

OFFICE OF THE HEARING EXAMINER

THURSTON COUNTY

REPORT AND DECISION

PROJECT NO.: 2020104487
PUGET PLACE PRELIMINARY PLAT

TAX PARCEL NO.: 59450000300

LOCATION ADDRESS: 2313 South Bay Road NE, Olympia, WA 98506

OWNERS/APPLICANTS: South Bay Neighborhood, LLC
Attn: Glenn Martucci
2002½ South Bay Road N.E.
Olympia, WA 98506

REPRESENTATIVE: SCJ Alliance
Attn: Bob Connolly
8730 Tallon Lane N.E., Suite 200
Lacey, WA 98516

PLANNER: Richard Felsing, Associate Planner

SUMMARY OF REQUEST:

The proposal is for a Preliminary Plat to subdivide one 4.36-acre parcel into 11 (eleven) single-family residential lots (Atts. b, e). A five percent tree tract of 11,400 square feet would buffer the development from South Bay Road N.E. to the east, and includes a ten foot strip running the length of the subdivision's southern boundary. All lots would be accessed via the proposed extension of Jabbok Way N.E. north and then east, terminating in a cul-de-sac that includes an emergency vehicles-only access point from South Bay Road N.E. The City of Olympia would provide sanitary sewer and water services to all lots. Existing vegetation would be removed and landscape plantings installed to buffer the project. The site is located at 2313 South Bay Road N.E., Olympia.

SUMMARY OF DECISION: Approved with conditions.

DATE OF DECISION: October 7, 2021

PUBLIC HEARING:

After reviewing the Community Planning and Economic Development Department Staff Report and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing was opened on August 31, 2021, at 11:00 a.m.

Parties wishing to testify were sworn in by the Examiner.

The following exhibits were submitted and made a part of the record as follows:

EXHIBIT 1	Community Planning & Economic Development Department Staff Report
Attachment a	Notice of Public Hearing, mailed August 19, published August 20, 2021
Attachment b	Master and Division of Land Applications, Sept. 23, 2020
Attachment c	SEPA Environmental Checklist, submitted Dec. 23, 2020
Attachment d	Maps: Vicinity/Zoning/2019 Aerial
Attachment e	Revised Site Plan Set, dated August 26, 2021
Attachment f	Combined NOA/MDNS Notice of Application/Mitigated Determination of Non-Significance, issued April 21, 2021
Attachment g	Review letters, Squaxin Island Nisqually Indian Tribes, Oct. 13 and 19, 2020, respectively. Concurrence letter, Nisqually Indian Tribe, Nov. 5, 2020. MDNS response, Nisqually Indian Tribe, April 21, 2021
Attachment h	Cultural Resources Assessment, Drayton Archaeology, Nov. 5, 2020. (Available upon request)
Attachment i	Review Letters, Dawn Peebles, TC Environmental Health; Dec. 9, 2020 and August 27, 2021
Attachment j	Integrated Pest Management Plan, Dec. 9, 2020
Attachment k	State Department of Ecology Review Letter, May 5, 2021
Attachment l	Memorandum, A. Saint, Public Works; Aug. 19, 2021.
Attachment m	Mazama Pocket Gopher Survey, EnviroVector, dated Oct. 22, 2018
Attachment n	Review Letter with Conditions, City of Olympia, April 23, 2021
Attachment o	Comment letter, North Thurston School District, Oct. 15, 2020
Attachment p	City of Olympia Parks, Oct. 27, 2020; with Parks & Open Space Impacts Analysis, Oct. 22, 2020
Attachment q	Tree Protection Plan, Dec. 16, 2020
Attachment r	Demolition and ORCAA Permit
EXHIBIT 2	Applicant Response Letter Noting Objections; Bob Connolly, August 13, 2021; with follow-up emails

The Minutes of the Public Hearing set forth below are not the official record and are provided for the convenience of the parties. The official record is the recording of the hearing that can be transcribed for purposes of appeal.

RICHARD FELSING, Associate Planner, appeared and presented the County Staff Report. Initially, he submitted the August 27, 2021, letter from Dawn Peebles on behalf of the County Public Health & Services Department as a replacement of the recommended Condition 8 on page 8 of the Staff Report which was a placeholder until the County was able to review the Applicant's revised site map dated August, 2021, which will replace the previous submitted January, 2021, site map. Mr. Felsing then stated that the Applicant proposes to subdivide approximately 4.36-acres into eleven (11) single-family residential lots with a five percent tree tract that would buffer the development from South Bay Road N.E. to the east and a ten foot strip along the southern boundary. The lots would be accessed from an extension of Jabbok Way N.E. terminating in a cul-de-sac including an emergency vehicle-only access. The City of Olympia will provide sanitary sewer and water services. Existing vegetation will be removed with landscape plantings to buffer the project. The project site is located within the Olympia Urban Growth Area and carries a Medium Density Residential (R-4) zoning and land use designation which have a four dwelling unit per acre maximum density. The proposal fulfills the objectives of the development standards within the Olympia UGA. The proposal also meets the density requirements as the proposed density is 2.5 dwellings per acre which is less than the maximum of four dwellings in the Olympia-Thurston County Joint Comprehensive Plan. The property is undeveloped with one single-family home to be demolished. The topography is generally level, vegetation will be removed. No negative impacts anticipated. SEPA review resulted in a MDNS. In regard to the Applicant's proposal for sanitary sewer, the County had concerns regarding off-site wells to which the Applicant has just filed an amended site plan. (Att. e) After review of the site plan, Dawn Peebles has addressed the issues. Also, the Applicant will need to meet with the City of Olympia to address other issues.

DAWN PEEBLES, Senior Environmental Health Specialist, appeared and testified that her letter dated December 9, 2020, noted concerns regarding the off-site wells and after reviewing the August, 2021, site plan, additional conditions of approval are presented in the revised Staff Report. She requested that her August 27, 2021, letter replace the December 9, 2020, letter in Att. i and the August, 2021, site plan replace the January, 2021, site plan in Att. e. Subject to the additional conditions recommended, Environmental Health recommends approval of the proposal. The Applicants noted agreement with the revised attachments and with the additional conditions of approval.

ARTHUR SAINT, Civil Engineer, County Public Works, appeared and stated that his August 19, 2021, Memorandum that noted preliminary approval and recommended conditions was written before the revised site plan was filed, but after reviewing it, he noted the recommendations in the Memorandum did not change.

BOB CONNOLLY, Civil Engineer, SCJ Alliance, Project Manager, appeared and stated that the proposal is a straightforward plat and that he agrees with keeping the record open for the County to ensure the Staff Report and attachments were well organized and the Applicant to meet with the City of Olympia to discuss their recommended conditions, specifically, 31B, 32B and 33C regarding water, sewer and sidewalk improvements along the project's frontage on South Bay Road.

GLENN MARTUCCI, Applicant, South Bay Neighborhood, LLC, appeared and stated they were notified of the City's recommendations only when they received the Staff Report prior to the hearing so would appreciate the opportunity to meet with the City to discuss the recommended frontage improvements. He summarized that they are not in an adversarial relationship with the County and are supportive of all aspects of the recommendations and do not want to delay the project but would appreciate having time to meet with the City.

ARTHUR SAINT reappeared and had no comments regarding City recommendation for the water and sewer extensions but did note that the safety of pedestrians would be improved with sidewalk extension and street lighting.

RICHARD FELSING reappeared and was supportive of the Applicant having the opportunity to meet with the City regarding their requests.

No one spoke further in this matter and the Hearing Examiner left the record open until September 10, 2021, for the Applicant to meet with the City of Olympia and took the matter under advisement. The hearing was concluded at 12:45 p.m.

NOTE: A complete record of this hearing is available in the office of the Thurston County Resource Stewardship Department.

FINDINGS, CONCLUSIONS, AND DECISION:

FINDINGS:

1. The Hearing Examiner has admitted documentary evidence into the record, heard testimony and taken this matter under advisement.
2. The proposal is for a formal subdivision of a 4.36-acre parcel into eleven (11) single-family residential lots with a density of 2.5 dwelling units per acre in a Medium Density Residential (R-4)) zone classification located within the Olympia Urban Growth Area. (Atts. b and e). A five percent tree tract of 11,400 square feet would buffer the development from South Bay Road N.E. to the east, and includes a ten foot strip running the length of the subdivision's southern boundary. All lots would be accessed via the proposed extension of Jabbok Way N.E. north and then east, terminating in a cul-de-sac that includes an emergency vehicles-only access point from South Bay Road N.E. The subject site is located at 2313 South Bay Road

N.E., Olympia, Parcel #59450000300.

3. A SEPA Environmental Checklist was reviewed pursuant to State Environmental Policy Act requirements. (Att. c) A Combined NOA/MDNS (Notice of Application/Mitigated Determination of NonSignificance) was mailed to agencies and nearby property owners on April 21, 2021, and became final on May 12, 2021, when no appeals were submitted. (Att. f) Mitigation measures are applied to this project as conditions of approval.
4. Written notice of the public hearing was sent to all property owners within 300 feet of the site on August 12, 2021, and was published in The Olympian on August 20, 2021, at least ten (10) days prior to the hearing. (Att. a) No comments for or against the proposal were received.
5. The Applicant, South Bay Neighborhood, LLC, has a possessory interest in the property and filed the Master Application on September 23, 2020, therefore the proposal is subject to the development regulations in effect on that date. The property is rectangular in shape east to west and currently contains a single-family residence that will be demolished. (Att. r) Access will be from an extension of Jabbok Way N.E. terminating in a cul-de-sac and will include an emergency vehicle-only access. (Att. e)
6. The topography of the entire subject parcel is relatively flat having been previously used for grazing and small-scale agriculture. Trees and vegetation were inventoried by Washington Forestry Consultants and a Tree Protection Plan prepared (Att. q) Existing trees and vegetation will be removed and landscaping will be installed in the five percent tree tract on the east and south boundaries.
7. Utility services will be provided as follows: Water and sanitary sewer by the City of Olympia; Power by Puget Sound Energy; Schools by North Thurston Public Schools (NTPS); and Fire Protection by Lacey Fire District No. 3.
8. The Squaxin Island Tribe and the Nisqually Indian Tribe reviewed the master plan and documents and stated the subject area has a high potential for the location of cultural resources, recommended that a cultural resources survey and report be completed for the project and requested a copy of the survey upon completion. On receiving and reviewing the survey, the Nisqually Indian Tribe concurred with the recommendation that "the project proceed as designed without further cultural oversight but did request to be informed "if there are any Inadvertent Discoveries of Archaeological Resources/Human Burials." (Att. g) The Cultural Resources Assessment for the Puget Subdivision by Drayton Archaeology recommended that "the project be permitted to proceed without further cultural resources oversight" and the "Inadvertent Discovery" protocols be observed (Att. h)

9. The Washington State Department of Ecology (DOE) commented in a letter dated May 5, 2021, that: all grading and filling must utilize only clean fill; procedures if contaminated soils are discovered; list of construction activities that require a Construction Stormwater General Permit; and water quality (Att. k)
10. The Thurston County Public Works reviewed the project and finding the preliminary Road Standards, Drainage Design and Erosion Control were satisfied, recommended preliminary approval and submitted recommended conditions of approval. (Att. l)
11. The County Public Health and Social Services Department (PHSSD) initially had concerns regarding the project due to the proposed sanitary sewer proximity to off-site wells, the presence of an existing on-site septic system and the location of the proposal within a Category II Aquifer Recharge Area and had placed the project on hold until a subdivision map was filed showing all existing development on the property. The Applicant provided a revised site plan (Att. e) on August 26, 2021, indicating the existing sewer would be abandoned, a well on property and one off-site would be decommissioned and the wells and ground waters would be protected. The PHSSD thereafter recommended preliminary approval subject to conditions.
12. The North Thurston Public Schools requested that school mitigation fees in the amount of \$49,335.00 be applied to ensure adequate school facilities to accommodate the students generated by the proposed subdivision. (Att. o)
13. The US Fish and Wildlife Service (USFWS) certified biologist with EnviroVector conducted a Mazama Pocket Gopher (MPG) survey of the potential habitat characterized by soils preferred by the MPG and determined no mounds characteristic of the gophers nor any other indicators were identified on the subject site. (Att. m)
14. The City of Olympia will provide water, sanitary sewer and street lighting to the subdivision. In a letter dated April 23, 2021, to the County, the City stated that the design, approval, permitting and subsequent improvements installed will be in conformance with their current engineering design and development standards. The City also submitted recommended conditions of approval to be included in the preliminary plat review and approval herein. (Att. n)
15. In response to the City's recommended conditions, the Applicant submitted a letter to the County dated August 31, 2021, objecting to Conditions 31B, 32B and 33C (revised 38B, 39B, 33C) regarding the water main, sewer line and frontage road improvements as not being necessary for the subdivision. The Applicant requested the sections be removed or, in the alternative, authorizing the City to modify or eliminate them during the engineering review. (Ex. 2) During the public hearing herein, the County supported the Applicant's request to leave the record open for

five (5) days for the Applicant to meet with City personnel to discuss the recommendations.

16. After the hearing, the Applicant and the City met and agreed that the specific water, sewer and sidewalk improvements along the projects South Bay Road frontage would be “worked out” during the construction permit process. To this end, the Applicant submitted a condition of approval to be included in the Examiner’s decision on the request for preliminary plat approval. (Ex 2-September 7 email) In reviewing the requested condition, the County decided to leave the conditions as stated but noted that the County will defer to the Hearing Examiner decision. (Ex 2-September 2 email)
17. The Examiner will add the following verbiage to the preamble to the City’s recommended conditions of approval, 38-41:

The City may modify or eliminate their conditions of approval related to frontage improvements before or during engineering review of City required project permits to the extent allowed pursuant to the City’s adopted codes and standards.

18. The project parcel is located within the Olympia Urban Growth Area in a Medium Density Residential (R-4) zoning and land use designation which provide for a four-dwelling unit per acre maximum density (TCC 23.04.020; TC Comprehensive Plan, Land Use). The proposed density of 2.5 dwelling units per acre is consistent with the R-4 zoning and with the Olympia-Thurston County Joint Comprehensive Plan designation for a maximum density of four dwelling units per acre. The site is bounded to the north by single-family homes along 24th Avenue S.E., to the west along Dove Lane N.E., and to the south along 20th Avenue S.E., all generally a half-acre or smaller in size.
19. As proposed, the subdivision design appears to meet development standards in the Olympia Urban Growth Area (OLYUGA). The project proposes 20-foot front setbacks, 25-foot rear setbacks, and five foot side setbacks in accordance with Thurston County Code within the OLYUGA. Proposed lot sizes are substantially larger than the 2,000 square feet minimum lot size under R-4 zoning (TCC 23.04.080, Table 4.04). The project’s smallest lot width at 59-feet meets the 50-foot minimum lot width in the R-4 zoning district.
20. Pursuant to RCW 58.17.110(2) entitled “Approval or disapproval of subdivision and dedication-Factors to be considered-Conditions for approval-Finding-Release from damages,” the following findings are required in order to approve a preliminary plat:

- (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds 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
 - (b) The public use and interest will be served by the platting of such subdivision and dedication.
- 21. On review of the proposed subdivision, the Examiner finds that the requirements of RCW 58.17.110(2)(a) and (b) are fulfilled by the features of the project discussed above.
 - a. The Puget Place subdivision, together with standard and special conditions of approval, provide appropriate measures that protect and safeguard the public health, safety and general welfare. County Public Works requirements will ensure that proposed streets are built to standard, and that stormwater facilities will protect against flooding events and facilitate infiltration to groundwater. The City of Olympia sanitary sewer and water services will connect to the proposed lots, ensuring safe drinking water and protecting groundwater quality. The plat must comply with the Health Code. The Jabbok Way extension includes sidewalks which will ensure a safe pedestrian route for students walking to transit, carpooling, or to school. Mitigation will ensure that adequate school facilities are available. All findings can be made for the public health, safety and general welfare.
 - b. The public use and interest will be served by the platting of the Puget Place subdivision and dedication.

CONCLUSIONS:

- 1. The Hearing Examiner has jurisdiction to consider and decide the issues presented by this request.
- 2. The Applicant has shown that the request for approval of the Puget Place Preliminary Plat is consistent with the Olympia UGA, the Olympia-Thurston County Joint Comprehensive Plan and the Medium Density Residential (R-4). The applicant has also shown that the plat makes appropriate provision for the public health, safety, and general welfare for open spaces, critical areas, drainage ways, streets, roads, alleys, other public ways, transit stops, potable water supplies, sanitary waste, parks and recreation, playgrounds, schools and school grounds, and safe walking conditions for students. The preliminary plat is hereby approved subject to the following:

1. Inadvertent Discovery. In the event that ground-disturbing activities or any project related work encounters or uncovers protected cultural material or archaeological artifacts, all work shall be immediately halted and the area secured. The contractor/applicant/project representative shall contact the Washington State Department of Archaeology and Historic Preservation (DAHP, (360) 628-2755 or (360) 586-3065), the appropriate tribal contacts (THPO), and the Thurston County Community Planning & Economic Development Department (CPED). Work shall not resume without the express approval of the Thurston County CPED Planning Manager. If human remains or evidence of burial are discovered, all work shall stop immediately, the area shall be secured, and the contractor/applicant/project representative shall contact the DAHP, the Thurston County Sheriff's Department (360-754-3800), and the Thurston County Coroner (360-867-2140) to determine if the remains are forensic in nature. No work shall be conducted without the express approval of the Thurston County CPED Planning Manager.
2. Prior to submitting a final plat application, all required on-site and off-site road, utility, and landscaping construction, identified below, shall be completed and approved (or bonded).
3. The project shall comply with conditions and mitigation measures attached to the May 12, 2021 Mitigated Determination of Non-Significance (Att. f).
4. Parks Impact Mitigation Fee. Prior to building permit issuance, the applicant shall pay the City of Olympia's requested parks impact mitigation in the amount of \$51, 989.79 (Att. n, October 27, 2020). Thurston County parks impact fees are collected at building permit issuance.

Through (SEPA), this project is subject to City of Olympia parks mitigation costs of development, as a condition of final plat approval. Such fees would mitigate the impact of increasing demands upon the existing and future parks, recreation, and open space facilities of the municipal area. An analysis of this development proposal has been conducted and worksheets are provided indicating the required fee schedule of \$51,989.79 for the proposed 11 additional single-family lots.
5. Schools Impact Mitigation Fee. Prior to final map recording, the applicant shall pay the North Thurston Public Schools school mitigation fees of \$4,485.00 per dwelling unit, or \$49,335.00 (Att. o, October 15, 2020).
6. Solid Waste Management. All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit

approval may be required prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact County Environmental Health department for proper materials management. For assistance contact Derek Rockett at (360) 407-6287.

7. Toxics Cleanup. If contamination is suspected, discovered, or occurs during the proposed SEPA action, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by testing, Ecology must be notified. Contact the Environmental Report Tracking System Coordinator for the Southwest Regional Office (SWRO) at (360) 407-6300. For assistance to identify the type of testing required and subsequent cleanup, contact Mohsen Kourehdar, SWRO Toxics Cleanup Program at (360) 407-6256.
8. Water Quality / Watershed Resources Unit. A Construction Stormwater General Permit (CSWGP) shall be obtained if the project discharges or has the potential to discharge stormwater to surface waters of the State. If soil or ground water contaminants are present on-site, additional testing and reporting are required. Sites discharging stormwater to impaired waterbodies listed by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, or phosphorous, or to waterbodies covered by a TMDL may need to meet additional sampling and record keeping requirements. See condition S8 of the Construction Stormwater General Permit for a description of these requirements.

To see if your site discharges to a TMDL or 303(d)-listed waterbody, use Ecology's Water Quality Atlas at: <https://fortress.wa.gov/ecy/waterqualityatlas/StartPage.aspx>. The Applicant may apply online or obtain an application from Ecology's website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> - Application. Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice. For assistance contact Morgan Maupin (360) 407-7320.

9. There shall be no sanitary sewer lines located within 50 feet of any existing well.
10. There shall be no stormwater infiltration within 100 feet of any existing well.
11. The existing on -site septic system must be properly abandoned per Article IV of the Thurston County Sanitary Code. An abandonment permit is required and copies of all abandonment documentation from a licensed septic system pumper must be provided.

12. The existing well located on the property and the well located on neighboring Tax Parcel 59450000301 must be decommissioned by a licensed well driller per Washington State Department of Ecology standards prior to final plat approval. Copies of the decommissioning reports (well logs) must be provided.
13. City of Olympia water and sewer utilities must be extended through the subdivision prior to final approval. Confirmation of final water and sewer construction approval from the City of Olympia must be provided.
14. The Applicant must grant non-public restrictive covenants for the existing off-site wells located within 100 feet of the property. The covenants must be submitted to this office for review prior to being recorded with the Thurston County Auditor' s Office.
15. An Integrated Pest Management Plan (IPMP) has been developed for this project and has been accepted by this office. Prior to final plat approval the applicant must provide in writing the proposed method of IPMP distribution to future homeowners within this subdivision. This is typically done by incorporating a copy of the accepted IPMP into the subdivision CC& Rs. Other methods may be allowed provided.
16. The proposed roadway in concept and design shall conform to the Road Standards and the City of Olympia standards and development guidelines.
17. A construction permit shall be acquired from the Thurston County Public Works – Development Review Section prior to any construction.
18. 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.
19. 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.
20. The stormwater management system shall conform to the Drainage Design & Erosion Control Manual.

21. 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.
22. 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.
23. Because proper landscaping is vital to the performance of the stormwater system, the Landscape Plan (if required) shall be signed/sealed by a WA licensed civil engineer (preferably the engineer who designed the stormwater system).
24. 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.
25. Proposed utility work within the Thurston County Right of Way shall conform to the Road Standards and Chapter 13.56 Thurston County Code. These standards do not address specific city design requirements but rather only items such as restoration of the County right of way and traffic control.
 - a. Placement of utilities within the County right of way will require a Franchise Agreement with Thurston County pursuant to Title 13.56 TCC. This agreement shall be executed with Thurston County prior to final approval.
 - b. Please note all utilities placed parallel to and within the pavement structure are required to rebuild a minimum of half the road, to include grinding and replacement of a minimum of 0.17' of asphalt concrete pavement.
26. 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 40-feet of right-of-way lying West of and abutting the existing centerline of South Bay Road NE. 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.

27. Permanent survey control needs to be placed to establish all public street centerlines, intersections, angle points, curves, subdivision boundaries and other points of control.
28. Permanent survey control monuments shall be installed in accordance with the standards provided by the Thurston County Public Works – Survey Division (360-867-2378).
29. No work shall take place until a construction permit has been issued by Thurston County Public Works – Development Review Section.
30. Development within the City of Olympia 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.
31. 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.
32. When all construction/improvements have been completed, contact the Thurston County Public Works – Development Review Section for a final inspection.
33. 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.
34. Once the planning department has issued the official preliminary approval, the applicant shall 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. The Final Drainage Report shall address all comment in the Stormwater Scoping Report Response and provide a letter explaining how all comments are addressed.

35. 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.

36. 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.

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

- a. "ATTENTION": Thurston County has no responsibility to build, improve, maintain or otherwise service private roads 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 South Bay Road NE.
 - 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. Per Thurston County Resolution 14820, impact fees shall be paid prior to issuing any building permits associated with this project.
 - h. 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. _____.
 - i. 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 _____.
 - j. The property described herein is required to accommodate storm water runoff from frontage improvements to South Bay Road NE and all natural tributary areas abutting said property.
 - k. 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

- l. 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.).
- m. Delineate the access restrictions by showing a "no access" strip, written and hatched, between the County approved access points along the frontage of South Bay Road NE on the final plat map.
- n. Please clearly label all public and private roads.

The City of Olympia provided the following recommendations of approval (nos. 38-41). The City may modify or eliminate their conditions of approval related to frontage improvements before or during engineering review of City required project permits to the extent allowed pursuant to the City's adopted codes and standards.

- 38. General. The City will review for approval and permitting the Water, Sanitary Sewer, and Street Lighting Systems for this project.
- 39. Water Mains. City of Olympia Water is currently available to the site from a 8" diameter main on Jabbok Way NE adjoining the proposed development. In compliance with the Water Comprehensive Plan and the current Engineering Design and Development Standards to supply water to this project will require the following improvements:
 - A. Extend an 8" DI water main through the new proposed street within the plat to South Bay Road. Each individual proposed residence and lot in the development shall be service with a separate meter.
 - B. Extend a 12" DI water main across the frontage of the project on South Bay Road, connecting to the new 8" main within the new street section onsite. Oversizing reimbursement is available for the 12" watermain along South Bay Road.
 - C. Due to the current marginal water system performance in this area, a hydraulic analysis must be performed to determine if minimum fire flow requirements (1000 gpm hydrant flow). In coordination with the fire department the applicant shall perform the necessary fire flows from a combination of existing hydrants in the vicinity. Based on the results of this analysis; individual residential fire suppression system may be required in the new homes.

- D. Following Preliminary Plat Approval, engineering plans shall show, for review and permitting: fire hydrant(s) at the appropriate spacing for adequate fire suppression needs complete with valve configurations, size and type of pipe for all water main sections, services and meter(s), and plan profiles, etc.
 - E. Provisions shall be made for the installation of a future pressure reducing valve near the intersection of the new street and South Bay Road.
40. Sewer. The City of Olympia's sanitary sewer system has capacity for this proposed project. City sewer (8 inch) main is on Jabbok Way NE adjoining the proposed development. In compliance with the Sewer Comprehensive Plan and the current Engineering Design and Development Standards to supply sewer to this project will require the following improvements:
- A. Design and install a sewer main from Jabbok Way through the property to serve each individual residence and lot in the development with a separate sewer service.
 - B. Provide gravity sewer as far as possible then transition to grinder. Lot 1 likely can be served by gravity to the west. The grinder force main must be extended to South Bay Road and to the north and south along the frontage (on the west side of road).
 - C. Following Preliminary Plat Approval, show on engineering plans for review and permitting all associated sewer infrastructure.
41. Streets and Alleys (2.040.B. 3).
- A. The subject property is within the City of Olympia's Urban Growth Area therefore any frontage improvements and internal streets are to be constructed to standards set forth in the current City of Olympia Engineering Design and Development Standards.
 - B. City staff recommends the on-site street meet the Local Access Street standard including street light installation.
 - C. City staff recommends the Section of South Bay Road fronting this project meet the Major Collector Standards. At minimum, the City recommends the installation of streetlights and sidewalk to address the safety needs for pedestrians.
42. Conditions of Project Approval.
- Grant to the City a Special Power of Attorney Agreement to Annex, for non-protest of future annexation of the subject property into the City of Olympia.

43. Transportation Mitigation Fees Through the State Environmental Policy Act (SEPA), this project is subject to City of Olympia transportation mitigation costs of development, as a condition of approval. As this project generates less than 50 peak hour trips, transportation Mitigation fees is not required.
44. Parks Mitigation Fees Payment of this fee shall be a "lump sum" from the developer at the time of water connection permit issuance.
45. Landscaping Prior to final plat approval, the applicant shall submit a landscaping plan for the project, prepared through the submitted tree retention plan and in accordance with TCC 23.36, for review and approval by the Thurston County Planning Department (TCC 23.36 – Landscaping and Screening). The landscaping plan shall address the tree tract, any/all street tree requirements, and plantings designed to ensure proper functioning of the stormwater drainage and retention facility.
46. All development shall be in substantial compliance with the approved plat. Any alteration of this site plan will require approval of a new or amended plat, as determined by the Planning and Environmental Section.

Required Plat Notes

47. The following Notes shall be shown on the final map:
 1. This subdivision has been approved through provisions of the Residential Four Units per Acre (R-4) zoning district (TCC 23.04).
 2. This subdivision was reviewed under project number 2020104487, folders 20 111369 ZJ and 20 111271 XA.

DECISION:

Approved with the conditions contained in the conclusions above.

ORDERED this 7th day of October, 2021.



STEPHEN R. SHELTON
Deputy Hearing Examiner

TRANSMITTED this day of October, 2021, to the following:

OWNERS/APPLICANTS: South Bay Neighborhood, LLC
Attn: Glenn Martucci
2002½ South Bay Road N.E.
Olympia, WA 98506

REPRESENTATIVE: SCJ Alliance
Attn: Bob Connolly
8730 Tallon Lane N.E., Suite 200
Lacey, WA 98516

OTHERS:

THURSTON COUNTY

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

NOTE: 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).

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 **\$777.00** for a Request for Reconsideration or **\$1,054.00** 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 ☐ \$777.00 for Reconsideration or \$1,054.00 for Appeal. Received (check box): Initial _____ Receipt No. _____
Filed with the Community Planning & Economic Development Department this _____ day of _____, 20____.