



COUNTY COMMISSIONERS

Carolina Mejia-Barahona  
District One

Gary Edwards  
District Two

Tye Menser  
District Three

## HEARING EXAMINER

*Creating Solutions for Our Future*

### BEFORE THE HEARING EXAMINER FOR THURSTON COUNTY

In the Matter of the Application of	)	NO. 2020105827
	)	
<b>Washington State Department of</b>	)	16-Bed Residential Treatment Facility
<b>Social and Health Services</b>	)	
	)	FINDINGS, CONCLUSIONS,
For a Special Use Permit for an	)	AND DECISION
Essential Public Facility	)	

### SUMMARY OF DECISION

The request for a special use permit for an essential public facility to construct a 16-bed, 16,600 square foot residential treatment facility is **GRANTED** subject to conditions.

### SUMMARY OF RECORD

#### Request

Washington State Department of Social and Health Services (DSHS, Applicant) requested a special use permit for an essential public facility to construct a new 16-bed, 16,600 square foot residential treatment facility at the existing Maple Lane School campus. The subject property is located at 20311 Old Highway 9 SW, Rochester, Washington.

#### Hearing Date

The Thurston County Hearing Examiner conducted a virtual open record public hearing on the request on May 25, 2021. The record was held open until May 27, 2021 to allow any members of the public having difficulty joining the virtual hearing to submit written comments, with time scheduled for responses from the parties. No post-hearing public comment was submitted and the record closed on May 27, 2021.

#### Testimony

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

Heather Tschaekofske, Associate Planner/Biologist, Thurston County

Todd Mason, Public Works Development Review Manager, Thurston County

Christine Phillips, Senior Planner, BRCA, Applicant representative

Jim Welch, Project Manager and Architect, BRCA

Brian Waiblinger, MD, Chief Medical Officer, DSHS

Kevin Bovenkamp, Interim Assistant Secretary, DSHS Behavioral Health Administration

Larry Covey, Chief of Office of Capital Programs, DSHS

Jenise Gogan, Director of Community Transitions, DSHS Behavioral Health Administration

Susan Copeland, Director of RTF, DSHS

Zac Crum, BCRA Design

Pamela Hanson

Richard Stride

### **Exhibits**

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

- EXHIBIT 1 Community Planning and Economic Development Staff Report including the following attachments:
- A Notice of Public Hearing
  - B Zoning map
  - C Flood, streams, and wetlands map
  - D High ground water, gopher and prairie soils map
  - E Master Application, submitted December 2, 2020
  - F Special Use Permit Application, submitted December 2, 2020
  - G County concurrence email regarding determination of essential public facility type, dated July 22, 2020
  - H Public notice of essential public facility in newspaper, dated August 6, 2020 (pre-application)
  - I Website press release for public meeting on zoom and public comment request, dated September 3, 2020 (pre-application)
  - J Public comments from community zoom meeting on September 17, 2020, (pre-application)
  - K Narrative, submitted December 2, 2020 (revised narrative submitted February 10, 2021)
  - L DSHS Special Use criteria response, submitted December 2, 2020
  - M Site plans, submitted December 2, 2020
  - N DSHS Behavioral Health Community Civil 16-bed capacity pre-design report, submitted December 2, 2020
  - O Mazama pocket gopher screening report, dated October 18, 2018

- P Wetland and stream assessment, dated November 30, 2020
- Q DSHS email from Zachary Crum regarding MPG areas of disturbance, dated February 25, 2021
- R Utility line site plan for gopher review, submitted April 2, 2021
- S Flood mapping information from applicant, submitted January 4, 2021
- T Arborist report, dated November 5, 2020
- U Traffic impact analysis, dated November 20, 2020, and recommended parking estimate letter, dated February 2, 2021
- V Draft Geotechnical report for future building, dated October 9, 2020
- W Integrated Pest Management Plans, dated February 9, and March 12, 2021
- X Preliminary Drainage and Erosion Control Plan, dated November 2020
- Y Revised site plans, dated January 25, 2021
- Z Stormwater site plans, dated January 25, 2021
- AA Landscape and Irrigation site plan, dated February 22, 2021
- BB Lighting site plan, dated January 25, 2021
- CC Sign plan, submitted March 23, 2021
- DD Cultural Resource Survey, dated January 26, 2021 (2 pages, Applicant declined full report submittal per RCW 42.56.300)
- EE BCRA response letter, dated February 10, 2021
- FF BCRA response letter, dated March 23, 2021
- GG DSHS response letter to public comment, dated March 18, 2021
- HH DSHS response letter to Rochester School District public comment, dated March 12, 2021
- II Generator specifications, submitted February 10, 2021
- JJ Application for water and sewer service, dated February 9, 2021, with associated Department of Corrections water connection letters dated February 8 and 9, 2021
- KK Notice of Application, dated February 3, 2021, with adjacent property owners list within 500 foot radius
- LL SEPA Mitigated determination of non-significance (DNS), dated December 2, 2020, completed by DSHS as lead agency
- MM SEPA Environmental Checklist, submitted December 2, 2020
- NN Memo from Amy Crass, Public Health, dated March 29, 2021
- OO Memo from Public Works, dated March 30, 2021
- PP Comment email from Mark Biever, dated April 15, 2021

- QQ Comment letter from the WA Department of Ecology, dated February 23, 2021
- RR Comment letters from the Department of Archaeology and Historic Preservation, dated October 27, 2020 and January 28, 2021
- SS Comment emails from the Squaxin Indian Tribe, dated December 22, 2020 and February 9, 2021
- TT Thurston County Historic Commission comments, dated January 5, 2021
- UU Other Administrative Action application (Critical Area Determination), submitted December 2, 2020
- VV Public comments from Rochester School District, No. 401, dated February 11, 2021
- WW Public comments from Elizabeth Hart, dated February 22, 2021
- XX Critical Area Determination letter, dated May 5, 2021

EXHIBIT 2 Applicant PowerPoint

EXHIBIT 3 Grand Mound Development Guidelines, 1998

EXHIBIT 4 Complete Copy of revised Exhibit 1.K

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

### FINDINGS

1. Washington State Department of Social and Health Services (DSHS, Applicant) requested a special use permit for an essential public facility to construct a new 16-bed, 16,600 square foot residential treatment facility at the existing Maple Lane School campus. The subject property is located at 20311 Old Highway 9 SW, Rochester, Washington.<sup>1</sup> *Exhibits 1.E, 1.F, and 4.*
2. The application was submitted on December 2, 2020 and determined to be complete for purposes of commencing project review on December 30, 2020. *Exhibits 1.E, 1.F, and 1.KK.*
3. The subject property is owned by the Washington State Department of Corrections. It was historically used as a juvenile detention facility, but that use is no longer active and in 2015 special use permit approval was granted to convert the facility into a jail. The proposed building would be built in an area that is currently within the fenced boundary of the campus, but as part of the proposal, the fence would be moved to exclude the proposed building such that the facility would have its own street access and parking and

---

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

would not be within the correctional facility fencing. *Exhibits 1, 1.L, and 1.M; Jim Welch Testimony.*

4. The purpose of the proposed facility is to provide inpatient mental health treatment for adults who are under civil commitment orders of up to 90 or 180 days pursuant to Revised Code of Washington (RCW) 71.05. The patients would not have active criminal charges pending and would have already completed three weeks of stabilizing treatment elsewhere. Treatment at the proposed facility would be focused on recovery and skills training, with the goal of returning patients to the community with the skills to succeed. *Dr. Brian Waiblinger Testimony; Exhibit 4.*
5. Although the Applicant operates two adult psychiatric hospitals, including Western State Hospital in Steilacoom, the state is moving towards converting the state hospitals into forensic-only facilities and using community-based facilities (such as the proposed facility) for civil commitments. *Exhibits 1.N and 2.* At present, there are insufficient civil commitment beds to meet projected demand. *Exhibit 1.N.* The subject property is located in a region that has need for civil commitment facilities. *Exhibits 1.N and 2.*
6. The subject property is 209.52 acres in area and contains two zoning designations. The northern portion of the property, where development is currently proposed, is within the Grand Mound Urban Growth Area and is zoned Planned Industrial Park (PI). The southern portion of the property is within rural Thurston County and is zoned Long-Term Agriculture (LTA). *Exhibits 1 and 1.B.* The purpose of the PI zone is as follows:

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

*Thurston County Code (TCC) 20.27.010.*

7. Pursuant to TCC 20.54.065(1), the Thurston County Community Planning & Economic Development Department determined that the proposed use is classified as a Type 2 Essential Public Facility, and that it is allowed in the PI zone with approval of a special use permit. *Exhibits 1 and 1.G.* In the County Code, Type 2 Essential Public Facilities are defined as follows:

These are local or inter-local facilities serving or potentially affecting residents or property in more than one jurisdiction. They could include, but are not limited to, county jails, county landfills, community colleges, secure community transition facilities, sewage treatment facilities, communication towers, and inpatient facilities (e.g., substance abuse facilities, mental health facilities, and

group homes). Note: Such facilities which would not have impacts beyond the jurisdiction in which they are proposed to be located would be Type 3 facilities.

*TCC 20.54.065(1)(b); Thurston County Comprehensive Plan, page 2-32.*

8. The development standards applicable to the PI zone include a minimum front yard setback of 10 feet (or 20 feet if abutting an arterial), a minimum side yard setback of 10 feet (or 30 feet for interior side yard if abutting residentially zoned property), and a minimum rear yard setback of 25 feet (or 50 feet if abutting residentially zoned property). The maximum hard surface coverage is 85%. Areas not devoted to buildings, driveways, and similar must be landscaped, with a minimum of 20% of the developed premises landscaped. Development must comply with the Ground Mound Development Guidelines. *TCC 20.27.040.*
9. The proposed building would exceed all required setbacks. The building would be approximately 200 feet from property with a residential zoning designation (the property to the southeast of the project area is zoned RRR 1/5) and the street setback would exceed 100 feet. *Exhibits 1 (map on page 4), 1.B, 1.M, and 1.Y.* The lot coverage would be 40%, and all areas not covered by the building, courtyard, driveway, walkways, and parking spaces would be landscaped. The landscaped area would exceed 20%. Planning Staff evaluated the project against the Ground Mound Development Guidelines, which address signage, parking, and landscaping, and determined that it complies with the Guidelines. Staff's recommended conditions of project approval would require that all landscaping be installed prior to occupancy, or, with performance security in the amount of 100% of the cost of materials and installation, within nine months of occupancy in accordance with Section IV.A.7 of the Grand Mound Development Guidelines. *Exhibits 1, 1.M, 1.AA, 1.FF, and 3.*
10. The facility would be staffed 24 hours per day, with staff spread over three shifts. The expected maximum number of staff present on site on one shift is 29. The Applicant proposes a total of 30 parking stalls. Patients would not have their own vehicles. There is typically limited visitation at this type of facility. *Exhibits 4, 1.M, and 1.GG; Kevin Bovencamp Testimony.*
11. Prairie Creek, a Type F stream, crosses the subject property to the east of the proposed project area. The Thurston County critical areas ordinance (CAO) requires a 250-foot buffer for Type F streams of greater than 20 feet in width. Along the western edge of the creek are two small Category II wetlands, each requiring a 220-foot buffer. The proposed building would be roughly 120 feet from the wetland edge.<sup>2</sup> The CAO allows the approval authority to authorize stream and wetland buffer reduction in cases in which a topographic break, road or other lineal facility or barrier physically separates and functionally isolates a portion of the buffer, provided the barrier was legally established prior to July 24, 2012 and the area to be segregated does not perform any biological or

---

<sup>2</sup> The measurements are not clear from the site plan, but the wetland and stream assessment (Exhibit 1.P) notes that the distance between the wetlands and the existing fence is approximately 100 feet (see page 22), and the project plans (Exhibit 1.Y) depict that the building would be set back approximately 20 feet from the fence (see sheet C-101).

hydrological functions related to the critical area or unsegregated portion of the buffer. For streams, the approval authority must also consider the sensitivity of the stream, the potential for contamination, the ability of existing and proposed vegetation to filter sediments and pollutants, and the likelihood that proposed water treatment methods would be effective in maintaining water quality. *Exhibit 1.P; TCC 24.30.050; TCC 24.25.025*. In this case there is an existing perimeter access road, security fence, and eight-foot topographical break between the proposed development area and the critical areas, which isolate the buffers to the west of these features. The barriers existed prior to July 24, 2012. Stormwater runoff from development to the west of the barriers is infiltrated in stormwater ponds, preventing surface water runoff. The buffer to the east of the barriers (which would not be disturbed) is heavily forested with snags, logs and a shrub and emergent layer of vegetation for screening, roughness, and nutrient uptake. *Exhibit 1.P*. On May 5, 2021, the County Community Planning & Economic Development Department issued a critical area determination approving the buffer reductions. *Exhibit 1.XX; Heather Tschaekofske Testimony*.

12. The proposed development area is outside of mapped FEMA flood hazard zones and is not within 200 feet of a shoreline regulated under the Shoreline Master Program for the Thurston Region. *Exhibits 1 and 1.C*.
13. Mazama pocket gopher screening conducted in 2018 identified gopher mounds on the north and south side of Grand Mound Way in the vicinity of the subject property, but not within the proposed development area. Proposed offsite utility connections would avoid the area where gopher mounds were identified. *Exhibits 1, 1.O, 1.Q, 1.R, 1.EE, and 1.FF*.
14. No Oregon white oaks (a protected tree species under the CAO) would be impacted by proposed development activities. *Exhibits 1, 1.T, and 1.AA*.
15. The subject property is located within Category I aquifer recharge area, a Group A public water system wellhead protection area, and in an area of elevated nitrates within the underlying aquifer. *Exhibit 1.W*. The Applicant has developed and obtained Thurston County Environmental Health Division approval of an integrated pest management plan (IPMP) outlining landscape management practices intended to reduce potential impacts to ground and surface waters, such as non-chemical weed control and use of native plants to minimize need for fertilizers. *Exhibits 1.W and 1.NN*.
16. The proposed facility would connect to the existing Maple Lane Group A public water system, which has sufficient capacity for the use. *Exhibits 1.NN and 1.JJ*.
17. The proposed facility would connect to the Ground Mound sanitary sewer system, which has sufficient capacity for the use. *Exhibit 1.NN*.
18. The Applicant proposes to install an emergency generator within a fenced enclosure. The associated fuel storage and piping would have secondary containment in accordance with County code requirements. *Exhibit 1.NN*.

19. The Thurston County Environmental Health Division reviewed the proposal against the requirements of the Thurston County Sanitary Code, considering the site soils, plans for water supply and sewage disposal, and hazardous materials, and determined that all requirements are satisfied. Environmental Health recommended as conditions of approval that documentation of secondary containment be submitted prior to building permit issuance, and that written confirmation of water and sewer extension approval from the utilities be submitted prior to building occupancy. *Exhibit 1.NN.*
20. Access to the proposed facility would be from Old Highway 9 SW. The Applicant's transportation engineer estimated the traffic impact of the facility by evaluating three similar 16-bed facilities in the region. The facility is expected to add 145 average daily trips to the local street system, including 10 PM peak hour trips. Forecasting to 2025, this increase in traffic would not cause the level of service of the nearby intersection of Old Highway 9 SW and Cross Way SW to decrease; the intersection would operate at level of service "A" (the highest-quality condition) during the PM peak hour with or without the proposed development. The intersection of Old Highway 9 SW and the site driveway would operate at level of service "B," which is acceptable per County standards. The Applicant's transportation engineer did not identify the need for any mitigation of impacts other than payment of Thurston County traffic mitigation fees. *Exhibit 1.U.*
21. Stormwater runoff from pollution generating surfaces would be treated and infiltrated on site in proposed bioretention facilities. Runoff from non-pollution generating surfaces such as roofs and landscaping would drain to infiltration ponds designed for 100% infiltration. The soils on site are suitable for infiltration. *Exhibits 1.V, 1.X and 1.Z.*
22. The Thurston County Public Works Department reviewed the project for compliance with Thurston County Road Standards and the Drainage Design and Erosion Control Manual and determined that the preliminary requirements of those documents have been satisfied. Public Works recommended approval of the project, subject to the conditions set forth in its memorandum dated March 30, 2021. *Exhibit 1.OO.*
23. The Thurston County Comprehensive Plan contains goals and policies promoting preservation of archaeological and historic resources. *Exhibit 1; Thurston County Comprehensive Plan, Chapter 10.* The Applicant had a Cultural Resource Survey prepared for the project site by a qualified professional consultant. *Exhibit 1.DD.* The Washington Department of Archaeology and Historic Preservation (DAHP) reviewed the survey and concurred with its conclusion that the project would not have an impact on cultural resources, provided archaeological monitoring occur during earthwork and that an unanticipated discovery plan be implemented during construction. These requirements were incorporated into Planning Staff's recommended conditions of project approval. *Exhibits 1 and 1.RR.*
24. The subject property is within walking distance of schools within the Rochester School District, including Rochester Primary School, which is a one-mile walk, Ground Mound Elementary, which is a 1.2-mile walk, and Rochester High School, which is a 1.6-mile



walk. The School District and a member of the community submitted comments in opposition to the requested special use permit due to concerns regarding student safety. *Exhibits 1.VV and 1.WW*. There is an existing mental health facility elsewhere on the Maple Lane campus, which is used for competency restoration. There have been two elopements within the past five years of operation of that facility, including one in 2017 in which a patient entered school property. *Susan Copeland Testimony; Exhibit 1.HH*.

25. The existing competency restoration facility is different from the proposed facility in that the former is a forensic facility (i.e., for patients with criminal charges pending), whereas the proposed facility would not be for patients with criminal charges. *Dr. Brian Waiblinger Testimony*. The Applicant has improved security and screening measures in response to the two previous elopements, in part through conducting drills with the Department of Corrections, local law enforcement, and the School District to practice managing such incidents. These practices would be used at the proposed facility also. *Testimony of Jenise Gogan Testimony and Susan Copeland; Exhibit 1.HH*. The proposed facility is not subject to the enhanced setback requirements from schools that would apply to an incarceration facility such as a jail or prison. *Exhibit 1; TCC 20.54.070(17.5 and 27.5)*.

26. Security measures to be implemented on site would include:

- All exterior doors and windows would be locked, with tempered laminated glass used for the windows to prevent injury and escape.
- Sally ports would be used to control ingress and egress. These create a vestibule separating two sets of doors that cannot be opened at the same time. If one door is breached, there is a second locked door to prevent elopement.
- The outdoor recreation area would be secured by a 12-foot-tall no-climb fence.
- Any patient leaving for an outside appointment would be escorted by two staff members.
- The building would not be open to the general public. Patients' family and friends would only be able to visit during scheduled visiting hours, and visitation would occur within supervised areas of the building.
- Activities would be monitored through use of internal video cameras.
- The facility would be staffed 24 hours per day.
- Staff would be subject to both state and federal background checks.

*Testimony of Jenise Gogan, Jim Welch, and Kevin Bovencamp; Exhibits 1.K and 1.HH*.

27. DSHS acted as lead agency for review of the environmental impacts of the proposal under the State Environmental Policy Act and issued a mitigated determination of non-significance (MDNS) on December 2, 2020. The MDNS requires that any contract for demolition or construction on the site include inadvertent discovery language to protect cultural resources, and that the building be located outside of any flood hazard "no

development zone” per TCC 24.20.020. The MDNS was not appealed and became final on January 6, 2021. *Exhibits 1 and 1.LL.*

28. Type 2 Essential public facilities are subject to the pre-application notice requirements of TCC 20.54.065(3). The Applicant had the required notice published in *The Chronicle* on August 6, 2020, more than 90 days prior to the December 2, 2020 application date, and issued a press release on its website on September 3, 2020. Both provided notice of a September 17, 2020 Zoom meeting providing an opportunity for public comment. *Exhibits 1.E, 1.F, 1.H, 1.I, and 1.L.*
29. Notice of the application was mailed to property owners within 500 feet of the site on February 3, 2021. *Exhibits 1 and 1.KK.*
30. Notice of the open record hearing was mailed to parties of record and property owners within 500 feet of the site on May 6, 2021 and published in *The Olympian* on May 14, 2021. *Exhibit 1.A.*
31. Public comment submitted at the virtual open record hearing expressed concerns regarding the adequacy of background checks for future employees of the site, particularly that it should include a search of national data bases rather than state only data bases. Another concern was forwarded by the operator of an existing similar facility in the Port of Centralia that those seeking to hire for the proposal, if approved, would “poach” the existing entity’s employees, because there is a shortage of skilled workers in this field. *Testimony of Pamela Hanson and Richard Stride.*
32. Responding to these concerns, an Applicant representative stated that background checks are taken very seriously by the Applicant, who performs both a basic check and also a national federal data base background check, and they only hire employees with the appropriate clinical qualifications. Acknowledging that the skilled worker shortage is a widespread concern, the representative testified that the state has some work force development initiatives with some funding recently approved, and that DSHS is willing to work closely with community partners to attract staff and cross train. *Kevin Bovencamp Testimony.*
33. Having heard all testimony, Planning Staff maintained the recommendation of approval subject to conditions detailed in the staff report. *Heather Tschaekofske Testimony; Exhibit 1.* Applicant representatives waived objection to the recommended conditions. *Christine Phillips Testimony.*

## **CONCLUSIONS**

### **Jurisdiction**

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

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

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

- A. Plans, Regulations, Laws. The proposed use at the specified location shall comply with the Thurston County Comprehensive Plan, and all applicable federal, state, regional, and Thurston County laws or plans.
- B. Underlying Zoning District. The proposed use shall comply with the general purposes and intent of the applicable zoning district regulations and subarea plans. Open space, lot, setback and bulk requirements shall be no less than that specified for the zoning district in which the proposed use is located unless specifically provided otherwise in this chapter.
- C. Location. No application for a special use shall be approved unless a specific finding is made that the proposed special use is appropriate in the location for which it is proposed. This finding shall be based on the following criteria:
  - 1. Impact. The proposed use shall not result in substantial or undue adverse effects on adjacent property, neighborhood character, natural environment, traffic conditions, parking, public property or facilities, or other matters affecting the public health, safety and welfare. However, if the proposed use is a public facility or utility deemed to be of overriding public benefit, and if measures are taken and conditions imposed to mitigate adverse effects to the extent reasonably possible, the permit may be granted even though said adverse effects may occur.
  - 2. Services. The use will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, or services existing or planned to serve the area.

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

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

**Conclusions Based on Findings**

- 1. With conditions of approval, the proposed use at the proposed location would comply with applicable laws and plans, including the Thurston County Comprehensive Plan, the Thurston County Sanitary Code, the Drainage Design and Erosion Control Manual, the Thurston County Critical Areas Code, the State Environmental Policy Act, and the Grand Mound Development Guidelines. With respect to the special use standards for essential public facilities, the Applicant has demonstrated that the use would not have probable, significant adverse impacts on critical areas. Development would occur within a portion of the wetland/stream buffer that is functionally isolated from the critical areas and the remainder of their associated buffers. Stormwater runoff from the developed site would be treated and infiltrated consistent with County requirements. Development activities

both on and off of the site would avoid areas known to be used by the Mazama pocket gopher. The critical aquifer recharge area would be protected. The potential environmental impacts of the project were reviewed pursuant to SEPA and an MDNS was issued, which was not appealed. The use would not generate substantial traffic such as to require siting near a major transportation corridor. *Findings 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, and 27.*

2. The use complies with the general purposes and intent of the PI zone and with applicable setback and bulk standards. The zoning ordinance identifies public correctional facilities as a compatible use within the zone. Development on the site would meet the requirements of TCC 20.27.040. *Findings 6, 8, and 9.*
3. With conditions, the proposed use is appropriate in the location for which it is proposed.
  - a. As conditioned, the use would not result in substantial or undue adverse effects on adjacent property, neighborhood character, natural environment, traffic conditions, parking, public property or facilities, or other matters affecting the public health, safety and welfare. The proposed facility would be within a campus that has historically been used for corrections purposes; it would not change the character of the neighborhood. There would not be substantial impacts to the natural environment or protected species of wildlife. The traffic generated from the use would not degrade the level of service of the surrounding street system. Adequate parking would be provided. The water and sewer utilities have adequate capacity to serve the use. The proposed security measures would be protective of public safety. The conditions of approval incorporate the requirements identified by the Public Works Department, the Environmental Health Division, and the conditions of the critical areas review. *Findings 3, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, and 27.*
  - b. As conditioned, the use would be adequately served by and would not impose an undue burden on any of the improvements, facilities, utilities, or services existing or planned to serve the area. *Findings 16, 17, 19, 20, 21, and 22.*

### DECISION

Based on the preceding findings and conclusions, the request for an essential public facility to construct a 16-bed, 16,600 square foot residential treatment facility is **GRANTED** subject to the following conditions:

#### Public Health and Social Services Department Conditions:

1. Prior to building permit issuance, documentation confirming that the fuel tank, day tank under the generator and all associated piping for the generator meet all secondary containment requirements must be submitted for review and approval.
2. Prior to final building occupancy approval, written confirmation of final sewer extension approval from Grand Mound must be submitted to this office.

3. Prior to final building occupancy approval, written confirmation of final water extension approval from Maple Lane Group A public water system must be submitted to this office.

Public Works Conditions:

**ROADS**

4. The proposed roadway in concept and design shall conform to the Road Standards.
5. A construction permit shall be acquired from the Thurston County Public Works – Development Review Section prior to any construction.
6. All access points with sight distance issues or abutting arterial or collector roadways shall be installed prior to final approval.

**TRAFFIC CONTROL DEVICES**

7. 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.
8. 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**

9. The storm water management system shall conform to the Drainage Design & Erosion Control Manual.
10. 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.
11. Storm water runoff shall be controlled through all phases of the project by facilities designed to control the quality and quantity of discharges and shall not alter nor impact any existing drainage or other properties.

**UTILITIES**

12. 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.
13. All proposed plans, construction methods, and construction materials must conform to the Thurston County Water and Sewer Development Standards. A copy of the current Water and Sewer Development Standards can be found on the Public Works' Website (<https://www.co.thurston.wa.us/publicworks/delectus.html>).

14. The dumpster pad drain shall not be connected to the sanitary sewer.
15. The Applicant shall submit, with their building permit application, an Abbreviated Water and Sewer Plan in accordance with Thurston County Water and Sewer Development Standards pages 3-5.
16. 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' of asphalt concrete pavement.

#### RIGHT-OF-WAY & SURVEY

17. Permanent survey control need to be placed to establish all public street centerlines, intersections, angle points, curves, subdivision boundaries and other points of control.
18. Permanent survey control monuments shall be installed in accordance with the standards provided by the Thurston County Public Works – Survey Division. The Survey Division can be reached at 754-4580.

#### TRAFFIC

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

#### GENERAL CONDITIONS

20. No work shall take place until a construction permit has been issued by Thurston County Public Works – Development Review Section.
21. 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.
22. When all construction/improvements have been completed, contact the Thurston County Public Works – Development Review Section at 360-867-2051 for a final inspection.
23. 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

24. Once the planning department has issued the official preliminary approval, the Applicant shall submit two complete full size sets of construction drawings, the final drainage and erosion control report and all applicable checklists along with an electronic copy to Thurston County Public Works – Development Review Section for review and acceptance. The Final Drainage Report shall address all comment in the Stormwater Scoping Report Response dated 1-20-21 which can be found at:  
<https://weblink.co.thurston.wa.us/dspublic/0/doc/14201877/Page1.aspx>

25. PRIOR to construction, the Applicant shall:

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

\* The current fee schedule can be found online at  
<http://www.co.thurston.wa.us/permitting/fees/fees-home.html> or contact Ruthie Padilla with the Thurston County Public Works – Development Review Section by phone at 360-867-2050, or by e-mail at [ruthie.moyer@co.thurston.wa.us](mailto:ruthie.moyer@co.thurston.wa.us).

#### Community Planning and Economic Development Conditions:

26. 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.

27. All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from the local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department for proper management of these materials.

28. Any ground disturbance related to offsite utilities outside of the gopher clearance area, Screening Area A, shall be conducted with best management practices to avoid potential

take of Mazama pocket gopher. Gopher take avoidance shall be achieved by working within existing impervious surface areas near the edge of existing roads and utilities or by connecting directly to existing utility poles.

29. This property is mapped with soils that often contain the presence of priority species and habitat, which are protected by TCC 24, Critical Areas Ordinance. The requested development activity is planned to take place on a soil type, or area, which may provide habitat for the Mazama pocket gopher, or where the Mazama pocket gopher has either been found or is suspected to be located. Approval of this and other County permits may be superseded by federal law. If any are found during construction, the applicant should contact the U. S. Fish and Wildlife Services.
30. All required landscaping shall be installed prior to occupancy. In lieu of such installation, the applicant shall provide security in the amount of 100% of the cost of plant materials plus installation, to ensure that the landscape and irrigation improvements are installed in accordance with the approved landscape and irrigation plans within a period of nine months from the date of issuance of final certificate of occupancy.
31. Oak tree protection shall be in place prior to ground disturbance and building permit issuance per the submitted arborist report and landscape plans.
32. The Applicant shall submit a final geotechnical report for the proposal at the time of building permit application.
33. Lighting shall be designed and shall function in a manner that shields direct light from adjoining streets and properties.
34. The Applicant and subsequent property owners must comply with all requirements of state and/or federal law to avoid disturbance and alteration of artifacts, remains, or other cultural resources on site during development. In the event of inadvertent disturbance or alteration, the Applicant must immediately stop work and contact the Tribe and the State Department of Archaeology and Historic Preservation (DAHP). In addition, per the DAHP comments, the Applicant shall comply with the stipulations for professional archaeological monitoring as detailed on pages 18-19 of the Cultural Resources Survey report and for an unanticipated discovery plan (Exhibit 1.DD).
35. All site development shall be in substantial compliance with the approved site plans, and associated documents, such as the draft geotechnical report (Exhibit 1.V), Integrated Pest Management Plan (Exhibit 1.W), and drainage plan (Exhibit 1.X). Any expansion or alteration of this use will require approval of a new or amended special use permit. Community Planning and Economic Development will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.
36. The address assigned for the proposal is: 20345 Old Hwy 9 SW, Rochester WA 98579.



37. Development of the site shall comply with the conditions of the May 5, 2021 critical area determination (Exhibit 1.XX).

**DECIDED** June 11, 2021.



---

Sharon A. Rice  
Thurston County Hearing Examiner



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

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

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

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

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

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

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

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

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

**D. FILING FEES AND DEADLINE** If you wish to file a Request for Reconsideration or Appeal of this determination, please do so in writing on the back of this form, accompanied by a nonrefundable fee of **\$777.00** for a Request for Reconsideration or **\$1,054.00** an Appeal. Any Request for Reconsideration or Appeal must be **received** in the Building Development Center on the second floor of Building #1 in the Thurston County Courthouse complex no later than 4:00 p.m. per the requirements specified in A2 and B2 above. **Postmarks are not acceptable.** If your application fee and completed application form is not timely filed, you will be unable to request Reconsideration or Appeal this determination. The deadline will not be extended.

\* Shoreline Permit decisions are not final until a 21-day appeal period to the state has elapsed following the date the County decision becomes final.



Project No. \_\_\_\_\_  
Appeal Sequence No.: \_\_\_\_\_

☐ Check here for: **RECONSIDERATION OF HEARING EXAMINER DECISION**

THE APPELLANT, after review of the terms and conditions of the Hearing Examiner's decision hereby requests that the Hearing Examiner take the following information into consideration and further review under the provisions of Chapter 2.06.060 of the Thurston County Code:

(If more space is required, please attach additional sheet.)

☐ Check here for: **APPEAL OF HEARING EXAMINER DECISION**

TO THE BOARD OF THURSTON COUNTY COMMISSIONERS COMES NOW \_\_\_\_\_  
on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, as an APPELLANT in the matter of a Hearing Examiner's decision  
rendered on \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ relating to \_\_\_\_\_

THE APPELLANT, after review and consideration of the reasons given by the Hearing Examiner for his decision, does now, under the provisions of Chapter 2.06.070 of the Thurston County Code, give written notice of APPEAL to the Board of Thurston County Commissioners of said decision and alleges the following errors in said Hearing Examiner decision:

Specific section, paragraph and page of regulation allegedly interpreted erroneously by Hearing Examiner:

1. Zoning Ordinance \_\_\_\_\_
2. Platting and Subdivision Ordinance \_\_\_\_\_
3. Comprehensive Plan \_\_\_\_\_
4. Critical Areas Ordinance \_\_\_\_\_
5. Shoreline Master Program \_\_\_\_\_
6. Other: \_\_\_\_\_

(If more space is required, please attach additional sheet.)

AND FURTHERMORE, requests that the Board of Thurston County Commissioners, having responsibility for final review of such decisions will upon review of the record of the matters and the allegations contained in this appeal, find in favor of the appellant and reverse the Hearing Examiner decision.

### **STANDING**

On a separate sheet, explain why the appellant should be considered an aggrieved party and why standing should be granted to the appellant. This is required for both Reconsiderations and Appeals.

Signature required for both Reconsideration and Appeal Requests

APPELLANT NAME PRINTED \_\_\_\_\_

SIGNATURE OF APPELLANT \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Please do not write below - for Staff Use Only:

Fee of ☐ \$777.00 for Reconsideration or \$1,054.00 for Appeal. Received (check box): Initial \_\_\_\_\_ Receipt No. \_\_\_\_\_  
Filed with the Community Planning & Economic Development Department this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.