



Cathy Wolfe
District One
Diane Oberquell
District Two
Robert N. Macleod
District Three

HEARING EXAMINER

BEFORE THE HEARING EXAMINER FOR THURSTON COUNTY

In the Matter of the Application of)	Project NO. PLAT/PUD 2003103430
)	
Triway Enterprises)	Kirsop Townhomes PUD
)	
For Approval of a)	CORRECTED FINDINGS,
<u>Preliminary Plat and PUD</u>)	CONCLUSIONS, AND DECISION

All references to North Thurston School District in the April 5, 2005 Decision shall be deleted and Tumwater School District should be inserted.

SUMMARY OF DECISION

The request for preliminary plat and planned unit development (PUD) approval to divide 10.42 acres into 83 single-family residential lots, eight open space tracts, and a future development tract is **GRANTED**, subject to conditions.

SUMMARY OF RECORD

Request

Triway Enterprises (Applicant) requested approval of a preliminary plat and a planned unit development (PUD) to subdivide 10.42 acres into 83 single-family residential lots, eight open space tracts, and a future development tract. The property is located at 6335 Kirsop Road SW, in Thurston County, Washington.

Hearing Date

An open record hearing was held before the Hearing Examiner of Thurston County on February 7, 2005. The hearing was reconvened and completed on March 21, 2005.

Testimony

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

Robert Smith, Thurston County Development Services Department
Arthur Saint, Thurston County Roads and Transportation Department
John Ward, Thurston County Environmental Health Department

Jeff Pantier, Applicant Representative
Dan Biles, Project Engineer
Tri Vo, Applicant
Mark Jacobs
Ron Young
Scott Missall, Representative for Laurel Park Estates Mobile Home Park

Exhibits

At the hearing the following exhibits were submitted as part of the record of this proceeding:

EXHIBIT 1 Development Services Planning and Environmental Section Report, including the following attachments:

- Attachment a Notice of Public Hearing
- Attachment b Zoning/Site Map
- Attachment c Preliminary Plat Application, received November 18, 2003
- Attachment d Planned Unit Development Application, Received November 18, 2003
- Attachment e Revised Narrative Summary, undated
- Attachment f Preliminary Plat Map, dated October 28, 2004
- Attachment g Landscape Plan, dated November 1, 2003
- Attachment h Tree Preservation Plan, Professional Forestry Services, dated November 4, 2003
- Attachment i Mitigated Determination of Non-Significance, issued December 23, 2004
- Attachment j January 24, 2005 Comment Memorandum from Arthur Saint of the Roads & Transportation Services Department
- Attachment k March 2, 2004 Comment Letter from John Ward of the Environmental Health Department
- Attachment l March 4, 2004 Comment Letter from Tumwater School District
- Attachment m Comment Letters from Other Interested Parties:
 - 1. January 14, 2004 from Lori Casebolt and Rick Casebolt, Jr.
 - 2. January 14, 2004 from George McLain

3. February 1, 2004 from Sandra Lindsey
4. February 2, 2004 from Ron Young

- EXHIBIT 2 Enlarged Site Plan
- EXHIBIT 3 Enlarged Landscape Plan
- EXHIBIT 4 Comment Letter from Scott Missall, Attorney Representing Robert Eichler and Laurel Park Estates, dated February 4, 2005
- EXHIBIT 5 Comment Letter from LeGrand and Sheryl Clarkson and Clarkson Family Trust, dated February 7, 2005, including color photocopies
- EXHIBIT 6 Letter of Water Availability from City of Tumwater, dated September 12, 2003
- EXHIBIT 7 City of Tumwater Roads Standards, Table One, Minimum Street Design Standards, submitted by Jeff Pantier
- EXHIBIT 8¹ Kirsop Townhomes Level II Traffic Impact Analysis, dated February 16, 2004
- EXHIBIT 9 Hydrogeologic Assessment from Robinson & Noble Inc., dated October 15, 2003
- EXHIBIT 10 Revised Enlarged Preliminary Plat Map, dated February 17, 2005²
- EXHIBIT 11 Letter to Robert Smith from Jeff Pantier, dated February 18, 2005, including attached "Sidewalks Curbs and Gutters" excerpt from Tumwater Development Guide page 4-18
- EXHIBIT 12 Letter from Bob Kuehl, Tumwater School District, dated February 15, 2005
- EXHIBIT 12a Voluntary Mitigation Agreement from Tumwater School District
- EXHIBIT 13 Letter from Scott M. Missall, Attorney Representative for Laurel Park Estates Mobile Home Park, dated February 24, 2005, with attachments
- Attachment a Declaration of Well Rights, dated June 16, 1997
- Attachment b Amended Declaration of Well Rights, dated August 12, 1997
- Attachment c Statutory Warranty Deed, dated August 11, 1997
- Attachment d Quit Claim Deed, dated March 28, 2001

¹ There were no page numbers in the Applicant's traffic study. For accuracy of the final decision, it is recommended that all reports submitted in evidence for land use decisions have numbered pages.

² Exhibit 10 represents the final configuration of the proposed PUD and is the plat map referred to throughout the decision.

Attachment e State of Washington Public Water System Operating Permit,
dated September 13, 2004

EXHIBIT 14 March 7, 2004 Comment Letter from John Ward of the Environmental Health Department

EXHIBIT 15 March 8, 2005 Comment Memorandum from Arthur Saint of the Roads & Transportation Services Department

EXHIBIT 16 March 10, 2005 Development Services Memorandum from Robert Smith containing revised recommended conditions of approval

Upon consideration of the testimony and exhibits admitted at the open record hearing, the Hearing Examiner enters the following Findings and Conclusions:

FINDINGS OF FACT

1. The Applicant requests approval of a preliminary plat and PUD to subdivide 10.42 acres into 83 single-family residential lots, a future development tract, eight open space tracts, and an on-site recreation facility. Development of the proposed lots would include either detached two-story single-family homes or attached single-family townhomes. Each townhome structure would contain two single-family dwelling units. The property is located at 6335 Kirsop Road SW, in Thurston County, Washington.³ *Exhibit 1, Staff Report, Pages 1 & 2; Exhibit 1, Attachment c, Preliminary Plat Application; Exhibit 1, Attachment d, PUD Application.*
2. The subject property is mostly level with a slight downhill gradient to the northwest. The site has been cleared and is vegetated with scattered mature deciduous trees, a significant fir tree in the southwest corner that would be retained, and Scotch Broom. The property is not within the jurisdiction of the Shoreline Master Program. *Exhibit 1, Staff Report, page 2.* The property is located within a Category I Critical Aquifer Recharge Area. *Exhibit 14.* There is a single-family residence on a large lot to the north and additional single-family development to the east. Laurel Park Estates Mobile Home Park is south of the site.⁴ The adjacent property to the west is vacant except for a utility easement containing Bonneville Power Administration power lines. *Exhibit 1, Staff Report, page 2.*
3. The subject property is located within the Tumwater Urban Growth Area. It has a zoning designation of Multifamily Medium Density Residential (MFM). PUDs, single-family, and multifamily residential developments are permitted uses in the MFM district. *TCC 22.14.020.* The MFM district requires a minimum density of 9 units per acre and a

³ The legal description is Tract 23 of the Plat of Thurston County Farms, known as Tax Parcel No. 79900002300. *Exhibit 1, Staff Report, page 1.*

⁴ The record alternatively identifies the mobile home park adjacent to the south as either the Laurel Park Estates Mobile Home Park or the Laurel Estates Mobile Home Park. For the purpose of this decision, the Hearing Examiner will refer to the Laurel Park Estates Mobile Home Park (as it is called in the materials submitted by attorneys for the mobile home park), but it is noted for the record that the Hearing Examiner is referring to the existing mobile home park located immediately south of the subject property.

maximum density of 15 units per acre. *TCC 22.14.050(A)*. There is no minimum required lot size in the MFM district for single-family lots. The Applicant's proposed use and density comply with the requirements of the MFM district. *Exhibit 1, Staff Report, page 3*.

4. PUDs are exempt from the minimum development standards of the underlying zoning district, with the exception of density, perimeter boundary setbacks, maximum lot coverage requirements, permitted uses, and open space requirements. *TCC 22.36.080*. As proposed, the structures on the lots would be set back five-feet from property lines. Front setbacks for rear loading lots would be 10 feet, and for front loading lots would be 20 feet. Rear property setbacks would be 20 feet for front-loading lots and five feet from the alley for rear loading lots. Each single-family lot would provide two off-street parking spaces. *Exhibit 1, Staff Report, page 3; Exhibit 10, Revised Plat Map*.
5. Subdivisions in the Tumwater Urban Growth Area are required to dedicate at least 10% of total site area as open space. *TCC 18.47.040(C)*. In the revised application, the Applicant proposes eight open space tracts totaling .96 acres throughout the site.⁵ *Exhibit 10, Revised Plat Map*. This is only 9.2% of the total site area. Tracts A through G and Tract I would be tree tracts. Tract H, at .41 acres, would be developed with a sport court and tot lot for active recreation on site. *Exhibit 1, Staff Report, page 2; Exhibit 10, Revised Plat Map*. A condition of approval is necessary to ensure that the minimum open space requirement is met by increasing the amount of open space to 10% of the total site area.
6. The Thurston County Forest Practices Ordinance requires the project to dedicate at least five percent of the total site area in a tree tract. It also requires the Applicant to retain or replace at least one tree per every 4,000 square feet of residential lot area. *TCC 17.25.400*. The seven proposed tree tracts total .55 acres, or 5.2% of the gross site area. *Exhibit 10, Revised Plat Map*. Tracts A through F are located at the ends of blocks interspersed throughout the site. Tract G is a long, thin tree tract along the plat's south boundary. The Applicant submitted a Tree Preservation Plan which indicates that a significant Douglas Fir in the southwest corner of the site would be retained in Tract I. *Exhibit 1, Attachment h*. The tree tract dedications and tree plan submitted by the Applicant satisfy the applicable tree preservation requirements. *Exhibit 1, Staff Report, page 5*.
7. The Applicant submitted a landscape plan depicting the location of trees to be planted on residential lots and in open space areas.⁶ As proposed, landscaping of the individual lots would include planting a tree at the rear of each lot. The trees planted on the lots would form a vegetated buffer between lots, as well as a buffer between the plat and off-site

⁵ In the originally submitted applications, the Applicant proposed a total open space of 1.13 acres, or 10.8% of the total site area. *Exhibit 2, Enlarged Site Plan, dated received November 2, 2004*.

⁶ The approved landscape plan is based on the original lot layout with 96 residential lots. No revised landscape plan was submitted with the revised plat map. For the purpose of this decision, it is assumed that the landscape plan will remain substantially the same for the revised plat map with the exception of the landscaping along the south boundary of Tract J.

8. development. The open space tracts that parallel the exterior boundaries of the proposed plat (Tracts A, B, D, E, F, G, H, and I) would also be planted with a row of trees, which would increase the visual buffer between the proposed plat and surrounding development. *Exhibit 1, Attachment g*. Conditions of approval are necessary to ensure that the trees in the tree tracts are planted prior to final plat approval and trees are planted on the individual lots when they are developed. The proposed landscaping plan satisfies County requirements. *Exhibit 1, Staff Report, page 5; Testimony of Mr. Smith*.
9. The proposed plat would take access from Kirsop Road SW. An internal network of public and private streets and alleys would provide access to each lot. The proposed new public road would stub out at the north and west plat boundaries to provide for future connectivity. Rear alleys would serve all lots except those located along Kirsop Road SW, which will take front-loading access off the internal private street. *Exhibit 10, Revised Plat Map*. A secondary access for emergency vehicles would be provided at the southeast corner of the site where the alley serving lots 65 through 76 would run in an easement across Lot 77 and connect to Kirsop Road SW. The secondary access would be gated and restricted to emergency service vehicle use only. *Exhibit 10, Revised Plat Map*. Thurston County Roads and Transportation Services indicated that the proposed secondary access satisfied road standards and fire district requirements. *Testimony of Mr. Saint; Exhibit 11*. Traffic volumes on adjacent Kirsop Road SW would increase as a result of the project. Roads and Transportation Services recommended that the Applicant be required to improve Kirsop Road SW along the property frontage up to current urban street standards as a condition of plat approval. *Exhibit 8, Kirsop Townhomes Level II Traffic Impact Analysis; Exhibit 1, Staff Report, pages 6 - 7*.
10. The parties could not reach agreement about installation of sidewalks as part of the internal private road network. As proposed, the new internal private road would serve thirty-eight total lots (Lots 1 through 7, Lots 45 through 55, and Lots 64 through 85). Based on the traffic study submitted, the Applicant argued that fewer than 500 trips would be generated by the 38 lots served by the private road network, and that sidewalks are therefore only required on one side of the private street. *Testimony of Mr. Pantier; Exhibit 11; Testimony of Mr. Biles*. The County responded that sidewalks on one side would not satisfy requirements of Section 4.24(A) of the City of Tumwater Development Guide, which reads as follows:

Sidewalks, curbs, and gutters shall be required on both sides of all streets except as follows: sidewalks will be required on one side within residential developments that generate less than 500 average daily trips; have a single access and have no thru or connecting streets or the possibility of any such streets.

Exhibit 11, City of Tumwater Development Guide, page 4-18. The County argued that the regulation for improvements on both sides of streets considers trips generated by the development as a whole, rather than trips generated by one street within a development.

In addition, the development is designed to provide connection to future streets at both the north and west borders. Sidewalks on only one side of the proposed private streets would not satisfy Tumwater Development Guide Section 4.24(A). *Exhibit 15, March 8, 2005 Memorandum from Roads and Transportation Services.*

Runoff from new impervious surfaces would be collected and conveyed to a detention and infiltration facility located on an off-site property adjacent to the west of the proposed plat. *Exhibit 1, Staff Report, page 4; Exhibit 1, Attachment j; Exhibit 10, Revised Plat Map.* The Applicant's preliminary drainage and erosion control plan was reviewed by the Development Review Section of Thurston County Roads and Transportation Services and found to be in compliance with the requirements of the Thurston County Road Standards and the Drainage and Erosion Control Manual. Development Review recommended approval of the plat/PUD applications subject to conditions. *Exhibit 1, Attachment j.*

11. The Applicant proposes to extend City of Tumwater domestic water and sanitary sewer service to each lot. A letter of water availability was submitted to County staff. *Exhibit 1, Attachment k; Exhibit 1, Staff Report, page 4; Exhibit 14.* Although the plat would be connected to public sanitary sewer, a condition of approval is necessary to ensure that no sewer lines encroach upon the 100-foot well-head protection radius of either well. *Exhibit 10, Revised Site Map; Exhibit 1, Attachment k; Exhibit 13.*
12. The Applicant originally proposed 96 single-family residential lots. During project review, it was discovered that two wells serving the Laurel Park Estates mobile home park would be impacted by the proposed development. A Group A community well and its 100-foot well-head protection radius are located wholly within the southwest corner of the proposed plat. The 100-foot well-head protection radius of a second well, located southwest of the site, extends into the area of proposed open space Tract I. As a result of the wells and the associated protection areas, the Applicant revised the plat, setting aside the Group A community wellhead protection area, labeled Tract J. Until such a time as the parties reach an agreement either relocating the well or connecting the mobile home park to public water, Tract J would be left as open space. *Exhibit 2, Enlarged Site Plan dated received November 2, 2004; Exhibit 10, Revised Plat Map; Testimony of Mr. Smith; Testimony of Mr. Pantier.*
13. It is the Applicant's intent to develop Tract J with additional residential lots. In order for such development to occur, the Applicant and the owners of the water rights associated with the two wells would have to enter binding legal agreements. The County submitted that development of Tract J would only be possible after the Group A well is decommissioned in accordance with state and County regulations. An independent land use application would be required prior to future development of Tract J. A condition of approval is necessary for the instant request to ensure that future owners of lots within the plat are informed that Tract J may eventually be developed with additional lots, and that the open space requirements are satisfied with the other dedicated open space tracts.

14. *Exhibit 10, Revised Plat Map; Exhibit 14, Environmental Health Division comments; Testimony of Mr. Ward; Testimony of Mr. Vo; Testimony of Mr. Pantier.*
15. Laurel Park Estates is a senior mobile home park. Several of the mobile homes along the park's north boundary are set as close as one-foot to the property line. Laurel Park Estates' owner submitted comments requesting that the well-head protection area be fenced to prevent intrusion and harm to the groundwater serving the senior mobile home park. Laurel Park Estates also requested that the mobile home park maintain access to the well for maintenance and servicing, and that well-head protection information be included in the face of the final plat. Finally, the mobile home park representative requested that sufficient landscaping and fencing be included along the shared boundary line to protect the adjacent senior residents from impacts of the new plat, including the shielding of security lights to prevent glare into the mobile home park. *Exhibit 4; Exhibit 13; Comment of Mr. Missal.*
16. The subject property is located within the Tumwater School District. The school district submitted a letter requesting mitigation for impacts from the proposed development. The school impact mitigation fee would be due prior to building permit issuance. A draft voluntary mitigation agreement from the District was submitted. School impacts mitigation was made a condition of MDNS approval for this project. *Exhibit 1, Staff Report, pages 3-4; Exhibit 1, Attachment i; Exhibit 1, Attachment l.* In addition to the payment of impact fees, the School District identified a need for a waiting area where students from the development could safely wait for school busses. The parties agreed on a turn out bus pick up area with a pad to be located in Tract B on the west side of Kirsop Road SW. *Exhibits 12 and 12a.*
17. Thurston County review agencies reviewed the proposal to determine compliance with the County's requirements for final plat approval. Comments from Roads & Transportation Services and the Environmental Health Division were incorporated into the County staff's recommended conditions of approval. None of the comments made by reviewing agencies would require major changes to the project as proposed. *Exhibit 1, Staff Report, page 3; Exhibit 1, Attachments g and h; Exhibit 14; Exhibit 15.* Development Services staff determined that as conditioned, the plat would be consistent with the Thurston County Comprehensive Plan and the Thurston County – Tumwater Urban Growth Area Zoning Ordinance. *Exhibit 1, Staff Report, page 7; Testimony of Mr. Smith.*
18. Pursuant to the Washington State Environmental Policy Act (RCW 43.21C), Thurston County Development Services acted as the Lead Agency for SEPA Threshold review on the proposed development. The County issued an MDNS on December 23, 2004 containing one condition of approval requiring the Applicant to mitigate impacts on the Tumwater School District. *Exhibit 1, Staff Report, page 4; Attachment 1, SEPA MDNS.*
19. The County received several letters from neighboring residents and property owners expressing concerns about the increased density, the volume of traffic on Kirsop Road

20. SW, and groundwater protection, among others. *Exhibit 1, Attachment m.* At hearing, the County noted that the proposed density of the plat falls within the range required for the underlying district within the Tumwater Urban Growth Area. The County also noted that frontage improvements to Kirsop Road SW were required to mitigate the increased traffic volumes from the proposed plat. Finally, the County noted that the plat would connect to public water and sewer and that no impacts on local groundwater quantity or quality are anticipated. *Testimony of Mr. Smith.*

Written notice was mailed to all property owners within 300 feet of the subject property, published in The Olympian, and posted on the property on January 28, 2005 at least ten days prior to the hearing. *Exhibit 1, Attachment a, Affidavit of Notice.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and decide applications for preliminary plats. This authority is set forth in RCW Chapter 36.70.970, TCC 2.06.010, and TCC 18.12.090.

Preliminary Plat Criteria for Review

To approve a preliminary plat, the Hearing Examiner must find that the following criteria for review set forth in Thurston County Code 18.12.090 and RCW 58.17.110(1)(a) and (b) are satisfied:

- a. Appropriate provisions are made for the public health, safety, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
- b. The public use and interest will be served by the platting of such subdivision and dedication.

PUD Criteria for Review

To approve a PUD, the Hearing Examiner must find that the following criteria for review set forth in Thurston County Code 22.36.050 are satisfied:

- a. The PUD plans demonstrate substantial conformance with the Tumwater Joint Plan;
- b. The proposal is compatible with the surrounding uses that exist or are permitted in the vicinity; and
- c. The proposal is designed to minimize impacts on adjacent properties and, conversely, to minimize impacts of adjacent land use and development on the proposal.

Conclusions Based on Findings

With conditions, appropriate provisions will be made for the public health, safety, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school. An internal network of public and private roads and alleys will provide access to each lot. The public road portion of the road network will stub out at the west and north plat boundaries to allow future connectivity. Stormwater detention and infiltration will be provided in the off-site storm water facility adjacent to the west of the site. Development Services staff has approved the preliminary drainage and road plans. The eight tree tracts comprise 5.2% of the total site area. Landscaping in the tree tracts and trees planted on individual lots will provide a vegetated buffer to screen the plat from surrounding development. On-site recreation facilities will be provided for adults and children. The development will connect to City of Tumwater potable water and sanitary sewer service. Impacts to Tumwater Schools will be mitigated through the voluntary agreement to be entered prior to final plat approval, as well as through the payment of school impact fees. Sidewalks will be installed on both sides of all internal streets in order for the plat to conform to the requirements of Tumwater Development Guide Section 4.24(A). A condition of approval will ensure that sidewalk access connecting each lot with the school bus waiting area is provided to each lot. A condition of approval will ensure that at least ten percent of the total site area is dedicated as open space. *Findings of Fact Nos. 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, and 17.*

With conditions of approval, the public use and interest will be served by the platting of the subdivision. The density of the plat will be consistent with the MFM zoning district and the Comprehensive Plan policies for the Tumwater Urban Growth Area. The proposed lots comply with use and size requirements under the Thurston County Code. A condition of approval will ensure that the proposed plat and PUD are visually screened from adjacent existing development by the planting of trees prior to final plat approval. Conditions of approval will prevent impacts to the wells serving adjacent Laurel Park Estates Mobile Home Park and ensure that development of Tract J is not undertaken until the wells are properly decommissioned. *Findings of Fact Nos. 3, 4, 5, 6, 7, 12, 13, 14 and 18.*

As conditioned, the PUD will be consistent with the Tumwater/ Thurston County Joint Plan and will be compatible with surrounding development. The Tumwater/Thurston County Joint Plan is a coordinated transportation planning approach intended to maximize the mobility of people and goods within the Tumwater Urban Growth Area. The plan seeks to enhance accessibility and quality of life for all citizens through operating a safe and efficient transportation system, maintaining and upgrading existing facilities, and providing planned system expansion to meet future travel demand. Conditions requiring frontage improvements to Kirsop Road SW and construction of sidewalks on both sides of all internal plat roads will ensure the project is consistent with the goals and requirements of the Joint Plan. Adverse impacts to the wells serving the adjacent mobile home park will be avoided by retaining Tract J as open space until such a time as the wells are properly decommissioned. Single-family residential development at densities required by the Comprehensive Plan will be consistent with existing and future development within the Tumwater Urban Growth Area. The trees provided by the

approved landscaping plan will create a visual buffer between the plat and the surrounding development. Open space tracts have been placed at the exterior plat boundaries to create additional buffering between the plat and surrounding development. *Findings of Fact Nos. 3, 6, 7, 8, 9, 12, 13, and 16.*

DECISION

Based on the preceding Findings of Fact and Conclusions, the request for preliminary plat approval to divide 10.42 acres into 83 single-family residential lots, eight open space tracts, and a future development tract is **GRANTED**, subject to the following conditions⁷:

- A. Prior to final plat approval, the following Roads and Transportation Department related conditions shall be met:
1. The proposed roadway, including improvements to Kirsop Road SW to bring the property frontage up to current urban street standards, shall conform in concept and design to the 1999 Thurston County Road Standards and the City of Tumwater standards and development guidelines.
 2. Pursuant to Title 18.24 Thurston County Code the Applicant shall execute an agreement and provide a financial security to assure successful operation of the required improvements (i.e., roads, sidewalks, illumination, landscaping, etc...) prior to final approval. Improvements not covered by this agreement are water, sewer and stormwater facilities. These are addressed either by separate county ordinance or in the case of the water and sewer utilities by the utility purveyor.
 3. The stormwater management system shall conform to the 1994 Thurston County Drainage Design & Erosion Control Manual and Title 15.05 Thurston County Code.
 - a. For this project this also includes a two-year operation & maintenance agreement and financial security that shall be executed prior to final approval.
 4. Proposed utility work within the Thurston County Right of Way shall conform to the 1999 Thurston County Road Standards and Chapter 13.56 Thurston County Code. These standards do not address specific city design requirements but rather on item 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.

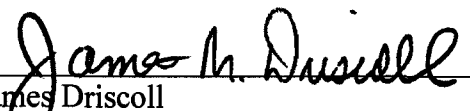
5. The proposed water and sewer system shall be designed in accordance with the standards and specification of the respective utility purveyor. All water and sewer plans are subject to review and acceptance by the respective utility purveyor.
6. The proposed grading or site work shall conform to Appendix J of the International Building, Title 14.37 of the Thurston County Code and 1994 Drainage Design & Erosion Control Manual.
7. Permanent survey control needs to be placed to establish all public street centerlines, intersections, angle points, curves, subdivision boundaries, and other points of control.
8. 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.
9. The final plat map shall note or delineate the following:
 - a. "WARNING": Thurston County has no responsibility to build, improve, maintain, or otherwise service the private road or driveway within or providing access to property described in this plat.
 - 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 Kirsop Road SW.
 - c. If seasonal drainage crosses subject property, no filling or disruption of the natural flow shall be permitted.
 - d. Delineate the access restrictions by showing a "no access" strip, written and hatched, between the County approved access points along the frontage of Kirsop Road SW on the final plat map.
 - e. Storage requirements for runoff from buildings and parking surfaces shall be shown on individual building lots, including drywell sizing or storm drain connection points.
 - f. The owner/Homeowners' Association shall be responsible to maintain the planter strips (weeding, irrigation, mowing, etc.) in a healthy and growing manner in perpetuity.
 - g. The owner/Homeowners' Association shall be responsible to operate and maintain the streetlights until such time the property is annexed to the city.

B. Prior to final plat approval the following Health Code related conditions shall be met:

1. Prior to final plat approval, confirmation of final construction approval from the City of Tumwater must be provided for the extension of sanitary sewer service.
2. Prior to final plat approval, confirmation of final construction approval from the City of Tumwater must be provided for the extension of public water service.
3. Tract J may **not** be developed until such time as adequate agreements have been reached with the owners of the Laurel Park Estates Mobile Home Park Water System to allow decommissioning of the on-site well and the well off-site with a 100-foot well-head protection radius that extends into Tract I. Any future development of Tract J will require a new land use permit application. Decommissioning of the existing wells would be required prior to final project approval. This condition must be clearly stated on the final plat map.
4. The existing Laurel Park Estates Mobile Home Park Group A public well shall be depicted on the final plat map along with the 100-foot sanitary control radius and all water line and access easements. The well must be clearly identified on the final plat map as the public water source for the neighboring Laurel Estates Mobile Home Park. Laurel Park Estates Mobile Home Park personnel shall have ongoing access to the wellhead for maintenance and servicing.
5. Prior to final plat approval a copy of a signed, notarized, and recorded restrictive covenant form (public) for the Laurel Park Estates Mobile Home Park Group A well must be submitted.
6. The private road stubs to the west and east of the Laurel Park Estates Mobile Home Park Group A public well must be designed and constructed so that storm water runoff from the roads will **not** flow toward or into the 100-foot sanitary control radius of the public well.
7. Prior to final plat approval, a copy of a signed, notarized, and recorded restrictive covenant form (non-public) must be submitted for the existing neighboring well located off the southwest corner of the this property.
8. The existing neighboring well located off the southeast corner of this property must be shown on the final plat map along with the 100-foot protective radius that extends into Tract I.
9. No sewer lines shall be permitted to be installed within the 100-foot sanitary control radius for either well serving the Laurel Park Estates Mobile Home Park.

10. Prior to final plat approval, a proposed method of IPMP distribution to future property owners must be submitted. This distribution method must be accepted by the Public Health and Social Services Department prior to final plat approval.
- C. Prior to final plat approval, City of Tumwater municipal sewer and domestic water lines shall be extended to provide service to each dwelling unit.
- D. Street addresses shall be shown on the final map.
- E. Prior to final plat approval, the Applicant shall install all proposed landscaping in conformance with the approved landscaping plan and shall install the active recreation structures within the Tract H.
- F. Prior to final plat approval, the Applicant shall design and construct a bus waiting area acceptable to Tumwater School District personnel within Tract B along Kirsop Road SW, make any necessary improvements for the waiting area, and show the waiting area on the final plat map.
- G. The Applicant shall execute and submit a voluntary agreement with the Tumwater School District that provides mitigation for the project's impacts to District school facilities. If this agreement requires payment of mitigation fees or other actions after the final plat is recorded, then such agreement shall be referred to on the final plat map.
- H. Open space to be dedicated shall be increased to equal or exceed ten percent of total site area. The use of all open space tracts shall be noted on the final plat map. The open space tracts shall be dedicated to the lot owners and/or Homeowners' Association on the final plat map.
- I. The following notes shall be shown on the final plat map:
1. This subdivision has been approved through provisions of the Multi-Family Medium Density Residential District and Planned Unit Development ordinances (TCC 22.14 and 22.36).
 2. At the time of home construction on individual lots, a tree shall be planted on the lot. The tree planted shall conform to the approved landscaping plan.

Decided this 13th day of April 2005.


James Driscoll
Hearing Examiner for Thurston County

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PLAT 2003103430

Kirsop Townhomes

Hearing Examiner Decision Mailing

03-21-05

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DALE RANCOUR
ROADS & TRANS
COUNTY ENGINEERING

GARY DUVALL
ENV HEALTH DEPT

SCOTT DAVIS
RATS DEVELOPMENT REVIEW

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