



COUNTY COMMISSIONERS

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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. 2020103171 Camp Thunderbird
)	
Pacific Harbor Council of Boy Scouts of America)	
)	
For Approval of a Special Use Permit, Shoreline Substantial Development Permit, and Reasonable Use Exception)	FINDINGS, CONCLUSIONS, AND DECISIONS
_____)	

SUMMARY OF DECISION

The requested special use permit, shoreline substantial development permit, and reasonable use exception are **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request:

Pacific Harbor Council of Boy Scouts of America (Applicant) requested a special use permit (SUP) to construct numerous upgrades to the existing Camp Thunderbird, including new structures and development of an RV camping area; a shoreline substantial development permit (SSDP) to construct two docks on Summit Lake and to dredge the lakebed around and between the docks to create a boating and swimming area; and a reasonable use exception (RUE) for placing the docks within a Category I wetland. The subject property is located at 11740 Summit Lake Road NW in unincorporated Olympia, Washington.

Hearing Date:

The Thurston County Hearing Examiner conducted a virtual open record public hearing on the request on August 8, 2023. The record was held open through August 10, 2023 to allow members of the public who experienced technology-based barriers to joining the virtual hearing to submit written comments, with time scheduled for responses from the parties. Post-hearing comments were submitted by two individuals prior to the August 10th deadline, and responses to the comments were timely submitted by August 14, 2023. The record closed on August 14, 2023. At hearing, the Examiner requested a five-business day extension of the decision issuance deadline, which the Applicant kindly granted.

The Examiner did not conduct an in-person site visit, but did view the subject property and its environs on Google Maps.

Testimony:

At the hearing the following individuals presented testimony under oath:

Scott McCormick, Associate Planner, Thurston County Community Planning & Economic Development Department

Dawn Peebles, Program Manager, Thurston County Environmental Health Division

Arthur Saint, Civil Engineer, Thurston County Public Works Department

Fred Herber, Vice President of Properties, Boy Scouts of America

Karen Meier, Executive Director, Pacific Harbors Council

Larry Raedel

Holly Raedel

Val Szwajkolwski

Teresa Szwajkolwski

Kimberly Sowa

John Brinton

James Davis

Teresa Yardy

Glenn Jones

Exhibits:

The following exhibits were admitted in the record through the virtual hearing process:

Exhibit 1 Community Planning and Economic Development Department, Land Use and Environmental Review Section Report including the following attachments:

- A. Notice of Public Hearing, dated July 28, 2023
- B. Vicinity / Zoning Map
- C. Master Application, dated July 24, 2020
- D. Special Use Permit Application, dated July 24, 2020
- E. Master Application, dated July 24, 2020 for SSDP
- F. JARPA Application, dated July 24, 2020
- G. Master Application, dated July 20, 2021 for RUE
- H. Reasonable Use Exception Application, dated July 20, 2021

- I. Boy Scouts of America Pacific Harbors Council notice and description of project with Q&A (undated)
- J. Email from Robert Wubbena (POC), dated December 25, 2020 regarding description of project
- K. Boy Scouts of America Camp Thunderbird Waterfront and Wetlands Permitting Overview (undated)
- L. Boy Scouts of America Camp Thunderbird Swimming Area Improvements overview (undated)
- M. Applicant provided parking / emergency vehicle access information beginning with email from Arthur Saint to Robert Wubbena, dated November 10, 2021
- N. Camp Thunderbird Solid Waste Management Program, dated October 2020
- O. Camp Thunderbird Pest Management Plan & Hazardous Waste/Chemical Storage, dated October 2020
- P. Appendix A – Abandonment of Existing Swim Pond & Boat Dock, received July 20, 2021
- Q. Appendix B – New Swim Area and Floats, received July 20, 2021
- R. Appendix C – Dredging and Dewatering Operations (undated)
- S. Camp Thunderbird County Health Pest Control Plan stormwater information, dated October 9, 2021
- T. Email from Robert Wubbena regarding rifle and archery locations (remaining in current locations), dated January 30, 2021
- U. Email from Robert Wubbena regarding Thurston County Environmental Health Departments requested information with responses, dated September 25, 2020
- V. Notice of Application, dated December 31, 2020
- W. Final SEPA Mitigated Determination of Non-Significance, dated June 7, 2023
- X. Combined Notice of Application for an RUE for dock in Category 1 wetland with a SEPA Mitigated Determination of Non-Significance, dated April 5, 2023
- Y. SEPA Environmental Checklist, signed March 22, 2023
- Z. Detailed Mitigation Plan, revised by Confluence Environmental Co., dated February 2023 regarding Boy Scouts proposed swim / boat dock and wetland dredging
- A1. Camp Thunderbird Critical Areas Report by SCJ Alliance, dated March 2022
- B1. Nisqually Indian Tribe comment, dated June 29, 2021
- C1. Site Plan aerial (revised), received September 12, 2022, with
 - a. Aqua Storage / Swimmer Shower / Two Unit Toilet Floor Plan and elevations

- b. Eight Unit Toilet Floor Plan
 - c. Five Unit Toilet Floor Plan
 - d. Overview of Dock Area
 - e. New Aquatics Docks at Camp Thunderbird, dated October 13, 2021
 - f. Camp Thunderbird Parking Lot & Emergency Vehicle Route, dated October 11, 2021
 - g. Camp Thunderbird Water Supply – Well Protection Zones, dated October 2020
 - h. Dredging plans with route of travel via temporary pipe and area of proposed dredging
- D1. Thurston County Public Works approval memo from Arthur Saint, PE, dated April 19, 2023
 - E1. Thurston County Environmental Health approval memo from Amy Crass, dated September 26, 2022 with email from Dawn Peebles, dated July 20, 2023 with corrections to EH conditions 1 – 3
 - F1. Washington Department of Fish and Wildlife comments from Noll Steinweg, dated April 27, 2023
 - G1. Comments from the Chehalis Tribe, dated August 19, 2020
 - H1. Washington State Department of Ecology’s comment letter, dated April 25, 2023
 - I1. Washington State Department of Ecology’s comment letter, dated August 27, 2020
 - J1. Email from Kevin Hansen, Thurston County Hydrogeologist dated April 27, 2023 with Boy Scouts Water Right Certificate from May 31, 1974
 - K1. Email from Robert Wubbena to Shaun Dinubilo, dated August 18, 2020 regarding Cultural Resources
 - L1. Email from Shaun Dinubilo to Robert Wubbena, dated August 20, 2020 regarding Cultural Resources
 - M1. Communication Matrix from Thurston County CPED to Boy Scouts POC, dated March 16, 2023
 - N1. Letter from Thurston County CPED to Applicant’s POC Robert Wubbena dated January 27, 2021
 - O1. Comment email from Sharon Roberts, dated May 22, 2023 with additional attached emails
 - P1. Comment email from Audrey Richards, dated April 27, 2023
 - Q1. Email from Robert Wubbena to Kevin Hansen, Thurston County Hydrogeologist, dated April 27, 2023

- R1. Email from Kevin Hansen, Thurston County Hydrogeologist to Scott McCormick, Associate Planner, dated April 27, 2023
- S1. Email from Kevin Hansen, Thurston County Hydrogeologist to Scott McCormick, Associate Planner, dated April 27, 2023
- T1. Email from Audrey Richards to Scott McCormick, Associate Planner, dated April 26, 2023
- U1. Email from Robert Wubbena to Thurston County Commissioners et. al., dated April 26, 2023 (responses to public comments)
- V1. Email from Audrey Richards, dated April 26, 2023 to Scott McCormick, Associate Planner
- W1. Email from Robert Wubbena to Jim Partin with responses to comments, dated April 26, 2023
- X1. Email from Kimberly Sowa to Robert Wubbena with responses from Robert Wubbena, dated April 26, 2023
- Y1. Email from Larry and Holly Raidel to Scott McCormick, et. al., dated April 26, 2023
- Z1. Email from Kimberly Sowa to Scott McCormick, dated April 26, 2023
- A2. Email from Michael Patterson to Scott McCormick, et. al., dated April 26, 2023
- B2. Email from Robert Wubbena to Scott McCormick, dated April 25, 2023
- C2. Email from Arthur Saint, PE, Thurston County Public Works to Scott McCormick, , dated April 25, 2023
- D2. Email from Waldermar Sz wajkowski to Scott McCormick, dated April 25, 2023
- E2. Email from Robert Beck to Scott McCormick, dated April 25, 2023
- F2. Email from James Davis (JC Davis) to Scott McCormick, dated April 25, 2023
- G2. Email from Dawn Peebles, Thurston County Environmental Health to Scott McCormick, and Kevin Hansen, Thurston County Hydrogeologist, dated April 25, 2023 with email from John Brinton (resident)
- H2. Email from Jim Partin to Scott McCormick, dated April 25, 2023
- I2. Email from Robert Wubbena to Andrew Brinton, dated April 25, 2023
- J2. Email from Robert Wubbena to Scott McCormick et. al., dated April 25, 2023
- K2. Email from Teresa and Bob Glenn to Scott McCormick, dated April 25, 2023
- L2. Email from Cole Walker to Scott McCormick, dated April 25, 2023
- M2. Email from James Davis to Sara Develle Thurston County BoCC et. al., dated April 25, 2023
- N2. Email from Jeff Davis to Scott McCormick, dated April 25, 2023
- O2. Email from Tom and Karen Anderson to Scott McCormick, dated April 25,

2023

- P2. Email from James (JC) Davis to Scott McCormick, et. al., dated April 25, 2023
- Q2. Email from James Partin to Scott McCormick, dated April 25, 2023
- R2. Email from Andrew Brinton to Scott McCormick, dated April 25, 2023
- S2. Email from Thomasina Cooper, Thurston County BoCC Assistant and John Brinton to Scott McCormick, et. al., dated April 25, 2023
- T2. Email from Larry and Holly Raedel to the Thurston County Commissioners et. al., dated April 25, 2023
- U2. Email from Kimberly Sowa to Scott McCormick, dated April 25, 2023
- V2. Email from John Walker to Scott McCormick, dated April 24, 2023
- W2. Email from Teresa & Val Szwajkowski to Scott McCormick, dated April 24, 2023
- X2. Email chain from Larry & Holly Raedel and Teresa Szwajkowski to Robert Wubbena et. al., dated April 24, 2023
- Y2. Email from Larry & Holly Raedel to the Thurston County BoCC et. al., dated April 24, 2023
- Z2. Email and photos from Larry & Holly Raedel to the Thurston County BoCC et. al., dated April 24, 2023
- A3. Email from Holly Raedel et. al. to Robert Wubbena, dated April 24, 2023
- B3. Email from Mark Naylor to Scott McCormick, dated April 24, 2023
- C3. Email from Brian Fitzgerald to Scott McCormick, dated April 24, 2023
- D3. Email from Taylor Marsh to Scott McCormick, et. al., dated April 24, 2023
- E3. Email from Joseph Spacciante to Scott McCormick, dated April 24, 2023
- F3. Email from John Brinton to Scott McCormick, dated April 24, 2023
- G3. Email from Dan Eygabroad to Scott McCormick, dated April 24, 2023
- H3. Email from Kelli Duvall to Scott McCormick, dated April 24, 2023
- I3. Email from Griffin Squires to Scott McCormick, dated April 24, 2023
- J3. Email from Jim Partin to Scott McCormick, dated April 24, 2023
- K3. Email from Waldemar & Teresa Szwajkowski to Scott McCormick, et. al., dated April 23, 2023
- L3. Email from Teresa Szwajkowski to Robert Wubbena et. al., dated April 23, 2023
- M3. Email from Bruce and Sharon Roberts to Scott McCormick, et. al., dated April 22, 2023
- N3. Email from Robert Wubbena to Teresa Yardy et. al., dated April 22, 2023

- O3. Email from Robert Wubbena to Holly Raedel et. al., dated April 22, 2023
- P3. Email from Robert Wubbena to Kathy Leitch et. al., dated April 22, 2023
- Q3. Email from Robert Wubbena to Bruce and Sharon Roberts et. al., dated April 22, 2023
- R3. Email from Robert Wubbena to Larry and Holly Raedel et. al., dated April 22, 2023
- S3. Email from Robert Wubbena to Teresa Szwajkowski et. al., dated April 22, 2023
- T3. Email from Larry Raedel to Dan Collett, Robert Wubbena et. al., dated April 22, 2023
- U3. Email from Teresa Szwajkowski to Scott McCormick, dated April 22, 2023
- V3. Email chain from Scott McCormick to Larry and Holly Raedel, dated April 21, 2023
- W3. Email from Teresa Szwajkowski to Scott McCormick, dated April 20, 2023
- X3. Email from Larry Raedel to Scott McCormick, dated April 20, 2023
- Y3. Email from Teresa Yardy to Scott McCormick, dated April 19, 2023
- Z3. Email from Holly and Larry Raedel to Scott McCormick, dated April 18, 2023
- A4. Email from Tom and Karen Anderson to Robert Wubbena et. al., dated March 31, 2023
- B4. Email from Kevin Hansen, Thurston County Hydrogeologist to Scott McCormick, et. al., dated March 22, 2023
- C4. Email from Brett Bures, Thurston County CPED Planning Manager to Scott McCormick, dated March 6, 2023 Re: comments from JC Davis to the Thurston County BoCC
- D4. Email from Teresa Yardy to Scott McCormick, dated February 3, 2023
- E4. Email from Robert Wubbena to Scott McCormick, et. al., dated September 30, 2021
- F4. Letter from Ray Conner to Scott McCormick, (undated)
- G4. Email from Larry and Holly Raedel to Scott McCormick, dated February 1, 2021
- H4. Email from Robert Wubbena to Waldemar Szwajkowski et. al., dated January 19, 2021
- I4. Email from Tom Anderson to Robert Wubbena, Thurston County BoCC et. al., dated January 18, 2021
- J4. Email from Robert Wubbena to CJ Russo et. al., dated January 18, 2021
- K4. Email from Larry and Holly Raedel to Scott McCormick, dated January 16, 2021

- L4. Email from Van and Teresa Szwajkowski to Scott McCormick, dated January 16, 2021
 - M4. Email response from Scott McCormic to Tom Anderson, dated January 11, 2021
 - N4. Email from Gary Poe to Scott McCormick, dated January 10, 2021
 - O4. Picture of Hearing Notice on Site, installed July 19, 2023
 - P4. Affidavit of Hearing Notice Installation, dated July 19, 2023
- Exhibit 2 Environmental Health memo, dated July 28, 2013 and Jim Hunter & Associates letter, dated June 16, 2023 with attached drainfield plans
- Exhibit 3 Public comments received after publication of Staff Report:
- a. Kimberly Sowa email, received August 7, 2023
 - b. Genevieve Young email, received August 7, 2023
 - c. Reno Davis email, received August 7, 2023
 - d. Kathy Leitch email, received August 7, 2023
 - e. Bruce and Sharon Roberts email, received August 7, 2023
 - f. Val and Teresa Szwajkowski email, received August 7, 2023
 - g. Tom and Karen Anderson email, received August 7, 2023
- Exhibit 4 Post Hearing comments:
- a. Bruce and Sharon Roberts email, received August 10, 2023
 - b. Andrew Brinton letter with attachments, received August 10, 2023
- Exhibit 5 Staff response to public comments, dated August 14, 2023
- Exhibit 6 Environmental Health staff response to public comments, received August 14, 2023
- Exhibit 7 Applicant's response to public comments, received August 14, 2023, with attachment:
- a. Aquatics Supervision: A leaders' guide to youth swimming and boating activities, published by Boy Scouts of America (328 page .pdf available at the URL in the footnote)¹

Based on the record developed through the virtual hearing process, the following findings and conclusions are entered in support of the decision of the Hearing Examiner:

FINDINGS

1. The Pacific Harbors Council of Boy Scouts of America (Applicant) requested a special use permit (SUP) to construct numerous upgrades to the existing Camp Thunderbird, including new structures and development of an RV camping area; a shoreline substantial development permit (SSDP) to construct two docks on Summit Lake and to dredge the lakebed around and between the docks to create a boating and swimming area; and a

¹ https://filestore.scouting.org/filestore/Outdoor%20Program/Aquatics/pdf/Aquatics_34346.pdf

reasonable use exception (RUE) for placing the docks within a Category I wetland. The subject property is located at 11740 Summit Lake Road NW in unincorporated Olympia, Washington.² *Exhibits 1, 1.C, 1.D, 1.E, 1.F, 1.G, 1.H, 1.I, and 1.C1.*

2. The subject property has been used as a Boy Scouts Camp since 1944. Current development on the site includes numerous buildings associated with the camp use, including several bunkhouses, a shower facility, ranger housing, lodges, a training area, office and maintenance buildings, and other miscellaneous structures. There are two docks providing lake access on the property. One is a swimming dock projecting into an excavated pond (known as the swimming pond) adjacent to Kennedy Creek, and the other is a boating dock projecting into the main part of the lake. The docks are in poor condition. *Exhibits 1, 1.C1, and 1.A1.* The existing swimming dock is 81.3 feet long and 10.6 feet wide, and the existing boating dock is 201.5 feet long and 8 to 10 feet wide. *Exhibit 1.L.*
3. Surrounding land uses include single-family residences and associated docks along the Summit Lake shoreline. There is a public boat launch, operated by the Washington Department of Fish and Wildlife, to the southeast of the subject property. *Exhibit 1; Scott McCormick Testimony.*
4. The Applicant has been closing camps in the region to consolidate its resources at Camp Thunderbird. Camp Thunderbird was selected for retention and development into the Council's premier camp due to its location on Summit Lake, which provides opportunities for aquatic programs and environmental education. *Exhibit 1.K.*
5. Current camp capacity is 300 campers and staff for seasonal overnight camping, with certain periodic one-day events potentially accommodating up to 600 persons. The larger events include orientations, open houses, award ceremonies, and festivals that occur up to five times per year. Of note, large event attendance rarely entails having all 600 people on site at once, and numbers have been under 600 since the start of the COVID-19 pandemic. The overnight camping capacity is reached for approximately 1.5 months during the summer. During a typical peak-season week, there might be 200 scouts on site. *Exhibit 1.I; Testimony of Fred Herber and Karen Meier.*
6. The Applicant proposes to do the following:
 - Develop a new lakefront swimming and boating area, to include two new docks. Development of the swimming and boating area would require dredging approximately 3,900 cubic yards of muck from the lake bottom. The existing docks would be removed and the swimming pond abandoned.
 - Construct a new storage and bathroom/shower facility near the new swimming and boating area.

² The legal description of the subject property is: Section 13 Township 18 Range 4W L3 SW NE SE NW LESS RD LESS PLATTED INCL SHORELANDS; also known as Tax Parcel No. 14813120000. *Exhibit 1.*

- Construct a new dining hall and remodel the old dining hall into a training and meeting room.
- Construct a climbing tower.
- Construct a 35,000 gallon water reservoir. The new water reservoir is to address fire sprinkler requirements for the proposed new dining hall.
- Develop a 30-site RV camping area (“Family Camping Area” on site plan) on the south side of Summit Lake Road NW, including new bathroom and shower facilities to serve this area. Some existing structures in the proposed RV parking area would be removed.
- Remodel existing bunkhouses and install an upgraded bathroom/shower facility in the area of an existing shower house.
- Upgrade the septic system.

Exhibits 1, 1.C1, and 1.I. Although an earlier version of the proposal included changes to the rifle and archery range locations, such changes are no longer proposed. *Exhibits 1 and 1.T.* Aside from the addition of the family RV camp sites, the proposal does not include an increase in camp capacity as a result of these upgrades. *Exhibit 1.I.*

7. The proposed family camping area RV sites would have electric and water connections, but not sewage disposal. The RV sites would be strictly limited to families of camp participants with a maximum two-week stay. The intent of the RV sites is to provide a family camping option, which does not currently exist, as a means of providing additional oversight, particularly with respect to disabled campers. *Exhibit 1.I; Fred Herber Testimony.*
8. The proposed restroom/shower improvements are needed to meet current health and safety standards, and to address the growing number of female campers. The current facilities are substandard. *Karen Meier Testimony.*
9. The subject property is on the west shore of Summit Lake, a Shoreline of the State that is regulated under the Shoreline Master Program for the Thurston Region (SMPTR). The SMPTR designates the subject shoreline as a Conservancy shoreline environment. *Exhibit 1.* Docks, other boating facilities, and dredging to increase recreational benefits are allowed uses in the Conservancy environment subject to the standards contained in the SMPTR. *Exhibit 1; SMPTR, Section 3, Chapter IV(D) and VI(D).* The proposed shoreline work requires an SSDP because its fair market value would exceed the exemption limit of \$8,504. *Exhibits 1 and 1.F.* None of the structures within the regulated shoreline would be more than 35 feet tall. *Exhibits 1 and 1.C1.*
10. The subject property is approximately 126 acres in area and is zoned Rural Residential Resource One Dwelling Unit per Five Acres (RRR 1/5). *Exhibit 1.* The purpose of the RRR 1/5 zone is described in Thurston County Code (TCC) 20.09A.010 as follows:

The purpose of this chapter is to encourage residential development that maintains

the county's rural character; provides opportunities for compatible agricultural, forestry and other rural land uses; is sensitive to the site's physical characteristics; provides greater opportunities for protecting sensitive environmental areas and creating open space corridors; enables efficient road and utility systems; and does not create demands for urban level services.

TCC 20.09A.010. The three use categories encompassing the use that are acknowledged in the County's zoning code – “camp or recreation ground”, “temporary uses”, and “travel trailer parks” – are allowed in the RRR 1/5 with SUP approval. *TCC 20.54, Table 1; Exhibit 1.*

11. Consistent with the zoning ordinance's use-specific standards for camps, the area of the campground exceeds two acres, no new structures would be placed within 25 feet of a lot line, and existing vegetation would provide screening. The swimming, boating, and climbing tower improvements proposed are consistent with the types of improvements authorized by the ordinance. The facilities are designed for temporary occupancy rather than permanent habitation. *Exhibit 1; TCC 20.54.070(4.5); Exhibit 1.C1.*
12. Consistent with the zoning ordinance's use-specific standards for travel trailer parks, the RV camp sites would be more than 10 feet from any property line, the facilities provided would be usable only by camp patrons, and the facilities would be designed for temporary occupancy. The submitted site plans do not show sufficient detail to determine whether 1,000 square feet would be provided for each camp site as required by the ordinance. Planning Staff recommended as conditions of approval that 1,000 square feet be provided for each RV site and that occupancy be limited to two weeks. *Exhibits 1 and 1.C1.*
13. The zoning ordinance's use-specific standards for temporary uses apply to the periodic special events held on site. A special use permit is required for “community events” that occur more than four times per year. The Applicant proposes events of up to 600 persons five times per year. Planning Staff submitted that as long as the events fall within the annual numeric limits (Staff recommended that each event with between 325 and 600 persons on site count as a temporary use, and that these be limited to five days per year), further special use permit review not be required for the events. Consistent with the use-specific standards for temporary uses, the Applicant's events do not occur within public right-of-way, and occur with the property owner's permission, since the Pacific Harbor Council of Boy Scouts of America is both the owner of the property and the sponsor of the events. Temporary uses may be conditioned to ensure compliance with the zoning ordinance, ensure that they are not detrimental to neighboring properties and the community as a whole, and to ensure compliance with the Uniform Building Code and Uniform Fire Code. When temporary uses are operated in violation of the temporary use standards or found to constitute a nuisance, the County may revoke the permit. *Exhibit 1; TCC 20.54.070(41.5).*
14. There is an existing parking area on site that would be redesigned as part of the proposal. The parking area would be surfaced with compacted gravel and would provide 49

parking spaces, including two ADA spaces. For typical camp attendance, the parking provided in the lot would exceed the minimum required by the Thurston County Code. Although the parking standards set forth in TCC 20.44.030 do not have a use category for camps, Planning Staff determined that the use categories of schools and daycare centers are the most similar uses in the code, which require one space per 10 students. Based on a capacity of 300 campers (outside of special events), the minimum number of parking spaces is 30. For the handful of special events in which there might be between 300 and 600 campers, an additional 19 parking spaces would be available within the parking lot, and overflow parking would be available within a grass field across the road, which is large enough for more than 50 vehicles. The Applicant has not previously had issues with adequate parking as campers do not attend events singly; they carpool together as troops or arrive in larger numbers by bus. *Exhibits 1 and 1.C1; Fred Herber Testimony.* Stormwater runoff from the parking area would be treated in a constructed bioswale to remove sediment and petroleum products. *Exhibit 1.C1.*

15. The northern portion of the subject property's Summit Lake shoreline consists of an earthen berm that was constructed by the US Army Corps of Engineers (ACOE) to provide lake access (specifically, a place from which to launch small watercraft such as canoes). Water from the lake flows past the berm into an ACOE-constructed pond on the opposite side of the berm, then continues to flow west as Kennedy Creek. A dam between the swimming pond and Kennedy Creek (not controlled by the Applicant) controls the lake level. The ACOE created the pond and berm in or around 1965. The pond has been periodically dredged to keep it usable for swimming, with the last dredge occurring in 2016. *Exhibits 1.A1 and 1.K.* The berm is vegetated with mowed grass, with a narrow strip of wetland vegetation at the lake edge. The lake surface immediately east of the berm is dominated by nonnative invasive water lily. *Exhibits 1.Z and 1.Q1.* The Applicant stated they have previously obtained permits to remove lily pads to enhance canoeing and rowing access to the lake.³ The 40,000 square feet covered by these previous permits overlaps the proposed dredging limits to create the new swim and boating area. *Exhibit 1.K.*
16. Although the existing swimming pond can be used recreationally, it is not suitable for the programmatic elements of the scouting aquatics program, in that it lacks sufficient distance, depth, and water clarity. *Exhibit 1.K.* One of the Applicant's difficulties in using the existing swim pond is that due to the flow of water towards Kennedy Creek, muck accumulates within the swim pond. It is currently dredged approximately every five years. There is also a dam at the inlet which, when lake water levels are low in late summer, prevents water from flowing into the swimming pond. The water then becomes stagnant and unusable. *Exhibit 1.Q1.*
17. The specific activities that would benefit from the new swimming and boating area include the 100-yard swimmer test, distance swimming certifications, and the canoeing,

³ Of note, neither previously issued permits nor the identity of the issuing agency were provided for the record, despite the fact that Exhibit 1.K purports to include permits in an attachment. Exhibit 1.K in the record does not contain its listed attachments.

kayaking, lifesaving, rowing, small-boat sailing, swimming, and water sports merit badges. Many of the activities leading to the badges require greater water depth than currently provided and a solid lake bottom to be performed safely. For example, the lifesaving merit badge requires scouts to retrieve a 10-pound weight in eight to 10 feet of water. The small craft merit badges require scouts to right a capsized vessel and get back into the vessel. The subject shoreline in its present condition is unsuitable for these activities. At the time of application, the water depth (as measured between the water surface and the muck surface) was approximately four feet within the proposed swimming area, and the depth of muck (as measured to the hard lake floor) ranged from three to six feet. *Exhibit 1.K*. Further, the water quality within the swimming pond has become poor due to poor water circulation with the larger lake, due to lowered lake levels. *Fred Herber Testimony*.

18. The subject property contains or is adjacent to the following critical areas that are regulated under the Thurston County critical areas ordinance (CAO, Title 24 Thurston County Code):
- Kennedy Creek, a perennial fish-bearing stream. Kennedy creek runs from east to west along the northern property boundary. The channel width ranges from five to 20 feet, requiring a standard riparian habitat area buffer of 200 feet.
 - A 24.19-acre Category 1 lacustrine wetland (identified as WL-B in the delineation report) along the shoreline of Summit Lake. The landward boundary of WL-B coincides with the ordinary high water mark of Summit Lake. The northern portion of WL-B contains abundant invasive aquatic bed plants. WL-B has a habitat score of 8 (MHH), requiring a standard buffer width of 280 feet.
 - A riverine wetland system along the banks of Kennedy Creek, including two Category 2 wetlands along the south side of the stream (WL-D and WL-N). Both Category 2 wetlands have a habitat score of 7 (LHH)⁴, requiring standard buffers of 260 feet.
 - A 30,463 square foot Category 3 lacustrine/depressional wetland (WL-C) surrounding the swimming pond. WL-C is highly disturbed and contains numerous invasive species, including reed canary grass, knotweed, and yellow-flag iris. WL-C has a habitat score of 7 (HHL), requiring a standard buffer width of 260 feet.
 - A 55,369 square foot Category 3 depressional wetland (WL-A), located in the southcentral portion of the property. WL-A is highly disturbed, encompassing a large, mowed field that is dominated by pasture grasses, buttercup, and sparse reed canary grass. WL-A has a habitat score of 6 (HML), requiring a standard buffer width of 220 feet.
 - Nine additional Category 2 and Category 3 depressional wetlands, ranging from 1,461 to 54,960 square feet, with standard buffer widths ranging from 180 to 280

⁴ The wetland delineation report contains a conflict between the habitat rating and buffering requirement for these wetlands as summarized on Table 6 and that indicated on the individual wetland rating forms. This finding relies on the wetland rating forms contained in Appendix C. *Exhibit 1A (compare .pdf pages 19, 67, and 74)*.

square feet. Wetlands WL-J, WL-K, WL-L, and WL-M are located along the west property line in the southern portion of the property. Wetlands WL-G and WL-I are located in the northern portion of the property. Wetlands WL-E, WL-F, and WL-H are offsite wetlands that are located to the west of the northern portion of the property.

Exhibit 1.A1.

19. The wetlands, stream, and their buffers encompass most of the northern and eastern portions of the property including the entire lakefront area. Consequently, it would not be possible to construct any shoreline improvements without encroaching into a wetland or buffer. Many existing camp buildings are within a critical area buffer, and renovations to these buildings would not require mitigation. With respect to proposed new buildings/structures, the proposed dining hall and climbing tower would be outside of all critical area buffers, as would be the bathroom/shower building serving the family camping area, and the proposed water reservoir. The new docks would be within WL-B and the associated new storage/bathroom/shower facility would be within the wetland buffer. These constitute new impacts requiring mitigation. *Exhibits 1.C and 1.Z.*
20. The new swimming and boating area would be placed near the northern site boundary, to the east and southeast of the existing swimming pond and to the north of the existing boating dock. The area has historically been used for boating activities. Two L-shaped floating docks are proposed, which would be placed facing each other approximately 150 feet apart (the minimum distance for swim tests), forming brackets around the shallow portion of the proposed swimming area. Boats would be launched from the exterior. Each dock would be 50 feet long, including ramp, and approximately seven feet wide. The dock material would be molded polyethylene. The docks would be anchored by three-inch diameter galvanized pipes. Ten- by 20-foot floats would be used to form Ls at the end of each dock. Floating ropes would be used to delineate a deeper swimming area, which would extend 50 feet from the ends of the docks. All of this development would be centered within the larger dredged area, which would have dimensions of 220 feet (parallel to the shoreline) by 120 feet (perpendicular to the shoreline). *Exhibits 1, 1.K, 1.Z, and 1.C1.*
21. The SMPTR requires docks to be painted, marked with reflectors, or otherwise identified to prevent hazardous conditions for water surface users. Because the application does not disclose whether the dock would include markings, County Staff recommended a condition of approval to address the requirement. *Exhibit 1.*
22. The storage/bathroom/shower facility associated with the swimming and boating area would have dimensions of approximately 23 feet by 20 feet, plus a surrounding 10-foot wide cleared area. *Exhibit 1.Z.*
23. The total area of impact to critical areas would be as follows:
 - Dredging WL-B for swimming and boating area: 23,959 square feet;

- Removal of emergent/scrub-shrub habitat to provide access to new swimming and boating area: 1,237 square feet;
- Overwater dock coverage: 1,400 square feet; and
- New bathroom and shower building within the overlapping buffers of WL-B and WL-C: 1,892 square feet (including ten-foot perimeter cleared area).

Exhibit 1.Z. The mitigation plan notes that the dredging impact is different than a wetland fill, in that it would not completely eliminate wetland functions. *Exhibit 1.Z.*

24. As mitigation for these specific impacts, the Applicant proposes the following:

- To compensate for the dredging impacts, permanently preserve 9.127 acres of WL-B outside of the swimming and boating area through use of a protective covenant.
- To compensate for the vegetation removal, create 1,534 square feet of wetland by removing fill soils from WL-B next to the existing dock (890 square feet of wetland creation), and by removing upload soils adjacent to WL-C (644 square feet of wetland creation), and enhance 14,844 square feet of WL-A, WL-B, and WL-C. The WL-A enhancement would consist of planting native woody species (4,044 square feet), the WL-B enhancement would consist of removing the existing boating dock (allowing 800 square feet of natural recruitment of native scrub-shrub vegetation), and the WL-C enhancement would consist of removing the existing swimming dock and invasive species, and planting the area with native emergency and scrub-shrub vegetation (10,000 square feet).
- To compensate for the 1,400 square feet of new overwater coverage, the existing docks totaling 3,225 square feet would be removed.
- To compensate for the wetland buffer impacts associated with the storage/restroom/shower facility, enhance 4,447 square feet of buffer by planting native woody vegetation in areas dominated by herbaceous vegetation.

This mitigation plan was developed in consultation with the Washington Department of Ecology (DOE) and meets or exceeds the mitigation requirements specified in the CAO. The DOE endorses the proposed dock location. The mitigation plan is expected to improve the ecological function of the camp and its wetlands, and improve the headwaters of Kennedy Creek, thus ensuring no net loss of wetland functions and values as a result of the development. *Exhibits 1.Z and 1; Scott McCormick Testimony.*

25. In addition to the activity-specific mitigation proposed above, the Applicant proposes to enhance 40,956 additional square feet of WL-A by planting native woody vegetation and 1,550 square feet of WL-B through dock removal, which would allow natural recruitment of native aquatic bed plants. When added to the 4,044 square feet of required enhancement, the total enhancement of WL-A would be 45,000 square feet. *Exhibit 1.Z.*
26. The planting plan for the proposed mitigation areas include 2,812 plants within Wetland A (hooker willow, Oregon ash, Pacific willow, and red-osier dogwood), 1,183 plants within Wetland C (hardstem bulrush, hooker willow, Pacific willow, red-osier dogwood,

and skunk-cabbage), and 278 plants within the Wetland B/Wetland C buffer (black twinberry, nootka rose, red flowering currant, salmonberry, and western red-cedar). A five-year monitoring and contingency plan is proposed. *Exhibit 1.Z.*

27. The Applicant proposes to perform the dredging in late September to early October, during a time of year when there is no outflow from the lake into Kennedy Creek. *Exhibit 1.I.* The dredged material would be removed from the lakebed using a suction pump mounted on a small float. The muck would be pumped through a four to six-inch temporary pipeline placed above ground along an existing internal dirt road, with the pipeline passing beneath the County road through a hole bored for a future sewer line. The outflow would be located within the future RV parking area, which is outside all critical area buffers. The muck would then be dewatered and used to enhance the soil within the RV park area and surrounding lawns. *Exhibits 1 and 1.C1.*
28. The Applicant is not sure how frequently maintenance dredging would be required for the new swimming and boating area. *Fred Herber Testimony.* Whether County permitting (e.g., an SSDP) is required for maintenance dredging would depend on whether the cost exceeds the threshold for an exemption. *Scott McCormick Testimony.*
29. One of the concerns raised in public comment on the application was the close proximity of the proposed swimming and boating area to existing residential docks to the north. Due to the irregular shape of the shoreline, some of the houses along the northern lakeshore are west of the proposed swimming and boating area, along a narrow channel adjacent to the inlet to the subject property's swimming pond. The concerns related to safety (i.e., potential conflict with motorized boat users, particularly non-local boaters who might use the area), aesthetics (higher visibility), and alleged impacts to property values. Residents requested that the Applicant renovate the existing facilities or place the new swimming and boating facility farther south along the shoreline. While the existing swimming pond is also close to the residences, it is encircled by vegetation and is more secluded than the proposed swimming area would be. The existing boating dock is farther to the south, more than 300 feet from the end of the nearest residential dock. *Exhibit 1 (see aerial map page 12); Exhibit 1.T2; Larry Raedel, Holly Raedel, Val Szwajkowski, Teresa Yardy, and Glenn Jones Testimony; Fred Herber Testimony; Scott McCormick Testimony.*
30. The wetland in the area of the proposed swimming and boating area is in a highly disturbed condition, having been impacted by past dredging and lakeshore recreational activities. Current wetland functions and values are higher to the south of the proposed development area. Consequently, siting the swimming and boating area in the proposed location, with the proposed mitigation of abandoning the existing swimming pond and removing the two existing docks, would be more beneficial to the wetland than placing the swimming and boating area in a more southerly location. *Exhibit 1.Z.*
31. The Applicant submitted that swimmers would be safe because swimming would occur within the enclosed area between the two docks and within the roped deeper swim area. The Applicant expressed willingness to install and maintain no wake buoys. *Fred Herber*

Testimony. Further, the Applicant submitted credible evidence that it is mindful of scout safety during swimming and boating activities. The Boy Scouts' Aquatics Supervision guide specifies that "every swimming activity must be closely and continuously monitored by a trained rescue team on the alert for and ready to respond during emergencies" and provides for a ratio of one responder per 10 swimmers. *Exhibit 7 (see page 52 of attached guide).* The Applicant submitted that consolidating the swimming and boating areas into a single location with a smaller footprint under adult supervision would enhance overall safety for scouts. *Exhibit 1.B2.*

32. With respect to conflict with boaters, the current condition of the proposed swim/boating area is a dense mat of lily pad and other vegetation such that this location is presently/historically not accessible to the recreating public using vessels with motors. The proposed docks would project eastward into the lake, not northward towards the existing residential docks, in an area historically not used by the boating public. As proposed, the distance between the delineated swimming/boating area and the end of the nearest residential dock would be approximately 100 feet at its closest point. The distance to the opposite lake shore would be substantially longer than the minimum of 150 feet specified in the SMPTR, and the setback from the property line would be more than the minimum of 10 feet required in the SMPTR. The docks would project a lesser distance into the lake as viewed from properties to the north than the existing boating dock proposed for removal. *Exhibits 1 (see aerial map page 12) and 1.B.*
33. With respect to aesthetic or noise/privacy impacts to the nearest residences to the north, the Applicant expressed willingness to plant evergreen trees to the northwest of the dock to provide additional screening. Of note, this would likely provide effective screening for a small number of properties. *Scott McCormick Testimony; Fred Herber Testimony.*
34. One of the issues of most concern raised in public comment on the application was the impact of dredging on water quality for neighbors who rely on lake water as their potable water source. *See e.g., Exhibits 1.K2, 1.M2, and 1.E3.* Those who rely on lake water have pipes and screens laid out into the lake at various depths and distances from the ordinary high water mark. *Exhibit 1.* The dredging would create turbidity that could adversely affect the neighbors' drinking water. *Exhibit 1.R1.*
35. County Staff recommended several conditions of approval to address potential water quality impacts, to which the Applicant has waived objection. Silt curtains would be installed prior to commencing dredging, and a licensed civil engineer would be required to be on site during dredging to ensure permit conditions and best management practices are followed, and to watch for water quality issues outside of the silt curtains. If water quality issues are observed, the dredging would have to stop pending resolution. In addition, prior to commencement, the Applicant would be required to contact the eight residences to the north of the dredge area and ascertain which rely on lake water for indoor drinking water and confirm the intake locations. Those who rely on lake water would be offered the options of (a) using a well (i.e., not requiring water treatment from the Applicant), (b) temporary use of a Home Water Treatment and Storage unit to remove turbidity and e coli, (c) free access to carboy delivered drinking water from the

Applicant's water supply, (d) an interim secondary silt curtain installed around existing drinking water intake structure, or (e) other mutually agreeable alternative. *Exhibit 1; Exhibit 1.B2.*

36. The subject property has soils of sufficient depth and permeability to produce significant groundwater from its wells. In approximately 2017, the Applicant provided water to neighbors when Summit Lake was closed as a water supply due to hazardous algae blooms. *Exhibit 1.R1.*
37. The SMPTR contains regulations relating to toxic sediments, specifying that "no permit shall be issued for dredging unless it has been shown that the material to be dredged will not exceed Environmental Protection Agency and/or Department of Ecology criteria for toxic sediments." *Exhibit 1, page 16.* In addition, disturbance of potentially toxic sediments was raised as an issue of concern during public comment on the application. *See e.g., John Brinton Testimony, Exhibit 3A; Exhibit 1.F2.* The Applicant has not submitted any testing results, and Planning Staff did not recommend testing prior to the hearing because there was no reason to believe that the wetlands contain toxic substances. *Exhibit 1.* However, at the hearing the Applicant expressed willingness to test the sediment. *Fred Herber Testimony.*
38. There are no known upland or aquatic species of concern that would be impacted by the project. *Exhibit 1.*
39. Potable water is provided to the subject property through a Group A public water system, which is regulated by the Washington State Department of Health Office of Drinking Water; the underlying water rights are regulated by the Washington State Department of Ecology. There are three wells on site, although only one is currently in use. The Applicant has sufficient water rights to serve the use, including water for fire protection. The proposed reservoir would ensure fire protection requirements are satisfied, including providing sufficient flow to a sprinkler system required for the new dining hall, and would also ensure water system reliability during power outages. *Exhibit 1.J1; Exhibit 1.X1; Exhibit 6; Fred Herber Testimony.*
40. The camp's existing septic systems were installed in the 1970s and 1980s. The Applicant proposes to install new on-site septic systems, built to current standards, which would be permitted through the Thurston County Environmental Health Division. The proposed drainfields would be located on the south side of Summit Lake Road, outside of all critical area buffers (whereas the existing drainfields are not all outside buffers). Upon review of the project, Environmental Health recommended approval subject to conditions requiring the following: that the Applicant obtain Environmental Health approval of the septic system designs prior to issuance of building permits; that any existing unused septic tanks be decommissioned in accordance with the Thurston County Sanitary Code; that the septic systems be installed and receive final construction approval prior to building occupancy; that additional connections to the existing public water system receive construction approval from the Washington State Department of Health; that any wells to be decommissioned are decommissioned in accordance with Department of

Ecology standards prior to building permit issuance; that approval of the County's Food & Environmental Services Section be obtained prior to issuance of the building permit for the dining hall; that an inspection be completed prior to occupancy of the dining hall; that the Applicant obtain approval of hazardous materials handling plan; and that all wildlife trapped and released meet the requirements of Washington Department of Fish and Wildlife. *Exhibits 1.E1 and 2; Dawn Peebles Testimony.*

41. Concerns were raised in public comment regarding impacts to emergency response, as the fire station at Summit Lake is unmanned. Concern was raised regarding existing long response times, and that emergency response to large events might detract from emergency response for community residents. *See e.g., Exhibits 3b, 3c, 1.M2, 1.M3, and 1.H2; James Davis Testimony.* The local fire district was notified of the application but did not submit comments. *Scott McCormick Testimony.* The Applicant has an EMT on site during all events. *Exhibit 7; Fred Herber Testimony.*
42. Several commenters expressed concern regarding traffic from the camp. However, some commenters appeared to be under the impression that an increase in camp capacity to 600 persons per day, every day, was proposed (see e.g., Exhibits 1.R2, 3A and 3C). The County Public Works Department does not have concerns regarding traffic from the upgraded camp, because the camp (including the larger events) is an existing use, the number of campers is not expected to increase, and the proposed larger events have historically already been occurring on site. The conditions recommended by Public Works require traffic mitigation fees to be paid consistent with ordinance requirements. *Arthur Saint Testimony.*
43. The Applicant would be required to obtain hydraulic project approval (HPA) from the Washington Department of Fish and Wildlife (WDFW) for the proposed docks and associated dredging. In comments dated April 27, 2023, WDFW indicated that the current plans do not show compliance with Washington Administrative Code (WAC) 220-660-140, which sets forth design standards applicable to freshwater docks, including requirements for grating to allow light passage. During the permitting process, the dock design and dredging details (including details regarding turbidity containment and fish removal) would be reviewed for compliance with WDFW requirements. *Exhibit 1.F1; WAC 220-660-140.*
44. Thurston County acted as lead agency for review of the project under the State Environmental Policy Act (SEPA) and issued a combined notice of application for the RUE and of likely issuance of a mitigated determination of non-significance (MDNS) on April 5, 2023. After considering the comments received during the comment period, the County issued a final MDNS on June 7, 2023. The final MDNS, which was not appealed, contains conditions requiring the Applicant to do the following: notify the Department of Archaeology and Historic Preservation and the tribes if archaeological artifacts are observed during development; keep an inadvertent discovery plan on site for cultural resources; comply with approved plans; contain and remove any releases of hazardous materials; implement erosion and storm water control best management practices; install silt curtains around the dredge area; provide affected neighbors with

drinking water alternatives during dredging; repair any damage to any water intake infrastructure; perform dredging during dry weather; dispose of dredged material at an upland location; have a licensed civil engineer present on site during dredging; obtain approval of the wetland preservation agreement referenced in the wetland mitigation plan; limit construction hours and noise consistent with state standards; clean up any sediment tracked onto paved public roads; obtain all required permits from the US Army Corps of Engineers, the Washington State Department of Ecology, the Washington State Department of Fish and Wildlife, and the Washington State Department of Natural Resources; provide a bond for wetland mitigation plantings; verify the wetland preservation boundaries in the field; and install wetland buffer signage. *Exhibits 1, 1.W, and 1.X.*

45. Thurston County Planning Staff reviewed the proposal against the Environment, Recreation, and Open Space chapter of the Comprehensive Plan and determined that the project is consistent with the policies contained therein. *Exhibit 1.* The chapter promotes the restoration of degraded buffers and wetlands associated with lakes in conjunction with new development activity (Goal 3, Objective 1, Policy 8), and the use of conservation easements and other protection options for important greenspaces (Goal 7, Objective 2, Policy 2). *Thurston County Comprehensive Plan, Chapter 9.*
46. Notice of the SUP and SSDP applications was mailed to all owners of property within 500 feet of the site on December 31, 2020. Notice of the RUE application and likely MDNS was mailed to all owners of property within 500 feet of the site and emailed to agencies on April 5, 2023. *Exhibits 1, 1.V and 1.X.*
47. Some members of the public objected to the notice provided, arguing that it should have been provided to all lakefront property owners. *See e.g., John Brinton Testimony.* However, the notice radius was consistent with County Code requirements, and it would have been atypical to extend the radius. *Scott McCormick Testimony.* In addition to the code-mandated notice, the Applicant first made a presentation to the Summit Lake Community Association on November 6, 2020 and has maintained communications with the association since that date. *Exhibit 1.I2; see also Fred Herber Testimony.*
48. Notice of the public hearing was mailed to all owners of property within 500 feet of the site on July 24, 2023 and published in The Olympian on July 28, 2023, at least 10 days prior to the hearing. Notice was also posted on site at least 10 days prior to the hearing. *Exhibits 1, 1.A, 1.O4, and 1.P4.*
49. Public comment on the SEPA notice and that received prior to publication of the staff report has been incorporated by topic in the preceding findings. Public comment received within the week of the hearing, at hearing, and in timely post-hearing written comment reiterated concerns previously expressed by neighboring property owners and residents and is paraphrased/abbreviated here as follows:
 - Safety – the placement of the proposed swimming dock is “within feet” of an ingress/egress lane for recreational boaters;

- Visual impacts to nearby residences of having scouting aquatic activities only 100 feet from their docks;
- Neighbors were told the proposed aquatics area placement was financially motivated, and comment asserted that Scouts could obtain funding from the legislature to develop an alternative facility onsite;
- Drinking water safety for neighbors whose domestic water supply is the lake water, and concern that if dredging takes longer than expected, it could be more than an “inconvenience” to the neighbors;
- Adverse water quality and habitat impacts from removing lily pads, which the commenters asserted provide positive filtration and habitat;
- A request that the swim area be required to be placed further south in approximately the same location as existing dock, which would improve safety by increasing separation between scouts and recreational boaters, not all of whom are local;
- A request that the Scouts use the funds for the proposal to instead repair the existing swim area or build a swimming pool;
- Concern that the proposal to convert the existing swimming hole back to wetland would interfere with the lake’s ability to drain into Kennedy Creek;
- Concern that the initial dredge, and clearly necessary future dredging, would significantly harm lake residents’ access to their sole water source;
- The inability – and inappropriateness – of the neighbors having to attempt to monitor large events on site to make sure they don’t exceed their permit limits;
- The assertion that the proposed improvements would increase attendance on-site, despite the Applicant’s statements to the contrary;
- The fact that the nearest fire station is unmanned and that the proposal could increase fire risk or demand for emergency response to the detriment of the surrounding community;
- Concern that the notices of application, SEPA, and public hearing were only sent to owners of property within 500 feet of the subject property, rather than to all residences on the lake;
- That the Applicant has not tested the muck to be dredged for contaminants, thus possibly resulting in raising contaminated sediment into lake water used for domestic water and for recreation purposes by scouts and all who come to the lake;
- Concern that the RV sites would be put to general commercial use, generating year round impacts from RV campers on site;
- Concern that the Applicant’s improvement of the shoreline for guests of Camp Thunderbird does not constitute “public recreation” as intended by the shoreline master plan;

- Concern that traffic has not adequately been studied, especially with 30 RV sites being accessed in addition to all other traffic from days with attendance ranging from 300 to 600, because it is a two-lane road and anyone stopping to turn across traffic will back up traffic in that direction or will cause accidents when taking risky turns into the site;
- Concern that the levels of traffic contemplated would interfere with existing AM and PM peak hour traffic congestion and/or with emergency vehicle access to the community;
- Concern that the proposal would increase the Applicant's water usage past the capacity of its well(s), and that there is no evidence that they've had their well(s)' capacity tested recently, such that the proposal could adversely impact nearby wells;
- Concern that the proposal would adversely impact water quality in the lake generally to the detriment of surrounding property owners/all lake users;
- Concern that the Applicant representatives are not able to adequately answer questions at hearing about which other permits are required (ACOE, DNR, etc.); and
- Concern that the shoreline aquatics area would harm the property values of the nearer shoreline residential parcels.

Testimony of Larry Raedel, Holly Raedel, Teresa Szwajkowski, Val Szwajkowski, Kimberly Sowa, John Brinton, James Davis, Teresa Yardy, and Glenn Jones; Exhibits 3a – 3g, 4a, and 4b.

50. County Staff responded to the concerns in public comment with the following information.

- Planning Staff is charged with reviewing proposals as submitted by applicants rather than with redesigning proposals to fit properties. The Applicant had the site's shoreline evaluated by qualified professional scientists, who consulted with agents from Department of Ecology and Department of Fish and Wildlife (and potentially other agencies) in selecting the site that is currently proposed for the shoreline improvements. It was determined through this coordinated review that the proposed location would pose the least environmental impact to wetlands, shoreline, the creek, associated buffers, and all regulated critical areas on site. Staff submitted that the Applicant wetland consultants are very experienced, that their work is credible, and that permanently preserving nearly the entire shoreline is a significant benefit to the entire lake community, including those who obtain domestic water from the lake.
- With respect to the concern about water quality and quantity impacts from the initial and any subsequent maintenance dredging, again, the proposal was reviewed in coordination with agents from Department of Ecology and Department of Fish and Wildlife, and it was determined that implementation of best management practices in conjunction with the protective measures imposed in the MDNS would adequately address water quality issues. These conditions require, among other measures, that a qualified engineer be onsite during dredging to monitor and that dredging would be halted and protective measures adjusted if turbidity is observed outside the silt

curtains during the process. Addressing the question of potential future maintenance dredging, Planning Staff submitted that future maintenance dredging would require either shoreline exemption or shoreline substantial development permit approval, depending on whether the cost of the project exceeds the threshold for shoreline exemption.

- As to removal of lily pads, they are an invasive species, and the proposed mitigation would ensure no net loss of habitat functions, in fact exceeding the minimum mitigation required in the County Code.
- Addressing concern about enforcement of the attendance limits of 300 regular overnight and 600 maximum during the five proposed annual large events, Staff suggested that the Applicant could be required to track and report on attendance at the County's request.
- Regarding the concern about increased emergency services demand, Planning Staff submitted that the proposal is not anticipated to significantly increase attendance at the site above historic levels, and also noted that the Fire District was notified of the proposal and submitted no comments. Further, the question of whether or not the fire station should be a manned station is outside the purview of the Planning Department and the scope of the requested permits, as it is related to the allocation of tax revenues. The proposal would not really increase the number of attendees on site, and the Applicant has no control over how taxes are used to pay for emergency services.
- Regarding concern that the notice radius should have been larger, Planning Staff testified that the notice provided satisfied all applicable code requirements.
- Addressing the concern that lakebed sediments could contain contaminants that could harm the domestic water supply of residents on the lake, Planning Staff noted that the Applicant indicated they are willing to do additional testing. Staff recommended that this be required, although there is no record of potential contamination of the lakebed.
- Speaking to the comments that questioned whether the proposed facilities, that would be open only to Scouts and their invitees, satisfied the public recreation elements of the applicable shoreline policies and regulations, Planning Staff testified that boy scouts and their guests are considered members of the public and that the SMPTR does not require an improvement to be open to the general public in order to find that it benefits public recreation access.
- Impacts to property values are not considered in any of the permit criteria; additionally, Planning Staff submitted there is no evidence of impacts to property values in the record other than public assertions of concern on the subject.
- The County hydrogeologist reviewed the proposal, sought clarification on the need for replacing the existing swim hole and on water rights certification, and having reviewed Applicant's responses, stated that all of his concerns had been addressed.
- Regarding the concerns about traffic impacts, Public Works Staff noted that the camp has existed on site for many years and the proposal is not an expansion of the historic

use. Staff submitted that there is not expected to be a perceptible increase in traffic impacts. The Washington State Department of Transportation would have received notice of the proposal and submitted no comments.

Testimony of Scott McCormick, Dawn Peebles, and Arthur Saint; Exhibits 5 and 6.

51. Having considered all submitted materials, testimony, and public comment, Planning Staff maintained their recommendation for approval of the three permits subject to the conditions detailed in the staff report, and to the four additional conditions recommended during testimony addressing sediment testing, “no wake” buoys, additional screening vegetation, and attendance tracking and reporting to CPED on request. *Exhibits 1 and 5; Scott McCormick Testimony.*
52. The Applicant responded to public comments as follows.
 - Regarding potential safety impacts of the proposed new aquatic activities area, an Applicant representative testified that the dock was originally proposed to be placed farther north away from wetlands, but in response to neighbor concerns, the selected site was moved 20 or 30 feet farther south. Having consulted and obtained agreement from Department of Ecology for the proposed placement, the Applicant cannot now move the facility farther to the south because it would increase impacts to critical areas. The proposed location maximizes the Applicant’s ability to provide wetland impact mitigation. The Applicant representative expressed strong confidence in the safety of the proposed aquatic area, noting that all swimming will be within the enclosed area between docks and inside swim ropes. The Applicant contended that moving the aquatic area further south would not increase safety, but would only increase distance from neighboring properties. Construction of a swimming pool would not provide the outdoor experience expected of scouting.
 - Regarding impacts to the critical areas, the proposed mitigation program would ensure no net loss of critical area functions, and in recording conservation easements over the majority of the site’s shoreline, the project would protect the critical areas in perpetuity, even if regulations change in the future. The lily pads are invasive, and their removal is part of the proposed mitigation that has been accepted by the County and the consulted state agencies.
 - Regarding which state and/or federal permits may be required, the Applicant representatives at hearing were not clear which would in fact be required. Because there is no wetland fill proposed, the representative understood that no ACOE permit would be required. While there is a DNR permitting process, he understood that the proposal did not trigger the DNR permit. In any case, if the County permits receive approval, the Applicant would move forward with the state and federal agency permitting processes and would obtain all required permits.
 - Addressing the concern about the family RV sites, the representative testified that one consultant characterized it as a KOA type campground in a written report; however, it was never intended or proposed to be rented out to the general public as a camping facility; it is simply to allow families of scouts who need additional support and

supervision to be able to stay nearby.

- Regarding concerns about impacts to groundwater from the proposal, the Applicant submitted that scouts typically consume 10 gallons per scout. The proposed 26,000 gallon reservoir is to ensure fire protection requirements are satisfied, and it can be used as an emergency water supply in the event of power outage. The site contains three wells and they only use one; their water rights are significant.
- With respect to the concerns about the notice radius, the Applicant began community outreach to the Summit Lake Community Association with a neighborhood presentation in 2020, and since then, they have kept the Association informed of all project developments. The Association issued notice of those community meetings. The Applicant asserted that they have exceeded the minimum notice requirements, and noted that several hearing attendees were from outside the official notice radius.
- Regarding the number of people who would be onsite at any one time, events on-site are fee based. The Applicant keeps record of who is on the property at any given time. Events have capacity limits, and they limit attendance by the capacity of the facilities that would be used.
- Regarding the public comment on the fire station, the Applicant agent testified at hearing that the Applicant initially believed it was a manned fire station; they have since learned it is not. The Boy Scouts have a medic on site during all activities, and they run a safe program consistent with all adopted policies. The proposed camp upgrades are not anticipated to increase the Camp's demand for emergency response services.
- Preliminary soil testing of the lakebed revealed no contaminants.
- However, in addition to waiving objection to the conditions in the staff report (and not having appealed the conditions imposed in the MDNS), at hearing, Applicant representatives agreed to conduct lakebed sediment testing prior to dredging commencement, to installing and maintaining "no wake" buoys outside the proposed aquatics area, to report attendance numbers to the County, and to install as many evergreen trees as possible in the small land area between the existing swimming hole and the neighboring residences to the north to attempt to achieve more screening.

Fred Herber and Lisa Meier Testimony; Exhibit 7.

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and decide special use permit applications pursuant to TCC 2.06.010 and 20.54.015(2).

The Hearing Examiner is granted jurisdiction to hear and decide applications for shoreline substantial development permits pursuant to RCW Chapter 36.70, WAC 173-27, and Section One, Part V of the Shoreline Master Program for the Thurston Region.

The Hearing Examiner is granted jurisdiction to hear and decide applications for reasonable use

exceptions pursuant to TCC 2.06.010(F) and TCC 24.45.030.

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.

Shoreline Substantial Development Permit (WAC 173-27-150)

To be approved by the Hearing Examiner, the proposed shoreline substantial development permit must be consistent with:

- A. The policies and procedures of the Shoreline Management Act;
- B. The provisions of applicable regulations; and
- C. The Shoreline Master Program for the Thurston Region.

A. Shoreline Management Act

Chapter 90.58 RCW, the Washington State Shoreline Management Act (SMA) of 1971, establishes a cooperative program of shoreline management between the local and state governments with local government having the primary responsibility for initiating the planning required by the chapter and administering the regulatory program consistent with the Act. The Thurston County Shoreline Master Program (SMPTR) provides goals, policies and regulatory standards for ensuring that development within the shorelines of the state is consistent the

policies and provisions of Chapter 90.58 RCW.

The intent of the policies of RCW 90.58.020 is to foster “all reasonable and appropriate uses” and to protect against adverse effects to the public health, the land, and its vegetation and wildlife. The SMA mandates that local governments adopt shoreline management programs that give preference to uses (in the following order of preference) that: recognize and protect the statewide interest over local interest; preserve the natural character of the shoreline; result in long term over short term benefit; protect the resources and ecology of the shoreline; increase public access to publicly owned areas of the shorelines; and increase recreational opportunities for the public in the shoreline. The public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state is to be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses that are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline, are to be given preference.

B. Applicable regulations from the Washington Administrative Code

WAC 173-27-140 Review criteria for all development.

- (1) No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the master program.

- (2) No permit shall be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.

WAC 173-27-190 Permits for substantial development, conditional use, or variance.

- (1) Each permit for a substantial development, conditional use or variance issued by local government shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.140 (5)(a) and (b).

C. Shoreline Master Program for the Thurston Region

The Shoreline Master Program for the Thurston Region designates the shoreline jurisdiction on the subject property as Conservancy. Docks, piers, and floats are covered in the “Boating Facilities” chapter, Section Three, Chapter IV. Dredging is covered in the “Dredging” chapter, Section Three, Chapter VI.

SMPTR Section Three, Chapter IV, Part B. Boating Facilities Policies

Piers and Docks:

...

12. Pier and docks should be designed and located to minimize obstructions to scenic views,

and conflicts with recreational boaters and fishermen.

13. Cooperative uses of piers, docks and floats are favored especially in new subdivisions.

14. Moorage buoys are preferred over piers and docks especially in tidal waters.

SMPTR Section Three, Chapter IV, Part C. Boating Facilities General Regulations

Piers and Docks:

...

13. [N/A]

14. All pier and dock development shall be painted, marked with reflectors or otherwise identified so as to prevent unnecessarily hazardous conditions for water surface users during day or night.

15. Docks and piers are prohibited on lakes or marine water bodies where the distance to the opposite shore is one hundred fifty (150) feet or less. This is to insure the maintenance of navigation.

16. [N/A]

17. [N/A]

18. [N/A]

19. The width of recreational docks or piers shall not exceed eight (8) feet.

20. In fresh water areas, new docks shall not exceed the average length of the existing docks within one hundred (100) feet of the property lines. If there exists a dock on one side of a new proposed one but not on the other, the average to be used for the side without a dock shall be fifty (50) feet. If there are no docks within one hundred (100) feet, the length shall not exceed fifty (50) feet as measured from the ordinary high water mark.

21. At the terminus of a dock or pier, a float is normally attached for purposes of a landing and for moorage of watercraft. These floats may either be parallel to the dock or pier, or form a tee. The float cannot exceed four hundred (400) gross square feet for a piling dock/pier in tidal waters, two hundred fifty (250) gross square feet for a floating dock/pier on tidal water, and two hundred (200) gross square feet for docks/piers on fresh water. The total length of the dock/pier with an attached float cannot exceed the total length allowed under General Regulations #17 and #20.

22. Docks and piers shall be set back ten (10) feet on fresh and twenty (20) feet on tidal water from the side property line. These setbacks may be waived if two single-family property owners wish to construct a joint pier on the common property line under the following conditions: a. Both property owners must record a non-exclusive easement granting each other the right to use the pier. b. The easement must acknowledge that each property

owner is giving up the right to construct a separate single-family pier.

23. Span between pilings for piers or docks on pilings shall be eight (8) feet or greater.

SMPTR Section Three, Chapter IV, Part D. Environmental Designations and Regulations

...

3. Conservancy Environment.

- a. In the aquatic portion of a Conservancy Environment where the adjacent uplands are designated Rural or Urban, the same uses shall be permitted as in the Rural Environment.
- b. Recreational piers, boat ramps, docks, boathouses, mooring buoys and marine railways are permitted subject to the Policies and General Regulations.

SMPTR Section Three, Chapter VI, Part B. Dredging Policies

1. Dredging should be conducted in such a manner as to minimize damage to natural systems in both the area to be dredged and the area for deposit of dredged materials.
2. Dredging of bottom materials for the single purpose of obtaining fill material should be discouraged.
3. Deposition of dredge material in water areas should be allowed for habitat improvement, to correct problems of material distribution adversely affecting aquatic populations, or when a site has been approved by the Interagency Open Water Site Evaluation Committee (WAC 332-30-166).

SMPTR Section Three, Chapter VI, Part C. Dredging Regulations

1. All applications for Substantial Development Permits which include dredging shall supply a dredging plan which includes the following information:
 - a. Location and quantity of materials to be removed.
 - b. Method of removal.
 - c. Location of spoil disposal sites and measures which will be taken to protect the environment around them.
 - d. Plans for the protection and restoration of the wetland environment during and after dredging operations.
2. Toxic dredge spoil deposits on land shall not be placed on sites from which toxic leachates could reach shorelines and/or associated wetlands.
3. The Administrator and/or the legislative body may require that dredge disposal sites on land be completely enclosed by dikes designed to allow sediments to settle before dredge discharge water leaves the diked area. Such dikes must be protected from erosion.
4. No permit shall be issued for dredging unless it has been shown that the material to be dredged will not exceed the Environmental Protection Agency and/or Department of Ecology criteria for toxic sediments.

5. Dredging for the sole purpose of obtaining landfill material is prohibited.
6. Permits for dredging shall be granted only if the project proposed is consistent with the zoning and/or the land use designation of the jurisdiction in which the operation would be located.
7. Dredge materials shall not be deposited in water unless:
 - a. The operation improves habitat; or
 - b. The site is approved by the Interagency Open Water Disposal Site Evaluation Committee (WAC 330-30-166)
 - c. The disposal of spoils will increase public recreational benefits.

SMPTR Section Three, Chapter VI, Part D. Environmental Designations and Regulations

1. Urban, Suburban, Rural and Conservancy Environments. The following dredging activities are allowed:
 - a. Dredging to deepen navigational channels
 - b. Dredging to improve water quality
 - c. Dredging to bury public utilities
 - d. Dredging to increase recreation benefits
 - e. Dredging to maintain water flow
 - f. Dredging which is required to allow an activity permitted by this Master Program.

SMPTR Section Two, Chapter V. REGIONAL CRITERIA

The Shoreline Master Program for the Thurston Region contains regional criteria that apply to the proposal. All development within the jurisdiction of this Master Program shall demonstrate compliance with the following criteria:

- A. Public access to shorelines shall be permitted only in a manner which preserves or enhances the characteristics of the shoreline which existed prior to establishment of public access.
- B. Protection of water quality and aquatic habitat is recognized as a primary goal. All applications for development of shorelines and use of public waters shall be closely analyzed for their effect on the aquatic environment. Of particular concern will be the preservation of the larger ecological system when a change is proposed to a lesser part of the system, like a marshland or tideland.
- C. Future water-dependent or water-related industrial uses shall be channeled into shoreline areas already so utilized or into those shoreline areas which lend themselves to suitable industrial development. Where industry is now located in shoreline areas that are more suited to other uses, it is the policy of this Master Program to minimize expansion of such industry.

- D. Residential development shall be undertaken in a manner that will maintain existing public access to the publicly-owned shorelines and not interfere with the public use of water areas fronting such shorelines, nor shall it adversely affect aquatic habitat.
- E. Governmental units shall be bound by the same requirements as private interests.
- F. Applicants for permits shall have the burden of proving that a proposed substantial development is consistent with the criteria which must be met before a Permit is granted. In any review of the granting or denial of an application for a permit as provided in RCW 90.58.18.180 (1), the person requesting the review shall have the burden of proof.
- G. Shorelines of this Region which are notable for their aesthetic, scenic, historic or ecological qualities shall be preserved. Any private or public development which would degrade such shoreline qualities shall be discouraged. Inappropriate shoreline uses and poor quality shoreline conditions shall be eliminated when a new shoreline development or activity is authorized.
- H. Protection of public health is recognized as a primary goal. All applications for development or use of shorelines shall be closely analyzed for their effect on the public health.

Reasonable Use Exception

Pursuant to TCC 24.45.030, the Hearing Examiner shall grant the reasonable use exception if:

- A. No other reasonable use of the property as a whole is permitted by this title; and
- B. No reasonable use with less impact on the critical area or buffer is possible. At a minimum, the alternatives reviewed shall include a change in use, reduction in the size of the use, a change in the timing of the activity, a revision in the project design. This may include a variance for yard and setback standards required pursuant to Titles 20, 21, 22, and 23 TCC; and
- C. The requested use or activity will not result in any damage to other property and will not threaten the public health, safety or welfare on or off the development proposal site, or increase public safety risks on or off the subject property; and
- D. The proposed reasonable use is limited to the minimum encroachment into the critical area and/or buffer necessary to prevent the denial of all reasonable use of the property; and
- E. The proposed reasonable use shall result in minimal alteration of the critical area including but not limited to impacts on vegetation, fish and wildlife resources, hydrological conditions, and geologic conditions; and
- F. A proposal for a reasonable use exception shall ensure no net loss of critical area functions and values. The proposal shall include a mitigation plan consistent with this title and best available science. Mitigation measures shall address unavoidable impacts and shall occur on-site first, or if necessary, off-site; and

- G. The reasonable use shall not result in the unmitigated adverse impacts to species of concern; and
- H. The location and scale of existing development on surrounding properties shall not be the sole basis for granting or determining a reasonable use exception.

Conclusions Based on Findings

- 1. The proposal satisfies the criteria for special use permit.
 - a. As conditioned, the proposal is consistent with applicable laws and plans. Consistent with the Comprehensive Plan, the proposal includes restoration of the current swimming and boating areas to natural conditions as well as permanent protection of more than nine acres of wetland as compensation for impacts associated with the new swimming and boating area. The proposal was reviewed pursuant to SEPA and the required mitigation measures have been incorporated into this decision. Compliance with applicable state and federal laws would be determined during future permitting processes, including the Washington Department of Fish and Wildlife hydraulic project approval process, which would likely result in additional conditions to protect wildlife and water quality. *Findings 6, 7, 8, 9, 10, 18, 19, 20, 23, 24, 25, 26, 27, 30, 40, 43, 44, 45, 49, 50, 51, and 52.*
 - b. As conditioned, the proposal is consistent with the purpose and intent of the applicable zoning regulations. The proposed use is a longstanding feature of the community. The proposed relocation of the swimming and boating facility is sensitive to the site's physical characteristics. The relocated recreational use would not create demand for urban services. The proposal would be consistent with the use-specific standards of TCC 20.54. The conditions of this decision include the conditions recommended by Planning Staff addressing RV site size and the size and number of events. A condition has also been added to require the Applicant to keep attendance records to ensure that there are no more than five days per year in which total attendance on site is greater than 325 people to be provided on request by County Staff. Total attendance includes those staying in the family RV camp sites. Although the normal overnight capacity is 300 persons, allowing a small buffer before the event qualifies as a temporary use event, as recommended by Staff, is reasonable. *Findings 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 29, 49, 50, 51, and 52.*
 - c. As conditioned, the proposed special use is appropriate in the location for which it is proposed.
 - 1. As conditioned, the proposed use will 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 camp has operated on the subject property for decades, and camp operations already include periodic larger temporary events. From the evidence submitted, parking can be accommodated on site, even during special events. With respect to the RV camping spaces, given that these

would be for families of campers, Public Works Staff's opinion that there would not be a significant traffic impact from this new component of the use is credible. The conditions of this decision include the conditions recommended by Public Works Staff, which include a condition that applicable traffic mitigation fees be paid prior to the issuance of any building permits. Consistent with the critical areas ordinance, the conditions of approval require wetland buffers to be marked with signage, which would help ensure that new development not authorized within a wetland buffer (such as the RV camping area) stays outside of buffers. With respect to the location of the proposed docks, while these would be more prominent in the lake as compared to the existing swimming dock and would be parallel to the relatively narrow boating channel used by a few residences, the Hearing Examiner is not convinced that this represents a "substantial" impact on adjacent properties, or a sufficient safety risk to require the docks to be moved. The distance between the northernmost dock and associated swimming area and the nearest residential dock would be at least 100 feet. Swimming activities would occur between the two docks and within an area enclosed by ropes that would exclude boats. Camp boating activities already occur in the proposed construction area. The Applicant has safety protocols for its aquatics program that include close adult supervision. Given that the Applicant has operated aquatics activities in the lake for decades, coexisting with non-camp recreational boaters, its opinion that the location would be safe is credible. It is not obvious that a more southerly location would be safer if the issue of concern is non-resident boaters. However, residents along the channel might need to be more mindful of their surroundings when traveling the short distance to the main part of the lake. A condition of approval has been added requiring the Applicant to install and maintain "no wake" buoys that would further advertise the location of scouting aquatic activities to recreational boaters. With respect to the dredging required for the new swimming and boating area, the potential water quality impacts would be temporary in nature and the conditions recommended by Staff to ensure continued drinking water for residents would ensure that the dredging does not present a public health risk. A condition has been added to ensure that the protocols applicable to the initial dredge would also be applied to any future maintenance dredges. *Findings 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 27, 29, 30, 31, 32, 33, 34, 35, 36, 39, 40, 41, 42, 45, 49, 50, 51, and 52.*

2. 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. The occupancy of the long-standing camp would not change significantly as a result of the proposal. Water and septic system improvements are proposed, including a new water reservoir that would be required to meet fire sprinkler requirements. Because the project does not significantly alter past use of the site nor increase the number of persons or events on site, it is not expected to generate any increased demand on fire or emergency response services. Additionally, the Applicant's practice of having a medic on site during scouting activities reduces potential demand for emergency services.

Findings 2, 5, 6, 7, 8, 11, 12, 13, 14, 17, 19, 20, 27, 34, 35, 36, 37, 39, 40, 41, 42, 44, 49, 50, 51, and 52.

2. The proposal satisfies the criteria for a shoreline substantial development permit.
 - a. Approval of the project is consistent with the policies and procedures of the Shoreline Management Act. The proposed docks and dredging would allow for water-based recreational activities, and the proposed location for these and proposed mitigation strategies would be protective of shoreline ecology. *Findings 1, 2, 6, 7, 8, 9, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 28, 29, 32, 34, 35, 36, 37, 44, 49, 50, 51, and 52.*
 - b. Approval of the project is consistent with the applicable regulations in the Washington Administrative Code. The floating docks would have low profiles and would not obstruct any views. *Findings 6, 9, and 21.*
 - c. As conditioned, the proposed docks would be consistent with the applicable Boating Facilities policies and regulations of the SMPTR. The docks, which would parallel and not extend into the boating channel along the northern shoreline, would minimize conflicts with recreational boaters. The distance between the proposed and existing residential docks would be at least 100 feet. The low profile of the docks would not affect scenic views. The dock dimensions and the area of each float would comply with SSDP requirements, as would property line setbacks. The conditions of approval address the SSDP requirement for dock reflectors/markings. *Findings 6, 9, 19, 20, 21, 23, 24, 25, 32, 33, and 43.*
 - d. As conditioned, the proposed dredging would be consistent with the applicable dredging policies and regulations of the SMPTR. The project would require future permits from agencies with expertise in environmental protection, ensuring that dredging would minimize damage to natural systems. The dredge material would be transferred outside of wetlands and buffers for dewatering. The dredging would be conducted to create a suitable aquatics area; the intent of the dredging is not to create fill material. The dredge material would not be deposited into the water. Dredging information including the location and quantity of materials removed, the method of removal, the location of spoil disposal sites, and plans for wetland protection and restoration were provided. Silt curtains would be used to control turbidity during dredging. Mitigation of wetland impacts would be provided pursuant to the submitted mitigation plan. The use that the dredging would support is consistent with the zoning designation and the Conservancy shoreline designation. Conditions are needed to ensure compliance with the SMPTR regulations on toxic sediments. The sediments must be tested to ensure that they do not exceed EPA and/or DOE standards. *Findings 6, 9, 15, 23, 24, 27, 28, 34, 35, 37, 43, 44, 49, 50, 51, and 52.*
 - e. As conditioned, the project is consistent with the applicable regional criteria. Protection of water quality and aquatic habitat and protection of public health are recognized as primary goals, and these are especially relevant to this case given that some neighborhood residents rely on lake water for drinking water. Conditions of approval address water quality and public health by requiring installation of silt

curtains prior to dredging, requiring engineer supervision of the dredging process, requiring any damage to resident water infrastructure to be repaired, and requiring the Applicant to provide affected residents with lake water alternatives. With respect to criteria on aesthetics, the project would replace poor quality shoreline development (i.e., existing dilapidated docks) with new docks and enhancement plantings. *Findings 6, 9, 15, 16, 17, 19, 20, 23, 24, 25, 26, 27, 28, 34, 35, 37, 39, 43, 44, 45, 49, 50, 51, and 52.*

3. The proposal satisfies the criteria for reasonable use exception.
 - a. Based on the longstanding use of the subject property and the inadequacies of the existing swimming and boating areas for the Boy Scouts aquatics program, the proposal constitutes reasonable use of the property. *Findings 2, 6, 9, 15, 16, 17, 18, 19, 20, 29, and 30.*
 - b. As conditioned, no reasonable use with less impact on the critical area or buffer is possible. The entire shoreline is encumbered by wetland. Consequently, a new dock in any location would be within a wetland. Although there are existing docks on the subject property, they are not suitable for continued use in the Applicant's aquatic program and therefore do not represent reasonable use. The proposal to construct two parallel docks instead of a single dock is reasonable in that the parallel docks create an internal safe swimming area. The Applicant would minimize impacts by placing the new docks within a previously disturbed portion of the wetland, removing the old docks (resulting in a net decrease in overwater coverage), and restoring the former swimming pond to a natural wetland condition. *Findings 2, 6, 9, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 29, 30, 49, 50, 51, and 52.*
 - c. As conditioned, the use would not result in damage to other property, and would not threaten the public health, safety, or welfare on or off the subject property, or increase public safety risks on or off the subject property. The primary health and safety issues associated with the project include the potential for water quality impacts associated with dredging for placement of the docks, and the potential for conflict with recreational boaters. As discussed elsewhere in this decision, both issues have been satisfactorily addressed through the evidence submitted or can be satisfactorily addressed through conditions of approval. With respect to water quality, the conditions recommended by Planning Staff require notice to neighbors, installation of silt curtains, engineer supervision, and the provision of drinking water alternatives to the lake water. Conditions would ensure that if dredging results in water quality impacts, the Applicant would be required to provide neighbors with drinking water or provide other mitigation. Addressing public concern about conflicts between scout swimmers and boaters and the recreating general public, particularly those accessing the residential docks north of the proposed swimming/boating area, the record shows the following. The area proposed to be used for swimming would occur either between the two boating docks or within a rope/float demarcated area directly lakeward of the shoreline. The existing condition of this area is dense aquatic vegetation, primarily lily pads, such that the area is currently already being avoided

- by boaters including those accessing the residential docks to the north. While the lily pads would be removed, scouting aquatic activities would not be any closer to those docks than the nearest edge of the lily pad vegetation. The Applicant has a lengthy history of being responsible for the safety of children during on-site aquatic activities and is confident that compliance with its existing standard safety protocols would be adequate to ensure no conflict between scouts and the recreating public; however, in response to the repeatedly expressed concerns about scout safety, the Applicant offered to install and maintain “no wake” buoys around its swimming and boating area. These buoys would be required as an additional layer of safety by an added condition of approval. *Findings 2, 6, 9, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 29, 30, 31, 32, 34, 35, 36, 37, 49, 50, 51, and 52.*
- d. As conditioned, the proposed use is limited to the minimum encroachment into the critical area needed to prevent denial of all reasonable use of the property. The site for proposed relocation of swimming and boating facilities was selected following coordinated review including representatives of DOE and WDFW. The docks would be placed within the most disturbed portion of the wetland. With the proposed consolidation of swimming and boating activities and the removal of the existing docks, the overall area of dock within the wetland would decrease. The docks would be limited to the dimensions authorized by the SMPTR and would be spaced to serve swim program requirements. *Findings 6, 15, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 29, 30, 31, 32, 34, 35, 37, 49, 50, 51, and 52.*
 - e. As conditioned, the use would result in minimal alteration of the critical area. Although dredging of the wetland is proposed, as well as vegetation removal, the dredging would not eliminate all wetland functions, and the impacts would be offset by permanent wetland preservation, wetland creation, and wetland enhancement. The most degraded portion of the wetland was selected for development. *Findings 6, 15, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 29, 30, 31, 32, 34, 35, 37, 49, 50, 51, and 52.*
 - f. As conditioned, the proposal would ensure no net loss of critical area functions and values. The submitted mitigation plan was prepared in consultation with the Department of Ecology and provides for mitigation of unavoidable impacts consistent with (or exceeding) code requirements. All mitigation would occur on site. *Findings 15, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 29, 30, 31, 32, 34, 35, 37, 43, 44, 49, 50, 51, and 52.*
 - g. With implementation of the mitigation plan and because the Applicant would also be required to comply with any conditions imposed by the Washington Department of Fish and Wildlife through its permitting process (such as use of light penetrating dock materials), the use would not result in unmitigated adverse impacts to species of concern. *Findings 15, 18, 19, 20, 23, 24, 25, 26, 27, 29, 30, 31, 32, 34, 35, 37, 43, 44, 49, 50, 51, and 52.*
 - h. The location and scale of existing development was not the basis for granting the reasonable use exception. The camp is a unique use that has historically relied on the

shoreline for its programming, and the entire shoreline is encumbered by Category 1 wetland. *Findings 2 and 19.*

4. Adequate notice of the proposal was provided. *Findings 47, 48, 49, 50 and 52.*

DECISIONS

Based upon the preceding findings and conclusions, the requested special use permit, shoreline substantial development permit, and reasonable use exception are **GRANTED** subject to the following conditions:

A. Community Planning & Economic Development Conditions:

1. If archaeological artifacts are observed during any phase of the project, all work shall be immediately halted. The State Department of Archaeology and Historic Preservation, the Thurston County Community Planning and Economic Development, the Nisqually Indian Tribe, the Squaxin Island Tribe, and all other affected Tribes shall be contacted to assess the situation prior to resumption of work.
2. An inadvertent discovery plan shall be kept on site in the event that cultural resources are found during any grading or dirt work on site as well as dredging work.
3. All work shall be in substantial compliance with the plans included in the project application including but not limited to the proposed dock, wetland mitigation plans, and site plans. Any expansion or alteration this use will require approval of new or amended land use permits. Community Planning and Economic Development will determine if any proposed amendment is substantial enough to require hearing examiner approval.
4. During construction, all releases of oils, hydraulic fluids, fuels, and other deleterious materials must be contained and removed in a manner that will prevent their discharge to waters and soils of the State. The cleanup of spills shall take precedence over all other work at the site. Spill prevention and response material shall be kept at the site for quick response to any toxic spills, such as fuel, at the site. If contamination is currently known or suspected during construction, testing of potentially contaminated media must be conducted. If contamination of soil or groundwater is readily visible, or is revealed by testing, the Washington State Department of Ecology must be notified (Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300).
5. Erosion and stormwater control best practices meeting Thurston County standards; Chapter 15.05 shall be employed during all phases of the project, including silt fencing and straw waddles. Proper erosion and sediment control practices shall be used on the construction sites and adjacent areas to prevent upland sediments from entering any surface waters. All areas disturbed or newly created by construction activities shall be seeded, vegetated, or given some other equivalent type of protection against erosion.

Notes

- A. Washington State Water Quality Laws, Chapter 90.48 RCW, Water Pollution Control and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, define quality of state waters. Any discharge of sediment-laden runoff or of other pollutants to waters of the State is in violation of these state laws and may be subject to enforcement action.
 - B. The following activities require coverage under a Construction Stormwater General Permit: clearing, grading and/or excavation that results in the disturbance of one or more acres and discharges stormwater to surface waters of the State, or any activity discharging stormwater to waters of the State that the Department of Ecology determines to be a significant contributor of pollutants to waters of the State of Washington or reasonably expects to cause a violation of any water quality standard.
6. Prior to beginning dredging activities silt curtains shall be installed surrounding the dredge area in order to minimize off-site siltation and water quality impacts to Summit Lake in addition to project best management practices (BMPs) to control erosion.

Additionally, the Applicant shall contact the eight homes to the north of the project within 60 days of the issuance of all required permits, i.e., special use permit, shoreline substantial development permit and reasonable use exception and prior to any dredging activities. The Applicant shall confirm which homes use Summit Lake for its indoor drinking water supply and to confirm with them the location of their intake in the Lake for their drinking water supply. Those homeowners that use Summit Lake as their primary drinking water source will be offered one of the following interim assistances in providing alternative drinking water supply during the dredging period.

- a. No additional treatment required due to use of a well.
- b. The homeowner is offered temporary use of a commonly used HWTS unit (Home Water Treatment and Storage) to remove turbidity and e coli that may be found in Summit Lake untreated water.
- c. Free access to carboy delivered drinking water from the Camp's State approved water supply.
- d. Interim secondary silt curtains installed around the homes already existing intake structure for drinking water supplies.
- e. Other alternatives to be agreed to by the Camp and the homeowner using the Lake for drinking water.

The jointly agreed alternative shall be implemented prior to any dredging activities.

These procedures shall apply to any future maintenance dredges, even if permit-exempt. In the event that the permit conditions of a future maintenance dredge are more stringent than these conditions, the more stringent conditions shall apply.

7. Any demonstrated damage to in-lake residential drinking water infrastructure resulting from the dredging operation shall be corrected by the Applicant in a timely manner (no

- more than 30 days). During this time, the Applicant shall supply all affected residences with drinking water until repairs are completed.
8. To the extent practicable, dredging work shall take place during dry weather in order to reduce soil erosion and water quality impacts.
 9. All dredge materials shall be disposed of at an approved upland site outside of any critical areas and shoreline jurisdiction.
 10. A Washington State licensed civil engineer shall be onsite during the dredging operation to observe the work and ensure all conditions and BMPs are strictly followed and that there are no offsite water quality issues. If offsite water quality issues (outside the silt curtains) are observed during dredging then dredging activities shall be immediately halted until water quality issues are resolved.
 11. A wetland preservation agreement shall be drafted to permanently preserve 9.127 acres of onsite category 1 wetlands. The agreement as discussed in the final Detailed Wetland Mitigation Plan by Confluence Environmental Co. dated February 2023 (Exhibit 1.Z) shall be reviewed and approved by Thurston County. After approval by Thurston County CPED this wetland preservation agreement and site map will be recorded against the subject property as part of the wetland mitigation package (refer to attached wetland preservation map) [Exhibit 1.Z]. This wetland preservation agreement, map and the full Detailed Wetland Mitigation Plan dated February 2023 shall be recorded with the Thurston County Auditor prior to final occupancy approval of future building permits related to the special use permit unless otherwise approved by Thurston County CPED. At minimum, the proposed wetland preservation plan and attachments shall be submitted to Thurston County CPED for review within 60 days of the final Hearing Examiner decision for the project.
 12. Construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. to minimize associated noise. All activities onsite shall fully comply with noise limitations outlined in WAC 173-60.
 13. Provisions shall be made to minimize the tracking of sediment by construction vehicles onto paved public roads. If sediment is deposited, it should be cleaned every day by shoveling or sweeping. Water cleaning should only be done after the area has been shoveled out or swept.
 14. The Applicant must comply with all other applicable local, state, and federal regulations and obtain the necessary permits prior to beginning construction activities. This includes the US Army Corps of Engineers, Washington State Department of Ecology, the Washington State Department of Fish and Wildlife and Washington State Department of Natural Resources. It is the sole responsibility of the Applicant to contact other agencies and secure any permits required for this project.
 15. An irrevocable assignment of savings or bond in the amount of 125% of the cost of

wetland mitigation plantings, signage, and monitoring plan shall be enacted prior to final occupancy approval of future building permits related to the site improvements in order to ensure completion of the wetland mitigation elements. Any related work already completed, such as critical area signage etc. does not need to be included in the financial surety.

16. The wetland preservation area shall be verified in the field regarding the location of the preserved wetlands and buffers prior to final occupancy of building permits. This field verification can be performed by either the Applicant's wetland biologist using GPS or a licensed professional land surveyor. The boundary shall be staked and flagged so the location of critical area signage can be verified. A final, detailed map of the wetland preservation area shall be provided to Thurston County CPED prior to final occupancy approval of future building permits unless otherwise approved by Thurston County CPED.
17. A wetland buffer signage plan will be required prior to final occupancy approval of future building permits. At minimum wetland / critical area signs shall be installed every 300 feet along the edge of wetland buffers per the final project wetland mitigation plan and Critical Areas Report. Critical area signage shall also be installed within 10 feet of property lines. Critical area signage (two signs minimum) shall also be provided along the upland side of the mitigation buffer for the old swim pond which is to be converted to wetlands per the final project wetland mitigation plan. One critical area sign shall be installed along the shoreline on either side of the proposed swim area as a reminder that the swim area is located within a wetland. Critical area signage shall be installed prior to final occupancy approval of future building permits unless otherwise approved by Thurston County CPED and covered with a bond or irrevocable assignment of savings.
18. Spill prevention and response material shall be kept at the site for quick response to any toxic spills, such as fuel, at the site.
19. Construction equipment shall be inspected daily to ensure there are no leaking fluids. If leaks are detected, construction equipment shall be serviced immediately. Equipment and machinery shall be serviced, fueled, maintained, and washed only in confined areas specifically designed to control runoff and prevent discharges to surface waters.
20. Each RV site shall be comprised of not less than 1,000 square feet.
21. Stays in the family RV camp area are limited to two weeks per visit.
22. The proposed project must be consistent with all applicable policies and other provisions of the Shoreline Management Act, its rules, and the Shoreline Master Program for the Thurston Region.
23. No dredging shall occur in State owned aquatic lands without prior authorization from the Washington Department of Natural Resources.

24. At the end of the project, the permittee shall inspect the project area and ensure that no trash or debris has been left on the shore or in the water, and that the project has not created any hazards to navigation.
25. Regarding potential future requests for shoreline substantial development permit extensions, it is the Applicant's responsibility to request timely permit extensions from CPED in accordance with the provisions of RCW 90.58.143.
26. Expiration of approval of special use permits: 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.
27. Events with attendance of between 325 to 600 persons on-site shall be limited to five days per year. To ensure that these limits are not exceeded, the Applicant shall maintain attendance records for all events on site, which shall be provided to Thurston County for review upon request.
28. Time limits for reasonable use exceptions shall be followed per Thurston County Code, TCC 24.45.090 – Time limits – Expiration.
29. It is not the responsibility of Thurston County to remind the Applicant of permit expiration dates.
30. The Applicant's contractor(s) will be responsible for the preparation of a Spill, Prevention, Control, and Countermeasure (SPCC) plan to be used for the duration of the project. The SPCC plan will be submitted to and approved by Thurston County prior to the commencement of any dredging activities. A copy of the SPCC plan with any updates will be maintained at the work site by the contractor. The SPCC plan will provide advanced planning for potential spill sources and hazardous materials (gasoline, oil, chemicals, etc.) that the contractor may encounter or utilize as part of conducting the work. The SPCC plan will outline roles and responsibilities, notifications, inspection, and response protocols and will be submitted to the Washington State Department of Ecology for review.
31. Dredging operations will utilize equipment appropriate to the site conditions to minimize turbidity and other possible adverse impacts.
32. The dock shall be painted, marked with reflectors, or otherwise identified so as to prevent unnecessarily hazardous conditions for water surface users during day or night.
33. The span between all dock pilings shall be at least eight feet.
34. The project shall comply with the conditions of the Washington State Department of Ecology's comment letter dated August 27, 2020, (Exhibit 1.11)

B. Public Works Conditions:

Roads

1. A construction permit shall be acquired from the Thurston County Public Works – Development Review Section prior to any construction.

Traffic Control Devices

2. 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.
3. 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

4. The stormwater management system shall conform to the Drainage Design & Erosion Control Manual.
5. 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.
6. 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

7. 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.

Traffic

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

General Conditions

9. No work shall take place until a construction permit has been issued by Thurston County Public Works – Development Review Section.
10. 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.

11. When all construction/improvements have been completed, contact the Thurston County Public Works – Development Review Section at 360-867-2051 for a final inspection.
12. 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

13. Once the planning department has issued the official approval, submit two complete full size sets of construction drawings, the final drainage and erosion control report and all applicable checklists along with an electronic copy to Thurston County Public Works – Development Review Section for review and acceptance. The Final Drainage Report shall address all comment in the Stormwater Scoping Report Response dated November 2, 2021 which can be found at: <https://weblink.co.thurston.wa.us/dspublic/0/doc/15345959/Page1.aspx>.

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

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

General Information

Final Review

15. Prior to receiving final approval from this department, the following items shall be required:
 - a. Completion of all roads and drainage facilities.
 - b. Final inspection and completion of all punch list items.
 - c. Record drawings submitted for review and acceptance. The record drawings shall include street names and block numbers approved by Addressing Official.

- d. Receive and accept Engineer's Construction Inspection Report Form (Appendix I-C, Volume I of the Drainage Design and Erosion Control Manual).
- e. Receive and accept Maintenance Agreement Form (Appendix I-E, Volume I of the Drainage Design and Erosion Control Manual).
- f. Execute an agreement with financial security for the maintenance and operation of the drainage facilities in accordance with Thurston County Code 15.05.040.
- g. Payment of any required permitting fees.

C. Environmental Health Conditions:

1. Prior to release of the building permit, the on-site septic system designs must be reviewed and approved by Thurston County Environmental Health.
2. Prior to release of the building permit, any existing septic tanks that will not be utilized must be properly abandoned per Article IV of the Thurston County Sanitary Code. An abandonment permit is required with copies of abandonment documentation from a licensed on-site sewage system pumper.
3. Prior to final building occupancy approval, the on-site septic systems must be installed and receive final construction approval from Thurston County Environmental Health.
4. Prior to final building occupancy approval, the additional connections to the existing public water system must receive final construction approval from Washington State Department of Health Office of Drinking Water.
5. The Applicant has indicated that the Department of Health will confirm if wells #1 and #3 will need to be decommissioned. Upon confirmation, these wells would need to be decommissioned by a licensed well driller per Washington State Department of Ecology standards prior to release of the building permit. Copies of the well drillers' decommissioning reports (well logs) must be submitted to this office. Caution should be taken during demolition of the existing building to ensure the existing wells are not damaged prior to decommissioning.
6. Prior to the release of the building permit of the proposed dining hall, a plan review by the Food & Environmental Services Section is required. The application is available at <https://www.co.thurston.wa.us/health/ehfood/pdf/FoodEstablishmentApplication.pdf>.
7. Prior to final building occupancy approval for the proposed dining hall, a pre-opening inspection must be satisfactorily completed by the Food & Environmental Services section. The Applicant will need to contact Food & Environmental Services Program staff at (360) 867-2571 to arrange for the site evaluation.
8. Prior to final building occupancy approval, a site-specific hazardous materials handling plan to include the new facilities must be submitted for review and acceptance. All hazardous materials and wastes shall be stored and handled in such a way that any spilled

or released materials are contained inside a secondary container and are not allowed to release to the environment per Article VI, Nonpoint Source Ordinance.

9. All wildlife trapped and released on-site, must meet the regulations set forth by Washington State Department of Fish and Wildlife.

D. Other Conditions:

1. Prior to dredging, the lakebed material to be dredged shall be tested to determine whether it is compliant with applicable Environmental Protection Agency and/or Washington Department of Ecology criteria for toxic sediments, as required by the dredging regulations of the Shoreline Master Program for the Thurston Region (Section Three, Chapter VI, Part C(4)).
2. In order to address aesthetic and noise/privacy impacts to the nearest residences to the maximum extent possible, the Applicant shall plant and maintain the maximum number possible of evergreen trees to the northwest of the swimming/boating docks, which shall be places to provide as much screening as can be accomplished.
3. In order to maximally reduce conflicts between the boating public and the scouting aquatic activities, the Applicant shall install and maintain “no wake” buoys around its swimming and boating area.
4. The Applicant shall commence tracking attendance at all events including those at the RV campsites, to ensure compliance with the attendance limits established in these approvals: not more than 300 to 325 persons at normal events, and not more than 600 persons at the five larger events approved per year. The attendance records shall be made available to CPED on request.

Decided September 5, 2023.



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 **\$821.00** for a Request for Reconsideration or **\$1,112.00** an Appeal. Any Request for Reconsideration or Appeal must be **received** in the Building Development Center at 3000 Pacific Ave SE, Suite 100 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 \$821.00 for Reconsideration or \$1,112.00 for Appeal. Received (check box): Initial _____ Receipt No. _____
 Filed with the Community Planning & Economic Development Department this _____ day of _____, 20___.