



COUNTY COMMISSIONERS

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District One

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District Three

## HEARING EXAMINER

*Creating Solutions for Our Future*

### BEFORE THE HEARING EXAMINER FOR THURSTON COUNTY

|                                     |   |                        |
|-------------------------------------|---|------------------------|
| In the Matter of the Application of | ) |                        |
|                                     | ) |                        |
|                                     | ) | SUPT NO. 2020104803    |
| <b>City of Lacey</b>                | ) |                        |
| <b>Water Resources Department</b>   | ) |                        |
|                                     | ) |                        |
| For a Special Use Permit            | ) | FINDINGS, CONCLUSIONS, |
|                                     | ) | AND DECISION           |
|                                     | ) |                        |

### SUMMARY OF DECISION

The requested special use permit to authorize construction of a new 1,500 square foot water treatment building and related improvements at the existing Beachcrest Wellfield site Group A water system (ID#43500Y) located at 8905 48th Way NE, Olympia, Washington is **GRANTED** subject to conditions.

### SUMMARY OF RECORD

#### Request

Puna Clarke on behalf of the City of Lacey Water Resources Department (Applicant) requested special use permit to construct a new 1,500 square foot water treatment building and associated improvements to the existing Beachcrest Wellfield Site Group A water system located at 8905 48th Way NE, Olympia, Washington.

#### Hearing Date

The Thurston County Hearing Examiner conducted an open record public hearing on the request on July 13, 2021. The record was held open until July 15, 2021 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 comments were submitted, and the record closed on July 15, 2021.

#### Testimony

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

Sharon Lumbantobing, Senior Planner, Thurston County Community Planning & Economic Department

Dawn Peebles, Thurston County Environmental Health

Puna Clarke, Applicant Representative

### **Exhibits**

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

- Exhibit 1 Community Planning & Economic Department Staff Report to the Examiner, including the following attachments:
- A. Notice of Public Hearing, dated June 28, 2021
  - B. Master Application and Special Use Permit Application, submitted October 16, 2020
  - C. Vicinity and Location Map
  - D. Existing Site Plan
  - E. Proposed Site Plan
  - F. Proposed Landscape Plan
  - G. Arborist Report: Tree Removal and Protection
  - H. Generator Specification
  - I. Hazardous Material Spill Response Plan
  - J. Integrated Pest Management Plan
  - K. Department of Ecology-Tacoma Asarco Smelter Response
  - L. Thurston County Critical Area Determination (CAD) (Prairie Soil), dated October 23, 2020
  - M. Drainage Report
  - N. Stormwater Scoping Response Memorandums, dated December 9 and 11, 2020
  - O. Notice of Application, dated April 14, 2021
  - P. Determination of Non-Significance, issued October 12, 2020 by City of Lacey Planning Department
  - Q. SEPA Checklist prepared by the Applicant
  - R. Squaxin Island Tribe comment letter, dated April 19, 2021
  - S. Nisqually Tribe comment letter requesting Cultural Resource Survey, dated April 23, 2021
  - T. Memorandum from Arthur Saint, Thurston County Public Works, dated April 14, 2021

- U. Memorandum from Amy Crass, Thurston County Environmental Health, dated June 23, 2021
- V. Olympic Region Clean Air Agency (ORCAA) comments, dated April 14, 2021
- W. City of Lacey Response to Thurston County, dated April 27, 2021
- X. Comments from the Washington State Department of Ecology, dated May 4, 2021
- Y. Environmental Health Division additional comments, dated July 13, 2021

After considering the testimony and exhibits submitted through the open record public hearing process, the Hearing Examiner enters the following findings and conclusions:

### **FINDINGS**

1. City of Lacey Water Resources Department (Applicant) requested a special use permit to construct a new 1,500 square foot water treatment building and related improvements to the existing Beachcrest Wellfield Site Group A water system (ID#43500Y) located at 8905 48th Way NE, in unincorporated Olympia, Washington.<sup>1</sup> The existing domestic water utility facility contains the wellhead serving the public water system, a monitoring well, and other associated electrical and treatment components. *Exhibits 1 and 1.B.*
2. Owned by the City of Lacey, the 1.15-acre subject property is located within the Lacey Urban Growth Area (UGA) and is zoned Low-Density Residential 0-4 (LD 0-4). The City of Lacey is the sewer and water provider for the Lacey UGA. The Beachcrest Wellfield Site is relatively flat, sloping gently, and is 200 feet wide and 250 feet deep. Following Applicant inquiry, Thurston County issued a critical area determination dated October 23, 2020, which concluded that the subject property contains no prairie soils, protected oak trees, or mima mounds. Surrounding parcels share the site's LD 0-4 zoning and are developed with single-family residential uses. *Exhibits 1, 1.E, and 1.L.*
3. The purposes of the LD 0-4 zoning district are to accomplish the following: enhance the residential quality of the Lacey UGA by providing a high standard of development for single-family residential areas; provide a single family residential designation with an appropriate lower density and larger lot size for development adjacent to environmentally sensitive areas; provide a single family residential designation with lot sizes compatible and more easily integrated into neighborhoods with adjacent older subdivisions with larger lots; designate certain areas in which single-family structures on individual lots are the dominant type of dwelling unit; guide residential development to those areas where public sewers are in place prior to residential building construction, where sewers can be extended at minimal cost, or where new technology makes residential development in unsewered areas environmentally acceptable; and to guide development of residential areas in such manner as to encourage and plan for the availability of public services and community facilities such as utilities, police and fire

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<sup>1</sup> The legal description of the subject property is a portion of Section: S25191W Abbreviated Legal: 25-19-1W W2 OF FOLL; COM SE COR, S 88-; known as Tax Parcel No. 11925340100. *Exhibit 1.*

protection, streets, schools, parks and recreation. *Thurston County Code (TCC) 21.12.010.*

4. Public utilities, including facilities for the for the distribution of water, are allowed in the LD 0-4 zone as special uses, requiring a public hearing process. *TCC 21.66.020.C(2).*
5. The proposal would construct a new 1,500 square foot water treatment building to house an aeration system intended to treat groundwater extracted by two wells to increase the pH of water distributed from the facility for the purpose of optimizing corrosion control within the distribution system. The Washington State Department of Health has mandated such corrosion control measures be implemented. The proposal would demolish four existing treatment and storage buildings located onsite, relocate the existing chlorination building to the City's Well Source 20 facility, and modify the existing wells located onsite. Existing Well S15 would be removed from service and decommissioned, to be replaced by new Well S15R. Existing Well S16 would be rehabilitated, cleaned, inspected, and outfitted with new pumping equipment. The combined, aerated water piping would be connected to the existing distribution supply piping. Finally, the proposal includes installation of an emergency standby-diesel generator to serve the new building. The existing use of the subject property would not change. No new signage is proposed. Downshielded motion-detecting lighting is proposed on the water treatment building entrance. *Exhibits 1, 1.B, 1.E, 1.F, and 1.W; Puna Clarke Testimony.*
6. The proposed new water treatment building would contain 1,500 square feet of interior space and would be approximately 16 feet high at its tallest point. The proposal would result in approximately 19,685 square feet of impervious surface coverage, which represents approximately 39% of the site and breaks down as follows: a 70 square foot stormwater treatment vault, the 100 square foot slab and building supporting Well S16, 300 square feet of impervious area supporting the proposed auxiliary generator, 2,375 square feet of gravel area, 15,240 square feet of asphalt, and 1,600 square feet for the proposed treatment building and landings. Of note, no sewer connection exists or is proposed for the facility. Minimal grading is proposed. Structural fill materials would be imported for pipe bedding and to go under proposed slabs and paving. All disturbed areas not covered by structures or paving would be replanted with maintained landscaping. *Exhibits 1, 1.E, 1.Q, and 1.W.*
7. The wells and associated infrastructure on site operate 24 hours a day, seven days a week. Presently, City Staff visits the existing facility once or twice a day in light duty trucks or maintenance vehicles for monitoring and maintenance. If approved, the proposal would not increase the frequency of visits, numbers of staff, or types of vehicles visiting the site, or change the hours of operation. *Exhibits 1, 1.B, and 1.E.*
8. The LD 0-4 zone requires minimum setbacks for structures of 16 feet from the front property line, 20 feet from the rear property line, and five feet from side property lines. It allows maximum parcel coverage by building of 40% and parcel coverage by impervious surfaces of 55%. The maximum structure height allowed is 35 feet. *TCC 21.12.050.*

The proposal satisfies these bulk dimensional standards, providing a minimum setback of 71 feet from the nearest property line for all proposed structures and a maximum building height of 16 feet for the proposed building. With the proposed development, 32.6% of the site would be covered by structures and 39% of the site would be covered by impervious surfaces. *Exhibits 1, 1.E, and 1.W.*

9. The existing utility facility has access from an existing curb cut onto 48th Way NE from the northeast corner of the site. A second curb cut and site access point is proposed from the northwest corner of the site, with the eastern cut acting as ingress and the western cut acting as egress. Both entrances would have 20-foot vehicle gates and be security protected. As shown on the site plan, there would be ample paved or graveled open area for City vehicles to park while on site daily for monitoring and maintenance, which County Planning Staff submitted would be sufficient to satisfy the applicable off-street parking requirements of TCC Chapters 21.72 and 20.44. *Exhibits 1, 1.D, 1.E, and 1.T.*
10. Stormwater runoff for development in the LD 0-4 zone must meet the requirements of TCC 21.12.080, which prohibit runoff from causing pollution to any surface or groundwaters and require compliance with TCC Chapter 15.05. The proposal calls for installation of a stormwater pond near the center of the north property boundary along 48th Way NE. Stormwater from the new impervious surfaces would be directed to various catch basins, conveyed to an enhanced treatment facility, and discharged into the pond for infiltration. Thurston County Public Works Staff reviewed the proposal for compliance with applicable stormwater control requirements established in the Thurston County Drainage Design & Erosion Control Manual, as well as for access and transportation standards established in the Thurston County Road Standards. Public Works Staff submitted comments recommending approval subject to conditions, which were incorporated into the conditions of approval in the staff report.<sup>2</sup> *Exhibits 1, 1.M, 1.N, and 1.T.*
11. The existing utility facility is surrounded by parcels developed with residential uses. The zoning code considers utility facilities “incompatible” with adjacent residential uses to the extent that screening is required to safeguard privacy and protect the aesthetic character of the neighborhood. Pursuant to 21.80.030.A.3, Type I landscaping is required. Also, a minimum of a 30-foot wide landscaped buffer is required around the perimeter of the utility facility to significantly separate the incompatible uses.<sup>3</sup> *TCC 21.80.055.* However, pursuant to TCC 21.80.060.B, the County’s Hearing Examiner may approve modifications to the landscape requirements based on site and use specific circumstances. The proposed landscape plan depicts a 15-foot wide landscape buffer along the east, south, and west sides of the parcel to be planted with evergreen trees, shrubs, and groundcover largely consistent with Type 1 landscaping as established in TCC 21.80.050.B, which is intended to provide a very dense sight barrier and physical buffer to significantly separate conflicting uses. (Note, the landscape plan calls this Type A landscaping.) The landscape plan calls for no landscaped buffer along the

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<sup>2</sup> The undersigned takes note that Public Works Staff attended the hearing but did not feel the need to add testimony to their comments in the record at Exhibit 1.T.

<sup>3</sup> Exhibit 1 calls out a required 15-foot wide minimum landscaped buffer, but the ordinance requires 30 feet.

north boundary adjacent to 48th Way NE and for greater spacing between plantings and shorter than standard plantings along the other boundaries to facilitate visual access. The reason is that because the site functions as critical public infrastructure, visibility into and through the site from the street is required to discourage unauthorized access to the facility, vandalism, and other tampering with public water supplies. In some cases, the City installs game cameras to provide notification of activities within utility sites. In addition to the proposed landscaping, the subject property contains a stand of mature trees south of the proposed development envelope that would be retained, and adjacent parcels also contain many mature trees. The proposed landscape plan satisfies the intent of TCC Chapter 21.80's requirement for a visual buffer, in that it sets proposed above ground improvements in the interior of the parcel, provides adequate new planting along the side property boundaries adjacent to residential uses, retains existing dense trees along the south boundary, and along the north boundary is separated by the street and stormwater pond from parcels across 48th Way NE. Staff submitted that adequate setbacks and vegetation are proposed such that the intended visual buffer is satisfied. Consistent with 21.80.080, the City's Parks maintenance department currently maintains and would continue to maintain the Beachcrest well site. An integrated pest management plan (IPMP) has been prepared for the proposal. *Exhibits 1, 1.E, 1.F, 1.J, and 1.W; Testimony of Sharon Lumbantobing and Puna Clarke.*

12. The LD 0-4 zone requires that significant trees that are 60 feet tall and 16 inches in diameter shall be retained to the maximum extent possible. *TCC 21.80.040*. The Applicant submitted a report prepared by a certified arborist indicating that 12 significant trees ranging from 13 to 33 inches in diameter would need to be removed due to conflicts with necessary development. Five of the trees are in the center of the site, and seven are along or near the site's 48th Way NE frontage. *Exhibits 1 and 1.G.*
13. Uses in the LD 0-4 zone, and expansions to utility facilities, are not allowed to create noise, emissions, odors, or other nuisances that are out of character with and disruptive to residential uses in the vicinity of proposed development. *TCC 21.12.040; TCC 20.54.070(30)*. The proposal would generate some mechanical noise from such equipment as blowers and pumps during operations, and from the testing and use of the proposed emergency generator during power outage conditions. All required mechanical equipment aside from the generator would be located in the proposed treatment building, which is designed with acoustical wall panels to reduce noise impacts. Placed in the northwest section of the site near the storm pond, approximately 35 feet from the west property line, the generator would be tested for approximately 30 minutes a week during business hours to ensure its function. It would not be located inside a building but would be placed within a level 2 sound enclosure, which provides higher than standard sound reduction. *Exhibits 1, 1.H, 1.I, and 1.Q; Testimony of Keith Stewart, Puna Clarke, and Dawn Peebles.*
14. The subject property is mapped within an area of possible soil contamination resulting from the former Tacoma Smelter Plume. The Applicant conducted soil testing and submitted results to the Washington State Department of Ecology, which provided

comments indicating that no soil remediation and no further testing action are required. *Exhibit 1.K.*

15. County Public Health and Social Services Environmental Health Division (EHD) Staff reviewed the proposal for compliance with the Thurston County Sanitary Code. EHD's review included specifications for the proposed emergency generator, which the division determined would meet secondary containment and subbasin leak detection requirements. EHD determined that, as proposed and conditioned, the proposal would not adversely impact the adjacent properties and would improve the water conditions for the utility's customers without negative impact to public health, safety, or welfare. At hearing, EHD Staff requested two additional conditions of approval relating to provision of Washington State Department of Health Office of Drinking Water approvals to the County prior to building permit issuance and certificate of occupancy issuance. *Exhibits 1, 1.U, and 1.Y; Dawn Peebles Testimony.*
16. County Planning Staff reviewed the proposal for consistency with the City of Lacey and Thurston County Land Use Plan for the Lacey Urban Growth Area, Utilities Chapter. Staff found the proposal to be consistent with the applicable policies, goals, and objectives of the plan. Noting that the proposed water treatment facility is both intended for the public benefit and mandated by the Washington State Department of Health to optimize corrosion control in the distribution system, Planning Staff submitted that the proposal complies with all known applicable laws and plans. *Exhibit 1; Sharon Lumbantobing Testimony.*
17. Pursuant to the State Environmental Policy Act (SEPA), the City of Lacey Planning Department was designated lead agency for review of the proposal's environmental impacts. After preparing an environmental checklist, the City determined that, with the mitigation proposed, the project would not result in probable significant adverse environmental impact. A determination of non-significance (DNS) was issued on October 12, 2020. The DNS was not appealed and became final on October 26, 2020. *Exhibit 1.P; Sharon Lumbantobing Testimony.*
18. Notice of application was mailed to owners of parcels within 300 feet of the site on April 14, 2021. *Exhibit 1.O.* Notice of public hearing was mailed to owners of parcels within 300 feet of the site and others who requested notice and published in The Olympian on July 2, 2021. *Exhibit 1.A.*
19. The County received no comments from members of the public on the application. *Exhibit 1.* The Washington Department of Ecology submitted comment with information relating to solid waste management, toxics cleanup (in the event soil contamination is discovered), and water quality management. *Exhibit 1.X.* The Olympic Region Clean Air Agency (ORCAA) submitted comments containing requested conditions related to the requirements around asbestos testing during demolition. *Exhibit 1.V.* The Squaxin Island Tribe submitted comments indicating they had no concerns and requesting inadvertent discovery procedures be required to be implemented during ground disturbing activities. *Exhibit 1.R.* The Nisqually Tribe requested that a cultural resource survey be

performed and that inadvertent discovery procedures be required to be implemented during ground disturbing activities. *Exhibit I.S.*

20. Having reviewed all materials and heard testimony at hearing, Planning Staff determined that with the conditions recommended, the project would be consistent with the Thurston County Comprehensive Plan, the zoning ordinance, and all other applicable policies and ordinances. *Exhibit I; Sharon Lumbantobing Testimony.* The Applicant waived objection to the recommended conditions, including the addition of a condition requiring a cultural resources survey to be performed; the City already intended to obtain one. *Puna Clarke Testimony.*

## **CONCLUSIONS**

### **Jurisdiction**

The Hearing Examiner is granted jurisdiction to decide this special use permit application by Thurston County Code 2.06.010 and TCC 21.87.010 and Section 36.70.970 of the Revised Code of Washington.

### **Special Use Permit Criteria for Review**

The Hearing Examiner may approve an application for a special use permit only if the following general standards set forth in TCC 21.87.035 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 Public Utilities TCC 20.54.070(30)*

1. New or major additions to existing facility. There shall be no rotary converters, generating machinery or other equipment that would cause substantial noise, electrical interference, or similar disturbance.

*Other Applicable Standards*

TCC 21.66.050(A) states that the design standards for special uses in a given district shall be the initial base of reference in determining the design standards for special uses in the same district. “The department is authorized to alter or vary the design of the district for a special use when such alteration or variation is found to be reasonable to protect adjacent properties or the health or general welfare of the community. Design standards which may be altered or varied for special uses include but are not necessarily limited to the following: Size and shape of lots (i.e., minimum area, width, depth, setbacks and building heights); Maximum building coverage; Maximum development coverage; Off-street parking and loading; Landscaping, buffering and screening”.

**Conclusions Based on Findings**

1. As conditioned, the proposed revisions to the existing public water utility facility would comply with all applicable laws and plans, including the standards of the underlying LD 0-4 zoning district. Improvements to an established public utility site are consistent with the Comprehensive Plan. The project would effectuate improvements mandated by the state. In improving the safety of the established Group A water system serving the greater Lacey Urban Growth Area while providing adequate setbacks and perimeter landscaping, the utility facility would remain consistent with the purpose and standards of the LD 0-4 zoning district. The use is allowed in the zone. Proposed improvements comply with zoning setbacks, building height, and site coverage standards. Potential noise generating features of the improvements are proposed to be installed within buildings or within sound containment systems to reduce noise heard from adjacent properties. Adequate off street parking is provided. The proposed landscaping modifications are approved consistent with both TCC 21.66.050.A and TCC 21.80.060, in that perimeter landscaping would be provided and visual screening would occur, meeting the intent of the chapter. The need for visual access to the site for security purposes is an adequate basis for approval of the requested landscaping standard modifications. Significant trees are retained to the extent feasible, and additional tree planting is proposed. *Findings 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, and 20.*
2. The proposed revisions to the existing Group A water system well site are an appropriate land use for the subject property. The proposed new building containing additional mechanical equipment would be located in the middle of the site, maximizing setbacks from off adjacent residential land uses. The proposal calls for construction of both the building and the emergency generator with features that would minimize noise detectable

off site. The project would not generate additional traffic. There would be adequate room on-site for maintenance vehicle parking. Retention of existing mature trees in the south end of the site and the proposed 15-foot landscaped perimeter buffer, combined with generous setbacks of 71 feet at the narrowest point, the proposed improvements would result in negligible visual impacts on surrounding properties. The site's landscaping would continue to be maintained by City of Lacey. Stormwater runoff would be collected, conveyed, treated, and infiltrated on site consistent with County drainage requirements. The proposed improvements would not impact any regulated critical areas or protected species. The record supports the conclusions that the project would not create substantial or undue adverse impacts on adjacent property, neighborhood character, natural environment, traffic conditions, parking, public property, or facilities, or generate adverse impacts on public services. The unstaffed facility would not connect to sewer. A SEPA DNS was issued and became final, indicating that the proposal would have no probable, significant, adverse environmental impacts. There is no evidence of increased demand for any public service as a result of the proposal. *Findings 2, 5, 6, 7, 9, 10, 11, 13, 15, 17, 19, and 20.*

3. As proposed, the project would satisfy the utility expansion-specific special use standards at TCC 20.54.070(30) for avoiding excess noise generation or similar disturbance. *Findings 5, 6, 7, 13, 15, and 20.*

### **DECISION**

Based on the preceding findings and conclusions, the requested special use permit to construct a new 1,500 square foot water treatment building and associated improvements to the existing Beachcrest Wellfield Site Group A water system (ID#43500Y) located at 8905 48th Way NE, Olympia, Washington is **GRANTED** subject to the following conditions:

A. Community Planning and Economic Development Conditions:

1. Prior to building permit issuance, the Applicant shall submit a design review application in accordance with the requirements of TCC 21.70 for staff review and approval.
2. If contamination is suspected, discovered, or occurs during the proposed action, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by testing, Washington State Department of Ecology must be notified. Contact the Environmental Report Tracking System Coordinator at (360)407-6300.
3. Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or storm drains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are pollutants.
4. Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water

Quality Standards for Surface Waters of the State of Washington and is subject to enforcement action.

5. In the case of inadvertent discovery of archaeological resources or human burial, the Applicant and/or contractor must immediately stop work and contact the Washington Department of Archaeology and Historic Preservation at (360) 586-3067.
6. A Construction Stormwater Permit from the Washington State Department of Ecology may be required. Information about the permit and the application can be found at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/permit.html>. It is the Applicant's responsibility to obtain this permit if required.
7. All development on the site shall be in substantial compliance with the approved site plan and conditions. Any expansion or alteration of this use will require review and approval of a new or amended special use permit. The Community Planning and Economic Development Department will determine if any proposed amendment is substantial enough to require a new permit.
8. Lighting shall be designed and shall function in a manner that shields direct light from adjoining streets and properties.
9. Landscaping is required to be completed at the time of final building inspection.
10. All refuse containers and roof and ground related mechanical equipment shall be screened from the public right-of-way and adjoining properties.
11. Construction activity shall be limited to the hours of 7:00 a.m. to 7:00 p.m. to minimize associated noise. All activities onsite shall fully comply with noise limitations outlined in WAC 173-60.
12. The owner/operator shall be responsible for maintaining an orderly appearance of the property and shall be responsible for the care and maintenance of all installed landscaped areas. All required yards, parking areas, storage areas, operation yards and other open uses on the site shall be maintained at all times in a neat and orderly manner.
13. Prior to any ground disturbing activities, the Applicant shall commission a cultural resources survey by a qualified professional, and the survey shall be routed to the Washington State Department of Archaeology and Historic Preservation (DAHP) and the Nisqually Tribe. All site development shall conform with the recommendations of the cultural resources survey.

**B. Public Health and Social Services Department Conditions:**

1. Spill kits must be kept on-site during construction activities to handle any minor equipment leaks or accidental spills.

2. Prior to the release of the building permit, the existing Well 15 must be properly decommissioned by a licensed well driller per Washington State Department of Ecology standards. A copy of the well log must be submitted to this office.
3. Prior to release of the building permit, documentation of approval from Washington State Department of Health (DOH) Office of Drinking Water must be submitted to our office.
4. Prior to final building occupancy approval, final construction approval from DOH Office of Drinking Water must be submitted to our office.

C. Public Works Conditions:

*Roads*

1. The proposed roadway in concept and design shall conform to the Road Standards and the City of Lacey standards and development guidelines.
2. A construction permit shall be acquired from the Thurston County Public Works – Development Review Section prior to any construction.

*Traffic Control Devices*

3. 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.
4. 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*

5. The storm water management system shall conform to the Drainage Design & Erosion Control Manual.
6. 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.
7. 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*

8. 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.
9. 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.

#### *General Conditions*

10. No work shall take place until a construction permit has been issued by Thurston County Public Works – Development Review Section.
11. Development within the City of Lacey, 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.
12. 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.
13. When all construction/improvements have been completed, contact the Thurston County Public Works – Development Review Section at 360-867-2051 for a final inspection.
14. 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*

15. Once the planning department has issued the official approval, 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 dated December

11, 2020, which can be found at:

<https://weblink.co.thurston.wa.us/dspublic/0/doc/14103721/Page1.aspx>

16. Prior to construction, the Applicant shall:
  - a. Pay outstanding construction review and inspection fees.\*
  - b. Receive erosion and sediment control permit.
  - c. Have the erosion and sediment control inspected and accepted.
  - d. Receive a construction permit.
  - e. Schedule a pre-construction conference with county staff.

The current fee schedule can be found online at:

<http://www.co.thurston.wa.us/permitting/fees/fees-home.html> or 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](mailto:ruthie.moyer@co.thurston.wa.us).

### *General Information*

#### *Final Review*

17. 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. Completion of required signing and striping.
  - g. Payment of any required permitting fees.

#### D. Olympic Region Clean Air Agency (ORCAA) conditions:

ORCAA regulations require an asbestos survey for all demolition projects. Demolition projects by definition also include renovations performed to load-bearing structural members on the current building as part of a remodel. Prior to any demolition project, the following must be completed:

1. A good faith asbestos survey must be conducted on the structure by a certified Asbestos Hazardous Emergency Response Act (AHERA) building inspector;
2. If asbestos is found during the survey, an ORCAA Asbestos Removal Notification must be completed and all asbestos containing material must be properly removed prior to the demolition; and,

3. If the structure is 120 square feet or greater, an ORCAA Demolition Notification must be submitted regardless of the results of the asbestos survey. There is a mandatory 14-day waiting period after ORCAA receives notification, so we recommend the Applicant complete the Demolition Notification promptly after receiving the survey.

\*These requirements are specific to ORCAA and are not synonymous with any city or county permitting jurisdiction requirements

Helpful Links:

- A list of certified asbestos contractors is available at [https://www.orcaa.org/wp-content/uploads/2020/01/Asbestos\\_Contractors\\_Jan2020.pdf](https://www.orcaa.org/wp-content/uploads/2020/01/Asbestos_Contractors_Jan2020.pdf)
- The Demolition Notification form is available at <https://www.orcaa.org/asbestos-demolition-programs/demolition-notification/>
- If applicable, the Contractor Asbestos Removal Application is available at <https://www.orcaa.org/asbestos-demolition-programs/contractor-asbestos/>

**DECIDED** July 29, 2021.



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Sharon A. Rice  
Thurston County Hearing Examiner





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

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| <b>NOTE:</b> THERE MAY BE NO EX PARTE (ONE-SIDED) CONTACT OUTSIDE A PUBLIC HEARING WITH EITHER THE HEARING EXAMINER OR WITH THE BOARD OF THURSTON COUNTY COMMISSIONERS ON APPEALS (Thurston County Code, Section 2.06.030). |
|---|

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\_\_\_\_.