



COUNTY COMMISSIONERS

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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. 2019106354
Mike Edmonds)	
)	
)	
For a Special Use Permit)	FINDINGS, CONCLUSIONS,
)	AND DECISION
)	

SUMMARY OF DECISION

The requested special use permit to authorize use of an existing pole building/barn as an event facility to host business retreats, private parties, weddings, fundraisers, and other events, together with associated proposed parking, on property at 13210 Morris Road SE, Yelm, Washington is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request

Mike Edmonds (Applicant) requested special use permit to authorize use of an existing pole building/barn as an event facility to host business retreats, private parties, weddings, fundraisers, and other events with 27 proposed parking spaces. The proposal is for 20 events from May through September each year with a maximum of 100 guests per event. The subject property is located at 13210 Morris Road SE, Yelm, Washington.

Hearing Date

The Thurston County Hearing Examiner conducted an open record public hearing on the request on February 22, 2022. The record was held open until February 24, 2022 to allow members of the public who experienced technology or access barriers to 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 February 24, 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:

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

Dawn Peebles, Thurston County Environmental Health Division

Mike Edmunds, Applicant

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, issued February 9, 2022
 - B. Thurston County Master Application, received December 10, 2019
 - C. Revised Special Use Permit Application, dated August 15, 2021
 - D. Applicant's Narrative Summary, received December 10, 2019
 - E. Vicinity Map
 - F. Revised Site Plan, submitted December 19, 2021
 - G. Revised Landscape Plan, submitted December 19, 2021
 - H. On-Site Sewage System, received September 1, 2020
 - I. Integrated Pest Management Plan, dated July 7, 2020
 - J. Impervious Surface worksheet, dated October 19, 2019
 - K. Soundview Consultants LLC Technical Memorandum: Revised Wetland and Fish and Wildlife Habitat Assessment, dated June 26, 2020
 - L. Notice of Application, dated July 21, 2021
 - M. Memorandum from Amy Crass, Thurston County Environmental Health Division, dated June 16, 2021
 - N. Comment letter from Washington State Department of Ecology, dated January 23, 2020
 - O. Comment letter from the Nisqually Indian Tribe, dated January 14, 2019
 - P. Comment letter from the Nisqually Indian Tribe, dated July 22, 2021
 - Q. Comment letter from the Squaxin Island Tribe, dated January 9, 2020
 - R. Soundview Consultants LLC Technical memorandum: Response to Comments, dated June 26, 2020
 - S. United States Fish and Wildlife Services letter, dated August 1, 2017

T. Letter from Applicant, dated December 19, 2021

U. Memorandum from Arthur Saint, Thurston County Public Works Development Review Section, dated January 12, 2022

Exhibit 2 Site photos, submitted February 22, 2022

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. Michael Edmunds (Applicant) requested a special use permit to authorize use of an existing barn and the surrounding yard as an event facility to host business retreats, private parties, weddings, fundraisers, and other events to be served by 27 proposed parking spaces on property at 13210 Morris Road SE, Yelm, Washington.¹ *Exhibits 1, 1.B, 1.C, 1.D, and 1.G.*
2. Situated in unincorporated Thurston County, the underlying zoning designation of the subject property is Rural Residential Resource One Dwelling per Five Acres (RRR 1/5). The purpose of the RRR 1/5 zoning 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.” *Thurston County Code (TCC) 20/09A.010*. Primary permitted uses in the RRR 1/5 zone include single-family and two-family residences, agriculture (including forest practices), home occupations, and accessory farm housing. *Thurston County Code (TCC) 20.09A.020*. Temporary uses involving the rental of property for social events may be permitted in the RRR 1/5 zone subject to special use permit review and approval, and subject to compliance with use-specific standards established at TCC 20.54.070(41.5)(c)(iv). *TCC Chapter Table 1; Sharon Lumbantobing Testimony.*
3. The subject property is situated within the Agritourism Overlay District; however, at 8.61 acres, it does not meet the minimum parcel size requirement for new agritourism uses, which is 10 acres. *TCC 20.08G.020.9*. Thus, the Applicant seeks special use permit approval. *Exhibit 1; Sharon Lumbantobing Testimony.*
4. Surrounding parcels share the site’s RRR 1/5 zoning and range in size from five to 10 acres. Several are developed with single-family residential uses. Other existing uses include a private K through 12 school with a day care facility, a horse event arena, and forestry parcels. *Exhibit 1; Michael Edmonds Testimony; Google Maps site view.*

¹ The legal description of the subject property is a portion of Section 06 Township 16 Range 2E Quarter SE SW LL-0477 LT 2 Document 004/048; known as Tax Parcel No. 22606340500. *Exhibit 1.*

5. The subject property is an irregularly shaped parcel that is separated from Morris Road SE by two other residential properties. It accesses Morris Road SE by a 600-foot long, narrow pipestem from its southwest corner. Site improvements include a single-family residence served by an on-site septic system and individual well, a barn, and some smaller accessory structures. These existing improvements are concentrated in the southern half of the site, largely in its southwest corner. This central portion of the property is relatively flat and cleared of mature vegetation, and parts of it are landscaped yards. Fragmented forest occupies the northwestern and eastern parts of the site. Site topography gently slopes towards the center from the east and west, with an approximately 20-foot elevation difference. (See Exhibit 1.K, Attachment A-7 for topographical contours.) According to a professionally prepared critical areas assessment, the subject property does not contain regulated environmental features such as wetlands, streams, or gopher mounds. Off-site wetlands were observed on parcels to the south and east, the approximate regulatory buffers of which extend into the subject property along its eastern and southern boundaries. An existing graveled driveway crosses through the presumed location of the outer portion of the buffer from the wetland to the south.² *Exhibits 1, 1.E, 1.K, and 2; Michael Edmonds Testimony.*
6. The Applicant requests a special use permit to use his residential parcel as an event facility to host up to 20 events between May and October of each year. The types of events would include business retreats, private parties, weddings, fundraisers, and other similar gatherings limited to a maximum of 100 guests per event. The events would be held in the area centered around the existing 3,600 square foot barn and adjacent landscaped yards. A new on-site septic system is proposed to serve the event center use of the property. The Applicant proposes to convert the existing single-family well into a Group B public well to serve the proposed venue. Restrooms are proposed to be developed within an existing accessory structure adjacent to the barn. The facility would be accessed by the existing long pipe stem driveway from Morris Road SE. Currently the driveway is 14 feet wide. The existing driveway would be improved to meet fire code standards, including widening to 20 feet in width, and would be provided with a hammerhead turnaround at its terminus for fire apparatus access. The Applicant proposes to develop a parking area with 27 stalls west of the barn to serve the facility. As proposed, the parking spaces would retain their existing grass surface. All activities would occur within the subject property; no commercial use of the public right-of-way is proposed. No earthwork or mature vegetation removal is proposed.³ *Exhibits 1, 1.C, 1.D, and 1.G.*
7. Events would be catered by off-site vendors; no food preparation would occur on site in conjunction with the proposed commercial use. Events would likely include music either from DJs or live musicians. The Applicant and his spouse would be the only employees of the operation and both would be on site during events. When renting the venue, they

² As these wetlands are off-site on private property in separate ownership, they were not delineated and the exact location of their boundaries, and thus the accurate extent of their buffers that extend into the subject property, were not verified. *Exhibit 1.K, Attachments C and F.*

³ The application materials reference a “U-cut” Christmas tree farm as being proposed; however, the Applicant has withdrawn this aspect of the proposal. *Exhibits 1.C and 1.D; Michael Edmonds Testimony.*

would encourage car pooling and the use of ride share services. The Applicant submitted that two of the adjacent properties already have special use permits to conduct commercial activities on their sites: one is a private school with a day care and the other is a horse arena/eventing center; he indicated that his proposed commercial activities would have no more impact on the surrounding residential uses than would these two existing commercial operations. Although in the application, the Applicant indicated that events would be on Saturdays only, at hearing he clarified that he would like permission to schedule events any day of the week during the May to October window with the proposed limits of 20 events per year and maximum 100 guests per event. Of note, both the Applicant and his spouse have “day jobs,” so Saturday events are most likely to be common. *Exhibits 1.C, 1.D, and 2; Michael Edmonds Testimony.*

8. The RRR 1/5 zone allows a maximum building height of 35 feet and a maximum site coverage by impervious surface area of 10%. It requires setbacks for commercial structures of 10 feet from the front property line, 10 feet from any flanking streets, and five feet from side and rear lot boundaries. Minimum lot size for special uses is five acres. *TCC 20.09A.050; TCC 20.07.030.* Centered around the existing barn, the proposed event center area, including proposed parking, would be set back well over 100 feet from all property boundaries. The extent of existing impervious surface area on site is reported as being 34,645 square feet, which is approximately 9.24% of the site area. The proposed addition of driveway width and drive lane improvements to meet fire code require an additional require an additional 4,860 square feet, which would come out to 10.5% of site coverage by impervious surface. Planning Staff recommended a condition of approval requiring that proposed site coverage by impervious surface area to be reduced to 10% maximum. *Exhibits 1 and 1.G.* There was no discussion at hearing regarding how that could be accomplished. Because the additional driveway width and hammerhead turnaround for emergency services vehicles area required by fire code, presumably some existing impervious surface area would need to be reduced to keep the site to a maximum of 10% coverage.
9. Pursuant to TCC 20.45.020, the Applicant must submit a landscape plan that depicts landscaping satisfying the standards established in TCC Chapter 20.45.040, which for the proposed commercial use surrounding by RRR 1/5-zoned properties requires a five-foot landscaped buffer strip around the proposed commercial use. According to a professionally prepared landscaping plan, existing site vegetation exceeds the minimum required landscaping in all areas except along the pipestem site access to Morris Road. The Applicant proposes to retain the existing mature vegetation in all areas where vegetative screening is required for the proposed commercial use of the property. Planning Staff submitted that existing site topography would further screen the use from the adjacent properties. Staff accepted the landscape plan and the proposal to retain existing vegetation as satisfying the requirements of TCC Chapter 20.45, indicating that because it is well established and no new plantings are required, an irrevocable maintenance assurance device is not warranted. *Exhibits 1 and 1.G.*
10. Off-street parking requirements are established in TCC Chapter 20.44. Generally, the standards require off-street parking to be on the same lot or within three feet of the

building or use it is intended to serve. The code does not establish use-specific parking standards for event center, which means parking shall be provided at a rate consistent with the most similar use in the code. Planning Staff submitted that “semi-public auditoriums, churches, theaters, and similar uses” is the most similar use, and it requires one parking space for every four occupants permitted. *TCC 20.44.030(1)(b)(i)*. Parking standards require angled parking with one-way drive aisles to reduce the total impervious area and also promote the use of alternatives to paved surfaces to reduce impervious surface area for parking stalls used 30 or fewer days per year. The standards require grass parking areas to use wood or concrete wheel stops at the end of parking spaces and the use of paving bricks, concrete strips, or similar devices on the sides of spaces to delineate parking spaces. Individual spaces are required to be at least nine by 18 feet in dimension. *TCC 20.44.050*. The Applicant proposes 27 angled parking spaces, of which two would be accessible per Americans with Disabilities Act standards, within a 7,800 square foot area immediately east of the barn. All parking stalls would be setback more than 100 feet from the nearest property boundary. Planning and Public Works Staff submitted that the proposed parking satisfies code requirements and would be adequate for the proposed use. *Exhibits 1, 1.D, 1.F, 1.G, and 1.T; Testimony of Sharon Lumbantobing and Arthur Saint*.

11. Considering the nature of the proposed use, anticipated impacts to the surrounding properties could include noise (from people, cars, and possibly amplified music) and additional use of and thus wear and tear on Morris Rd SE. The Applicant indicated an intention to “strictly monitor” noise levels to ensure County standards are not exceeded. Planning Staff recommended a condition of approval that would ensure any exterior lighting is designed and used in a manner that would prevent glare onto adjoining properties. Staff also recommended a condition that would prohibit sound volumes at the perimeter of the site from exceeding the limits established in County Code. Considering the existing vegetation and topography, and the proposed setbacks from the property lines, all potential impacts to neighbors would be minimized to the extent possible. *Exhibits 1 and 1.D; Michael Edmonds Testimony*. Planning Staff noted that complaints of adverse impacts from the commercial use on adjacent properties would be handled through the code enforcement process. *Sharon Lumbantobing Testimony*.
12. The subject property is mapped as being underlain by gopher/prairie soils. The site was reviewed for gopher and prairie habitat presence in 2017 under Project # 2017102227, and the Applicant received a USFWS gopher/prairie clearance letter dated August 2017. Because the Applicant submitted the instant SUP application within the three-year validity of the federal gopher determination, the gopher/prairie review determination is still active. *Exhibit 1*.
13. Due to the known presence of wetlands on adjacent properties, the Applicant obtained a wetland /fish/wildlife habitat assessment report by a qualified professional. As noted above, the assessment found wetlands off site with buffers that extend into the subject property. All proposed improvements and commercial activities would be located outside the buffers of both wetlands except for the access lane that would connect to the proposed parking. The existing driveway already traverses this buffer, in effect

interrupting the buffer. It was not clearly established on the record whether the portion of the access lane that crosses the wetland buffer would need to be widened to ensure 20 feet of emergency vehicle access width; however, from the revised site plan it appears that it would be. In order to avoid further encroachment into the wetland buffer, any widening would need to be added to the north side of the access lane. *Exhibits I, I.F, I.G, and I.K, Appendix C.*

14. Thurston County Environmental Health Division (EHD) review the proposal for compliance with the applicable provisions of the Thurston County Sanitary Code. Staff from EHD reviewed the proposal and submitted comments acknowledging submittal of a Group B water system application (Permit 20-110162) for two connections (the existing residence and the proposed commercial use) with the commercial connection approved to serve up to 100 people 21 days per year. Staff also reviewed test pits and documentation from a licensed septic designed indicating there is sufficient depth and area of soils on site to support an application for a second septic system on-site to serve the commercial use. EHD's comments also note that solid waste and recyclables would be collected during events in appropriate dumpsters and hauled off site weekly by a contracted solid waste handler. EHD recommended approval of the SUP subject to conditions, which were incorporated into Planning Staff's recommended conditions of approval. *Exhibits I and I.M; Dawn Peebles Testimony.*
15. The Thurston County Public Works Department Development Review Section Staff reviewed the revised site plan for compliance with County road standards and drainage requirements. No traffic assessment was required because the project is not anticipated to generate 100 PM peak hour trips. Construction permits would be required for a new paved apron at the site entrance from Morris Road SE. Traffic impact fees would be assessed for the proposed trips at time of building permit. Staff indicated that the surrounding road network can accommodate the project's anticipated trip volumes. Public Works Staff determined that the proposal is capable of complying with all applicable road and drainage requirements and recommended approval of the SUP subject to conditions, which were incorporated into Planning Staff's recommended conditions of approval. *Exhibits I and I.U; Arthur Saint Testimony.*
16. The Washington State Department of Ecology submitted comments calling out toxics cleanup and water quality standards that apply to the project. *Exhibit I.N.*
17. Both the Nisqually Indian Tribe and the Squaxin Island Tribe were notified of the proposal. Both tribal organizations submitted comments indicating they had no specific concerns with the proposal and requesting to be notified in the event of inadvertent discovery of cultural or archeological resources during site work. *Exhibits I.N, I.O, and I.P.* There would be little to no grading or earth work, no significant vegetation removal, and no significant paving conducted to accomplish the proposal. *Exhibits I and I.D; Michael Edmonds Testimony.*
18. The Thurston County Comprehensive Plan characterizes the purpose of the RRR 1/5 zone as being to "maintain the rural character of the county, buffer environmentally

sensitive areas and resource management areas from incompatible activities, and maintain a balance between human uses and the natural environment.” *Thurston County Comprehensive Plan page 2-41*. Rural Land Use and Activities Policy 14 states, “Special uses that may be permitted in the rural area should be constrained in size and scale so as to maintain rural character. The primary purpose of special uses should be to serve the rural area residents of Thurston County.” Land Use Goal 1, Objective A, Policy 4 encourages allowing home-based businesses in the rural area provided they do not adversely affect surrounding residential uses. *Thurston County Comprehensive Plan, page 2-18*. Planning Staff submitted that because the primary activity of the commercial would occur in the middle of the 8.61-acre site, set back from shared property lines, the proposed use would be consistent with the Comprehensive Plan. *Exhibit 1*.

19. Because fewer than 30 parking stalls and only minor new construction are proposed, the proposal is exempt from the State Environmental Policy Act. *Exhibit 1; TCC 17.09.055; WAC 197-11-800*.
20. Notice of application was mailed to owners of parcels within 500 feet of the site and relevant agencies on July 21, 2021. *Exhibit 1.L*. Notice of public hearing was mailed to owners of parcels within 500 feet of the site on February 9, 2022 and published in The Olympian on February 11, 2022. *Exhibit 1.A*. No public comment was submitted on the application. The County received no comments from members of the public on the application. *Exhibit 1*.
21. 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. Planning Staff noted that even if the barn was constructed to commercial building standards, a building permit would still be required to review and ensure it satisfies building code occupancy requirements and to provide adequate fire flow. Also, should outdoor tents ever be used, there are permitting and placement requirements that would apply. *Exhibit 1; Sharon Lumbantobing Testimony*. The Applicant waived objection to the recommended conditions. *Michael Edmonds 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 Temporary Uses TCC 20.54.070.41.5(d)

- 1. No temporary use shall be permitted on public rights-of-way, unless a right-of-way obstruction permit is authorized by the roads and transportation services department.
- 2. Approval of temporary uses is subject to written permission of the property owner on which the use is to be located.
- 3. The applicable approval authority may apply additional conditions to any special use permit for a temporary use in order to:
 - a. Ensure compliance with the intent of the Zoning Ordinance;
 - b. Ensure that such use is not detrimental to neighboring properties and the community as a whole; and
 - c. Ensure compliance with the Uniform Building Code and Uniform Fire Code.

Conclusions Based on Findings

- 1. As conditioned, the proposed commercial operation of an event center facility would comply with all applicable laws and plans, including the standards of the underlying RRR 1/5 zoning district. Limited to fewer than 30 parking stalls, no SEPA review is required. The proposed off-street parking improvements, as conditioned, satisfy County parking standards. The proposal to retain and rely on existing mature vegetation would satisfy

the landscaping and screening standards that apply to the commercial use in a residential area. With conditions, the operation of an event center facility on the subject property would be consistent with the Comprehensive Plan land use designation for the property. *Findings 2, 4, 5, 6, 7, 8, 9, 10, 18, 19, and 21.*

2. As proposed and conditioned, the operation of an event center in the middle of the 8.61-acre parcel, with commercial activities setback more than 100 feet from lot boundaries, would be appropriate on the subject property. Existing topography and mature vegetation would prevent the operation from being visible from adjacent parcels, and would contribute to minimization of noise, light, and other impacts. Given that there are commercial operations on adjacent parcels on all sides, the addition of 20 events per year on site as conditioned would not significantly impact neighborhood character. The proposed commercial use can be adequately served by the proposed Group B water system and the proposed additional on-site septic, both of which would be required to receive final approval prior to commencement of operations. The project's trips can be accommodated by the surrounding public roads. Traffic impacts from project trips would be mitigated in part by the assessment of traffic impact fees. There is no evidence of increased demand for any public service as a result of the proposal. A condition of approval has been added to ensure that no further encroachment into the buffer of the off-site wetland to the south occurs. Another condition requires the Applicant to amend the proposal and/or existing impervious surfaces to ensure that the project does not result in greater than 10% site coverage by impervious surface. The record contains no evidence that would support a conclusion of undue adverse effects on adjacent properties, neighborhood character, the natural environment, public facilities, or the public health, safety, and welfare. *Findings 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 19, 20, and 21.*
3. As proposed, the project would satisfy the temporary use-specific special use standards at TCC 20.54.070(41.5)(d). No commercial use of the public right-of-way is proposed. As proposed and conditioned, the commercial use would not generate excess noise, light, traffic, or similar disturbances. Conditions of approval ensure that the required building permit process would be completed prior to commencement of operations. *Findings 6, 7, 8, 10, 11, 15, and 21.*

DECISION

Based on the preceding findings and conclusions, the requested special use permit to authorize use of an existing pole building/barn as an event facility to host business retreats, private parties, weddings, fundraisers, and other events and associated parking on property at 13210 Morris Road SE, Yelm, Washington is **GRANTED** subject to the following conditions:

Conditions of Approval

Roads

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

3. The access point on Morris Road shall be upgraded to meet Appendix 7-A Type C of the Thurston County Road Standards.

Traffic Control Devices

4. 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.
5. 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

6. The stormwater management system shall conform to the Drainage Design & Erosion Control Manual.
7. 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.
8. 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

9. 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.
10. 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

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 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 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
 - 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.

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.

Development Services / Community Planning and Economic Development Conditions

18. Building height shall not exceed 35 feet from average grade.
19. All structures shall maintain a minimum front yard setback of 50 feet and 35 feet from the side and rear property lines.
20. If width is required to be added to the existing driveway through the buffer of the off-site wetland to the south in order to provide the required 20 feet of width for emergency vehicle access, the widening shall occur on the north and west sides of the driveway away from the wetland. No further encroachment into the wetland buffer is allowed.
21. Per TCC 20.09A.050, lot coverage with hard surface shall not exceed 10 percent.
22. Parking spaces shall not exceed 30 in number. The parking surface may not be hard surface so as not to exceed the maximum allowable impervious surface. Areas paved with lattice block pavement, gravel, or grass parking areas shall use wood or concrete wheel guards or wheel stops at the end of parking spaces or paving bricks, concrete strips or similar devices on the sides of spaces to delineate parking spaces. Parking design shall comply with TCC 20.44.050.
23. The property owner shall maintain all required landscaping for the life of the project.
24. The owner 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.
25. Outdoor lighting shall be designed and shall function in a manner that shields direct light from adjoining streets and properties.
26. All refuse containers and roof and ground related mechanical equipment shall be screened from the public right-of-way and adjoining properties.
27. Signs for special uses are limited to no more than one two-faced sign not to exceed 32 square feet per side. *TCC 20.54.040(5)*. The Applicant must apply for a building permit for the sign.
28. The Applicant shall ensure that operations comply with TCC Chapter 10.36, Public Disturbance Noise.
29. All development on the site shall be in substantial compliance with the approved site plan. 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 Development Services Department will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.

30. 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.
31. 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. 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.
32. 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.
33. 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.
34. 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.
35. Expiration of Approval: If a building permit has not been issued, or if construction activity or operation has not commenced within three years from the date of final approval, the special use permit shall expire. The special use permit shall also expire when the use or activity for which the permit was granted is vacated for a period of three years.
36. Mineral Resource Lands: The subject property is located within 1000 feet of designated Mineral Resource Lands. On designated mineral resource lands, an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals. The ability to recover for nuisances arising from activities on these designated resource lands may be restricted by law.

Commercial Plan Review

37. Building permit and fire flow are required.
38. Application for a sign permit is required with the building permit.

Environmental Health Division Conditions

39. Prior to release of the building permit, the new public water system must receive design approval from this department.
40. Prior to final building occupancy approval, the public water system must receive final construction approval from this department.
41. Prior to final building occupancy approval, the on-site sewage system must be installed, and the record drawing must be accepted by this department.
42. No food preparation is authorized onsite in conjunction with the commercial use. Any food vendor or caterer contracted by the facility shall be permitted and approved by Thurston County Environmental Health, Food & Environmental Services Section.
43. All solid waste must be properly stored on the site to prevent exposure to the elements, and properly disposed of off-site at a permitted solid waste facility.
44. The facility must comply with the noise standards of Thurston County Code Title 10, Chapter 10.36 and Washington Administrative Code (WAC), Chapter 173-60.
45. Any expansion of the operations will require additional review and approval by Thurston County Public Health and Social Services Environmental Health Division.

DECIDED March 11, 2022.



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 **\$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____.