



COUNTY COMMISSIONERS

Carolina Mejia-Barahona
District One

Gary Edwards
District Two

Tye Menser
District Three

HEARING EXAMINER

Creating Solutions for Our Future

BEFORE THE HEARING EXAMINER FOR THURSTON COUNTY

| | | |
|---------------------------------------|---|---|
| In the Matter of the Application of |) | NO. 2022100391 |
| |) | |
| Washington State Department of |) | Maple Lane Modular Building Addition |
| Corrections |) | |
| |) | FINDINGS, CONCLUSIONS, |
| For a Special Use Permit for an |) | AND DECISION |
| Essential Public Facility |) | |

SUMMARY OF DECISION

The request for a special use permit for an essential public facility to add a 2,160 square foot modular building and expand an outdoor recreation yard at the existing Maple Lane campus is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request

Washington Department of Social and Health Services, on behalf of Washington State Department of Corrections (property owner/Applicant), requested a special use permit for an essential public facility to add a 2,160 square foot modular building to the existing Maple Lane Campus and to expand an outdoor recreation yard associated with the existing Cascade Cottage Building on the campus. The subject property is located at 20311 Old Highway 9 SW, Rochester, Washington.

Hearing Date

The Thurston County Hearing Examiner conducted a virtual open record public hearing on the request on September 27, 2022. The record was held open until September 29, 2022 to allow any members of the public having difficulty joining the virtual hearing to submit written comments, with time scheduled for responses from the parties. No post-hearing public comment was submitted, and the record closed on September 29, 2022.

No in-person site visit was conducted, but the Examiner viewed the subject property on Google Maps.

Testimony

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

Findings, Conclusions, and Decision
Thurston County Hearing Examiner
Maple Lane Modular Building, No. 2022100391

Heather Tschaekofske, Associate Planner/Biologist, Thurston County
Dawn Peebles, Senior Environmental Health Specialist, Thurston County
Todd Mason, Public Works Development Review Manager, Thurston County
Tim Byrne, Washington Department of Social and Health Services
Garner Miller, MSGS Architects, Applicant Representative
Bob Connolly, Project Manager, SJC Alliance

Exhibits

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

- Exhibit 1 Community Planning and Economic Development Staff Report including the following attachments:
- A. Notice of Public Hearing
 - B. Zoning map
 - C. Flood, streams, and wetlands map
 - D. High ground water, gopher and prairie soils map
 - E. Master Application, submitted January 27, 2022
 - F. Special Use Permit Application, submitted January 27, 2022
 - G. Narrative, dated April 21, 2022
 - H. Department of Social Health Services Security Plan, dated April 18, 2022
 - I. Site plans, submitted July 21, 2022 (dated October 2021)
 - J. Mazama pocket gopher screening report, dated October 18, 2018
 - K. Wetland and stream assessment, dated November 30, 2020
 - L. Traffic impact analysis, dated November 20, 2020 and April 12, 2022
 - M. Drainage report, dated October 2021
 - N. Notice of Application, dated February 11, 2022, with adjacent property owners list within 2,600 foot radius
 - O. Hearing Examiner decision for 2015 Special Use and Variance approval of Maple Lane jail conversion, dated December 2, 2015
 - P. Building permit application, dated October 28, 2021
 - Q. Memo from Dawn Peebles, Public Health, dated March 17, 2022
 - R. Memo from Arthur Saint, Public Works, dated April 27, 2022
 - S. Memo from Public Works Utilities, dated March 17, 2022
 - T. Comment letters from the Department of Archaeology and Historic Preservation, dated February 14, 2022, and July 6, 2022

- U. Comment letter and email from the Nisqually Indian Tribe, dated February 14, 2022, and August 18, 2022
- V. Comment emails from the Squaxin Island Tribe, dated February 16, 2022, and August 23, 2022
- W. Other Administrative Action application (Critical Area Determination), submitted February 16, 2022
- X. Other Administrative Action approval letter (Critical Area Determination), dated September 14, 2022
- Y. Inadvertent Discovery Plan

Based on the record developed through the virtual open record hearing process, the Hearing Examiner enters the following findings and conclusions:

FINDINGS

1. Washington Department of Social and Health Services, on behalf of Washington State Department of Corrections (property owner/Applicant), requested a special use permit (SUP) for an essential public facility to add a 2,160 square foot modular building to the existing Maple Lane Campus and to expand an outdoor recreation yard associated with the existing Cascade Cottage Building on the campus. The subject property is addressed as 20311 Old Highway 9 SW, Rochester, Washington.¹ *Exhibits 1, 1.E, 1.F, and 1.G.*
2. The application was submitted and determined to be complete for purposes of commencing project review on January 27, 2022. *Exhibit 1.N.*
3. The subject property is owned by the Washington State Department of Corrections. It was historically used as a juvenile detention facility, but that use is no longer active. In 2015, special use permit approval was granted to convert the facility into a correctional facility for up to 30 adults.² The facility is currently operated by the Washington State Department of Social and Health Services (DSHS) for inpatient psychiatric treatment, with patients typically civilly committed for 90 to 180 days. The 2015 special use approval authorized the interior remodel of a building (Cascade Cottage building) to house detainees, placement of a modular building for staff, installation of a 12-foot security fence, and 1,500 square feet of concrete flatwork. The approval also included a variance from Thurston County Code (TCC) 20.54.175(17.5)(b) to allow the facility to be sited within 500 feet of zones not allowing jails and within one mile of schools. *Exhibits 1, 1.G, and 1.O; Tim Byrne Testimony.*
4. The proposed new modular building would be placed next to the modular building that was approved in 2015. The purpose of the new modular building is to provide office space for DSHS staff who will be displaced by planned renovations to another building on campus (the Columbia Cottage building) in 2023, and also to provide space for

¹ The legal description of the property is: "Section 14 Township 15 Range 3W PTN W2 DESC 88/451 BAP 599.81F S OF N4COR ON SWLY". *Exhibit 1.*

² The facility is a "jail" per the terminology of Thurston County Code (TCC) 20.54.070.

patients detained in the Cascade Cottage building to obtain mental health evaluations and meet with community treatment service providers. The new modular building would contain three offices, a conference room, a staff training room, a break room, and restrooms. *Exhibits 1.G and 1.I; Tim Byrne Testimony.*

5. The existing 12-foot fence surrounding the outdoor recreation area and existing modular building would be extended to enlarge the recreation area and enclose the new modular building. The fence is legally nonconforming with respect to TCC 20.54.070(17.5)(d)(ii) (B) and (C), which specify an eight-foot perimeter fence and do not allow barbed wire along the top to be visible from public rights-of-way or adjacent properties. No additional entry points would be added to the fence, and no changes are proposed to the security plan that was approved as part of the 2015 SUP. The Applicant submitted a summary of the security plan in conjunction with the instant application, which addresses staffing levels and scheduling, building security, an escape search plan, and notification of escapes. The Thurston County Sheriff's Office received a copy of the plan and did not submit comments. Applicant representatives confirmed that the existing facility is within a five-minute response time from required emergency services. *Exhibits 1, 1.G and 1.H; Tim Byrne Testimony.*
6. No change in inmate or staff population is proposed, and no existing buildings would be expanded. The use of the Cascade Cottage building and the existing modular building would remain the same. Contemplated future changes to the Columbia Cottage building would be addressed in a separate application. *Exhibits 1 and 1.G.*
7. The subject property is 209.52 acres in area and is underlain by two zoning designations. The northern portion of the property, where development is currently proposed, is within the Grand Mound Urban Growth Area and is zoned Planned Industrial Park (PI). The southern portion of the property is within rural Thurston County and is zoned Long-Term Agriculture (LTA). *Exhibits 1 and 1.B.* The purpose of the PI zone is as follows:

The purpose and function of the planned industrial district is to provide for industrial development under controls to protect the nearby uses of land, to stabilize property values primarily in those areas not suitable for the light industrial zoning designation, and to encourage comprehensive planning of the entire industrial site within a park-like environment. Certain special uses, such as public correctional facilities, are also considered compatible uses within this district, subject to approval of a special use permit. The district is characterized as being on or near a major arterial highway or other transportation facilities, and close to developing cities, developing community centers, or relatively intense residential development.

Thurston County Code (TCC) 20.27.010.
8. Pursuant to TCC 20.54.065(1), the Thurston County Community Planning & Economic Development Department determined that the proposed use is classified as a Type 2 Essential Public Facility, and that it is allowed in the PI zone with approval of a special use permit and subject to the use-specific standards set forth in TCC 20.54.070. *Exhibit 1.* In the County Code, Type 2 Essential Public Facilities are defined as follows:

These are local or inter-local facilities serving or potentially affecting residents or property in more than one jurisdiction. They could include, but are not limited to, county jails, county landfills, community colleges, secure community transition facilities, sewage treatment facilities, communication towers, and inpatient facilities (e.g., substance abuse facilities, mental health facilities, and group homes). Note: Such facilities which would not have impacts beyond the jurisdiction in which they are proposed to be located would be Type 3 facilities.

TCC 20.54.065(1)(b).

9. The development standards applicable to the PI zone include a minimum front yard setback of 10 feet (or 20 feet if abutting an arterial), a minimum side yard setback of 10 feet (or 30 feet for interior side yard if abutting residentially zoned property), and a minimum rear yard setback of 25 feet (or 50 feet if abutting residentially zoned property). The maximum permitted hard surface coverage is 85%. Areas not devoted to buildings, driveways, and similar must be landscaped, with a minimum of 20% of the developed premises landscaped. Development must comply with the Ground Mound Development Guidelines. *TCC 20.27.040.*
10. The proposed modular building would satisfy the applicable bulk and setback standards and development guidelines. The building would be more than 100 feet from the nearest property line.³ Considering only the 55 acres of the subject property within the PI zone, the total impervious surface coverage with the new building would be 22%. The site is already landscaped and no changes to landscaping are proposed or required. The expanded recreation area would be screened consistent with TCC 20.54.070(17.5)(d)(ii) by buildings and existing vegetation. *Exhibits 1, 1.I, and 1.G.*
11. Access to the site is from Old Highway 9 SW, an arterial road. No new access is proposed in conjunction with the additional modular building. Because there would be no change in staff or inmate population as a result of the proposal, there would be no increase in traffic or parking demand. *Exhibits 1, 1.G, 1.I, and 1.L.*
12. Stormwater would be managed consistent with the requirements of the Thurston County Drainage Design and Erosion Control Manual. Proposed stormwater facilities would include splash blocks at the base of each corner of the building and sheet flow dispersion of runoff from asphalt surfaces. The runoff is not expected to affect downstream drainage conditions. *Exhibit 1.M*
13. The Thurston County Public Works Department reviewed the project for compliance with Thurston County Road Standards and the Drainage Design and Erosion Control Manual and determined that the preliminary requirements of those documents have been

³ The staff report states that the proposed building would be 300 feet from the nearest property line. *Exhibit 1, page 12.* However, comparing the proposed building's location to the site boundary as depicted both in the image in the Staff report at page 5 and in the site plans' (Exhibit 1.I, cover sheet) vicinity sketch, it looks more like the building is going to be placed near where the "136.95' setback" notation is made, which would place it closer to 100 feet from the perimeter of the site. *Exhibit 1, page 5 and Exhibit 1.I, cover sheet, vicinity sketch.*

satisfied. Public Works recommended approval of the project, subject to the conditions set forth in its memorandum dated April 27, 2022. *Exhibit I.R.*

14. The Thurston County Environmental Health Division reviewed the proposal against the requirements of the Thurston County Sanitary Code and determined that the requirements are satisfied. Domestic water would be provided by the Maple Lane Corrections Center Group A public water system, and sewage disposal would be provided by Grand Mound utilities, which is owned and operated by Thurston County Public Works. Both utilities have capacity to serve the development. Connection to the sewer system would require submittal of an engineered water and sewer plan, compliance with the Thurston County Water and Sewer Development Standards, and payment of review and inspection fees. *Exhibits I, I.Q and I.S; Dawn Peebles Testimony.*
15. Because archaeological resources have been identified in the vicinity of the project area, the Washington Department of Archaeology and Historic Preservation (DAHP) requested that the Applicant prepare a professional archaeological survey of the site. No cultural resources were found during the survey. DAHP concurred with the result but requested that the Applicant implement an inadvertent discovery plan during construction. Planning Staff incorporated the requirement into the recommended conditions of permit approval. *Exhibits I, I.T, and I.Y.*
16. Prairie Creek, a Type F stream, crosses the subject property to the south of the proposed development area. A prior wetland evaluation for a project elsewhere on the subject property identified Category II wetlands associated with Prairie Creek. However, further wetland evaluation was not required for the proposed development because the wetland buffers are functionally isolated from the development area by the facility perimeter road and the fence foundation, which would remain in place. Further, mapped wetlands are more than 300 feet from the project area, which is more than the apparently applicable 220-foot regulated buffer. Thurston County Staff issued a critical area determination for the project on September 14, 2022. The conditions of that administrative approval limit land disturbance to the project area and require erosion control measures to be implemented on the site. *Exhibits I, I.I, I.K, and I.X.*
17. The proposed development area is outside of mapped FEMA flood hazard zones and high ground water hazard areas. *Exhibits I and I.X.*
18. Mazama pocket gopher screening conducted in 2018 identified gopher mounds on the north and south sides of Grand Mound Way in the vicinity of the subject property, but not within the proposed development area. Although gopher screening has a three-year vesting period, the vesting was extended in this case due the Applicant's filing of a building permit application on October 28, 2021. Consequently, no additional gopher review is required at this time. *Exhibits I, I.J, and I.P; Heather Tschaekofske Testimony.*
19. No Oregon white oaks (a protected tree species under the CAO) would be impacted by proposed development activities. *Exhibits I, I.I, and I.X.*

20. The proposal is categorically exempt from review under the State Environmental Policy Act as minor new construction. *TCC 17.09.055.D; Heather Tschaekofske Testimony.*
21. Although Type 2 essential public facilities are generally subject to the pre-application notice requirements of TCC 20.54.065(3), there is an exemption for expansions of less than 60% of existing facilities. In this case, the proposed modular building and recreation yard expansion would constitute substantially less than 60% of the area of the existing use and the pre-application notice requirements do not apply. *Exhibits 1 and 1.I; TCC 20.54.065.3.*
22. Notice of the application was mailed to property owners within 2,600 feet of the site on February 11, 2022. *Exhibits 1 and 1.N*
23. Notice of the open record hearing was mailed to parties of record and property owners within 2600 feet of the site on September 13, 2022 and published in The Olympian on September 16, 2022. *Exhibit 1.A.* There was no public comment on the application. *Heather Tschaekofske Testimony.*
24. Having reviewed all application materials and heard all testimony at hearing, County Staff maintained their recommendations for project approval subject to the conditions detailed in the staff report. *Testimony of Heather Tschaekofske and Dawn Peebles.* Applicant representatives waived objection to the recommended conditions. *Testimony of Tim Byrne and Garner Miller.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to decide special use permit applications pursuant to Thurston County Code 2.06.010 and 20.54.015(2).

Criteria for Review: Special Use Permit

The Hearing Examiner may approve an application for a special use permit only if the following general standards set forth in TCC 20.54.040 are satisfied:

- A. Plans, Regulations, Laws. The proposed use at the specified location shall comply with the Thurston County Comprehensive 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.

Use-Specific Standards for Essential Public Facilities (TCC 20.54.070(11.3))

- A. The applicant shall demonstrate that the proposed use will not have any probable significant adverse impact on critical areas; lands within any long-term agriculture district, long-term forestry district, or Nisqually agricultural district; or designated mineral resource lands, except for lineal facilities, such as highways, where no feasible alternative exists.
- B. Major public facilities which generate substantial traffic shall be sited near major transportation corridors.

Use-Specific Standards for Jails (TCC 20.54.070(17.5))

- a. Adequate sewage disposal facilities and water must be provided without diminishing the level of service for system users of others dependent upon the resource.
- b. Location.
 - i. Jail sites shall not be located closer than five hundred feet from the boundary of a district in which the use is not allowed as a special use.
 - ii. Jail sites shall be located at least one mile from any school and any site for which a special use application for a school has been submitted
 - iii. Jails shall be located such that law enforcement officers can respond to a call for assistance within five minutes under typical conditions.
 - iv. Advance life support service, as defined in RCW 18.73.030(19), must be available within five minutes under typical conditions.
 - v. The hearing examiner may lessen standards in subsections (17.5)(b)(i) and (ii) above if, in his or her opinion, a water body, freeway, or other barrier provides separation as effective as these standards.
- c. Security. The applicant shall submit a proposed security plan which, at a minimum, is consistent with applicable American Corrections Association security standards. This plan shall identify staffing levels and scheduling,

building security, an escape search plan, and provisions for immediate public notification of escapes.

d. Design

- i. Size. Jails with a capacity for two hundred inmates shall be located on a site of at least fifteen acres. Jail sites shall contain an additional four acres for each additional fifty bed increase in capacity above this threshold.
- ii. Landscaping/Buffers
 - A. The applicant shall submit a binding landscaping plan which serves to maintain or enhance the character of the area without jeopardizing security. This plan shall incorporate at least a twenty-five foot landscaped buffer along public rights-of-way.
 - B. The applicant shall install an eight-foot high fence in character with the neighborhood between the facilities and all property boundaries, with the exception of the landscaped street frontage, which effectively screens the site from adjacent properties.
 - C. Barbed wire topped fencing shall not be visible from public rights-of-way.
 - D. Outdoor activity areas located in residential districts shall not be visible from public rights-of-way or adjacent properties.
- iii. Noise. The hearing examiner may require conditions to minimize potential noise impacts including, but not limited to, altering the location of outdoor use areas and noise generating facilities, and installation of noise reducing elements such as walls, berms, and landscaping.
- iv. Lighting. Sight lighting shall not produce levels of illumination or glare that would pose a nuisance or hazard for motorists on public rights-of-way or constitute a nuisance for occupants of adjacent properties.
- v. Access. Jails shall have direct access to an arterial or collector unless the hearing examiner determines that access via a lesser classification of street would not be detrimental to neighborhood character and would not increase public safety risks.

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 Thurston County Comprehensive Plan, the Thurston County Sanitary Code, the Drainage Design and Erosion Control Manual, the Thurston County critical areas ordinance, the State Environmental Policy Act, and the Grand Mound Development Guidelines. With respect to the special use standards for essential public facilities, the Applicant has demonstrated that the use would not have probable, significant adverse impacts on critical areas or other protected areas. The expanded use would not generate additional traffic and would not change site access from

the existing entrance off of Old Highway 9, an arterial. With respect to the use-specific standards applicable to jails, there would be adequate sewage disposal for the use. The 2015 variance approval allowed the facility to be sited within the minimum radii from schools and incompatible zones; the instant approval would not change the nature of the use or the previously imposed setbacks. The security and design standards for jails would continue to be satisfied and/or (as in the height and style of the existing fence) would not be rendered more nonconforming. *Findings 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, and 24.*

2. The use complies with the general purposes and intent of the PI zone and with applicable setback and bulk standards. The zoning ordinance identifies public correctional facilities as a compatible use within the zone. Development on the site would comply with the site design requirements of the Planned Industrial Park District at TCC 20.27.040. *Findings 7, 9, and 10.*
3. With conditions, the proposed use is appropriate in the location for which it is proposed.
 - a. As conditioned, 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 new building and additional recreation space would be within a campus that has historically been used for corrections purposes; they would not change the character of the neighborhood or the existing facility. There would not be substantial impacts to the natural environment or protected species of wildlife. Access would continue to be from the existing entrance off of Old Highway 9, which is classified as an arterial. There would be no increase in traffic or parking demand. As conditioned, all sanitary code requirements would be satisfied. The conditions of approval require submittal of a final security plan at the time of building permit submittal, require an inadvertent discovery plan to be posted on site during development, and require lighting to be shielded from adjacent properties. *Findings 1, 3, 4, 5, 6, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 24.*
 - b. As conditioned, 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. There should be no additional burden on the utility systems because the number of inmates and staff would not increase. The conditions of approval recommended by the Public Works Department, which address utility work, are incorporated into this decision. Without an increase in population or staffing, there would be no increased demand for emergency services response. *Findings 5, 6, 13, 14, and 24.*

DECISION

Based on the preceding findings and conclusions, the request for a special use permit for an essential public facility to add a 2,160 square foot modular building and expand an outdoor

recreation yard at the Maple Lane campus at 20311 Old Highway 9 SW is **GRANTED** subject to the following conditions:

Public Works Conditions:

Roads

1. The proposed roadway in concept and design shall conform to the Road Standards.

Traffic Control Devices

2. 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.
3. 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.

Drainage

4. The storm water management system shall conform to the Drainage Design & Erosion Control Manual.
5. 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.
6. Storm water 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.

Utilities

7. 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.
8. 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 utility 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 0.20 feet of asphalt concrete pavement.

Right-Of-Way & Survey

9. Permanent survey control needs to be placed to establish all public street centerlines, intersections, angle points, curves, subdivision boundaries and other points of control.
10. 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 754-4580.

Traffic

11. Per Thurston County Resolution 14820, traffic impact fees shall be paid prior to issuing any building permits associated with this project.

General Conditions

12. No work shall take place until a construction permit has been issued by Thurston County Public Works – Development Review Section.
13. 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 Drainage Design & Erosion Control Manual.
14. When all construction/improvements have been completed, contact the Thurston County Public Works – Development Review Section at 360-867-2051 for a final inspection.
15. 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.

Project Specific Conditions

16. Once the planning department has issued the official approval, submit a complete set of construction drawings and the final drainage and erosion control report to Thurston County Public Works – Development Review Section for review and acceptance.
17. 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

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- 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 contact Ruthie Padilla with the Thurston County Public Works – Development Review Section by phone at 360-867-2050, or by e-mail at ruthie.moyer@co.thurston.wa.us.

Final Review

- 18. 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. Payment of any required permitting fees.

Community Planning and Economic Development Conditions:

- 19. This property is mapped with soils that often contain the presence of priority species and habitat, which are protected by TCC 24, Critical Areas Ordinance. The requested development activity is planned to take place on a soil type, or area, which may provide habitat for the Mazama pocket gopher, or where the Mazama pocket gopher has either been found or is suspected to be located. Approval of this and other County permits may be superseded by federal law. If any are found during construction, the Applicant should contact the U.S. Fish and Wildlife Services.
- 20. Lighting shall be designed and shall function in a manner that shields direct light from adjoining streets and properties.
- 21. Department of Social and Health Services (DSHS) shall submit a signed copy of the security plan to the County at the time of building permit submittal.
- 22. The Applicant and subsequent property owners must comply with all requirements of state and/or federal law to avoid disturbance and alteration of artifacts, remains, or other cultural resources on site during development. In the event of inadvertent disturbance or alteration, the Applicant must immediately stop work and contact the Tribe and the State Department of Archaeology and Historic Preservation (DAHP). In addition, per the DAHP comments, Applicant shall post the Inadvertent Discovery Plan on site and adhere to this plan during all ground disturbing activities.
- 23. The project must comply with all other Local, State and Federal regulations and acquire all applicable permits prior to any work. The property owner is responsible for obtaining permits and approvals from other agencies, as they apply.
- 24. Land disturbance and site preparation shall be limited to the project area, and adequate provisions for erosion control shall be implemented. Best management practices shall be

employed, and there shall be no additional disturbance of vegetation or trees within the critical areas without approval from Thurston County Community Planning and Economic Development.

25. All site development shall be in substantial compliance with the approved site plans, and associated documents. Any expansion or alteration of this use will require approval of a new or amended special use permit. Community Planning and Economic Development will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.

DECIDED October 10, 2022.



Sharon A. Rice
Thurston County Hearing Examiner

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

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| 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). |
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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 **\$804.00** for a Request for Reconsideration or **\$1,093.00** 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 ☐ \$804.00 for Reconsideration or \$1,093.00 for Appeal. Received (check box): Initial _____ Receipt No. _____
Filed with the Community Planning & Economic Development Department this _____ day of _____, 20____.