



COUNTY COMMISSIONERS

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District One

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Tye Mesner

District Three

**HEARING EXAMINER**

*Creating Solutions for Our Future*

**BEFORE THE HEARING EXAMINER  
FOR THURSTON COUNTY**

In the Matter of the Application of	)	NO. 2018101027 - Marvin Estates
	)	
<b>Phyllis &amp; Paul DeTray Family Trust</b>	)	
	)	FINDINGS, CONCLUSIONS,
For a Special Use Permit	)	AND DECISION
	)	

**SUMMARY OF DECISION**

The request for a special use permit to develop an age-restricted 108-site manufactured home park is **GRANTED** subject to conditions.

**SUMMARY OF RECORD**

**Request:**

The Phyllis & Paul DeTray Family Trust (Applicant) requested a special use permit (SUP) to develop an age-restricted 108-site manufactured home park at 825 SE Marvin Road SE.

**Hearing Date:**

The Thurston County Hearing Examiner conducted an open record public hearing on the request on March 12, 2019.

**Testimony:**

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

Tony Kantas, Senior Planner, Thurston County  
Dawn Peebles, Thurston County Environmental Health Division  
Arthur Saint, Thurston County Public Works Department  
Frank Kirkbride, representing the Applicant

**Exhibits:**

At the open record public hearing, the following exhibits were admitted into the record:

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

- A. Notice of public hearing
- B. Thurston County master application, submitted on March 5, 2018
- C. Thurston County special use permit application, submitted on March 5, 2018
- D. Thurston County forestland conversion application, submitted on March 6, 2018
- E. Notice of application (three pages), mailed on July 19, 2018
- F. 2018 aerial photograph
- G. Zoning map
- H. Revised site plan, submitted on June 28, 2018
- I. Landscape plan
- J. Mitigated Determination of Non-Significance (MDNS), issued December 6, 2018
- K. Memo from Thurston County Health Department, dated November 19, 2018
- L. Memo from Arthur Saint, Thurston County Public Works Department, regarding special use permit recommendation, dated December 12, 2018
- M. Memo from Arthur Saint, Thurston County Public Works Department, regarding SEPA recommendation, dated October 12, 2018
- N. Prairie/Mazama pocket gopher determination, dated October 23, 2017
- O. Comment letter from Nisqually Indian Tribe, dated March 29, 2018
- P. Memo from Perkins Coie LLP, regarding school impacts, dated July 27, 2018
- Q. Memo from Perkins Coie LLP, regarding school impacts, dated April 3, 2018
- R. Comment letter from Washington State Department of Ecology, dated December 19, 2018
- S. Letter from Washington State Department Ecology, regarding “No Further Action” required regarding Tacoma Smelter Plume, dated October 8, 2018
- T. Letter from the State of Washington Department of Archaeology & Historic Preservation, dated October 11, 2018
- U. Cultural resources report
- V. Special use permit narrative, including the following documents and reports:
  - 1. Vicinity map
  - 2. Site map
  - 3. Topographic/tree map

4. Site grading map
5. Traffic volumes
6. Preliminary drainage report
7. Preliminary stormwater infiltration feasibility assessment report

Exhibit 2 Site photos

Exhibit 3 Emails from Dean Martinolich, North Thurston Public Schools, dated February 8, 2019

Exhibit 4 Revised notice of public hearing

Based upon the record developed at the open record hearing, the Hearing Examiner enters the following Findings and Conclusions:

### **FINDINGS**

1. The Applicant requested an SUP to develop an age-restricted 108-site manufactured home park at 825 SE Marvin Road SE.<sup>1</sup> *Exhibits 1, 1.B, 1.C, and 1.D.*
2. The subject property consists of two tax parcels totaling 21.87 acres in area. The proposed manufactured home park would be contained within the northernmost of the two parcels (No. 11814430300), which is 17.25 acres in area. The southern parcel, which has frontage on both Marvin Road SE and Pacific Avenue SE, would provide secondary access for the manufactured home park to Pacific Avenue SE and stormwater management within previously developed stormwater facilities. Otherwise, the southern parcel would be reserved for future development. Between the two parcels along the Marvin Road SE frontage is intervening land that is not part of the proposed development. However, the two subject parcels connect to the west of this land. *Exhibits 1, 1.F, 1.H, and 1.V.*
3. The subject property and adjacent properties are within the Lacey Urban Growth Area. The subject property contains two zoning designations, with the western portion zoned Moderate Density Residential (MD 6-12) and the eastern portion along Marvin Road SE zoned High Density Residential (HD 6-20). Surrounding properties are zoned as follows: MD 6-12 to the north, south, and west; HD 6-20 for the land between the subject parcels along Marvin Road and along the Marvin Road corridor to the north of the subject property; Low Density Residential (LD 0-4) on the east side of Marvin Road SE and the south side of Pacific Avenue SE; and Open Space Institutional to the northeast. *Exhibits 1 and 1.G.*

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<sup>1</sup> The legal description of the subject property is a portion of Section 14, Township 18 North, Range 1 West, W.M.; also known as Tax Parcel Numbers 11814430300 and 11814430200. *Exhibit 1.*

4. The intent statements for the MD 6-12 and HD 6-20 zones are similar and include permitting moderate/high density development along arterials as a means of achieving more opportunity for mass transit, guiding development to areas where sewers are in place or can be extended with minimal cost, planning for public facilities, and preserving open spaces within development. *Thurston County Code (TCC) 21.15.010; TCC 21.18.010.*
5. Manufactured home parks of between three and twenty acres are allowed in both the MD 6-12 and HD 6-20 zones with approval of an SUP, subject to the standards of TCC Chapter 21.63. *TCC 21.63.030.*
6. As required by TCC 21.63.110, the density of the manufactured home park would be within the maximum allowed in the MD 6-12 and HD 6-20 zoning designations (12 and 20 dwelling units per acre, respectively). The portion of the 17.25-acre development site within the MD 6-12 zone is 10.34 acres and would contain 64 dwelling units, for a density of 6.19 dwelling units per acre. The portion of the development site within the HD 6-20 zone is 6.91 acres and would contain 44 units, for a density of 6.37 dwelling units per acre. *Exhibits 1 and 1.H; Frank Kirkbride Testimony.*
7. As required by TCC 21.63.120, each manufactured home site would exceed 4,000 square feet in area, 40 feet in width, and 80 feet in depth. The sites would range from 57.5 to 62 feet wide and from 83 to 130 feet deep. *Exhibit 1.H.* Although the proposal creates 108 home sites, these sites are not lots that are saleable; the underlying property would continue to be owned by the Applicant. *Frank Kirkbride Testimony.*
8. The Applicant proposes to provide 1.80 acres of common open space, which exceeds the minimum 10% of gross site area required by TCC 21.63.140, calculated based on the 17.25-acre development site. As allowed by TCC 21.63.150, the Applicant proposes an accessory building (clubhouse) within the open space that would be available to the residents. The common open space would be landscaped. *Exhibits 1.H and 1.I; Frank Kirkbride Testimony.*
9. Consistent with the requirements of TCC 21.63.160, the Applicant proposes 8.32 acres of landscaping within the development, including within yards, along the Marvin Road SE frontage, and between the development site and the adjacent parcel to the south along Marvin Road SE. Compliance with the “visual interruption” between units landscaping requirement would be determined on a site-by-site basis at the time of permit approval. The County interprets this requirement as landscaping that softens the appearance of the unit but does not necessarily screen the unit; shrubs and grass would be acceptable. As requested by the County, the Applicant agrees to fence the perimeter of the manufactured home park but requested flexibility with respect to the timing of fence installation. While the Applicant proposes to fence the Marvin Road frontage right away, it wishes to delay fencing certain portions of the perimeter to allow for coordination with adjacent pending development. The County submitted that phasing of the fence requirement would be permissible with a bond. *Testimony of Tony Kantas and Frank Kirkbride.*

10. The parking standard applicable to manufactured home parks is 1.5 parking spaces per home site per Table 21T-13 of the Thurston County Code. The Applicant proposes adequate parking to comply with this requirement. In addition to the parking on individual sites, the Applicant would provide 12 common parking stalls in front of the clubhouse. *Exhibits I and I.H.*
11. As required by TCC 21.63.170, each manufactured home site would take access from an internal roadway. The internal road network would have one connection to Marvin Road SE and one to Pacific Avenue SE. All roads and driveways would be paved. *Exhibits I.H and I.V.*
12. The proposed manufactured home park is expected to generate 539 average weekday vehicle trips, including 64 PM peak hour trips. Approximately 80% of the PM peak hour traffic is expected to travel to or from destinations to the north via Marvin Road SE. *Exhibit I.V.* Because four intersections along the Marvin Road corridor are projected to be over capacity even prior to the traffic generated by the proposed development, the County required through the SEPA environmental review process (see Finding 22) that the Applicant construct intersection improvements or purchase reserve capacity for the trips, representing a pro rata share of the cost of the improvements. *Exhibits I.J and I.M; Arthur Saint Testimony.*
13. The Applicant proposes to infiltrate stormwater runoff on-site, with overflow from proposed bioretention cells directed to the existing stormwater basin on the southern parcel. The stormwater basin was developed by the Washington State Department of Transportation to manage runoff from Marvin Road and the Marvin Road/Pacific Avenue Roundabout and was sized to also manage runoff from the proposed development site. *Exhibit I.V.*
14. The proposed manufactured home park would be served by the City of Lacey water and sewer systems, both of which have capacity to serve the development. *Exhibit I.K.*
15. The subject property is located within a Category 1 Aquifer Recharge Area, as defined by the Thurston County critical areas ordinance, and within a City of Lacey Group A public water system wellhead protection area. The Applicant prepared an integrated pest management plan (IPMP) to address potential sources of contamination to surface and groundwater. The County Environmental Health Division has reviewed and approved the IPMP. *Exhibit I.K; Dawn Peebles Testimony.*
16. Per comments submitted by the Washington Department of Ecology (DOE), the subject property is in an area potentially contaminated by heavy metals due to air emissions from the old Asarco smelter in north Tacoma. Based on analysis of soil samples taken from the site following DOE's comments, the average concentrations of arsenic and lead are well below Model Toxic Control Act cleanup levels. The DOE concluded that no soil remediation is required for the proposed development. *Exhibits I.R and I.S.*

17. A cultural resource assessment was conducted for the site by a professional archaeologist. The conclusion was that while the subject property is an area with moderate probability for encountering archaeological resources, none were identified in the project area. The Washington Department of Archaeology and Historic Preservation (DAHP) concurred with the conclusions of the report. *Exhibits 1.T and 1.U.*
18. The Nisqually Indian Tribe commented that it has no concerns about the development but requested that it be informed if there are inadvertent discoveries of archaeological resources or human burials. *Exhibit 1.O.*
19. The Thurston County Public Works Department reviewed the project for compliance with Thurston County Road Standards, City of Lacey Development Guidelines, and the Drainage Design & Erosion Control Manual, and determined that the preliminary requirements have been satisfied. The Public Works Department recommended approval of the project, subject to conditions. *Exhibit 1.L; Arthur Saint Testimony.*
20. The subject property is located within the North Thurston Public Schools district. The School District submitted detailed comments regarding the potential impact of 108 new dwelling units on District schools and the cost to mitigate the impact. The District requested mitigation in the amount of \$4,211.00 per dwelling unit, unless the Applicant records an age restriction covenant consistent with Fair Housing Act requirements to ensure that school age children do not reside on-site. *Exhibits 1.Q and 3.*
21. The subject property was evaluated for the presence of Mazama pocket gophers, which is a federally listed species pursuant to the Endangered Species Act. The County determined that, based on the physical, environmental, and biological conditions on and near the project site, the proposal is unlikely to result in a take of the species.<sup>2</sup> *Exhibit 1.N.*
22. Assuming the role of Lead Agency, Thurston County evaluated the project under the State Environmental Policy Act (SEPA) and issued a mitigated determination of non-significance (MDNS) on December 6, 2018. The MDNS requires the Applicant: to record an age restriction covenant subject to approval by the North Thurston School District prior to building permit issuance; to construct improvements at the intersections of Mullen Road SE/Marvin Road SE, Union Mills Road SE/Marvin Road SE, 19th Avenue SE/Marvin Road SE, and 25th Avenue SE/Marvin Road SE, or purchase reserve capacity at those intersections; to notify the Washington State Historic Preservation Officer if archaeological deposits or burials are encountered during construction; to limit construction hours to 7:00 am to 7:00 pm; and to minimize/remove sediment tracked by

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<sup>2</sup> In addressing the fact that the County's Mazama pocket gopher determination letter states an expiration date of March 9, 2018 on its face, Planning Staff submitted the position that the subject applications were received by the County prior to March 9, 2018 during the period of active County approval, and the Community Planning and Economic Development Department views the proposal as vested. Since the time Exhibit 1.N was issued, the Department's policy for vesting of gopher reviews has changed to three years rather the one year previously granted. *Tony Kantas Testimony.*

construction vehicles. The MDNS was not appealed and became final on December 27, 2018. *Exhibits 1 and 1.J; Tony Kantas Testimony.*

23. Notice of the open record hearing as originally scheduled for February 12, 2019 was mailed to owners of property within 300 feet of the site on January 24, 2019, published in *The Olympian* on February 1, 2019, and posted on-site on February 1, 2019. Following snow closure of the County Courthouse on that advertised hearing date, notice of the revised hearing date was mailed to property owners within 300 feet of the site on February 25, 2019 and published in *The Olympian* on March 1, 2019. There was no public comment on the application. *Exhibits 1, 1.A, and 4; Tony Kantas Testimony.*

## CONCLUSIONS

### **Jurisdiction:**

The Hearing Examiner has jurisdiction to decide this special use permit application under Sections 2.06.010 and 23.48.020 of the Thurston County Code.

### **Criteria for Review:**

The Hearing Examiner may approve an application for a special use permit only if the following general standards set forth in TCC 23.48.030 are satisfied:

- A. Plans, Regulations, Laws. The proposed use at the specified location shall comply with the Lacey Joint Plan, and all applicable federal, state, regional, and Thurston County laws or plans.
- B. Underlying Zoning District. The proposed use shall comply with the general purposes and intent of the applicable zoning district regulations and subarea plans. Open space, lot, setback, and bulk requirements shall be no less than that specified for the zoning district in which the proposed use is located unless specifically provided otherwise in this chapter.
- C. Location. No application for a special use shall be approved unless a specific finding is made that the proposed special use is appropriate in the location for which it is proposed. This finding shall be based on the following criteria:
  - 1. Impact. The proposed use shall not result in substantial or undue adverse effects on adjacent property, neighborhood character, natural environment, traffic conditions, parking, public property or facilities, or other matters affecting the public health, safety, and welfare. However, if the proposed use is a public facility or utility deemed to be of overriding public benefit, and if measures are taken and conditions imposed to mitigate adverse effects to the extent reasonably possible, the permit may be granted even though said adverse effects may occur.
  - 2. Services. The use will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, or services existing or planned to serve the area.

## **Manufactured Home Park Development Standards**

### 21.63.110 - Mobile/manufactured home park design standards - Area and density.

The minimum site for a mobile/manufactured home park shall be three acres. The maximum site for a mobile/ manufactured home park shall be twenty acres. The maximum number of mobile or manufactured homes per acre shall be consistent with the underlying density or the zone in which it is located.

### 21.63.120 - Mobile/manufactured home park design standards - Site requirements.

The size and shape of individual mobile home sites shall be in accordance with the following:

- A. Minimum space area, four thousand square feet;
- B. Minimum width, forty feet;
- C. Minimum depth, eighty feet;
- D. Minimum setback from street or access road, ten feet with a ten foot planter and rear load access; fifteen feet with standard planter and no alleys;
- E. Maximum development coverage of space, fifty percent;
- F. Side yard setback, five feet;
- G. Rear yard setback, fifteen feet.

### 21.63.130 - Mobile/manufactured home park design standards - Off-street parking.

Off-street parking shall be provided in accordance with Chapter 21.72 of this title.

### 21.63.140 - Mobile/manufactured home park design standards - Open space.

Ten percent of the gross site area shall be set aside for usable open space.

### 21.63.150 - Mobile/manufactured home park design standards - Accessory buildings and structures.

- A. Buildings or structures accessory to individual mobile/manufactured homes are permitted, including enclosed carports, provided that the total development coverage of the space shall not exceed the development coverage permitted in Section 21.63.120.
- B. Buildings or structures accessory to the mobile/manufactured home park as a whole, and intended for the use of all mobile/manufactured home occupants are permitted, provided the building area not exceed one-fourth of the common open space area.



21.63.160 - Mobile/manufactured home park design standards - Landscaping and screening.

- A. Visual screening and/or landscaping may be required in those developments where such screening is deemed necessary and reasonable by the department and/or the hearing examiner.
- B. When required, such screening may consist of densely planted vegetation not less than four feet in height at the time of planting, or a solid fence, six feet in height, or a combination of fencing and vegetation which achieves the same screening effect.
- C. Landscaping is also required in all setback areas and open space. For applicable landscaping requirements, see Chapter 21.80.
- D. Visual interruption with appropriate vegetation between mobile/manufactured home units may also be required to relieve visual monotony.
- E. The perimeters of common parking areas shall be landscaped in such a way as to create a diversion between streets and parking areas, at the same time not obstructing the view of any walkways, driveways, or streets around entrances or exits to the mobile home park.
- F. All trees, flowers, lawns, and other landscaping features shall be maintained in a healthy growing condition at all times.

21.63.170 - Mobile/manufactured home park design standards - Ingress and egress.

- A. Each mobile/manufactured home site shall have access from an interior drive or roadway only.
- B. Access to the mobile home park shall be limited to not more than one driveway from a public street or road for each two hundred feet of frontage.

21.63.190 - Mobile/manufactured home park design standards - Surfacing requirements.

All streets, roads and driveways shall be hard-surfaced, including permeable paving surfaces in conformance with the Thurston County Drainage Design & Erosion Control Manual, to a standard of construction acceptable to the county engineer. Interior pedestrian walkways, carports, and parking areas shall also be paved.

21.63.200 - Mobile or manufactured home park design standards - Stormwater runoff.

Stormwater management is required and shall comply with the Thurston County Drainage Design & Erosion Control Manual and shall be subject to the county's review and approval, and shall, moreover, comply with Chapter 15.05 of the Thurston County Code. Stormwater generated on site shall not cause pollution to any surface or groundwaters, or violate local, state, or federal standards governing the quality of such waters.

**Conclusions Based on Findings:**

1. With conditions of approval, the proposed use at the proposed location would comply with applicable laws and plans, including the special use standards for manufactured home parks, the Drainage Design & Erosion Control Manual, the Thurston County

Sanitary Code, the Thurston County Road Standards, the State Environmental Policy Act, the Model Toxic Control Act, and the Endangered Species Act. *Findings 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, and 22.*

2. The use would comply with the general purposes and intents of the MD 6-12 and HD 6-20 zones and with the manufactured home park development standards. The number of manufactured homes would not exceed the maximum allowed by the applicable density standards. Adequate common open space would be provided, and individual home sites would be landscaped. Public utilities would be extended to the site. *Findings 3, 4, 5, 6, 7, 8, 9, and 14.*
3. With conditions, the proposed use is appropriate in the location for which it is proposed.
  - a. With conditions, the use would not result in substantial or undue adverse effects on adjacent property, neighborhood character, natural environment, traffic conditions, parking, public property or facilities, or other matters affecting the public health, safety, and welfare. The site perimeter would be fenced. Adequate parking would be provided. Traffic impacts would be mitigated through financial contribution towards Marvin Road intersection improvements. An integrated pest management plan (IPMP) has been approved for the project. To ensure approval results in no unmitigated adverse effects to North Thurston Public Schools, a condition of approval would require the Applicant to record an age restriction covenant as requested by the School District. *Findings 9, 12, 15, 16, 17, 18, 20, 21, and 22.*
  - b. With the conditions identified by the Public Works and Public Health Departments, and with the recording of an age restriction covenant to prevent unmitigated impacts to schools, the use would be adequately served by and would not impose an undue burden on any of the improvements, facilities, utilities, or services existing or planned to serve the area. *Findings 13, 14, 19, 20, and 22.*

### **DECISION**

Based on the preceding findings and conclusions, the request for a special use permit to develop an age-restricted 108-site manufactured home park at 825 SE Marvin Road SE is **GRANTED** subject to the following conditions:

#### Public Works Conditions:

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.
3. All access points with sight distance issues or abutting arterial or collector roadways shall be installed prior to final approval.

4. All traffic control devices shall be designed, located, manufactured, and installed in accordance with the Road Standards, Manual of Uniform Traffic Control Devices, and applicable WSDOT Standards and Specifications. A sign and striping plan shall be incorporated into the construction drawings for the project. Contact Thurston County Public Works - Development Review Section staff to obtain the most current Thurston County guidelines.
5. County forces may remove any traffic control device constructed within the County right-of-way not approved by Public Works, and any liability incurred by the County due to nonconformance by the Applicant shall be transferred to the Applicant.
6. The stormwater management system shall conform to the Drainage Design & Erosion Control Manual.
7. All drainage facilities outside of the County right-of-way shall remain private and be maintained by the developer, owner, and/or the property owners association.
8. 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.
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 of the Thurston County Code. These standards do not address specific City design requirements, but rather only items such as restoration of the County right-of-way and traffic control.
  - a. Placement of utilities within the County right-of-way will require a Franchise Agreement with Thurston County pursuant to Title 13.56 TCC. This agreement shall be executed with Thurston County prior to final approval.
  - b. All utilities placed parallel to and within the pavement structure are required to rebuild a minimum of half the road, to include grinding and replacement of a minimum of 0.20' of asphalt concrete pavement.
11. Permanent survey control monuments must be placed to establish all public street centerlines, intersections, angle points, curves, subdivision boundaries, and other points of control.
12. 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 360-754-4580.

13. Payment of the off-site traffic mitigation required in the MDNS dated December 6, 2018 is required prior to final approval in accordance with Section 2.13 of the Thurston County Road Standards. Timing of such payments to the other jurisdictions may be altered upon agreement with the respective jurisdiction and Thurston County.
14. Per Thurston County Resolution 14820, traffic impact fees shall be paid prior to issuing any building permits associated with this project.
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 the Drainage Design & Erosion Control Manual.
18. When all construction/improvements have been completed, the Applicant shall contact the Thurston County Public Works - Development Review Section at 360-867-2051 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.
20. Once the Planning Department has issued the official approval, the Applicant shall submit a complete set of construction drawings and the final drainage and erosion control report to the 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 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 <http://www.co.thurston.wa.us/permitting/fees/fees-home.html> or by contacting Ruthie Padilla with the Thurston County Public Works - Development Review Section at 360-867-2050 or [ruthie.moyer@co.thurston.wa.us](mailto:ruthie.moyer@co.thurston.wa.us).

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 & Erosion Control Manual).
  - e. Receive and accept maintenance agreement form (Appendix I-E, Volume I of the Drainage Design & 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. Completion of required signing and striping.
  - i. Payment of any required permitting fees.
  - j. Payment of any required mitigation fees.

Planning Conditions:

23. The Applicant shall comply with all conditions of the Mitigated Determination of Non-Significance issued on December 6, 2018 (see Exhibit 1.J).
24. Prior to building permit issuance, the Applicant shall record an age restriction covenant conforming to the requirements of the Fair Housing Act (42 USC Sec. 3601 et seq., see Exhibit 1.P) with the Thurston County Auditor, and provide a copy of the recorded covenant and documentation of North Thurston School District acceptance of the covenant to the Thurston County Community Planning and Economic Development Department.
25. The final design of this Manufactured Home Park and future development within the park shall conform with all minimum standards of the Zoning Ordinance (i.e. space size, space dimension, setbacks, landscaping, open space, etc.).
26. Prior to final construction approval, the Applicant shall submit a revised landscape plan for administrative review and approval that includes a six to eight foot high solid sight obscuring fence along the perimeter of the manufactured home park. Phasing of fencing installation may be accomplished with appropriate bonding.

27. Each individual manufactured home permit application must include a landscape plan for administrative review that demonstrates visual interruption between manufactured homes within the park. Shrubs and grass satisfy the visual interruption requirement.
28. The property shall not be logged until all engineering and construction drawings have been issued by Thurston County Public Works.
29. All development on the site shall be in substantial compliance with the approved site plan. Any alteration of this site plan will require approval of a new or amended application. The Thurston County Community Planning and Economic Development Department will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.

**DECIDED** March 26, 2019.



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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 **\$750.00** for a Request for Reconsideration or **\$1,020.00** an Appeal. Any Request for Reconsideration or Appeal must be **received** in the Building Development Center on the second floor of Building #1 in the Thurston County Courthouse complex 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 ☐ \$750.00 for Reconsideration or \$1,020.00 for Appeal. Received (check box): Initial \_\_\_\_\_ Receipt No. \_\_\_\_\_  
Filed with the Community Planning & Economic Development Department this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.