locations where very little pedestrian traffic is anticipated. Locations integrated with transit stops, for instance, would be encouraged, as there is likely to be pedestrian traffic in the area.
  - b. Open space area shall have convenient access for residences of the development and shall be consolidated to provide maximum access, visibility, usability, minimization of impacts to residential uses, and ease of maintenance.
  - c. Must be inviting. Inviting open spaces feature amenities and activities that encourage pedestrians to use and explore the space. On a large scale, it could be a combination of active and passive recreational uses. It could include a fountain, sculpture, children's play area, special landscaping element, or even a comfortable place to sit and watch the world go by. In order for people to linger in an open space, it must be comfortable. For instance, a plaza space should receive ample sunlight, particularly at noon, and have design elements

that lend the space a "human scale," including landscaping elements, benches and other seating areas, and pedestrian-scaled lighting. No use shall be allowed within the open space that adversely affects the aesthetic appeal or usability of the open space. (See Table 21T-83.)

- d. Must be safe. Safe open spaces incorporate Crime Prevention through Environmental Design (CPTED) principles:
    - (1) Natural surveillance—which occurs when parks or plazas are open to view by the public and neighbors. For example, a plaza that features residential units with windows looking down on space means that the space has good "eyes" on the park or plaza.
    - (2) Lighting that reflects the intended hours of operation.
    - (3) Landscaping and fencing. Avoid configurations that create dangerous hiding spaces and minimize views.
    - (4) Entrances should be prominent, well lit, and highly visible from inside and outside of the space.
    - (5) Maintenance. Open spaces shall utilize commercial grade materials that will last and require minimal maintenance costs. Walls, where necessary, shall be designed and treated to deter graffiti. Use and maintain landscape materials that reduce maintenance cost and maintain visibility, where desired.
  - e. Provides for uses/activities that appropriately serve the anticipated residents and users of the development. For example, common open space that serves a variety of functions will attract greater usage. When designing open spaces, project applicants should consider a broad range of age groups, from small children, to teens, parents, and seniors.
  - f. Must be designed and placed in consideration of existing and potential open space on adjacent parcels to provide consolidation or opportunities for future consolidation of neighborhood open space areas.
  - g. Additional Criteria.
    - (1) Consolidation of open space is encouraged to provide maximum access, visibility, usability, minimization of impacts to residential uses, and ease of maintenance.
    - (2) Existing trees and significant vegetation shall be retained in open space unless an alternative park/landscaping plan consistent with the criteria herein is approved by the department.
5. Cash or like value of land area and improvements may be donated to the county for open space purposes to fulfill up to fifty percent of open space requirements within that specific parks planning area. Acceptance will be at the discretion of the county.

6. Private Open Space. Developments are encouraged to conform to usable open space provisions of the applicable zone. However, at a minimum, three hundred square feet of private, usable open space having a minimum of fifteen feet in depth and width shall be provided for each ground level dwelling unit PRD. Such private open space should be visible and accessible from the dwelling unit. When adjacent to common open space, such private open space is to serve as a buffer between dwelling units and common open space.
- B. Land Area and Dwelling Unit Computations. Open space, street area, etc., are computed as follows:
1. Street Right-of-Way. Streets in a PRD shall be computed at twenty percent of the gross land area, regardless of the amount of land actually used for streets in the final design.
  2. Density. The density of the underlying zone governs unless a density increase is granted as provided in this chapter.
  3. Density Increase. The county may approve an increase in the dwelling unit density up to:
    - a. In the low density district, fifteen percent;
    - b. In the moderate density district, twenty percent;
    - c. In the high density district, twenty-five percent; rounded to the nearest whole number, provided that the environmental and recreational amenities sought by this title are met.
  4. Development Formula. The computation of the number of dwelling units permitted, and other space requirements shall be as follows:
 

$DU = N/M \times 1.2$  (1.2 is the incentive factor)  
 G    Gross land area in square feet  
 S    Street area (i.e., twenty percent of G) in square feet  
 DU   Number of dwelling units  
 M    Minimum land area per dwelling unit  
 N    Net buildable site (G-S) in square feet

### ***Forestland Conversion Criteria***

Pursuant to TCC 17.25.400.D, forest lands conversions within the north county urban growth area shall comply with all of the applicable provisions of the following:

...

5. Residential Subdivisions. Applications for residential subdivisions submitted to the resource stewardship department after September 29, 1997 are subject to the following:
  - a. Except in the R ½ and RLI 2-4 districts (Olympia Urban Growth Area, TCC 23.04), at least five percent of the property being subdivided must be preserved or planted



with new trees and dedicated as a separate tract(s). Critical areas and their required buffers may be applied toward this five-percent requirement, but only the portion that contains trees to be preserved. The director may waive the dedication requirement if some other equivalent means of retention or replanting is provided by the development proposal. In the R ½ and RLI 2-4 districts, tree tracts shall comply with Sections 23.04.080(J)(5) and (6), respectively.

- b. Any part of a tree tract located outside of critical areas and their associated buffers shall count toward open space required for the development by TCC 18.47 Open Space Standards, and 20.32 Open Space, consistent with the provisions of those chapters.
- c. The plan shall identify what site development safeguards shall be employed to protect trees and ground cover proposed to be retained with the development of the site.
- d. Where sites proposed for subdivision do not contain healthy trees that can be incorporated in the project and remain windfirm following development, the tree tract shall be planted with trees. The trees to be planted shall be of a type and spacing that, upon maturity, will provide a canopy spanning at least seventy-five percent of the tract. At the time of planting, evergreen trees shall be at least four feet tall and deciduous trees shall be at least one and one-half-inch caliper.
- e. Where disturbed, critical area buffers may be planted with trees as necessary to improve the buffers for slope stability, wildlife habitat, wetland improvement, screening, etc.
- f. All common areas in residential subdivisions shall be landscaped or planted with new trees.
- g. The retention of existing trees or the planting of new trees on individual residential lots shall be required at a rate of one tree for every four thousand square feet of lot area.
- h. Street trees shall be installed per the applicable street development standards as stated in Chapter 15.04 of the Thurston County Code.
- i. 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.

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

1. As conditioned, the proposal satisfies the criteria for a preliminary plat.

- A. As conditioned, appropriate provisions would be made for the public health, safety, public ways, transit stops, potable water, sanitary wastes, parks and recreation, playgrounds, schools, and all other relevant facts. The PRD provides on-site recreation facilities within common open space tracts on private open space on individual lots, and assuming final approval is achieved, would be subject to payment of park mitigation fees pursuant to TCC 25.08.020. With respect to safe walking conditions, the PRD includes sidewalks and would be required to designate a school bus waiting area on the site's 58th Avenue frontage, with the location subject to School District approval. School impact mitigation fees would be paid pursuant to TCC 25.08.030. As conditioned, transportation, water, and sewer infrastructure would be provided consistent with Thurston County and City of Lacey requirements, to include off-site improvements as specified in the MDNS. Public health is addressed through the conditions of the County Environmental Health Division. The Pattison 500 public water system operated by Thurston PUD has adequate capacity to serve the proposed lots. *Findings 11, 14, 18, 19, 20, 23, 24, 25, 26, 27, 29, 30, 32, 33, and 34.*
- B. As conditioned, the public use and interest would be served by approval of the subdivision. The PRD proposal would add to the supply of housing in an area already served by municipal utilities while preserving environmental amenities and creating common open space. The overall development density would be consistent with MGSA standards. The project would preserve all Oregon white oak trees on site. Offsite impacts would be minimized through perimeter buffering, intersection improvements, and payment of transportation impact mitigation fees. The street connection to the adjacent neighborhood to the south would be limited to emergency vehicle, pedestrian, and cyclist use only. Consistent with the purpose of the incompatible use buffer to provide dense screening, this decision does not require a pedestrian trail and lighting along the perimeter of the site, as such is not required for that area to provide open space functions capable of benefitting all lots in the proposal as well as adjacent existing residential uses on larger lots. A condition of approval has been added to require the Applicant to retain existing mature trees and vegetation within proposed Tract E (the incompatible use buffer) to the maximum extent possible. *Findings 1, 5, 7, 8, 11, 12, 13, 16, 19, 23, 29, 30, 31, 32, 33, and 34.*
2. As conditioned, the applicable criteria and development standards for PRD are satisfied. Through landscaping and setbacks (and by not including a lighted waking trail), the perimeter of the PRD is designed to minimize undesirable impacts on adjacent properties. The PRD site exceeds two acres in area. The major internal street connects to a collector street. The incompatible use buffer ensures that the building setbacks from the exterior boundary of the PRD are compatible with adjacent development. A minimum distance of 10 feet would be maintained between onsite buildings, to be ensured through the building permit process. Proposed off street parking is consistent with the applicable standards. Area in excess of 30% of the total site area would be set aside as common open space, to be owned and maintained by the Homeowners Association, no more than half of which would be satisfied by the preservation of protected stands of Oregon white oak trees. The vast majority of the proposed open space would be consolidated in the northern portion of

the property in Tract A where it would be usable and accessible to all lots within the project. As proposed, Tract A would be inviting, with features to encourage use of the space, including landscaping elements, seating, and a play structure. Smaller open space Tracts B, C, and D are each positioned in the middle of groupings of lots so as to provide access to air, light, and landscaping for those units and the PRD generally, as each would connect to the internal road system. The locations of these open spaces, designed for active use, would allow for natural surveillance. Street lighting would provide illumination for Tract A generally and at the entrances to smaller open space Tracts B, C, and D. The incompatible use buffer, in open space Tract E, would provide a dense vegetated landscaping buffer to screen the units of the PRD from surrounding existing residential uses. As a continuous corridor to be vegetated with primarily native species, it would presumably also serve stormwater mitigation and urban wildlife habitat functions around the project perimeter. The lighted path through the incompatible use buffer discussed in the staff report is not adopted, because the undersigned agrees that the addition of lighting and foot traffic to this perimeter buffer would detract from its primary purpose to screen the use from adjacent lower-density residential uses. Altogether, the five open space tracts would serve the functions of active, accessible recreation, open lawn area, and tree preservation as required in TCC 21.60.140.A(4). In order to ensure compliance with the requirement of TCC 21.60.140.A.4(g), a condition has been added to require the Applicant to protect and retain as much existing mature vegetation as possible in all five open space tracts. In addition to common open space, the proposal exceeds minimum private open space standards on each of the proposed lots. The project does not utilize a density bonus; the number of dwelling units proposed is consistent with the allowances of the MGSA zone. The Applicant's proposed phasing plan, dividing development of the lots and infrastructure into two potential phases based on market conditions, is accepted. *Findings 2, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 32, 33, and 34.*

3. As conditioned, the criteria for forest land conversion are satisfied. As conditioned, the project complies with the critical areas ordinance, the Drainage Design and Erosion Control Manual, and Thurston County Road Standards. The Oregon white oak stands to be retained within Tract A would occupy at least five percent of the overall site area, serving as the required tree tract. Other common open space areas would either retain existing trees or would be planted with new trees. The recommended conditions of approval, which include a performance assurance device for the landscaping, have been supplemented to ensure all requirements of the forest land conversion ordinance would be satisfied. *Findings 5, 6, 7, 8, 9, 11, 12, 17, 18, 24, and 34.*

## DECISIONS

Based on the preceding findings and conclusions, the requests for preliminary plat, planned residential development, and forest land conversion are GRANTED subject to the following conditions:

- A. **SEPA Conditions from the MDNS (issued on December 6, 2023) (Exhibit 1.I)**
  1. To mitigate traffic impacts within the City of Lacey, the proponent will need to contribute \$248,298.40 to the City of Lacey per Lacey Ordinance 14.21, and paid prior to

final project approval, pursuant to County Road Standards. See attached worksheet prepared by the City of Lacey for a breakdown of this mitigation amount. Timing of the contributions may be altered if approved by both the City of Lacey and Thurston County

2. According to the Thurston Regional Planning Council's 1999 Household Travel Survey, 5.6% of all trips are made by bicycling or walking. This project is expected to generate a similar number of pedestrians and cyclists. The Transportation Comprehensive Plan identifies the need for sidewalk, bike lanes and other facilities to accommodate multi-modal transportation. The multi-modal impacts from this project shall be mitigated by constructing frontage improvements according to Lacey's standards.
3. The traffic study indicates that the intersection of Kagy Street and Mullen Road will be below acceptable level of service with trips from this project impacting it. The Developer shall provide a refuge lane for northbound left -turning vehicles which would result in acceptable LOS prior to final plat if it has not been provided by another project.

***B. Planning***

1. Street addresses, lot size and dimensions for each lot shall be shown on the final map.
2. 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.
3. All open space, landscaping, and tree preservation shall comply with:
  - A. New trees on individual residential lots shall be retained or planted at a rate of (1) tree for every four thousand (4,000) square feet of lot area.
  - B. Any conditions, improvements, or maintenance requirements associated with the landscaping plan shall be shown on the final plat map.
  - C. Prior to final plat approval, the Applicant shall submit a revised final landscape plan. The revised landscape plan shall be submitted to Thurston County Community Planning and Economic Development Department for review and approval and shall provide (but not necessarily be limited to) the following additions:
    - a. Adequate detail on the active recreation component for open space Tract A, such as play equipment, sports court, or some other active use such as frisbee golf;
    - b. Irrigation shall be included where required to maintain plantings needed to comply with code standards at TCC 21.80.080;
    - c. The plan shall be revised to provide for maximum possible retention of existing vegetation around the site's perimeter especially within Tracts A and E, consistent with TCC 21.60.140.A(4)(g)(2); and
    - d. Detail shall be provided establishing the site development safeguards to be employed to preserve all retained trees and vegetation, including all possibly retained existing trees in proposed Tract E.

- e. All landscaping shall be in compliance with the Thurston County Zoning Ordinance (Title 21) and the Thurston County Subdivision Ordinance (Title 18).
- 4. Prior to final plat approval, a maintenance assurance device or a performance device must be submitted to the county (TCC 21.80.080 or TCC 21.80.090).
- 5. Prior to final plat approval, an irrevocable notarized agreement granting the county and its agents the right to enter the property and perform any necessary landscaping work must be provided.
- 6. Prior to issuance of the certificate of occupancy, the required landscaping must be installed. In no case may the property owner/developer delay performance for more than one year after occupancy.
- 7. Prior to final plat approval, evidence that all necessary school, transportation, and park impact mitigation fees have been paid shall be submitted to Thurston County Community Planning and Economic Development.
- 8. Prior to final plat approval, Applicant shall designate a bus waiting area and shelter acceptable to the School District.
- 9. Before approval of the final development plan may be granted, the developer shall submit to the county covenants, deeds and/or homeowners' association bylaws and other documents guaranteeing maintenance, construction, common fee ownership, if applicable, of open space, community facilities, stormwater facilities, private roads and drives, and all other commonly owned and operated property. These documents shall be reviewed and approved by the County Staff to ensure that they comply with the requirements of this chapter prior to approval of the final development plan by the county. Such documents and conveyances shall be accomplished and be recorded, as applicable, with the County Auditor as a condition of any final development plan approval.
- 10. The proposed project is subject to compliance with the following policies and regulations, including any applicable mitigation requirements: Thurston County Comprehensive Plan, Zoning Ordinance (TCC 20), Critical Areas Ordinance (TCC 24), Stormwater Drainage Design and Erosion Control Manual (TCC 15.05), Uniform Building Code (TCC 14), State Environmental Policy Act (SEPA) Ordinance (TCC 17.09.).
- 11. Two off-street parking spaces shall be provided per lot (TCC 21.71). Note: Accessory dwelling unit shall require one additional off-street parking space (Table 21 T-13).

#### General Plat Notes for the Final Plat Map

- 12. All development on the site shall be in substantial compliance with the approved plat. Any alteration of this proposed subdivision will require approval of a new or amended plat. The Thurston County Community Planning and Economic Development

Department will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.

13. Prior to final plat approval, a note shall be incorporated on the face of the final plat memorializing that the common open space will be owned and maintained by an HOA.
14. Per 21.60.240, once the preliminary development plan is approved, all persons and parties, their successors, heirs, or assigns, who own, have, or will have by virtue of purchase, inheritance or assignment, any interest in the real property within the proposed PRD, shall be bound by the conditions attending the approval of the development and the provisions of this title.
15. Inadvertent Discovery. In the event that ground disturbing activities encounter or uncover archaeological deposits, features of burial or interment, or other cultural material, all work on the site shall stop immediately. The crew, contractor, project proponent, landowner, and/or any persons acting on their behalf shall contact the relevant Tribal Nation(s), the Department of Archaeology & Historic Preservation, the Thurston County Planning Manager, and, if human remains are found, the county medical examiner/coroner. The area shall be secured and protected, and no material shall be moved or further disturbed. Work shall not resume on the site until a determination is reached regarding the discovery and the project proponents are notified by Thurston County officials.

General Notes:

- An application for final review and approval may be filed for part of a PRD area for which preliminary approval has been granted by the county. A final plan for a part of a PRD shall provide the same proportion of open space and the same overall dwelling unit density as the overall preliminary plan. If that portion of the PRD for which final approval is requested does not provide such open space, the developer shall file in escrow a quit-claim deed in favor of the county for such additional land area adjacent and accessible to the site, and of sufficient size to provide the open space required to meet the standards of this title. In the event that the developer abandons the remaining portions of the PRD, the escrow agent shall deliver the quit-claim deed to the county or to such other public or private entity as the county may direct.

Note: Final approval of a PRD development plan shall not be construed to be final plat approval. Plat approval is a separate action and shall be in compliance with state and local subdivision and platting regulations (as stated in Section 21.60.050B).

- Construction of the PRD project shall begin within one year from the date of the final approval of the plan. An extension of time for beginning construction may be requested in writing by the Applicant, and such extension not exceeding six months may be granted by the county. If construction is not begun within one year or within the time for which an extension has been granted, the plan shall be considered abandoned, and the development of the property shall be subject to the normal requirements and limitations of the underlying zone and the Subdivision Ordinance.

- This project may require a construction stormwater permit from the Washington State Department of Ecology (also known as National Pollution Discharge Elimination System (NPDES) and State Waste Discharge General Permit for Stormwater Discharges Associated with Construction). It is the Applicant's responsibility to obtain this permit if required.
  - One or more acres of soil surface area will be disturbed by construction activities.
  - The site already has offsite discharge to waters of the state or storm drains or will have offsite discharge during construction.
  - Information about the permit and the application can be found at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/permit.html>

#### Conditions of Approval for Forest Land Conversion

16. Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or storm drains that lead to waters of the state. Sand, silt, clay particles, and soil will damage habitat and are considered to be pollutants. To the extent possible, land-disturbing activities associated with the project should be performed during dry weather to reduce opportunities for erosion to occur.
17. Activity shall be limited to the hours of 7:00 am to 7:00 pm to minimize noise impacts. All activities onsite shall fully comply with noise limitations outlined in WAC 173-60.
18. Provision shall be made to minimize the tracking of sediment by construction vehicles onto paved public roads. If sediment is deposited, it should be cleaned every day by shoveling or sweeping. Water cleaning should only be done after the area has been shoveled out or swept.
19. Clearing limits and/or any easements or required buffers should be identified and marked in the field, prior to the start of any clearing, grading, or construction. Some suggested methods are staking and flagging or high visibility fencing. A permanent vegetative cover should be established on denuded areas if not otherwise permanently stabilized.
20. Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington and is subject to enforcement action.
21. Street trees shall be installed per the applicable street development standards as stated in Chapter 15.04 of the Thurston County Code.
22. The project shall comply with the Thurston County Critical Areas Ordinance, the Thurston County Forest land conversion Ordinance, Zoning, and all required local, state, or federal permits and/or exemptions.

23. All work shall be in substantial compliance with the plans included in the project application.

#### Critical Area Ordinance – Chapter 24

24. Cutting of Oaks is prohibited, and Oaks must be avoided during the development and building process, affording the appropriate canopy dripline buffer as stated in TCC 24.25.070. Orange construction fencing to establish an Oak tree protection area (buffer) extending a minimum of five (5) feet beyond the dripline of Oak trees shall be established, maintained, and protected from disturbance during site development. No development shall occur and no construction equipment or debris shall be placed within the Oak tree protection area or construction setback.

#### **C. Public Works Conditions (Exhibit 1.U.8)**

##### 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. Stormwater runoff shall be controlled through all phases of the project by facilities designed to control the quality and quantity of discharges and shall not alter nor impact any existing drainage or other properties.



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

#### Utilities

9. The proposed water and sewer system shall be designed in accordance with the standards and specification of the respective utility purveyor. All water and sewer plans are subject to review and acceptance by the respective utility purveyor.
10. Proposed utility work within the Thurston County Right-of-Way shall conform to the Road Standards and Chapter 13.56 Thurston County Code. These standards do not address specific city design requirements but rather only items such as restoration of the County right-of-way and traffic control.

#### Right-Of-Way & Survey

11. In order to meet the requirements of the Road Standards, additional right-of-way may be required. Please have your legal representative or surveyor prepare a Quit Claim Deed describing the necessary right-of-way, being a strip of land which when added to the existing right-of-way totals 30 feet of right-of-way lying south of and abutting the existing centerline of 58th Avenue SE. Upon your request, Thurston County's right-of-way representative will prepare the Quit Claim Deed describing the necessary right-of-way dedication. Please contact the Thurston County Right-of-Way section at 360-867-2356.
12. Permanent survey controls need to be placed to establish all public street centerlines, intersections, angle points, curves, subdivision boundaries and other points of control.
13. Permanent survey control monuments shall be installed in accordance with the standards provided by the Thurston County Public Works – Survey Division. The Survey Division can be reached at 360-867-2378.

#### Traffic

14. Payment of the off-site traffic mitigation required in the December 6, 2023 mitigated determination of non-significance (MDNS) 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 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.
21. 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

22. 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.
23. 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. Increased storm water runoff from the road(s), building, driveway and parking areas shall be retained on site and shall not be directed to roadway ditches adjacent to 58th Avenue SE.
- c. 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.
- d. If seasonal drainage crosses subject property, no filling or disruption of the natural flow shall be permitted.
- e. 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.

- f. 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.
- g. Approval of this subdivision is conditioned upon payment of City of Lacey Traffic Mitigation Fees in the amount of \$ \_\_\_\_\_ per lot. This fee increases on July 1 of each year in accordance with the increase in the Engineering News Record Construction Cost Index and the amount is determined at the date of payment. Payment is required prior to the issuance of a water meter for those lots served by the Lacey Water Utility and prior to building permit issuance for those lots not served by such Utility.
- h. Per Thurston County Resolution 14820, impact fees shall be paid prior to issuing any building permits associated with this project.
- i. 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. \_\_\_\_\_.
- j. 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 \_\_\_\_\_.
- k. The property described herein is required to accommodate storm water runoff from frontage improvements to 58th Avenue SE and all natural tributary areas abutting said property.
- l. 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

- m. 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.).
- n. Delineate the access restrictions by showing a "no access" strip, written and hatched, between the County approved access points along the frontage of 58th Avenue SE on

the final plat map.

- o. Please clearly label all public and private roads.

***D. Environmental Health Project Conditions (Exhibit 1.U.9)***

1. Any existing irrigation well located within 200 feet of the project site must be shown on the final map.
2. The existing on-site septic system located on Tax Parcel 11701220300 must be properly abandoned per Article IV of the Thurston County Sanitary Code prior to final approval. An abandonment permit is required and abandonment documentation from a certified septic system pumper must be provided.
3. City of Lacey sewer utilities must be extended through the subdivision prior to final approval. Confirmation of final sewer construction approval from the City of Lacey must be submitted to Environmental Health.
4. Thurston PUD (Pattison-500, ID 665785) public water system must be installed through the subdivision prior to final approval. Confirmation of final water system construction approval from Washington State Department of Health Office of Drinking Water must be submitted to Environmental Health.

***E. City Of Lacey Requirements (Exhibit 1.V)***

*Specific Water Improvements:*

This site is served by the Thurston County Public Utility District (P.U.D.), please contact them for water requirements. City of Lacey Conditions do not apply.

*Specific Sewer Improvements:*

1. An eight-inch main shall be extended from the intersection of Afflerbaugh/Mullen Roads to and through the east property line of the proposed PRD on 58th Avenue. This will require upsizing and abandonment of existing S.T.E.P. pressure force mains along the way. A latecomer agreement (LCA) may be submitted to recover costs from this main extension. The LCA will remain in effect for 20 years and will accrue interest for 20 years (if these improvements are installed by others, Aurora Oaks parcels will be included in that latecomer agreement).
2. Internal to the site the S.T.E.P. mains may be reduced to four-inch and two-inch mains (depending on the final plat configuration). One four-inch main must be extended from 58th Avenue to Waldon Drive SE (south property line of the parent parcel). On Roads 'B' and 'E' S.T.E.P. mains shall be extended to the east property line for future main extensions. Prior to civil drawing submittal, please contact Brandon McAllister with the City of Lacey for specific main sizing questions.
3. The PRD will be serviced with individual S.T.E.P. systems. Adequate room to assure S.T.E.P. tanks can be located on each lot shall be provided. Prior to civil drawing

submittal, please contact John Dunlap (primary inspector responsible for S.T.E.P. inspection) to discuss housing set back areas, S.T.E.P. tank placement and landscaping requirements around S.T.E.P. systems. John can be reached at (360) 486 -8713.

General Sewer Improvements:

4. All existing on-site septic tanks and drainfields shall be removed per Department of Ecology and Thurston County Department of Health.
5. All existing and proposed structures shall be connected to sanitary sewer. (DG&PWS, Sewer 7A.010) Public mains with associated appurtenances shall be installed to serve the proposed project with sewer.
6. Prior to final plat approval, S.T.E.P. service shall be provided to each proposed lot or tract requiring sewer service.
7. Sewer main extensions shall be located six feet off the centerline of the street/drive area on the South or West side or in an alternate location after approval from the City of Lacey. Where existing mains are currently in place, new mains can be installed in the same alignment. (DG&PWS, Sewer 7A.010)
8. Confirmation that the site layout satisfies maintenance vehicle requirements shall be provided. The layout must allow a 40-foot long vector truck with an inside turning radius of 45 feet to maneuver through the site. (auto-turn confirmation is required).
9. Adequate room for each S.T.E.P. system meeting all City of Lacey S.T.E.P. requirements shall be provided. S.T.E.P. tanks shall not be located within driveway areas or other areas that will be driven upon.
10. In addition to all Federal and State requirements, sanitary sewer improvements associated with this project shall comply with the current City of Lacey Development Guidelines and Public Works Standards Manual, City of Lacey Comprehensive Sanitary Sewer Plan, Thurston County Health Department, Washington State Department of Health (DOH), the LOTT Clean Water Alliance and Department of Ecology. (DG&PWS, Sewer 7A.010 and Subdivisions and Short Plat 2-21)
11. Please include the following S.T.E.P./Grinder easement language on the plat document:

S.T.E.P./Grinder system plat easement provisions

A perpetual easement hereby reserved for and granted to the city of lacey, its successors and assigns, for operation, maintenance, and repair of any or all portions of the septic tank effluent pumps (S.T.E.P.) system or grinder system including but not restricted to: septic tanks, pump chambers, pressure/gravity sewer connection lines and pump status panel, over, under and through the land hereby platted. The purpose of the easement as to provide access for city officers and employees to the city owned portion of the S.T.E.P. or grinder sanitary sewer

systems. The width of the easement herein reserved shall be five feet each side of pipe and electrical lines as constructed. The width of the tank easement shall extend five feet beyond the edges of the tank. The owner shall maintain and is responsible for the building lateral connecting the tank to the building plumbing and inlet to the tank chamber. The city of lacey shall have the right to temporarily utilize such area beyond the easement area described above that is necessary for the operation, maintenance and repair activities on the S.T.E.P or grinder system.

It is possible that landscaping within the above easement right-of-way may be damaged during the performance of operation and maintenance activities. The owner waives any claim against the city for damage to said items in the case where work by the city is done in a reasonable manner. The owner also waives any claim against the city for damages generally which arise from "acts of god" or of third parties not involving fault by the city of Lacey.

This easement shall be considered an encumbrance which touches and concerns the land above described, and binds owners, transferees, donees, successors and assignees in interest in the same manner as it binds owners herein.

Note: the above easement provisions shall be shown on the face of the final plat, verbatim. Lettering shall not be less than 0.13 (1/8) inch in height.

#### Stormwater Conditions:

The City defers to Thurston County for review, approval and construction of stormwater elements of the project. With the civil drawing plan submittal sheets provided to the City, stormwater sheets shall be included for reference only. City approval blocks for stormwater sheets shall be removed.

#### Specific Transportation Improvements:

12. 58th Avenue is classified as Minor Collector Type II roadway. See Detail 4-3.3 dated December 15, 2014 from the City of Lacey 2017 Development Guidelines and Public Works Standards Manual. This section of roadway requires 30-feet of half-street Right-of-Way along 58th Avenue. Prior to final plat approval, frontage improvements to this standard are required.
13. The internal roadways are classified as Major Local Residential roadways. See Detail 4-4.0 dated December 15, 2014 from the City of Lacey 2017 Development Guidelines and Public Works Standards Manual. This section of roadway requires 54-feet of Right-of-Way. Prior to final plat approval, frontage improvements shall be completed to these standards.

#### General Transportation Improvements:

14. In addition to all Federal and State requirements street lighting requirements, street lighting levels shall comply with current City of Lacey Development Guidelines and Public Works Standards requirements for roadways and intersections. To comply with these standards and assure street lighting is in conformance with these standards, additional street lighting may be required for all streets adjacent to this project. All street

lighting designs shall be prepared by an engineering firm capable of performing such work. (DG&PWS, Transportation, Illumination 4E.010)

15. Until Annexation occurs, maintenance, replacement and operation costs for street lighting shall be the responsibility of the Homeowners or Homeowners Association. After annexation, the City of Lacey will inspect the existing street lighting and require any needed repairs. After repairs have been made and approved, the City of Lacey will take over these responsibilities. A note stating this shall be included on the final plat map.
16. Fiber optic conduit shall be installed and conform to the standards and requirements as set forth in Chapter 4 (Transportation) from the Development Guidelines & Public Works Standards (DG & PWS, Transportation 4E.035).
17. Access shall be provided to the property as determined and approved by the City. All access points shall meet minimum access spacing, minimum corner clearance, sight distance and minimum or maximum width requirements as outlined in the Development Guidelines & Public Works standards. (DG & PWS, Transportation 4B.025)
18. Traffic mitigations as determined by the Traffic Impact Analysis are required. Conditions of Lacey Municipal Code 14.21 shall be satisfied.
19. Please show all proposed and existing driveways associated with the plat. (DG&PWS Subdivisions and Short Plat 2-21)
20. Minimum intersection curb radii and centerline radius requirements must be incorporated into the roadway design. Please label all radii on the final plat (DG&PWS 4B.020).
21. All residential projects, whether single or multi-family, which abut a boulevard, an arterial, or any class collector street shall be required to establish a buffer from such streets. The buffer must be a separate tract of land, 20-feet in width, within the subdivision and is to be maintained by the homeowners association. (DG&PWS, Transportation 4B.065)
22. All public streets within the City and the City's UGA boundary will be planted with trees to create a distinct and pleasant character for those roadways. The street trees located in the Development Guidelines shall be required in or along the public Right-of-Way, including medians. (DG&PWS, Transportation 4G.100)
23. Since a PRD is proposed, roadways internal to the plat can be either public or private (the private roadway standard internal to the plat is the same as a Major Local Residential Roadway). If the roadways are going to be private and a gate is proposed, the gate shall meet the requirements from section 4B.075 from the DG&PWS manual.
24. The following is a condition for approval and shall be included as a note on the plat:  
"Thurston County/City of Lacey has no responsibility to build, improve, maintain, or



otherwise service the private roads and/or alleys within or providing access to the property described in this plat.” (Lacey Municipal Code 15.32.190)

25. The following note is a condition for approval and shall be included as a note on the plat: “The owner shall be responsible for maintaining the private streets (along with associated parking areas) and planter strips (weeding, mowing, irrigation, pruning of the street trees, etc.). in a healthy and growing manner in perpetuity”. (DG&PWS, Transportation 4G.100D)

General Surveying Requirements:

26. Utility easements (a minimum of 15-feet wide) are required for all sewer mains located on private property. Easements shall include: sewer improvements and future extensions of mains to adjacent properties. Easements and stub outs shall be provided to serve adjoining properties as determined by the City. Rather than being designated as sewer, all easements shall be identified as “utility” easements on the civil drawings and in the easement document. Specific requirements will be determined at the of plan review. All easements shall be prepared by a licensed land surveyor and submitted prior to release of approved civil drawings (DG&PWS Chapter 3.110).
27. Landscaping within easement areas shall be limited to shrubs and other low growing vegetation without major root systems. Trees are prohibited within easement areas.
28. The City of Lacey Coordinate System is a ground scale coordinate system derived from the Washington Coordinate System, NAD 83/91. Units are expressed in feet. Data can be obtained from Lacey Public Works Department. Civil drawings shall be submitted utilizing the City of Lacey Coordinate System. (DG&PWS 3.025)
29. City of Lacey Vertical Datum has elevations referenced to the National Geodetic Vertical Datum of 1929 (NGVD29). Units are expressed in feet. A benchmark listing can be obtained from Lacey Public Works Department. Civil drawings shall be submitted utilizing the City of Lacey Vertical Datum. (DG&PWS 3.025)

Civil Engineering drawings submitted the City of Lacey must be on National Geodetic Vertical Datum 1929 (NGVD29). Civil drawings not on this datum will not be accepted and routed for review.

30. Immediately adjacent to the public Right of Way a 10-foot joint utility easement area shall be dedicated to accommodate the installation of private and public utilities (2017 Development Guidelines and Public Works Standards Roadway details).

Other Requirements:

31. All improvements shall satisfy City of Lacey Development Guideline Standards in place at the time complete application is obtained (Complete application is determined by the Thurston County Planning Staff). (LMC )

32. As a condition of utility service, prior to receiving civil drawing approval, a power of attorney for annexation for your property shall be submitted to the City of Lacey.
33. If any part of these comments as established by existing plans, guidelines, codes and the like as established by ordinances shall be found invalid, all other parts shall remain in effect. (DG&PWS 3.035)
34. All Public Works improvements must be designed by an engineer licensed in the State of Washington and submitted to the City of Lacey Public Works Department for review and approval. (DGPWS 3.040)
35. Prior to submitting civil drawings for review, Land Use Approval must be obtained.
36. All structures associated with this site shall be connected to City of Lacey utilities (DG&PWS 6.010 and 7A.010).
37. Prior to civil drawing approval, one paper set of drawings along with a PDF copy of the drainage report and civil drawings shall be submitted for all approved final plans. (DG&PWS Chapter 3.040,B)
38. Prior to final Public Works Construction approval, “as-built” bonded paper drawings along with the revised civil drawings in AutoCAD and PDF formats shall be submitted for all approved final plans. (DG&PWS Chapter 3.040, J)
39. Sewer Completeness for the plat will not be issued until all paperwork required for the project is submitted and approved and all improvements shown on the approved civil drawings are installed by the Applicant and approved by the City. (DG&PWS 4B.080)
40. A 20 percent maintenance bond or financial guarantee of the approved engineer’s estimate or bid estimate is required for a period of 24 months upon construction completion and approval of Public Works improvements. The financial guarantee may be released after 18 months if all conditions of approval have been satisfied. The financial guarantee applies to sewer and street lighting improvements (LMC 14.20.025).
41. In addition to the civil drawings submitted to Thurston County, the following civil submittal shall be submitted directly to the City of Lacey: The civil review application and the completed, signed and stamped checklist from Chapter 3 of the Development Guidelines, three sets of 24” x 36” civil drawings (all civil elements to assure conflicts are not being created), two drainage reports and one electronic copy of the civil drawings (PDF format). These drawings shall be submitted directly to the City of Lacey Public Works Department. Drawings submitted to Thurston County or other City of Lacey departments will not satisfy this requirement. (DG&PWS 3.040, B)
42. The following is a condition for approval and shall be included as a note on the plat: The property owner(s) adjacent to the public Right-of-Way shall be responsible for maintaining the planter strip and all other areas within the Right-of-Way (weeding,

pruning, irrigating, mowing of landscaping, street trees and unimproved areas) in a healthy and growing manner in perpetuity. If these areas are being maintained by another group or organization, then a maintenance agreement (or adequate documentation) that verifies these areas are being (and will continue to be) maintained shall be submitted to the City for review. (Development Guidelines & Public Works Standards, Transportation 4G.100D).

43. To protect the public interest on private property, utility mains located on private property shall be protected from damage. If on-site settling or other phenomenon occurs causing valve boxes, sewer manholes or other appurtenances to protrude above or settle below the driving surfaces or ground elevations, the owner will be notified, and the problem shall be fixed within 30 days of notification. If the problem is not fixed within the 30-day time period, the City will fix the problem and bill the property owner. This language shall be included on the face of any binding site plan or easement documents submitted to the City.
44. Please remember that as per the Memorandum of Understanding with the County, the City of Lacey reviews water, sewer and street lighting improvements to assure they meet City of Lacey standards; however, when submitting civil drawings to the City for review, please include all sections of improvements for review to confirm there are no conflicts with other improvements.
45. A Bill of Sale for proposed sewer improvements being installed with this project is a requirement for approval. Prior to final plat approval of the project, Bill of Sale documents shall be submitted to and approved by the City.

**Decided** February 7, 2024 by



Sharon A. Rice  
Thurston County Hearing Examiner

**THURSTON COUNTY**  
**PROCEDURE FOR RECONSIDERATION AND APPEAL**  
**OF HEARING EXAMINER DECISION TO THE BOARD**

<b>NOTE:</b> THERE MAY BE NO EX PARTE (ONE-SIDED) CONTACT OUTSIDE A PUBLIC HEARING WITH EITHER THE HEARING EXAMINER OR WITH THE BOARD OF THURSTON COUNTY COMMISSIONERS ON APPEALS (Thurston County Code, Section 2.06.030).
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If you do not agree with the decision of the Hearing Examiner, there are two (2) ways to seek review of the decision. They are described in A and B below. Unless reconsidered or appealed, decisions of the Hearing Examiner become final on the 15th day after the date of the decision.\* The Hearing Examiner renders decisions within five (5) working days following a Request for Reconsideration unless a longer period is mutually agreed to by the Hearing Examiner, applicant, and requester.

**The decision of the Hearing Examiner on an appeal of a SEPA threshold determination for a project action is final. The Hearing Examiner shall not entertain motions for reconsideration for such decisions. The decision of the Hearing Examiner regarding a SEPA threshold determination may only be appealed to Superior Court in conjunction with an appeal of the underlying action in accordance with RCW 43.21C.075 and TCC 17.09.160. TCC 17.09.160(K).**

**A. RECONSIDERATION BY THE HEARING EXAMINER (Not permitted for a decision on a SEPA threshold determination)**

1. Any aggrieved person or agency that disagrees with the decision of the Examiner may request Reconsideration. All Reconsideration requests must include a legal citation and reason for the request. The Examiner shall have the discretion to either deny the motion without comment or to provide additional Findings and Conclusions based on the record.
2. Written Request for Reconsideration and the appropriate fee must be filed with the Resource Stewardship Department **within ten (10) days of the written decision**. The form is provided for this purpose on the opposite side of this notification.

**B. APPEAL TO THE BOARD OF THURSTON COUNTY COMMISSIONERS (Not permitted for a decision on a SEPA threshold determination for a project action)**

1. Appeals may be filed by any aggrieved person or agency directly affected by the Examiner's decision. The form is provided for this purpose on the opposite side of this notification.
2. Written notice of Appeal and the appropriate fee must be filed with the Community Planning & Economic Development Department **within fourteen (14) days of the date of the Examiner's written decision**. The form is provided for this purpose on the opposite side of this notification.
3. An Appeal filed within the specified time period will stay the effective date of the Examiner's decision until it is adjudicated by the Board of Thurston County Commissioners or is withdrawn.
4. The notice of Appeal shall concisely specify the error or issue which the Board is asked to consider on Appeal, and shall cite by reference to section, paragraph and page, the provisions of law which are alleged to have been violated. The Board need not consider issues, which are not so identified. A written memorandum that the appellant may wish considered by the Board may accompany the notice. The memorandum shall not include the presentation of new evidence and shall be based only upon facts presented to the Examiner.
5. Notices of the Appeal hearing will be mailed to all parties of record who legibly provided a mailing address. This would include all persons who (a) gave oral or written comments to the Examiner or (b) listed their name as a person wishing to receive a copy of the decision on a sign-up sheet made available during the Examiner's hearing.
6. Unless all parties of record are given notice of a trip by the Board of Thurston County Commissioners to view the subject site, no one other than County staff may accompany the Board members during the site visit.

**C. STANDING** All Reconsideration and Appeal requests must clearly state why the appellant is an "aggrieved" party and demonstrate that standing in the Reconsideration or Appeal should be granted.

**D. FILING FEES AND DEADLINE** If you wish to file a Request for Reconsideration or Appeal of this determination, please do so in writing on the back of this form, accompanied by a nonrefundable fee of **\$861.00** for a Request for Reconsideration or **\$1,174.00** an Appeal. Any Request for Reconsideration or Appeal must be **received** in the Building Development Center at 3000 Pacific Ave SE, Suite 100 no later than 4:00 p.m. per the requirements specified in A2 and B2 above. **Postmarks are not acceptable**. If your application fee and completed application form is not timely filed, you will be unable to request Reconsideration or Appeal this determination. The deadline will not be extended.

\* Shoreline Permit decisions are not final until a 21-day appeal period to the state has elapsed following the date the County decision becomes final.



Project No. \_\_\_\_\_  
Appeal Sequence No.: \_\_\_\_\_

☐ Check here for: **RECONSIDERATION OF HEARING EXAMINER DECISION**

THE APPELLANT, after review of the terms and conditions of the Hearing Examiner's decision hereby requests that the Hearing Examiner take the following information into consideration and further review under the provisions of Chapter 2.06.060 of the Thurston County Code:

(If more space is required, please attach additional sheet.)

☐ Check here for: **APPEAL OF HEARING EXAMINER DECISION**

TO THE BOARD OF THURSTON COUNTY COMMISSIONERS COMES NOW \_\_\_\_\_  
on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, as an APPELLANT in the matter of a Hearing Examiner's decision  
rendered on \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ relating to \_\_\_\_\_

THE APPELLANT, after review and consideration of the reasons given by the Hearing Examiner for his decision, does now, under the provisions of Chapter 2.06.070 of the Thurston County Code, give written notice of APPEAL to the Board of Thurston County Commissioners of said decision and alleges the following errors in said Hearing Examiner decision:

Specific section, paragraph and page of regulation allegedly interpreted erroneously by Hearing Examiner:

1. Zoning Ordinance \_\_\_\_\_
2. Platting and Subdivision Ordinance \_\_\_\_\_
3. Comprehensive Plan \_\_\_\_\_
4. Critical Areas Ordinance \_\_\_\_\_
5. Shoreline Master Program \_\_\_\_\_
6. Other: \_\_\_\_\_

(If more space is required, please attach additional sheet.)

AND FURTHERMORE, requests that the Board of Thurston County Commissioners, having responsibility for final review of such decisions will upon review of the record of the matters and the allegations contained in this appeal, find in favor of the appellant and reverse the Hearing Examiner decision.

### **STANDING**

On a separate sheet, explain why the appellant should be considered an aggrieved party and why standing should be granted to the appellant. This is required for both Reconsiderations and Appeals.

Signature required for both Reconsideration and Appeal Requests

APPELLANT NAME PRINTED \_\_\_\_\_

SIGNATURE OF APPELLANT \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Please do not write below - for Staff Use Only:

Fee of ☐ \$861.00 for Reconsideration or \$1,174.00 for Appeal. Received (check box): Initial \_\_\_\_\_ Receipt No. \_\_\_\_\_  
Filed with the Community Planning & Economic Development Department this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.