

BEFORE THE THURSTON COUNTY HEARING EXAMINER

In the Matter of the Britcher Reasonable
Use Exception

Number 2023104664

TESTIMONY by the McAllister Creek Homeowner's Association**I. INTRODUCTION**

This testimony sets forth the concerns of the McAllister Creek Homeowner's Association (MCHA), whose member homes are immediately below the Britcher property, on Salmon and Sockeye Lanes. It details the factual basis for those concerns and references the geotechnical expert opinion upon which those concerns are based. It concludes with proposed remedies.

II STATEMENT OF FACT

The Britcher proposal seeks to add a one-story 706 square foot ADU (one bedroom and bath) with associated paved driveway and sidewalks to a 1.08 acre property containing one single family home with two bedrooms and baths. The ADU would add 976 square feet of impervious surface to the lot.

According to the Thurston County Assessor's records, the existing home is 1,788 square feet of living space, with an attached 644 square foot garage and an attached 276 square foot covered porch – totaling 2708 square feet of impervious roof surface. The current proposal before the Hearing Examiner says the existing residence comprises 3230 square feet, with a total impervious surface – including residence, garage, porch, sheds, driveway and sidewalks – of 5512 square feet.

The entire property lies within the Nisqually Hillside Overlay District. Nisqually Bluff is a critical area under the Thurston County Critical Area Ordinance, due to its susceptibility to landslides. The Nisqually Subarea Plan of 1992, at page 41, characterizes the bluff as a “landslide slope” and states that “the risk of slope failure is real and magnified by the presence of McAllister Creek at or near the toe.”

After 1996, the MCHA put together a document that shows that the risk of these sorts of slope failures is far from abstract. These “shallow” surface debris flow landslides are sudden and very dangerous. The document is a map and photographs detailing the landslides experienced by the McAllister Creek homeowners in February of 1996.

There were five separate landslides off the bluff face. One of those slides went through part of what is now the Kohlenberg home. That slide forced its way through the house and out into the adjacent pond and through it to McAllister Creek. It knocked over the gas meter on its way, filling the house with natural gas. The owners were removed from their house, dazed and disoriented, by the gas company repairman.

In another slide that occurred that night, approximately 90 tons of mud stopped two feet from the bedroom window of a residence, and completely blocked the access road to the house. Another devastated a hillside to the point that one residence had to be vacated, and completely destroyed the garage and shed of another homeowner below.

Slides of this kind – shallow, sudden, debris flow landslides -- did not end in 1996. A year after the Nisqually Bend property was logged, there was a slide below that property onto McAllister Creek near the fish hatchery. That slide partially blocked the creek and covered over the salmon spawning grounds and was reported to DNR by Fisheries.

The MCHA asked Mud Bay Geotechnical Services to evaluate the possible effect of the new ADU as proposed on the stability of the slope. Their report concludes:

*“Due to the geology at the site and the potential for perched groundwater, landslides similar to the 1996 slides could occur during a winter with heavy rain or a rain on top of snow event. **Any excess water from additional impervious surfaces resulting from new development at the top of the slope would increase the potential for landslides to occur.**” (emphasis mine).*

III DISCUSSION OF SPECIFIC ISSUES

Given the facts and expert opinion cited above, the McAllister Creek Homeowner Association concerns about this proposal center around two issues – the way stormwater coming from the added impervious surfaces is handled, and the added septic. Both these aspects of the ADU as presently proposed involve increasing or intensifying the water entering the ground water at the top of the slope.

As presently proposed, the stormwater from the impervious surfaces is infiltrated into the ground. And the added water use from the new bedroom and bath is added to the existing septic system.

Both these processes are adding (in the case of the septic) or intensifying (in the case of the stormwater) water at the top of an already saturated and unstable slope – thereby making a slide in rainy conditions more likely.

After the 1996 slides, Thurston County and the two communities involved – the Nisqually Heights Homeowners on Sandra Lee, and the McAllister Creek Homeowners Association on Salmon and Sockeye Lanes – worked together to find a way to capture stormwater from the roads, roofs and driveways of Sandra Lee Court residents, pipe that water down along

Steilacoom Road, and clean it of pollutants in a wet pond on the valley floor, before releasing it into McAllister Creek. That system was called the Sandra Lee Storm Drain Project.

The Britchers could add the stormwater from their new ADU and its associated driveways and sidewalks into the Sandra Lee Storm Drain system, rather than infiltrating it into the ground as currently proposed. If they do that, they are removing the added risk from water at the top of the slope -- and moving it safely down to the Valley floor, to treat it below.

The added septic -- one bedroom and bath -- adds more water to the ground. If the new ADU were served by City of Lacey sewage -- which has pipes running down Steilacoom Road --m that added water would not enter the bluff at all.

IV. CONCLUSION

Mud Bay Geotechnical Services recommended *"At a minimum, we recommend that further investigation and geotechnical design be conducted to determine the effects of the development on nearby and on-slope stability prior to approval of the development."* That study would indeed be needed if the project design goes forward unchanged.

But to the McAllister Creek Homeowner's Association, it seemed practical to also recommend to the Britcher family and to the Hearing Examiner two fairly simple changes in the project design that would make such further study unnecessary, by removing added and intensified water and sewage from the top of the slope, carrying it in pipes downstream, and treating it elsewhere. If there is no added water or sewage entering the ground at the top of the slope, there is no additional landslide risk.



Liz Kohlenberg, Chair, McAllister Creek Homeowner's Association