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HEARING EXAMINER

Creating Solutions for Our Future

**BEFORE THE HEARING EXAMINER
FOR THURSTON COUNTY**

In the Matter of the Application of)	
)	
)	SUPT NO. 2018100144
)	
The Evergreen State College)	The Evergreen State College
)	Carving Studio
)	
For a Special Use Permit)	FINDINGS, CONCLUSIONS,
)	AND DECISION
)	

SUMMARY OF DECISION

The request for approval of a special use permit to construct a 2,060 square foot wood carving studio on The Evergreen State College campus is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request:

KMB Architects on behalf of The Evergreen State College (Applicant) requested approval of a special use permit to construct a 2,060 square foot wood carving studio adjacent to an existing 976 square foot wood carving studio on the west side of the main college campus at 2700 Evergreen Parkway NW, Olympia, Washington.

Hearing Date:

The Thurston County Hearing Examiner conducted an open record public hearing on the request on May 22, 2018.

Testimony:

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

- Scott McCormick, Associate Planner, Community Planning and Economic Development Department
- Dawn Peebles, Thurston County Public Health Department

Arthur Saint, Thurston County Public Works
Timothy Byrne, Evergreen State College, Applicant Representative

Exhibits:

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

- Exhibit 1 Community Planning and Economic Development Department Staff Report to the Hearing Examiner, with the following attachments:
- A. Notice of Public Hearing, dated January 11, 2018
 - B. Master application, dated January 11, 2018
 - C. Special use permit application, dated January 11, 2018
 - D. Narrative description, dated January 10, 2018
 - E. Vicinity maps
 - F. Site plan
 - G. Notice of Application, dated March 8, 2018, and adjacent property owners list
 - H. Memorandum from Arthur Saint, Thurston County Public Works, dated March 30, 2018
 - I. Memorandum from Dawn Peebles, Thurston County Environmental Health, dated May 4, 2018
 - J. Letter from Washington State Department of Ecology, dated March 28, 2018
 - K. Email from Bob Hodges, dated March 14, 2018
 - L. Comment letter from Nisqually Indian Tribe, dated March 12, 2018
 - M. Letter from Washington State Department of Ecology, dated February 20, 2018

Exhibit 2 Two photos of posted public hearing notice

Upon consideration of the testimony and exhibits submitted at the open record public hearing, the Hearing Examiner enters the following findings and conclusions:

FINDINGS

1. The Applicant requested approval of a special use permit to construct a 2,060 square foot wood carving studio adjacent to an existing 976 square foot wood carving studio on the west side of the main college campus at 2700 Evergreen Parkway NW, Olympia, Washington.¹ *Exhibits 1, 1.B, and 1.C.*
2. The subject property is 929 acres in area and is developed with numerous academic buildings. Land uses surrounding the campus as a whole consist of low-density

¹ The legal description of the subject property is a portion of Section 6, Township 18 North, Range 2 West, W.M.; also known as Tax Parcel No. 12806410000. *Exhibit 1.*

residential and vacant lots. The proposed new building would be located among other structures in a cleared area that is covered with crushed rock and used for delivery truck parking for the existing wood carving studio. *Exhibits 1 and 1.F; Timothy Byrne Testimony.*

3. There are no environmentally sensitive areas in or near the proposed project site. Although the Eld Inlet of Puget Sound is west of the college campus, the project is well outside the jurisdiction of the Shoreline Management Act. *Exhibits 1 and 1.C.*
4. The proposed building would consist of log pole posts, wood-framed walls, and exterior cedar lap siding to conform with the exterior appearance of existing nearby buildings. The new building would be open layout in design, with two restrooms and a mechanical/electrical room. The project would involve other site improvements including grading, landscaping, and two additional parking spaces, one of which would be accessible for persons with disabilities. *Exhibits 1 and 1.D.* The existing smaller wood carving studio would be retained and continue to be used in the wood carving program of studies. *Timothy Byrne Testimony.*
5. The proposed project site is screened from view by existing buildings and an extensive mature forest that is located to the west of the development area. The proposed building would not be visible from off-site properties or public roads. *Exhibits 1 and 1.E.*
6. The subject property has a Rural Residential/Resource (RRR) 1/5 zoning designation. The purpose of the RRR 1/5 designation is “to encourage residential development that maintains the county’s rural character; provides opportunities for compatible agricultural, forestry and other rural land uses; is sensitive to the site’s physical characteristics; provides greater opportunities for protecting sensitive environmental areas and creating open space corridors; enables efficient road and utility systems; and does not create demands for urban level services.” Academic schools are allowed in the RRR 1/5 zone with approval of a special use permit. *Exhibit 1.*
7. Applicable RRR 1/5 development standards include a maximum building height of 35 feet and building setbacks ranging from five to 20 feet. Expansions of academic schools (including colleges) are not subject to a specific maximum building coverage limitation. *TCC 20.09A.050; TCC 20.07.030.* The proposed building would be 22 feet tall and would be located more than 20 feet from exterior parcel boundaries. None of the County departments that reviewed the proposal identified any issues of concern with respect to the addition of 2,060 square feet of building coverage to the 929-acre parcel. *Exhibits 1 and 1.F; Google Maps site view.*
8. The proposed building is designed to provide additional area for the college’s wood carving program but would not result in an increase in student population. *Exhibit 1.*
9. The site is served by City of Olympia public water and sanitary sewer services. Thurston County Environmental Health reviewed the proposal and recommended approval. *Exhibit 1.I; Dawn Peebles Testimony.*

10. Along with the majority of buildings on the main campus, the project site is accessed by Dog Tooth Lane NW from Driftwood Road NW, which runs along the north side of the main campus. *Exhibit 1*. Thurston County Public Works reviewed the project for access, traffic, and stormwater control requirements. Staff determined that the project complies with the preliminary requirements of the Thurston County Drainage Design & Erosion Control Manual and Thurston County Road Standards and recommended approval subject to conditions. *Exhibit 1.H; Arthur Saint Testimony*.
11. The Washington State Department of Ecology reviewed the proposal and submitted a comment describing the procedure to follow in the event that suspected contamination is discovered during site preparation and earthwork. The Department of Ecology did not submit any project-specific comments that would affect approval of the project as proposed. *Exhibits 1.J and 1.M; Dawn Peebles Testimony*.
12. The Nisqually Indian Tribe did not have comments on the proposal but requested that it be notified should any cultural resources be encountered during site preparation and earthwork. *Exhibit 1.L*.
13. The proposal is categorically exempt from review under the State Environmental Policy Act (SEPA) as minor new construction pursuant to TCC 17.09.055. *Exhibit 1*.
14. Notice of the public hearing was mailed to owners of parcels within 500 feet of the site, posted on-site, and published in *The Olympian* on May 11, 2018. *Exhibits 1, 1.A, and 2*. Public comment received was in support of the proposal. *Exhibit 1.K*.

CONCLUSIONS

Jurisdiction:

The Hearing Examiner has jurisdiction to decide this special use permit application under Sections 2.06.010 and 20.54.015 of the Thurston County Code, 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 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.

Conclusions Based on Findings:

1. As conditioned, the record submitted supports the conclusions that the proposal would be consistent with all applicable laws and plans, including the County's stormwater manual and road standards. The project is outside of the jurisdiction of the Shoreline Management Act and is exempt from review under the State Environmental Policy Act. *Findings 3, 6, 10, and 13.*
2. The use would comply with the general purposes and intent of the RRR 1/5 zone and applicable development standards. The project is sensitive to the site's physical characteristics, as the building would be located in an area that is already cleared for parking. There are no environmentally sensitive areas in the vicinity. The new wood carving studio would be designed to be compatible in appearance with existing development on-site and would not be visible from off-site rural residential land uses. *Findings 2, 3, 4, 5, 6, and 7.*
3. The proposed use is appropriate in the location for which it is proposed. The location is an existing college campus, and the building would support an existing wood carving program but would not increase overall student population. The building would not be visible from off-site and would be served by existing public utilities. There are no environmentally sensitive areas on or near the development area. For these reasons there would be no 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 use would be adequately served by utilities and would not impose an undue burden on improvements, facilities, utilities, or services in the area. *Findings 1, 2, 3, 4, 5, 8, 9, and 10.*

DECISION

Based on the preceding findings and conclusions, the request for approval of a special use permit to construct a 2,060 square foot wood carving studio on The Evergreen State College campus 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.
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, the Manual of Uniform Traffic Control Devices, and applicable WSDOT standards and specifications. A sign and striping plan shall be incorporated into the construction drawings for the project. 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. Stormwater runoff shall be controlled through all phases of the project by facilities designed to control the quality and quantity of discharges and shall not alter nor impact any existing drainage or other properties.

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 of the Thurston County Code. These standards do not address specific city design requirements, but rather only items such as restoration of the County right-of-way and traffic control.
 - a. Placement of utilities within the County right of way will require a Franchise Agreement with Thurston County pursuant to Title 13.56 TCC. This agreement shall be executed with Thurston County prior to final approval.

- b. All utilities placed parallel to and within the pavement structure are required to rebuild a minimum of half the road, to include grinding and replacement of a minimum of 0.20 feet of asphalt concrete pavement.

Traffic

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

General Conditions

11. No work shall take place until a construction permit has been issued by Thurston County Public Works – Development Review Section.
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 the Drainage Design and Erosion Control Manual.
13. When all construction/improvements have been completed, the Applicant shall contact the Thurston County Public Works - Development Review Section at 360-786-5214 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 whether a permit is required and the corresponding 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, a construction permit application shall be submitted along with 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.
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; and
 - e. Schedule a pre-construction conference with County staff.

* The current fee schedule can be obtained online at <http://www.co.thurston.wa.us/permitting/fees/fees-home.html> or by contacting

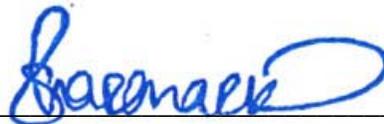
Ruthie Padilla at Thurston County Public Works - Development Review Section
by phone at 360-867-2050 or by e-mail at padillr@co.thurston.wa.us.

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. Submission of record drawings for review and acceptance. The record drawings shall include street names and block numbers approved by the Addressing Official.
 - d. Receipt and acceptance of the Engineer's Construction Inspection Report Form (Appendix I-C, Volume I of the Drainage Design and Erosion Control Manual).
 - e. Payment of any required permitting fees.
18. Affected Tribes and Thurston County Community Planning and Economic Development Department shall be notified if cultural resources are identified.
19. Lighting shall be designed and shall function in a manner that shields direct light from adjoining streets and properties.
20. The Applicant shall maintain all landscape and planting areas in a healthy condition and replace any dead or dying vegetation.
21. If new signage is proposed, it shall comply with TCC 20.54.040(5).
22. All activities on-site shall fully comply with noise limitations outlined in WAC 173-60.
23. A Thurston County commercial building permit is required for the project.
24. All development on the site shall be in substantial compliance with the approved site plan and project narrative, except as conditioned above. Any expansion or alteration of this use, beyond that initially approved by the Hearing Examiner, will require 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 Hearing Examiner approval.

DECIDED May 30, 2018.



Sharon A. Rice
Thurston County Hearing Examiner

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

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

If you do not agree with the decision of the Hearing Examiner, there are two (2) ways to seek review of the decision. They are described in A and B below. Unless reconsidered or appealed, decisions of the Hearing Examiner become final on the 15th day after the date of the decision.* The Hearing Examiner renders decisions within five (5) working days following a Request for Reconsideration unless a longer period is mutually agreed to by the Hearing Examiner, applicant, and requester.

The decision of the Hearing Examiner on an appeal of a SEPA threshold determination for a project action is final. The Hearing Examiner shall not entertain motions for reconsideration for such decisions. The decision of the Hearing Examiner regarding a SEPA threshold determination may only be appealed to Superior Court in conjunction with an appeal of the underlying action in accordance with RCW 43.21C.075 and TCC 17.09.160. TCC 17.09.160(K).

A. RECONSIDERATION BY THE HEARING EXAMINER (Not permitted for a decision on a SEPA threshold determination)

1. Any aggrieved person or agency that disagrees with the decision of the Examiner may request Reconsideration. All Reconsideration requests must include a legal citation and reason for the request. The Examiner shall have the discretion to either deny the motion without comment or to provide additional Findings and Conclusions based on the record.
2. Written Request for Reconsideration and the appropriate fee must be filed with the Resource Stewardship Department **within ten (10) days of the written decision**. The form is provided for this purpose on the opposite side of this notification.

B. APPEAL TO THE BOARD OF THURSTON COUNTY COMMISSIONERS (Not permitted for a decision on a SEPA threshold determination for a project action)

1. Appeals may be filed by any aggrieved person or agency directly affected by the Examiner's decision. The form is provided for this purpose on the opposite side of this notification.
2. Written notice of Appeal and the appropriate fee must be filed with the Community Planning & Economic Development Department **within fourteen (14) days of the date of the Examiner's written decision**. The form is provided for this purpose on the opposite side of this notification.
3. An Appeal filed within the specified time period will stay the effective date of the Examiner's decision until it is adjudicated by the Board of Thurston County Commissioners or is withdrawn.
4. The notice of Appeal shall concisely specify the error or issue which the Board is asked to consider on Appeal, and shall cite by reference to section, paragraph and page, the provisions of law which are alleged to have been violated. The Board need not consider issues, which are not so identified. A written memorandum that the appellant may wish considered by the Board may accompany the notice. The memorandum shall not include the presentation of new evidence and shall be based only upon facts presented to the Examiner.
5. Notices of the Appeal hearing will be mailed to all parties of record who legibly provided a mailing address. This would include all persons who (a) gave oral or written comments to the Examiner or (b) listed their name as a person wishing to receive a copy of the decision on a sign-up sheet made available during the Examiner's hearing.
6. Unless all parties of record are given notice of a trip by the Board of Thurston County Commissioners to view the subject site, no one other than County staff may accompany the Board members during the site visit.

C. STANDING All Reconsideration and Appeal requests must clearly state why the appellant is an "aggrieved" party and demonstrate that standing in the Reconsideration or Appeal should be granted.

D. FILING FEES AND DEADLINE If you wish to file a Request for Reconsideration or Appeal of this determination, please do so in writing on the back of this form, accompanied by a nonrefundable fee of **\$688.00** for a Request for Reconsideration or **\$921.00** 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 \$688.00 for Reconsideration or \$921.00 for Appeal. Received (check box): Initial _____ Receipt No. _____
 Filed with the Community Planning & Economic Development Department this _____ day of _____ 20__.