

**BEFORE THE HEARING EXAMINER
FOR THURSTON COUNTY**

In the Matter of the Application of)	NO. SUPT 001156
)	
Rochester School District No. 401)	FINDINGS, CONCLUSIONS
)	AND DECISION
for a Special Use Permit.)	
_____)	

SUMMARY OF DECISION

A Special Use Permit to construct and operate a primary elementary school for K-2 grade levels on a 10.02-acre site north of James Road Southwest and west of Old Highway 9 in Thurston County is GRANTED with conditions.

SUMMARY OF RECORD

Request

The Rochester School District No. 401 (Applicant) requested approval of a Special Use Permit (SUP) to construct and operate a primary elementary school on 10.02 acres located north of James Road and west of Old Highway 9 in unincorporated Thurston County. The property is owned by the Applicant and is near Rochester, Washington. The school would provide school facilities for grades K-2.

Hearing Date

An open record hearing on the request was held before the Hearing Examiner of Thurston County on May 21, 2001.

Testimony

At the hearing the following individuals presented testimony under oath:

Nancy Pritchett, Development Services
Gary Larson, Applicant Representative
Jim Anderson

Exhibits

At the hearing the following exhibits were admitted:

EXHIBIT 1 Development Services Department Staff Report

Attachment a	Notice of Public Hearing
Attachment b	Special Use Permit Application
Attachment c	Supplemental information sheet submitted by Applicant
Attachment d	Notice of Application dated April 10, 2001
Attachment e	Zoning/Site Map
Attachment f	Site Plan
Attachment g	Landscape Plan
Attachment h	Notice of Determination of NonSignificance
Attachment i	May 3, 2001 Letter from John Ward, Environmental Health
Attachment j	April 23, 2000 Letter from Steven Johnson, Development Review

Upon consideration of the testimony and exhibits submitted at the open record hearing, the following Findings and Conclusions are entered by the Hearing Examiner.

FINDINGS

1. The Applicant requested approval of a SUP to construct and operate a primary elementary school on a 10.02-acre site north of James Road Southwest and west of Old Highway 9 in unincorporated Thurston County. The property is near Rochester, Washington. It is the intent of Applicant to develop the site with an approximate 39,000 square foot structure that will include 17 classrooms, special education rooms, support service spaces for offices, library, and workrooms. *Exhibit 1, Staff Report; Pritchett Testimony.*
2. The site is level with an open grass field. Adjunct uses will include an asphalt play area and grass field for softball and soccer. The structures will house 450 students and approximately 40 faculty and staff. The proposed school is part of the school campus for

Rochester School District. It will be adjacent to the Grand Mound Elementary School. *Exhibit 1, Staff Report.*

3. The subject property is zoned Rural Residential Resource, One Dwelling Unit per Five Acres (RRR 1/5). In this zone, schools are permitted with approval of a Special Use Permit. *Staff Report.*
4. Most of the properties in the area are zoned RRR 1/5. As noted, adjacent land use consists of the Grand Mound Elementary School to the west and the Rochester High School to the north. The parcels to the east are undeveloped and are residentially zoned. *Exhibit 1, Staff Report; Pritchett Testimony.*
5. Access to the site will be coordinated with access to the Grand Mound Elementary School and will be off three driveways from James Road. The schools will share an access and bus loading area. There will also be a fire lane around the perimeter of the site. *Exhibit 1, Staff Report.*
6. The Thurston County Comprehensive Plan requires consideration of impacts of new schools on roads and neighboring uses. The general goal for schools is “every citizen shall have safe and convenient access to educational facilities.” Policies for this goal have been provided in this Comprehensive Plan. *Exhibit 1, Staff Report; Pritchett Testimony.*
7. As part of the Comprehensive Plan consideration of the proposal, the facility must be reviewed to determine if the transportation and safety needs of the community are satisfied. The proposed school is being located along a non-arterial road that will minimize potential conflicts with pedestrian and vehicular traffic.
8. The Comprehensive Plan requires availability of sewer and water facilities as part of the siting of the school. Water will be supplied to the site from the existing Ground Mound Elementary School Group A Water System. The Applicant has two water rights and is submitting information to the Washington State Department of Ecology to combine the water rights for this site. *Larson Testimony; Exhibit 1, Staff Report.*
9. The Applicant will install a sewage system that will satisfy the State and County Health Department requirements for a school facility. *Larson Testimony; Exhibit 1, Staff Report.*
10. The site is not designated by Thurston County as prime agricultural land. It is zoned to allow school facilities. *Exhibit 1, Staff Report; Pritchett Testimony.*
11. The general purposes and intent of the RRR 1/5 zoning district regulations have been reviewed. The proposal is consistent with the open space, lot, setback, and buffer requirements. Forty-two percent of this site will be covered with impervious surface,

which is less than the maximum (60%) allowed in this zone. *Pritchett Testimony; Exhibit 1, Staff Report.*

12. The proposed use will not impact other properties or the neighborhood character. It will not have an impact on the natural environment. As noted, the proposed facility is part of a school campus and much of the impacts to the neighborhood already exist as a result of the existing schools.
13. The projected generation of traffic resulting from the proposed development has been determined by the County to not be an issue. James Road and the surrounding roads are below capacity and are able to carry the generated traffic. *Pritchett Testimony.*
14. The proposed use will not impose an undue burden on any improvements, facilities, utilities, or other services of the County. Public utilities are available. Stormwater will be contained on-site in a manner consistent with the Drainage Design and Erosion Control Manual for Thurston County. *Exhibit 1, Staff Report.*
15. The Applicant indicated that all requirements for signs would be satisfied. *Exhibit 1, Staff Report.*
16. The Applicant submitted a landscaping plan (*Exhibit 1, Attachment g*), which identified required landscaping buffer strips along private right-of-ways and buffer strips for the adjacent residential properties. The landscaping will create harmony with other uses in the general area. While the property to the east is residentially zoned, it is undeveloped. The Applicant will provide the landscaping as set forth in *Attachment g*, and will include a site-obscuring buffer of evergreen trees along the east property line. *Larson Testimony; Exhibit 1, Staff Report.*
17. In Thurston County, specific use standards for schools are set forth in *TCC 20.54.070*. These standards will be satisfied by the proposal. *Pritchett Testimony.*
18. The Applicant will provide written confirmation from the Superintendent of Public Instruction that the site meets the minimum size requirements as set forth in *TCC 20.54.070*.
19. The proposed 40-foot height of the gymnasium/multi-purpose building is acceptable by the County. This approval is required pursuant to *TCC 20.54.070*. *Exhibit 1, Staff Report.*
20. In Thurston County there are parking standards for non-high schools. The minimum is one parking space for each classroom and office. The Applicant submitted a plan for 109 parking spaces, including 18 overflow spaces. For 40 faculty and staff, the 109 spaces are sufficient to provide for the parking needs of the school personnel as well as visitors. *Exhibit 1, Staff Report.*

21. Pursuant to the State Environmental Policy Act (SEPA), Rochester School District No. 401 was designated as the lead agency for the identification of environmental impacts resulting from the proposed project. *Exhibit 1, Attachment h* sets forth the legal notice of the Notice of Determination of NonSignificance. There is no date for the issuance of this document. The public was invited to comment on the Determination of NonSignificance no later than January 10, 2001. While it is not clear from the record it is assumed that the DNS was issued in a timely manner and that no appeals were made.

Based on the foregoing Findings of Fact, the Hearing Examiner for Thurston County makes the following:

CONCLUSIONS

The Hearing Examiner is granted jurisdiction to hear and decide applications for Special Use Permits pursuant to Chapter 36.70 of the Revised Code of Washington and Chapter 20.54 of the Thurston County Code.

Criteria for Review

Special Use Permit Approval Criteria (Chapter 20.54)

20.54.040 General Standards. In addition to the specific standards set forth hereinafter with regard to particular special uses, all uses authorized as special uses shall meet the following standards:

1. **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.
2. **Underlying Zoning District.** The proposed use shall comply with the general purposes and intent of the applicable zoning district regulations and sub-area 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.
3. **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: proposed use is located unless specifically provided otherwise in this chapter.
 - a. **Impact.** The proposed use shall not result in substantial or undue adverse effects on adjacent property, neighborhood character, natural environment, traffic condition, 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 condition imposed to mitigate adverse effects to the extent reasonably possible, the permit may be granted even though said adverse effect may occur.

- b. Services. The use will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities or services existing or planned to serve the area.

Conclusions for Special Use Permit

1. The Applicant requested approval of a SUP to construct and operate a primary elementary school on a 10.02-acre site north of James Road Southwest and west of Old Highway 9 in unincorporated Thurston County. The property is near Rochester, Washington. It is the intent of Applicant to develop the approximately 39,000 square foot structure with 17 classrooms, special education rooms, support service spaces for offices, library, and workrooms. *Finding of Fact No. 1.*
2. In order for a Special Use Permit to be granted within Thurston County, the criteria as set forth in TCC 20.54.040 must be satisfied. These standards (which are listed above) have been satisfied in the manner as set forth in Findings Nos. 5-19.
3. The specific standards for academic schools are set forth in TCC 20.54.070. These standards have been satisfied as set forth in Finding Nos. 17-20.

DECISION

Based upon the preceding Findings of Fact and Conclusions, the testimony and evidence submitted at the public hearing, and upon the impressions of the Hearing Examiner at a site view, IT IS HEREBY ORDERED that the requested Special Use Permit to construct and operate a primary elementary school for K-2 grade levels on a 10.02 acre site located north of James Road Southwest and west of Old Highway 9, Thurston County, Washington is GRANTED subject to the following conditions:

1. Prior to or in conjunction with the issuance of any building permits, all regulations and requirements of the Thurston County Environmental Health Department, (*Exhibit 1, Attachment i*) Thurston County Roads and Transportation Services Department (*Exhibit 1, Attachment j*), Thurston County Development Services Department, and Thurston County Fire Marshall shall be met. The cited attachments are hereby incorporated as part of the conditions of the permit.
2. One sign is allowed to be a maximum size of thirty-two (32) square feet per side. The sign shall not protrude over the street right-of-way or be erected in a way that interferes with the visibility of traffic control devices or street name signs. Signs shall be unlit and

shall use nonflashing, nonreflective materials. Colors shall be nongarish and consistent with residential character. Any freestanding sign will require a building permit.

3. Landscaping and screening shall include a minimum five foot wide landscaping strip along the public right-of-way and adjacent to the residentially zoned property to the east, as shown in the landscaping plan (Attachment g). Landscaping to soften the appearance of the chain-link fence between the play field and the public right-of-way is required. The landscaping required along the public right-of-way and along the east property line shall be installed, inspected, and approved prior to issuance of a final occupancy permit. It is understood that Rochester School District students will install some of the interior landscaping indicated on the approved landscaping plan as a school project at a later date.
4. Lighting shall be designed and shall function in a manner that shields direct light from adjoining streets and properties. Lighting shall be limited to security lighting.
5. The site shall be maintained in a neat and orderly manner at all times.
6. Parking lot design shall conform to the requirements of TCC 20.44 and the approved site plan (Attachment g).
7. All development on the site shall be in substantial compliance with the approved site plan. Any expansion or alteration of this use will require approval of a new or amended Special Use Permit. The Department will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.
8. The Applicant will provide written confirmation from the Superintendent of Public Instruction that the site meets the minimum size requirements as set forth in *TCC 20.54.070*.

Decided this 29th day of May 2001.

James M. Driscoll
Hearing Examiner for Thurston County

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