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## COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

*Creating Solutions for Our Future*

Joshua Cummings, Director

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

#### HEARING EXAMINER HEARING

April 9, 2024

**PROJECT NO:** 2023104664 Britcher Reasonable Use Exception

**SEQUENCE NO:** 23-112423 XI

**APPLICANT:** John and Kim Britcher; Owner

#### **REQUEST**

The applicant requests approval of a Reasonable Use Exception to build a residential addition within the mapped Nisqually hillside overlay district, characterized as a special landslide hazard area.

#### **GENERAL INFORMATION**

- A. Applicant: Chad Schroeder  
High Tech Building and Design  
625 Acorn CT SE  
Olympia, Washington, 98503
- B. Owner: John and Kim Britcher  
654 Sandra Lee Ct SE  
Olympia, Washington, 98503
- C. Location: 654 Sandra Lee Ct SE  
Olympia, Washington, 98503
- D. Legal Description: Section 18 Township 18 Range 1E Quarter NE NW Plat NISQUALLY  
HEIGHTS LT 4 Document 015/048; parcel: 65120000400

## **PROJECT DESCRIPTION**

The applicant requests approval of a Reasonable Use Exception (RUE) for an attached accessory dwelling unit (ADU) to the existing single family residence, within a geologic hazard area in rural Thurston County. Per the applicant, “The project under consideration is a 706 sq ft addition to an existing single-family residence. To give a little background; the homeowners are a senior couple, and the husband is a retired veteran who has a number of cancers caused by exposure to agent orange while he was serving in the military during the Vietnam War. He currently has limited mobility with a walker but will likely soon need a wheelchair full time. Their current residence provides them with close proximity to the treatment centers he frequently needs to travel to and considering the cost of real-estate and their limited fixed income, moving isn't really a feasible option at the moment. The house has steps at the entrance, narrow doors, a stepped down living room, and no wheelchair friendly bathrooms or shower facility. Their intention was to construct this addition with no steps, wide doors, and a bathroom where he can wheel directly into the shower. Their son plans to move back in as a caretaker and occupy the extra bedroom made available by creating this addition.” (Attachments d, e, g, and p). The footprint of the ADU addition is proposed to be setback 50 feet from the top of slopes at the closest point (Attachments e and f).

**2022 Aerial map with 2-foot contours shown**



## **BACKGROUND**

The subject property is located within the rural portion of Thurston County. The Comprehensive Plan designation is residential, and the zoning district is the Rural Residential One Dwelling Unit per Five Acres district (RR 1/5) (Attachment b).

The subject property is mapped with geologic hazard areas, critical aquifer recharge areas, and prairie and Mazama pocket gopher soils. Mazama pocket gophers, and prairie are identified as important fish and wildlife habitats, which along with critical aquifer areas are critical areas subject to requirements of the Thurston County Critical Areas Ordinance (CAO, Thurston County Code (TCC) 24), as well as the County Habitat Conservation Plan (HCP). The property is not within the jurisdiction of the Shoreline Master Program. The property was reviewed by County staff and does not meet prairie habitat criteria. The property is mapped within a critical aquifer recharge area Category 1 and 2, which are characterized by extreme and high aquifer sensitivity.

The Thurston County HCP provides regulations for properties mapped within Mazama pocket gopher



soils, per TCC 17.40. The Thurston HCP enables the county to locally manage habitat protection when authorizing lawful projects that may impact the federally protected species. Application and review under this chapter is required for all activities and development where the project application overlaps any land parcel with known habitat, potential habitat, or known occupancy of a covered species. Known habitat, potential habitat, or known occupancy is determined by the terms and requirements of the Thurston HCP and ITP. An HCP application is required prior to building permit issuance, and the appropriate mitigation fees for impacts to listed species are calculated at the time of HCP application and approval.

This parcel is an abnormally shaped site at the top of the Nisqually bluff with the primary building area at the level top of the hill. Landslide hazard slopes of greater than 40%, and more than 15 feet tall occur along the eastern portion of the proposed development per TCC 24.03. In addition, the property is fully within the mapped Nisqually hillside overlay district. Per TCC 24.15.020:

“The Nisqually hillside overlay district is generally located on the bluff to the west of the Nisqually River and is characterized as a special landslide hazard area in Thurston County due to past unstable slope conditions.

A. This area is depicted on the map entitled "Nisqually Land Use Categories and Zoning Districts," a copy of which shall be on file with the Thurston County Resource Stewardship Department.

B. This overlay district shall extend from the toe of McAllister Bluff to a point two hundred feet westerly of the top of McAllister Bluff, except as provided for in Section 24.15.021, below. The top of McAllister Bluff is as noted on the aforementioned map as "bluff line" as lies to the west of McAllister Creek. The actual bluff line is subject to field verification.

C. The criteria to field locate the top of McAllister Bluff is a distinct topographic break in the slope less than thirty percent and at least fifteen feet wide which is verified by the Thurston County Resource Stewardship Department.”

**Map of Nisqually Hillside Overlay District, with LiDAR Hillshade showing topography for site**



Residential development is regulated per TCC 24.15.021, under the following circumstances:

A. Residential development within this overlay district is prohibited, however, the number of dwelling units, as calculated by the underlying residential zone (one unit per five acres), may be clustered on that portion of the parcel not within this overlay district or transferred to an adjacent parcel. Cluster development in the Nisqually hillside overlay district shall be developed consistent with the underlying zoning district and associated development requirements in Chapters [20.30](#) or [20.30A](#) TCC. No fractional units will be created in this calculation unless the

parcel size is less than five acres.

B. The western two hundred feet of the Nisqually Hillside Overlay District is a buffer measured from the top of McAllister Bluff, except that portion of the bluff between I-5 and Martin Way which shall be fifty feet.

C. Some flexibility from subsection (B) above will be provided for areas of preexisting development along the bluff. These areas include lots less than one acre in size, undeveloped lots in a subdivision, and the portion of the slope between Martin Way and I-5. In those locations the buffer from McAllister Bluff shall be at least fifty feet wide, with the exact location on the bluff determined on a case by case basis through an administrative site plan review process. This buffer width must protect the stability of the bluff and maintain the visual integrity of the hillside.

The subject property is larger than one acre in size, is already developed with a single family residence, and is not located on the portion of slope between Martin Way and I-5, thus a RUE permit is required to permit the proposed addition to the residence within the Nisqually hillside overlay district buffer of 200 feet.

A Geotechnical Report dated September 8, 2023, was prepared by Quality Geo NW, in support of the proposed development, confirming site development will meet geotechnical safety standards (Attachment f).

The RUE application was submitted to the Thurston County Community Planning and Economic Development Department on October 3, 2023 (Attachments c, d, e, and g).

### **NOTIFICATION**

Written notice of the application was sent out on October 18, 2023 (Attachment h). Notice of the public hearing was published in The Olympian on March 29, 2024 and was sent to all property owners within 500 feet of the site at least ten (10) days prior to the hearing (Attachment a).

### **ENVIRONMENTAL EVALUATION**

A single-family residence and associated appurtenances is exempt from review of the State Environmental Policy Act per TCC 17.09.055(B) and WAC 197-11-800 Categorical Exemptions.

### **DEPARTMENT ANALYSIS**

#### **A. Underlying Property and Zoning:**

The legal description of the underlying property is provided above in section D. The zoning is RR 1/5 and the lot is nonconforming in terms of parcel size for the zoning district (4 acres minimum), as the parcel is 1.08 acres in size. Single family residences are allowed as primary uses, subject to applicable design standards (TCC 20.09A). Surrounding land uses consist primarily of single-family residences zoned RR 1/5, and the Nisqually Agricultural district. Per the Thurston County Platting and Subdivision Ordinance (TCC 18.04.045) the parcel is a legal lot created through an approved plat recorded in 1967 (Nisqually Heights, Auditor File number 753007).

Per TCC 20.34.020, the floor area of an attached ADU shall be no more than fifty percent of the primary dwelling unit. An attached ADU, as defined under this title, does not count as a dwelling unit for the purpose of calculating density. No additional land area is required for such ADUs beyond the minimum parcel size that is required for the associated single-family dwelling structure under the applicable zoning district. One ADU shall be permitted per residential parcel in conjunction with any detached single-family dwelling structure. An ADU shall not be placed



on parcels with family member units or any other accessory residential structures. Current zoning standards dictate a front yard setback of 20 feet, side and rear yard setbacks of 5 feet each, and a maximum impervious surface coverage of 60% or ten thousand square feet, whichever is less for the entire lot. Maximum building height is 35 feet. The current proposal conforms to zoning standards but will be formally reviewed for these standards at the time of building permit application.

**Staff comments:** As proposed and conditioned, the application for the proposed development is consistent with the Thurston County Comprehensive Plan and zoning code.

**B. Critical Areas Ordinance (CAO, TCC 24)**

The primary reason for the requested RUE is to allow for development within a geologic hazard area, the Nisqually Hillside Overlay District bluff, which is protected under the CAO.

**TCC 24.01.035 General provisions – General requirements**

- A. Avoid Impacts. All uses and activities on sites containing critical areas and/or associated buffers or riparian or marine shoreline management zones shall be located, designed and constructed to avoid or, where that is not possible, minimize all adverse impacts to critical areas, associated buffers designed to protect the functions of critical areas, and management zones. The county shall not authorize impacts to critical areas or buffers unless the applicant demonstrates an inability to avoid impacts and that there will be no net loss of critical area functions as required in subsection (B). Impacts to critical areas and associated buffers that cannot be avoided shall be minimized by sensitive site design and appropriate precautions during the permitted activity and as specifically provided for in this title.

**Staff comments:** Per the Nisqually Hillside Overlay district mapping, the entire site is encumbered by geologic hazards or buffers. The site development footprint was designed to be at minimum 50 feet distance from the top of slope. The project shall be implemented with best management practices for erosion and sediment control, as well as waste management to avoid and minimize construction impacts to critical areas. The Geotechnical consultant “does not consider the building site to be within an active landslide hazard area...Due to the anticipated addition, home-specific foundation setbacks must be maintained to protect the slopes and structures. Additionally, we recommend final design and construction practices limit additional surface excavation to the smallest extent possible. Large excavations are generally discouraged.” (Attachments e and f). The consultant recommends that any new foundations be embedded to maintain a minimum horizontal slope crest setback of 50 feet.

- B. No Net Loss of Critical Area Functions. Uses and activities carried out pursuant to this title shall result in equivalent or, if the applicant chooses, greater critical area functions. Impacts to critical areas, and associated buffers designed to protect the functions of critical areas, shall be repaired or mitigated through restoration, replacement, enhancement, or through purchase of credits at a mitigation bank consistent with the applicable provisions of this title.

**Staff comments:** Mitigation within landslide hazard areas pertains to eliminating or minimizing the risk of hazard to the subject property and neighboring properties. Plans and specifications for the construction of the attached ADU must meet the requirements of TCC 14, as well as the listed specifications within the geotechnical report. The current development location was selected to minimize impacts to critical areas by locating the

structure 50 feet from the higher risk slopes along the eastern side of the property. A revegetation plan has been submitted to offset any risk from erosion hazard currently present on the site, where there is currently lawn (Attachment e). Any open areas of ground during site excavation near steep slopes must be revegetated or protected with alternate measures to avoid and prevent erosion during site development.

- C. Monitoring. In addition to the specific monitoring requirements in this title, the approval authority may require that permitted uses and mitigation projects be reviewed at appropriate intervals as necessary to ensure that they are functioning consistent with the project approval and applicable provisions of this title. The approval authority may require remedial action as warranted to correct problems identified during monitoring to avoid degradation of critical areas and associated buffers designed to protect the functions of critical areas, and to ensure that any required mitigation is successful.

**Staff comments:** The submitted revegetation plan meets the requirements for revegetation within a landslide hazard area per TCC 24.35.090. A monitoring plan is not required for the minimal impacts associated with the proposal. Once the revegetation plan has been installed, an as-built, or site photos, shall be submitted to the County that shows the results of the installation, including any necessary modifications and reasons for those modifications.

- D. Access to Enable Administration. Property owners shall grant access to the county, or designee, for the purpose of inspecting sites proposed for development and performing monitoring required pursuant to this title. County personnel shall present proper credentials and make a reasonable effort to contact the property owner before entering onto private property.

**Staff comments:** This requirement can be met by the property owner.

**TCC 24.15.030 Geologic Hazard Areas – General Standards**

The following requirements apply, as applicable, to all uses and activities listed in TCC Table 24.15-1.

- A. Applications for all uses listed in Table 24.15-1 that require a development permit, with the exception of emergency responses provided for in Chapter 24.90 TCC, shall submit a geologic assessment as specified in Chapter 24.35 TCC.

**Staff Comments:** The application meets this requirement. The submitted geologic assessment was reviewed and accepted by County geotechnical staff (Attachment i).

- B. Applications to undertake a use or activity within a geologic hazard area shall contain all information necessary to evaluate the proposed activity, its impacts, and its compliance with the provisions of this chapter.

**Staff Comments:** The application meets this requirement. The submitted site plans, narratives, best management plan, revegetation plan, and geologic assessment meet critical area guidelines (Attachments d, e, f, g, and i). The conditions of RUE approval shall ensure the building permit meets required building standards per TCC 14 at the time of building permit submittal.

- C. All development in geologic hazard areas shall be designed to protect public health and safety.



**Staff Comments:** The submitted geologic assessment supports the proposed development, and confirms site development will meet geotechnical safety standards (Attachment f). The conditions of RUE approval shall ensure the building permit meets required building standards per TCC 14, and public health standards at the time of building permit submittal.

- D. Development in geologic hazard areas shall be designed so it does not increase the threat of the geologic hazard to other properties that would likely be affected in the event of a slope failure, based on the professional opinion of a geotechnical professional.

**Staff Comments:** The submitted geologic assessment supports the proposed development, and confirms site development will meet geotechnical safety standards (Attachment f). Strict adherence to the construction recommendations and guidelines within the geologic assessment shall ensure there will be no increased threat of hazard to adjacent properties.

- E. All allowed uses and activities shall be designed and constructed to avoid or, where that is not possible, minimize negative impacts to geologic hazard areas and associated buffers. Applicants must first demonstrate an inability to avoid or reduce impacts, prior to the approval authority considering restoration and mitigation of impacts.

**Staff Comments:** The proposed building site utilizes the existing level top of slope terrace area and existing driveway to minimize new disturbance to the surrounding bluff area. The level portion of the property is located completely within a geologic hazard buffer. There are no other locations on the subject property to place the proposed attached ADU outside the geologic hazard area.

- F. The approval authority shall deny proposed developments and uses, including subdivisions, if it is determined that the development or use would require structural shoreline stabilization measures at the time of construction/implementation or over the life of the development. Developments and uses that would require such structural shoreline stabilization must be approved through the reasonable use exception process (see Chapter 24.45 TCC).

**Staff Comments:** The property is not located in or adjacent to any shorelines.

- G. Applicants for proposals involving restoration or enhancement of degraded geologic hazard areas as a condition of permit approval shall submit to the county a surety consistent with Chapter 24.70 TCC.

**Staff Comments:** A surety is required at the time of final building permit inspection if the approved revegetation plan is not installed prior to final building inspection.

- H. Adverse impacts to geologic hazard areas and associated buffers shall be fully mitigated.

**Staff Comments:** A revegetation plan has been approved for the proposed development site which offsets the potential impacts to the critical areas on site. The preliminary stormwater design mitigates for increased stormwater within the development footprint (Attachment e).

- I. Any application of the chapter to an existing use or structure assumes that such use or structure was legally established. A proposal to apply this Chapter to a use or structure that has not been legally established is prohibited.

**Staff Comments:** The existing residence was built in 1967 at the time of plat approval, which predates building code, and is considered a legally established structure.

24.15 (Table 24.15-1) Geologic Hazard Areas – Residential- Single Family Home- Defaults to the Nonconforming Chapter 24.50, specifically section 24.50.060(E.1):

The development site shall be located in the outer fifty percent of the standard critical area buffer, except for wetlands and riparian habitat areas, where the development site shall be located in the outer twenty-five percent of the standard buffer. Development in the critical area and the inner fifty percent of the associated critical area buffer—or inner seventy-five percent of wetland and riparian area buffers—will require a reasonable use exception.

**Staff Comments:** The RUE is proposed for approval because geologic hazard areas preclude development of the attached ADU when the entire site is encumbered.

**C. Reasonable Use Exception standards (TCC 24.45):**

The CAO sets out the process and criteria for any property owner to apply for a RUE to carry out a land use or activity that is prohibited by the Ordinance. The CAO states that, “along with a recommendation made by the department, the application shall be heard by the hearing examiner.” Chapter 24.45.030 provides eight criteria that must be met in order to approve a use within a critical area or its buffer. The eight criteria are listed below along with a staff analysis of each:

1. No other reasonable use of the property as a whole is permitted by this title.

**Staff comments:** The property is zoned for residential use. Single-family and ADU residential use is a reasonable use of the property considering the area and zoning of the property and environmental constraints. Per the applicant, “In order to provide proper facilities for the homeowner and a caretaker, a 706 sq ft addition to an existing single family residence within the Nisqually hillside overlay district is proposed. Per municipal code section 24. 15. 021-Nisqually hillside overlay district - Standards. Subsection A. " Residential development within this overlay district is prohibited". Due to the entire lot existing within the Nisqually hillside overlay district, there is no area within the parcel that falls outside of the standards defined in the municipal code stated above, and therefore no other reasonable use of the property is permitted.”

2. No reasonable use with less impact on the critical area or buffer is possible. At minimum, the alternatives reviewed shall include a change in use, reduction in the size of the use, a change in the timing of the activity, a revision in the project design.

**Staff comments:** As the property is zoned for residential use, the type of use proposed is consistent with zoning. Given the combination of the geologic hazard area and top of slope setbacks as designated by the Geotechnical professionals as adequate to ensure safety, the location of the attached ADU is the most reasonable location for the site. Per the applicant, “The proposed addition has been located on the property to be the furthest away from the slope while still attached to the existing residence and not blocking access or encroaching on the septic drainfield. The size of the addition is minimal to accommodate the needs of the homeowner. No other potential locations for the addition exist on the lot with less impact than the location selected.” The location of vehicular entry to the site is predicated on the already existing drive created during the site subdivision.

3. The requested use or activity will not result in any damage to other property and will not threaten the public health, safety or welfare on or off the development proposal site or increase public safety risks on or off the subject property.



**Staff comments:** As proposed and conditioned, staff does not believe the activity will result in damage to other properties and should not threaten the health, safety, or welfare on or off the site. Per the applicant, "A Geotechnical Engineer was hired to evaluate the current and historical slope stability within the vicinity of the proposed construction and recommend a buffer/setback that would eliminate any potential impact on slope stability. It is their professional opinion that a 50ft setback is appropriate and the proposed addition location appears suitable. With slope stability maintained, the proposed development will not result in any damage to other property and will not threaten the public health, safety, or welfare on or off the development proposal site, or increase public safety risks." Project shall adhere to the proposed construction and best management recommendations within the geotechnical report in the short and long term to ensure the safest environment for the subject property and neighboring properties. The project shall conform to the conditions of approval in order to protect other properties as well as public health, safety or welfare.

4. The proposed reasonable use is limited to the minimum encroachment into the critical area and/or buffer necessary to prevent the denial of all reasonable use of the property.

**Staff comments:** Per the applicant, "The size and location of the proposed addition was taken into consideration through the design phase to accommodate the facilities and accessibility required for the homeowner while minimizing the footprint and impact on the property." The proposed development is fully within the Nisqually Hillside Overlay buffer of 200 feet. The development has been reviewed and approved by the Geotechnical consultant and County Geotechnical staff (Attachments f and i). The proposed building setback to top of bluff is 50 feet, which meets typical minimum top of slope setback distance per TCC 24.15, however the Nisqually Hillside Overlay buffer is more restrictive.

5. The proposed reasonable use shall result in minimal alteration of the critical area including but not limited to impacts on vegetation, fish and wildlife resources, hydrological conditions, and geologic conditions.

**Staff comments:** As proposed, the project should have little impact to critical areas, including impacts to vegetation, fish and wildlife resources, hydrological conditions and geologic conditions. Per the applicant, "Minimal alteration of critical area is achieved through the location of the addition being furthest from the slope possible, minimal size, and following additional recommendations of the Geotechnical Engineer's report." Maintained lawn within the geologic hazard area buffer will be removed for construction of the home. However, new plantings are proposed which will partially make up for the loss of vegetation and provide improved erosion and stormwater control from existing site conditions, per the geotechnical report recommendations.

6. A proposal for a reasonable use exception shall ensure no net loss of critical area functions and values. The proposal shall include a mitigation plan consistent with this title and best available science. Mitigation measures shall address unavoidable impacts and shall occur on-site first, or if necessary, off-site.

**Staff comments:** Per the applicant, "Mitigation shall be accomplished through the recommendations of the Geotechnical Engineer. Specifically, the 50' setback from top of slope, drainage controls for stormwater runoff, and erosion controls. Please refer to the Geotechnical Report." The proposed impervious surface area within the buffer is 926 square feet, offset by a total revegetation area within the buffer of 964 square feet. There should be no net loss of critical area functions and values if the proposed revegetation and stormwater plans are implemented, and the guidelines and recommendations are followed per the geotechnical report (Attachments e, and f).

7. The reasonable use shall not result in the unmitigated adverse impacts to species of concern.

**Staff comments:** The proposal shall mitigate for any impacts to listed species of concern (Mazama pocket gopher) via the HCP application process.

8. The location and scale of existing development on surrounding properties shall not be the sole basis for granting or determining a reasonable use exception.

**Staff comments:** The location and scale of development on surrounding properties was not the sole basis for determining approval of the RUE. Per the applicant, “While the existing house and existing properties nearby are all within the Nisqually Hillside Overlay District and some have existed there for over 55 years, the primary focus of evaluating whether the proposed addition is reasonable was through an investigation by a Geotechnical Engineer to determine the underlying stability of the property and the impact an addition would have in the proposed location.”

**D. Review Agency Comments:**

The Public Health and Social Services Department recommends approval of the application (Attachment l).

Staff from the Public Works Department closed their review with no comments.

Thurston County Engineering Geologist, Mark Biever, reviewed and accepted the submitted Geologic Report and memo from Quality Geo NW (Attachment i).

The Department of Ecology requested soil sampling for the Tacoma Smelter Plume (Attachment j). The applicant provided soil testing results (Attachment k), which were routed to Ecology for review. Ecology reviewed and accepted the soil results, with no further review required (Attachment j).

The Nisqually Indian Tribe submitted a comment letter stating no concern with the project (Attachment m).

The Squaxin Island Tribe submitted a comment email stating no concern with the project (Attachment n).

**E. Thurston County Comprehensive Land Use Plan:**

The Thurston County Comprehensive Plan designation for the subject property is Rural Residential and Resource, and the zoning is RR 1/5. This designation was created to maintain the rural character of the county; to buffer environmentally sensitive areas and resource management areas from incompatible activities; and to maintain a balance between human uses and the natural environment. As proposed and conditioned, the application for an ADU addition, and associated mitigation, is consistent with the Thurston County Comprehensive Plan.

**F. Public Comments:**

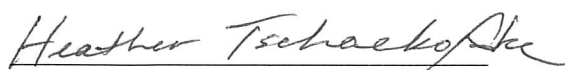
One public comments was submitted in response to the application and noticing, objecting to the proposal (Attachment o). The applicant submitted a public comment response providing project history and details (Attachment p).



**DEPARTMENT RECOMMENDATION**

If the Hearing Examiner grants **approval** of the Reasonable Use Exception Permit, then based on the above analysis, the Community Planning and Economic Development Department recommends the following conditions:

1. Prior to or in conjunction with the issuance of any building or construction permits, all applicable regulations and requirements of the Thurston County Public Health and Social Services department, Public Works Department, Fire Marshall, and Thurston County Community Planning and Economic Development Department shall be met.
2. Applicant is responsible for compliance with other jurisdictional permitting requirements.
3. All conditions of the building site application under project 2023101581 must be met prior to issuance of the building permit.
4. The project shall be in compliance with the recommendations contained in the project Geotechnical Report dated September 8, 2023, prepared by Quality Geo NW (Attachment f).
5. Either proposed mitigation plantings will be installed prior to final occupancy approval on future residential building permits or a bond or irrevocable assignment of savings in the amount of 125% of the cost of mitigation plantings shall be submitted and shall be retained by Thurston County until the plantings are installed (Attachment e).
6. All development shall be in substantial compliance with drawings and site plan submitted and made part of this staff report. Any expansion or alteration of this use will require approval of a new or amended approval. The Development Services Department will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.
7. HCP application and approval for impacts to Mazama pocket gopher is required prior to building permit issuance.
8. A critical area affidavit shall be signed and recorded with the Thurston County Auditor's office, prior to building permit issuance for the proposed addition.
9. Construction fencing and erosion control shall be placed outside the top of slope alongside proposed development areas. This fencing and erosion control shall be inspected prior to building permit issuance.
10. Best management practices (BMPs) such as completing work during the dry season and maintaining proper working order of equipment, as well as temporary erosion and sediment control (TESC) methods including silt fencing and/or coir logs shall be implemented. All disturbed areas will be promptly backfilled and reseeded following installation, and TESC measures will remain in place until site conditions are restored.
11. The Applicant must comply with all requirements of state and/or federal law to avoid disturbance and alteration of artifacts, remains, or other cultural resources on site during development. In the event of inadvertent disturbance or alteration, the Applicant must immediately stop work and contact the Tribe and the State Department of Archaeology and Historic Preservation.
12. A Construction Stormwater Permit from the Washington State Department of Ecology may be required. Information about the permit and the application can be found at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/permit.html>. It is the applicant's responsibility to obtain this permit if required.



Heather Tschaekofske, MES  
Associate Planner/Biologist

**LIST OF EXHIBITS**

EXHIBIT 1	Community Planning and Economic Development Report including the following attachments
Attachment a	Notice of Public Hearing, dated March 29, 2024
Attachment b	Zoning Vicinity Map
Attachment c	Master Application, submitted October 3, 2023
Attachment d	Reasonable Use Exception Application, submitted October 3, 2023
Attachment e	Site plan, revised and submitted February 13, 2024 (includes revegetation plan)
Attachment f	Geotechnical report, dated September 8, 2023
Attachment g	RUE Narrative, submitted October 3, 2023
Attachment h	Notice of Applications, dated October 18, 2023
Attachment i	Comment memorandum from Mark Biever, Thurston County Engineering Geologist, dated November 22, 2023
Attachment j	Comment memorandum from Department of Ecology requesting soil sampling, dated November 1, 2023, and concurrence letter dated March 18, 2024
Attachment k	Soil sampling report, dated February 2, 2024
Attachment l	Comment memorandum from Lisa Christensen, Thurston County Public Health & Social Services Department, dated November 28, 2023
Attachment m	Comment letter from Brad Beach of the Nisqually Indian Tribe, dated October 26, 2023
Attachment n	Comment email from Shaun Dinubilo of the Squaxin Island Tribe, dated October 30, 2023
Attachment o	Public comment dated October 31, 2023
Attachment p	Applicant public comment, responding to public comment, dated November 7, 2023