



COUNTY COMMISSIONERS

Carolina Mejia-Barahona
District One

Gary Edwards
District Two

Tye Menser
District Three

HEARING EXAMINER

Creating Solutions for Our Future

BEFORE THE HEARING EXAMINER FOR THURSTON COUNTY

In the Matter of the Application of)	
)	
)	SUPT NO. 2020105234
Juanita and Jon Taurman)	
)	Capitol City Barn
)	
For a Special Use Permit)	FINDINGS, CONCLUSIONS,
)	AND DECISION
)	

SUMMARY OF DECISION

The requested special use permit to authorize use of an existing two-story barn as an event facility to host weddings, fundraisers, retreats, and similar events, together with associated proposed parking, on property at 3019 85th Ave SW, Olympia, Washington is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request

Juanita and Jon Taurman (Applicants) requested a special use permit to authorize use of an existing two-story barn as an event facility to host weddings, fundraisers, retreats, and similar events with 20 proposed parking spaces. The proposal requests authorization to host up to 30 events from mid-May through mid-October each year with a maximum of 150 guests per event. The subject property is located at 3019 85th Ave SW, Olympia, Washington.

Hearing Date

The Thurston County Hearing Examiner conducted an open record public hearing on the request on May 10, 2022. The record was held open until May 12, 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 May 12, 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, Community Planning & Economic Dev. Dept.

Dawn Peebles, Thurston County Environmental Health Division

Juanita Taurman, Applicant

Jon Taurman, Applicant

Tony Garcia

Craig Foster

Maria Pellegrino Mackie

Paul Workland

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 April 20, 2022
 - B. Master Application, originally submitted October 29, 2020 and resubmitted February 15, 2022
 - C. Special Use Permit Application originally submitted October 29, 2020 and resubmitted February 15, 2022
 - D. Vicinity and Location Map
 - E. Revised Site Plan, March 23, 2022
 - F. Proposed Site Plan Diagrams
 - G. Landscape Plan
 - H. Revised Narrative summary, submitted February 15, 2022
 - I. Integrated Pest Management Plan, revised, final, dated January 2021, submitted by Dawn Peebles
 - J. Engineered Abbreviated Drainage Report, submitted February 15, 2022
 - K. Revised Engineered Abbreviated Drainage Plans, dated March 23, 2022
 - L. Revised Impervious Surface Worksheet, dated March 23, 2022
 - M. Parking space calculation, dated February 15, 2022
 - N. Mazama Pocket Gopher and Prairie Habitat Assessment Report, dated October 23, 2021
 - O. Notice of Application, dated August 18, 2021

- P. Memorandum from Stephanie Kenny, Thurston County Environmental Health, dated November 19, 2021
- Q. Thurston County Development Review comment, dated March 7, 2022
- R. Comment letter from Nisqually Indian Tribe, dated August 27, 2021
- S. Comment letter from Squaxin Island Tribe, dated August 26, 2021
- T. Public Comment: BJ email, dated September 6, 2021
- U. Public Comment: Charles Reed email, dated August 24, 2021
- V. Public Comment: Joseph Scott email, dated August 30, 2021
- W. Public Comment: Shawn Hampton letter, dated August 30, 2021
- X. Public Comment: Shawn Hampton follow-up letter, dated August 30, 2021
- Y. Public Comment: Paul and Bonnie Workland letter, dated August 23, 2021
- Z. Taurman Communications Matrix
- AA. Photos
- BB. Vicinity Map with Contours
- CC. Applicant submitted Critical Area Map
- DD. Applicant submitted Park and School Map
- EE. Applicant submitted Ingress-Egress Map
- FF. EH Approval, dated January 12, 2021
- GG. Septic System record drawing, accepted by Thurston County November 10, 2020 (submitted by Dawn Peebles)

Exhibit 2 Public Comments received after publication of the Staff Report

- a. Stephanie Floth email, received May 3, 2022
- b. Lena Shedd email, received May 3, 2022
- c. Ron and Sabina Birdwell email, received May 7, 2022
- d. Gigi Duff email, received May 7, 2022
- e. Davey Cool email, received May 7, 2022
- f. Rhondo residents, received May 8, 2022
- g. Melly email, received May 8, 2022
- h. Carrie Gehrke email, received May 9, 2022
- i. Kayla Schooley email, received May 9, 2022

Exhibit 3 Applicants' response to staff comments in staff report

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. Juanita and Jon Taurman (Applicants) requested a special use permit (SUP) to authorize use of an existing two-story barn as an event facility (“Capitol City Barn”) to host weddings, fundraisers, retreats, and similar events with 20 proposed parking spaces. The proposal is for 30 events from mid-May through mid-October each year with a maximum of 150 guests per event. The subject property is located at 3019 85th Ave SW, Olympia, Washington.¹ *Exhibits 1, 1.B, 1.C, 1.D, and 1.G.*
2. Situated in unincorporated Thurston County, the subject property has a zoning designation of Rural One Dwelling per Ten Acres (R 1/10). The purposes of the R 1/10 zoning are to “protect public health and safety by minimizing development and avoiding incompatible uses in environmentally sensitive and hazardous areas such as the Black River Corridor, the Nisqually Bluff, and parcels completely covered by critical areas; provide greater opportunities for protecting critical areas and creating open space corridors; provide for low density residential uses, agriculture, forestry, conservation and associated uses appropriate for a rural area that do not require urban services; and provide for mining through a special use process.” *Thurston County Code (TCC) 20.09C.010*. Primary uses permitted outright in the R 1/10 zone include single-family residences, agriculture, forest practices, and outdoor recreation uses. *Thurston County Code (TCC) 20.09C.020*. Permitted accessory uses in the R 1/10 zone include home occupations, uses accessory to timber production including scales and weigh stations, temporary crew quarters, storage and maintenance facilities, limited sawmills, residue storage and disposal areas, etc.), and uses accessory to agriculture, including storage of explosives, fuels, and chemicals. *TCC 20.09C.025*.
3. Temporary uses involving the rental of property for social events may be permitted in the R 1/10 zone subject to an administrative special use permit review if conducted up to four times per year, or maybe be permitted more than four times per year through a Hearing Examiner special use permit, subject to compliance with use-specific standards established at TCC 20.54.070(41.5)(c)(iv) and (41.5)(d). *TCC Chapter 20.54 Table 1; TCC 20.54.070; Sharon Lumbantobing Testimony.*
4. Surrounding parcels share the site’s R 1/10 zoning. Parcels to the north, east, and west are developed with single-family residential uses. Several R 1/10 zoned lots adjacent to the north and west of the site are near to the existing barn and are less than a quarter of an acre in area. The parcel to the south is undeveloped. The Applicants live in one of the parcels to the west that abuts the subject property near the barn location. *Exhibit 1; Juanita Taurman Testimony; Google Maps site view.*

¹ The legal description of the subject property is a portion of Section 16, Township 17 Range 2W Quarter SW NW & NW NW LL11109369TC LT 3 Document 4281155; also known as Tax Parcel No. 09520007300. *Exhibit 1.*

5. The irregularly shaped 10.484-acre subject property is developed with the existing 2,160 square foot barn, several accessory structures, gravel and stone patios, and adjacent landscaped yards located roughly in the center/northwest quadrant of the parcel. Accessory structures include two storage sheds (10- by 10-foot and 16- by 12-foot) between the barn and the western property boundary, a 12- by 14-foot gazebo between the sheds, and a 12- by 12-foot well pumphouse south of the barn. There are various existing impervious paved or impervious areas, including graveled driveways from both 85th Avenue SW and Blomberg Street and a section of four-foot wide concrete sidewalk. The majority of the southern two-thirds of the property are fairly densely forested, while the northern one-third contains scattered mature trees. A large grass dominated area lies between the forested portions of the parcel. There is no residence on site, but a permitted septic system and well are present. There is a section of six-foot tall solid wood fence between the event area and one of the nearest adjacent residences to the west, which is approximately 200 feet from the barn. Soils underlying the site are known to be preferred by the Endangered Species Act-listed *Mazama pocket gopher*; however, a site assessment prepared by a professional consulting biologist found no confirmed *Mazama pocket gopher* mounds on site. No protected Oregon White oaks or *Mima* mounds were found on site. *Exhibits 1, 1.E, 1.N, 1.AA, and 1.CC.*
6. The Applicants request a special use permit to use the subject property as an event center to host up to 30 events between mid-May and mid-October of each year. The types of events would primarily include weddings, but also fundraisers, retreats, and similar gatherings limited to a maximum of 150 guests per event with maximum indoor seating for 99 guests. Events would be held in the area centered around the existing 2,160 square foot barn and the adjacent landscaped yards. A new on-site septic system has been permitted and installed to serve the event center use of the property. A new bathroom building is proposed to contain restrooms (including Americans with Disabilities Act-compliant facilities), and this permit is under review/on-hold pending the outcome of the instant land use application. Guests would access the event center by an existing graveled driveway from Blomberg Street SW. The Applicant proposes to develop a parking area with 20 stalls east of the barn to serve the facility and to utilize shuttle service to an off-site parking area. Except for shuttle activities, all functions of the event center would occur within the subject property; no commercial use of public rights-of-way is proposed. No earthwork or mature vegetation removal is required for the proposal. *Exhibits 1, 1.B, 1.C, 1.E, 1.F, 1.G, and 1.H.*
7. The Applicants propose one event per weekend, offering either a “weekend rental” that would allow a Friday “rehearsal” or set up between the hours of 1:00 to 7:00 pm and a Saturday event between 10:00 am and 10:00 pm, or a “daily rental” on either a Friday or Saturday from 10:00 am to 10:00 pm. Any Sunday events, expected to be less frequent, would be required to end by 9:00 pm. Other commercial visits to the site occur when potential renters and vendors come to view the amenities. The application form indicates this could occur during Thursday business hours from 9:00 am to 9:00 pm. The indoor rental space includes 1,800 square feet for reception including seating, buffet, music, and dancing. Additional seating can be provided under a 16- by 26-foot party tent and on a 360 square foot side patio. Events would be catered by off-site vendors; no food

preparation would occur on site. The 360 square foot warming/cooling kitchen available to caterers has a refrigerator, a sink, and a separate entrance. All caterers would be screened for appropriate County food handling permits. An additional 1,500 square feet is available upstairs to wedding parties for preparation; this upstairs area would be closed down after the ceremony. *Exhibits I.C and I.H; Juanita Taurman Testimony.*

8. Restrooms would be provided in a new building proposed to be built east of the existing barn. On July 22, 2020, a non-residential building permit application was submitted for its construction (Project # 20201000098/Folder # 2020108149 BA), which is currently under review and on hold pending the outcome of the instant land use permit process. The building would contain two restrooms, with ADA-compliant facilities, a sink, hot and cold water, toilet paper, hand towel dispensers, and soap in each unit. *Exhibits I, I.E, and I.H; Dawn Peebles Testimony.*
9. The Applicants testified that they originally intended to use the subject property to grow hops. The existing barn was built by the Applicants in 2016 after County approval of a building permit (Project # 2014107088, Folder # 201510673 BA) issued on April 28, 2015. The specific location for the barn was selected based on then-existing drainage issues. At the time, the location of the barn was the only part of the property not subject to groundwater flooding. It was also pushed back into existing tree cover to provide screening and to avoid possible pocket gopher impacts. Since its construction, the Applicants indicate that the County cleaned up the Hickman Ditch and there is a lot less groundwater on the property at present. According to the application at the time of submittal, the barn was intended for residential and/or agricultural purposes; it is not designed to meet building code requirements specific to commercial uses. No final inspection occurred and the building permit expired. *Exhibits I and 3; Juanita Taurman Testimony.*
10. County Planning Staff characterized the application as being for an after the fact SUP. Since 2017, the Applicants have been hosting events on site; they indicated that events are currently being held outside the barn. On January 8, 2020, they submitted a building permit application (Project # 20201000098/Folder # 2020100376B BC) seeking to convert the existing barn to a commercial use (event center). The 2020 building permit is still under review for fire flow issues and is on hold pending issuance of the instant land use permit decision. *Exhibits I and 3; Sharon Lumbantobing Testimony.* The Applicants took exception to the “after the fact” characterization, stating that they were told by Planning Staff that they could hold up to four events a year without a special use permit and that they have not held more than four commercial events per year since the barn was built. They indicated that other events that have occurred on-site were non-commercial in that they lent the venue to neighbors or family members. *Juanita Taurman Testimony.* The record contains no evidence that the site was ever reviewed and administratively approved for temporary community gathering use, as would be required by TCC 20.54.070(41.5)(b)(iv) in order to use the site for any commercial community gathering use.
11. The following development standards apply to uses in the R 1/10 zone: minimum lot size of five acres for special uses; maximum building height of 35 feet; and a maximum site

coverage by impervious surface area of 10% for the first five acres and 5% for all remaining area. *TCC 20.09C.050*. The zone 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. *TCC 20.07.030*. Centered on the existing barn, the proposed event center area and associated parking would be set back more than 10 feet from all property boundaries. For the 10.484-acre site, impervious surface area allowed equals 33,724 square feet; however, pursuant to *TCC 20.07.090.2(b)(i)*, a 50% impervious surface credit calculation is available for R 1/10 lots that are 2.5 acres or larger where site soils allow for, and proposed design utilizes, full dispersion of stormwater runoff. According to the engineered drainage report, the project would fully disperse runoff from 26,004 square feet, entitling it to take 50% credit for 64.25% of total impervious areas, or 10,834 additional square feet. The project proposes a total of 40,471 square feet of impervious surface, falling within the amount allowed with this credit added, and amounting to 8.9% of the site. *Exhibits 1, 1.E, 1.J, 1.K, and 1.L*.

12. 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 or one parking space for every 170 square feet of gross floor area. *TCC 20.44.030(1)(b)(i)*. Additional standards encourage 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*. At a maximum capacity of 150 people, the proposed event center facility requires 37.5 parking stalls. The submitted parking plan (as shown on the site plan and landscape plan) shows 20 perpendicular parking spaces, including one ADA parking space, in an approximately 6,900 square foot graveled area.² Guests are greeted by one of the Applicants as they arrive and provided direction on parking. The parking area includes an emergency vehicle turnaround area and fire lane. The remaining 18.5 required stalls and any overflow would be addressed through shuttle service from a nearby school and/or a nearby hotel. The Applicants testified that they have verbal permission from Tumwater School District to use the Black Hills High School parking lot on the weekends, and that they are required to apply for a one time use permit for each event or use. They also testified that a local hotel has previously shuttled guests to and from events, carrying up to 45 people per hour. Given the strict 10:00 pm end time for events, they stated that the shuttle makes its last run around 9:30. In the future, the Applicants may hire shuttle or other vehicle drivers. Planning Staff indicated that there is

² The general site plan (which is a lightly annotated aerial site photograph) calls out two additional ADA parking stalls parallel to the barn, for a total of 22 spaces. These additional two spaces are not mentioned in the narrative and the discrepancy was not clarified at hearing. *Exhibits 1.F and 1.H*.

no code requirement that the Applicants provide evidence of permission to use off-site facilities. Staff submitted that as conditioned, the proposal can demonstrate compliance with applicable parking requirements. *Exhibits 1, 1.E, 1.G, and 1.H; Testimony of Juanita Taurman and Sharon Lumbantobing.*

13. Although the subject parcel's address is 3019 85th Avenue SW, the Applicants have requested with the County to change it to a Blomberg Street SW street number, which is intended to facilitate their intention of having all event traffic access the site from the existing southern driveway and to significantly reduce impacts to the adjacent residential neighborhood. *Exhibit 1; Juanita Taurman Testimony.*
14. Pursuant to TCC 20.45.020, the proposal requires a landscape plan that satisfies the standards established in TCC Chapter 20.45.040, which are intended to screen the use for the purpose of protecting privacy for neighboring uses and protecting the aesthetic character of the community. The submitted landscape plan depicts existing and proposed plantings that satisfy the minimum buffer dimensions required by code as follows. Along the west property boundary, the plan shows "west property line area 1" which at 23 feet in length requires one tree and a five-foot deep planting bed with appropriate shrub and ground cover. In this area, two existing trees would be retained, as would the planted hops and other vegetation, and there is a six-foot tall wood fence to be retained. Additionally, along west property line area 1, a landscaped strip wider than five feet is proposed along the west boundary of the parking area, inside the existing retained landscaping. Along "west property line area 2," the plan shows retention of five existing trees and two additional trees in a 30-foot deep landscaped buffer in which shrubs and groundcover would be retained or added to meet screening standards. This 30-foot deep landscape bed turns the corner and continues along the north property line area until it joins an existing area of scrub and tree vegetation that meets the screening standards. This 96-foot long segment along the north property line would retain one and add three new trees to meet required screening standards. The existing vegetation is located along the entire north property line except for the site entrance from 85th Avenue SW. Along the east property line, there is an area lacking the existing mature screening vegetation approximately 411 feet long. Along its entire length, the plan calls out a 30-foot deep landscaped buffer in which 10 retained trees and seven new trees, along with retained and proposed shrub and groundcover, would provide the required screening. South of the barn and parking area, the existing densely treed portion of the site would screen the use from off-site views. *Exhibits 1.F and 1.G.* Planning Staff submitted that the plan shows compliance with applicable screening and landscaping requirements, so long as the permit is conditioned to require the Applicants to provide an irrevocable maintenance assurance device for all new plantings. *Exhibit 1.*
15. The Applicants propose to manage solid wastes on site as follows. The venue supplies three recycling bins for glass, metal, and plastic. During and after each event, Applicants collect the solid waste and recycling in garbage bags and place them in a pickup. The gathered load is taken to one of the local solid waste landfills/recycling locations and disposed of appropriately within 24 hours. *Exhibit 1.H.*

16. Considering the nature of the proposed use and existing adjacent residential uses, impacts to the surrounding properties could be anticipated to include noise (from people, cars, and music). The project narrative states that the Applicants indicated an intention to “strictly monitor” The Applicants provided the following explanation of measures they have implemented to control noise in the neighborhood from events on site. The outer walls of the barn were insulated to control noise and improve sound quality indoors. No musical entertainment or microphones are allowed outside except for the ceremony. A six-foot wooden fence was installed along the property line shared with the nearest residence and they planted Laurel Cypress trees and two rows of hops to increase the barrier in this location. The Applicants purchased a sound system that vendors and guests are required to use, which allows the Applicants to control the volume. To ensure compliance with state and local noise restrictions established in Washington Administrative Code (WAC) 173-60-040, the venue obtained a sound meter that is mounted just outside of the barn that sets off an alarm if noise levels reach 55dBA. Events are required to end at 10:00 pm. Neighbors have been provided with the Applicants’ cell phone numbers and have been encouraged to submit complaints if they have any. Planning Staff recommended a condition of approval that would ensure exterior lighting is designed to prevent glare onto adjoining properties. Planning Staff noted that complaints of adverse impacts from the commercial use on adjacent properties would be handled through the code enforcement process. *Exhibit 1; Sharon Lumbantobing Testimony.*
17. Thurston County Environmental Health Division (EHD) Staff reviewed the proposal for compliance with the applicable provisions of the Thurston County Sanitary Code. A Group B Exempt public water system was reviewed and approved under Permit 17-107227 HE, which approval allows it to serve a maximum of two service connections with a population of 25 or more people per day for fewer than 60 days per year, so long as no food preparation or ware washing taking place in the facility. EHD Staff testified that the proposed 30 event per year and 150 guest maximum can be served by the approved well, and noted that no additional service connections, increase in population served, or water service provided to a use listed under WAC 246-291-010(62)(a) through (h) would be allowed without prior review and approval by the Environmental Health Division. EHD Staff also confirmed that an on-site septic system was approved and installed under Permit 17-113677 HD, which was designed to serve a maximum population of 150 guests with no food preparation or ware washing on-site. Staff noted that the septic system requires an annual operational certificate (OPC), the maintenance of which would require ongoing monitoring and maintenance and would ensure protection of public health. EHD recommended approval of the SUP subject to conditions, which were incorporated into Planning Staff’s recommended conditions of approval. *Exhibits 1, 1.P, and 1.FF; Dawn Peebles Testimony.*
18. The Thurston County Public Works Department Development Review Section Staff reviewed the site plan and the preliminary drainage report 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. Traffic impact fees would be assessed for the proposed trips at time of building permit. 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.Q.*

19. 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.R and I.S.* 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.H.*

20. The Thurston County Comprehensive Plan characterizes R 1/10 zoned land as follows.

Primary land uses are resource-oriented (e.g., mineral extraction approved through a special use process, agriculture, and forestry), open space, and residential. Additional compatible uses that support or rely upon agriculture, forestry, mineral extraction, and open space may be allowed. Residential densities are limited to one dwelling per ten acres but may be further limited due to physical constraints and natural hazards, including the presence of critical areas.

Planning Staff submitted that the proposal would be consistent with and is supported by Comprehensive Plan Land Use Goal 1, Objective A, Policy 4, which states that home-based businesses should be allowed in the rural area provided they do not adversely affect surrounding residential uses. Conditioned as recommended, Planning Staff submitted that the proposal would be consistent with the Comprehensive Plan. *Exhibit I; Sharon Lumbantobing Testimony.*

21. Because fewer than 30 parking stalls and only minor new construction are proposed, the proposal is exempt from review pursuant to the State Environmental Policy Act. *Exhibit I; TCC 17.09.055; WAC 197-11-800.*
22. Notice of application was mailed to owners of parcels within 500 feet of the site and relevant agencies on August 12, 2021. *Exhibit I.O.* Notice of public hearing was mailed to owners of parcels within 500 feet of the site on April 20, 2022 and published in The Olympian on April 29, 2022. *Exhibit I.A.*
23. Several written public comments were submitted by neighbors who expressed concern with noise from large gatherings, traffic on their private road, the parcel being used as a commercial business, and alleged negative impacts on their quality of life. In addition to concerns about noise and traffic, these comments expressed concern that the barn has already been being used without appropriate permitting for years, as well as concern that commercial use of the subject property negatively impacts the values of surrounding residential uses. One commenter asserted that a drunk person (the implication being that it was an event guest) wandered into his garage and asked to buy drugs. Two letters expressing concerns were sent anonymously from email addresses that did not identify the names of the senders and were signed "Concerned Pederson Residents" and "Rondo

Residents.” Most of the comments opposed to the project withheld the names and addresses of the commenters. *Exhibits 1.T, 2.e, 2.f, and 2.g.*

24. Several neighbors and vendors submitted comments expressing their support of the proposal, citing the professional operations and positive impact to the neighborhood, community, and especially the local small business economy. *Exhibits 1.Y, 2.a, 2.b, 2.c (from next door neighbors), 2.d, 2.h, and 2.i.*
25. During the public comment period at the virtual hearing, two vendors/small business owners (one DJ and one caterer/event planner) testified in support of the application, extolling the integrity of the Applicants and their attention to making the venue fit in with the neighborhood. The DJ detailed the sound system and the Applicants’ control over music volumes. *Testimony of Tony Garcia and Maria Pellegrino Mackie.* One resident in a house across 85th Avenue SW from the site testified that he never has noise or traffic or other complaints with the Applicants’ events. This person submitted the opinions that the freeway is louder than events held onsite and that some of the concerns in the written public comments were so extreme they must be fabricated. *Paul Workland Testimony.* One member of the public did not express support or opposition to the proposal, but asked clarifying questions about the property history. *Craig Foster Testimony.*
26. 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 maintained their recommendation for approval subject to the conditions listed in the staff report. *Exhibit 1; Sharon Lumbantobing Testimony.* The Applicant waived objection to the recommended conditions. *Testimony of Juanita Taurman and Jon Taurman.*

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 R 1/10 zoning district. Restricted to fewer than 30 on-site parking stalls, no SEPA review is required. The proposed on-site parking improvements, as conditioned, satisfy County parking standards. A condition has been added that would ensure at least 37 parking spaces are provided and that evidence of adequately secured off-site parking is provided to the Planning Department. The proposal to retain and rely on existing mature vegetation, supplemented with new plantings as depicted on the landscape plan, satisfies the landscaping and screening standards that apply to the commercial use in a residential area. A condition would require a landscape maintenance assurance device or alternative agreement accepted by Community Planning and Economic Development to be submitted prior to building permit issuance. With conditions, the operation of an event

center facility on the subject property would be consistent with the Comprehensive Plan land use designation and the zoning designation of the property. *Findings 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 20, and 26.*

2. As proposed and conditioned, the operation of an event center on the 10.484-acre parcel, with commercial activities including parking setback more than 30 feet from lot boundaries, would be appropriate on the subject property. Existing and proposed additional vegetation would prevent the operation from being visible from adjacent parcels, and would contribute to minimization of noise, light, and other impacts. Screened, restricted to weekends, restricted to not more than 30 events per year, and restricted to not more than 150 guests per event, with not more than 20 vehicles parked on site, the proposed commercial use can be adequately served by the proposed Group B water system and the on-site septic, both of which are in place. The record contains no evidence suggesting that the project's trips cannot 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. As proposed, the Applicants would require events to end not later than 10:00 pm. A condition of approval would require noise experienced at shared property boundaries (including those with the nearest residences to the west) to be below the thresholds established in state and local noise ordinances. The persons submitting anonymous and semi-anonymous public comments with various concerns about the project were not present to explain or provide further detail; the fact that the comments were submitted anonymously was included in considering the weight the concerns expressed were given. Aside from these anonymous or semi-anonymous comments, the record contains no evidence that would support a conclusion of adverse effects on adjacent properties, neighborhood character, the natural environment, public facilities, or the public health, safety, and welfare. *Findings 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26.*
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 within the structure. *Findings 6, 7, 12, 13, 14, 15, 16, 17, 18, 19, 23, 24, 25, and 26.*

DECISION

Based on the preceding findings and conclusions, the requested after-the-fact special use permit to authorize use of an existing two-story barn as an event facility and to develop associated parking on property at 3019 85th Avenue SW, Olympia, Washington is GRANTED subject to the following conditions:

A. *Development Services/Community Planning and Economic Development Conditions (as modified by the Examiner):*

1. The submitted site plan is accepted. In order to minimize impacts from the commercial use to neighboring residential uses, all proposed commercial structures and uses shall maintain a minimum setback of not less than 30 feet from any property line.
2. Per TCC 20.09C.050.6, the R 1/10 zone allows a maximum building height of 35 feet and a maximum site coverage by impervious surface area of 10% for the first five (5) acres and 5% for the remaining area, which is 33,742 square feet of impervious surface for a 10.48 acre parcel. With a hard surface coverage credit calculation (TCC 20.07.090.2.b.i), the maximum impervious surface allowed for this parcel is 44,558 square feet.
3. A minimum of 37 parking spaces must be provided for the use. If on-site off-street parking equals or exceeds 30 spaces, SEPA review will be triggered. If fewer than 37 on-site parking spaces are provided, the Applicants are obligated to provide off-parking arrangements to make up the lacking number and prior to the first event in the fully permit facility, shall provide evidence to the Community Planning and Economic Development Department of how and where those off-site parking stalls are provided.
4. For those parking stalls provided on-site, all parking spaces shall be nine feet in width and eighteen feet in length, and lattice block pavement, gravel, or grass parking areas shall provide wood or concrete wheel guards / 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.
5. 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.
6. Prior to building permit issuance, a landscape maintenance assurance device for a period of one year from the completion of planting the landscape shall be submitted to Thurston County Development Services to ensure survival of all required landscaping. The value of the maintenance assurance device must equal at least 20% of the replacement cost of the landscape materials. (TCC20.45.020.6.E). The County may accept, as an alternative to a maintenance assurance device, a contractual agreement or bond between the owner or developer and a licensed landscape contractor registered in Washington State, along with a rider or endorsement specifically identifying the County as a party to the agreement for purposes of enforcement. This must be submitted within 30 days of approval of the special use permit.
7. Landscaping consistent with the approved plan at Exhibit 1.G shall be fully installed prior to the time of final building inspection.
8. Outdoor lighting shall be designed and shall function in a manner that shields direct light from adjoining streets and properties.

9. All refuse containers and roof and ground related mechanical equipment shall be screened from the public right-of-way and adjoining properties.
10. 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). Applicants must apply for a building permit for the sign.
11. The Applicants must comply with TCC 10.36 Public Disturbance Noise.
12. 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.
13. 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, Ecology must be notified. Contact the Environmental Report Tracking System Coordinator at (360)407-6300.
14. 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.
15. In the case of inadvertent discovery of archaeological resources or human burial, the Applicants and/or contractor must immediately stop work and contact the Washington Department of Archaeology and Historic Preservation at (360) 586-3067.
16. 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 Applicants' responsibility to obtain this permit if required.
17. Construction activity shall be limited to the hours of 7:00 am to 7:00 pm to minimize associated noise. All activities onsite shall fully comply with noise limitations outlined in WAC 173-60.
18. All event traffic shall access the site by the Blomberg Street driveway.

19. No further events may be hosted in the barn until all required permits and approvals are obtained, including the building permit and all final inspections on building, landscaping, parking, and other improvements.
20. 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.

Commercial Plan Review

18. Building permit and fire flow required, after the special use permit is approved by the Hearing Examiner.
19. A sign permit must be applied for with the building permit.
20. If temporary tents are used for outdoor seating, an annual tent permit must be applied for with the building permit, and the Applicants must comply with Title 14 fire code.

B. Public Health and Social Services Department Conditions:

1. No food shall be prepared in the warming kitchen or stored on -site for more than the day of the event.
2. There shall be no dishwasher or ware washing in the kitchen.
3. Any food vendor or caterer contracted by the facility shall be permitted and approved by Thurston County Environmental Health, Food & Environmental Services Section.
4. 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.
5. 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.
6. The facility shall not exceed 30 events per year (no more than 60 days per year) with a maximum of 150 guests per event. Any expansion of the operations shall require additional review and approval by Environmental Health with respect to the water system and on-site septic system.

C. Public Works/Development Review Conditions (Also see Exhibit 1.Z):

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.

Findings, Conclusions, and Decision

Thurston County Hearing Examiner

Juanita and Jon Taurman, SUPT No. 2020105234

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 stormwater 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 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.

Traffic

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

Findings, Conclusions, and Decision

Thurston County Hearing Examiner

Juanita and Jon Taurman, SUPT No. 2020105234

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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.

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.

Findings, Conclusions, and Decision

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- 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.
- h. Payment of any required mitigation fees.

DECIDED June 14, 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____.