

**BEFORE THE HEARING EXAMINER
FOR THURSTON COUNTY**

In the Matter of the Application of)	NO. SUPT 010102
)	
The Evergreen State College)	FINDINGS, CONCLUSIONS
)	AND DECISION
For Approval of a Special Use Permit.)	
_____)	

SUMMARY OF DECISION

A request for approval of a Special Use Permit construct a five-building, 166,803 square foot addition to the Evergreen State College is **GRANTED**, with conditions.

SUMMARY OF RECORD

Request:

The Evergreen State College (Applicant) requested approval of a Special Use Permit (SUP) to construct a five-building addition to the Evergreen State College. The five new buildings will total 166,803 square feet.

Hearing Date:

An open record hearing on the request was held before the Hearing Examiner of Thurston County on June 18, 2001.

Testimony:

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

Robert Smith, Thurston County Development Services Department
Scott Lindblom, Thurston County Storm and Surface Water Utility
Bernadette Clemente, Roads and Transportation Services, Development Review Section
Janet Kessell, Applicant Representative
Peter Apostol
Michael George

Exhibits:

At the hearing the following exhibits were admitted:

EXHIBIT 1 Development Services Department Staff Report

Attachment a	Notice of Hearing
Attachment b	Vicinity Map
Attachment c	Special Use Permit Application
Attachment d	Site Plans
Attachment e	Parking Site Plan
Attachment f	Building Elevations
Attachment g	Mitigated Determination of NonSignificance, issued May 18, 2001
Attachment h	April 18, 2001 Comment Letter from Thurston County Public Health and Social Services Department
Attachment i	May 18, 2001 Comment Memorandum from Roads and Transportation Services
Attachment j	May 17, 2001 Traffic Mitigation Estimate from Roads & Transportation Services
Attachment k	April 6, 2001 letter from City of Olympia

EXHIBIT 2 Map of Evergreen State College Parking Lot A & B Expansion Parking Configuration

EXHIBIT 3 Comment Memorandum from Roads and Transportation Services dated June 13, 2001

EXHIBIT 4 June 14, 2001 Letter from Scott Lindblom, Thurston County Storm and Surface Water Utility

EXHIBIT 5 Comment E-mail from Britt Nederhood dated June 8, 2001

EXHIBIT 6 Comment E-mail from Don Bantz dated June 15, 2001

EXHIBIT 7 June 15, 2001 Response Memorandum from Peter Apostol, SvR Design Company, Responding to the June 8, 2001 Comment Letter from Don Bantz

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 an addition to the Evergreen State College campus, located at 2700 Evergreen Parkway. The existing campus buildings total 1,375,388 square feet and the proposed addition is 166,803 square feet. The addition, to be known as Seminar II, will be a group of five structures (clusters) covered by exterior walkways. The addition will be located in the southeast portion of the existing campus core, which is towards the center of the Evergreen State College property. *Exhibit 1, Staff Report, pages 1,2, and 5; Attachment f; Exhibit 2; Testimony of Mr. George.*
2. The addition would have a total of 44 classrooms and 118 offices. A separate 1,500 square building would house a satellite cafeteria. The Seminar II buildings would be in operation from 8:00 a.m. to 10 p.m., Monday through Friday, and would have the capacity to accommodate 801 students. *Exhibit 1, Staff Report, page 2; Attachment c.*
3. The subject property is zoned Rural Residential Resource—One Dwelling Unit Per Five Acres (RRR 1/5). “Academic schools” are allowed in the RRR 1/5 zone, subject to obtaining a Special Use Permit. *TCC 20.09A.025, TCC 20.54, Table 1.* There are no identified critical areas on the underlying parcel, which would be subject to County regulations. *Exhibit 1, Staff Report, pages 2 and 3.*
4. The new Seminar II buildings will utilize the existing campus access from McCann Plaza, a roadway extending off of Evergreen Parkway. The Applicant proposes to construct a traffic circle at the intersection of McCann Plaza and Evergreen Parkway, which is located entirely on College property. With the traffic circle, the proposal would satisfy traffic concurrency requirements through 2010. Parking lots are located on both sides of McCann Plaza. Road and Transportation Services reviewed traffic impacts and determined that monetary contribution to certain road projects is necessary to mitigate the impacts from this development proposal. Mitigation fees are included in the MDNS issued for the proposal. *Exhibit 1, Staff Report, page 2; Attachments g, i, and j; Testimony of Ms. Clemente.*
5. TCC 20.44 contains requirements for off-street parking. For higher education facilities, one parking space per office and classroom and one space per five (5) students of design capacity is required. *TCC 20.44.030(1)(b)(ii)(A).* As the proposed project has a 801-student capacity and 162 offices and classrooms, 323 parking spaces are required. The

Applicant purposes to add 342 parking spaces to existing parking lots on campus by converting some landscaped areas into parking spaces and re-stripping existing spaces. *Exhibit 1, Staff Report, page 2 and 3, Attachment e; Exhibit 2.*

6. TCC 20.45.040, which contains requirements for landscaping commercial uses, requires a solid five-foot wide buffer adjacent to public rights-of-way and residential uses and/or districts. There is natural vegetation on the underlying property, providing a vegetative buffer, which the staff believes greatly exceeds the minimum standards. The campus buildings are set back a large distance from public roads and neighboring properties, and the existing structures are not visible from off campus. The proposed buildings should also not be visible from off-site. *Exhibit 1, Staff Report, page 3.*
7. The topography of the site is very gently sloping. Vegetation on-site is combination of mixed species trees, lawn areas, and other landscaping. Surrounding land use consists of the existing college campus buildings, plazas, wooded and landscaped areas, and parking lots. *Exhibit 1, Staff Report, page 2.*
8. The Applicant proposes to construct a new stormwater detention vault east of proposed Cluster B for runoff from the new buildings. A preliminary drainage plan has been reviewed and approved by Roads and Transportation Services. City of Olympia domestic water and sanitary sewer utilities serve the existing campus. The current utilities have the capacity to serve the new addition. *Exhibit 1, Staff Report, pages 2 and 5; Exhibit 1, Attachments h, j, and k; Exhibit 2; Exhibit 3.*
9. Mr. Britt Nederhood, Co-Chair of the Whitney Cove Water System Mitigation Group, submitted a memo stating that while the group is not opposed to the proposed development, there are concerns about the increased water run-off resulting from the new buildings and how it may add to the present slide concerns in the Sunset Drive slide area. *Exhibit 5.* Mr. Don Bantz, Co-Chair of both the Whitney Cove Water System Mitigation Group and of Seminar II Construction, subsequently submitted a memo stating that he has been involved reviewing water run-off plans and feels that the Whitney Cove homes are not at risk. The watershed that will be affected by the construction is Snyder Creek, which is two watersheds removed from the Whitney Cove homes. *Exhibit 6.*
10. SvR Design Company submitted a memo responding to the concerns expressed by Mr. Nederhood. The memo states that the project is located in the Snyder Cove Creek basin and that a drainage study of the basin was prepared to help determine mitigation measures. The study estimated pre-developed and developed runoff flows, and based on this study, the County is requiring stormwater detention. The memo concludes that the project should not have a hydraulic effect on Sunset Drive Northwest, which is not located in the Snyder Cove Creek Basin. *Exhibit 7.*
11. The Thurston County Development Services Department Report concluded that with conditions, the project is consistent with the Thurston County Comprehensive Plan, the

Thurston County Zoning Ordinance, and all other applicable policies and ordinances. *Exhibit 1, Staff Report, page 5.*

12. A Mitigated Determination of NonSignificance (MDNS) was issued on May 18, 2001. The environmental determination became final on June 1, 2001. *Exhibit 1, Staff Report, page 2; Attachment g.*
13. State educational facilities such as the Evergreen State College are classified as Type I Essential Public Facilities in TCC 20.54.065. TCC 20.54.065(2) contains procedural and noticing requirements for Essential Public Facilities. However, where the proposal is for an expansion of an existing facility, and the expansion is less than 25 percent of the existing facility, the procedural and noticing requirements do not apply per TCC 20.54.065(2)(d). In this case, the existing campus buildings total 1,375,388 feet. The proposed addition represents a 12 percent enlargement of the campus building size, making it exempt from TCC 20.54.065(2)(a), (b) and (c). *Exhibit 1, Staff Report, page 5.*
14. Written notification of the public hearing was sent to all property owners within 500 feet of the site and notice was published in The Olympian on June 8, 2001, at least ten (10) days prior to the hearing. Notice was posted on June 8, 2001. *Exhibit 1, Staff Report, page 2; Attachment a.*

CONCLUSIONS

Jurisdiction

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

The Hearing Examiner shall approve a Special Use Permit if the following criteria set forth in TCC 20.54.040 are satisfied:

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.

2. 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:
 - 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 Based on Findings

1. **With conditions, the proposal satisfies the criteria for a SUP.**
 - a. The addition to the Evergreen State College Campus would be consistent with applicable laws and plans. The Thurston County Development Services Department Report concluded that with conditions, the project is consistent with the Thurston County Comprehensive Plan, the Thurston County Zoning Ordinance, and all other applicable policies and ordinances. *Finding of Fact No. 11.*
 - b. The addition complies with the general purpose and intent of the applicable zoning district regulations and sub-area plans. The subject site is zoned RRR 1/5. "Academic schools" are allowed in the RRR 1/5 zone with a special use permit. The proposed number of parking spaces exceeds the number required by TCC 20.44.030(1)(b)(ii)(A). The natural vegetation on the underlying property exceeds the minimum buffer required by TCC 20.45.040. The proposal is exempt from TCC 20.54.065(2)(a), (b), and (c). *Findings of Fact Nos. 3, 5, 6, and 13.*
 - c. Keeping impact on surrounding properties and services in mind, the five building addition is appropriate in the proposed location. The Seminar II buildings will be an addition to the existing Evergreen State College campus. The campus buildings are set back a large distance from neighboring properties and the new addition should not be visible from off-site. The addition will utilize existing campus access, and a monetary contribution to County road projects and the addition of a traffic circle will mitigate any negative traffic impact. The campus is currently served by City of Olympia domestic water and sanitary sewer utilities, which have the capacity to serve the new addition. Storm drainage would not

impact the Sunset Drive slide area or Whitney Cove homes. A preliminary drainage plan has been reviewed and approved by the Roads and Transportation Services Department. Conditions are needed to ensure that the requirements of the Roads and Transportation Services and Environmental Health Departments are satisfied, that the existing vegetative buffer is retained, and that any additional lighting is directed away from adjoining properties. *Findings of Fact Nos. 1,4,6,8, 9, and 10.*

DECISION

Based upon the preceding Findings and Conclusions, the request for approval of a Special Use Permit to construct a five-building addition to the Evergreen State College, as depicted in the Site Plans labeled Exhibit 1, Attachment d, is **GRANTED**, subject to the following conditions:

1. Prior to or in conjunction with the issuance of any building permits and operation of the facility, all regulations and requirements of the May 18, 2001 Thurston County Roads and Transportation Services Department comment memorandum and April 18, 2001 Thurston County Environmental Health Department comment letter shall be met.
2. Lighting shall be designed and shall function in a manner that shields direct light from adjoining streets and properties. Shielding, location, height, type of illumination, and landscape buffers shall be evaluated in lighting design to meet this standard.
3. The natural vegetation buffer on the underlying property shall be retained to a degree that a solid vegetative buffer/screen for adjacent properties is maintained.
4. All conditions of the Mitigated Determination of NonSignificance (SEPA 010192) shall be met.
5. The site shall contain a minimum of 323 new parking spaces..
6. All development on the site shall be in substantial compliance with the approved site plan. Any expansion or alteration of this use, beyond that initially approved by the Hearing Examiner, will require approval of a new or amended Special Use Permit. The Development Services Department will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.

Decided this 3rd day of July 2001.

James M. Driscoll
Hearing Examiner for Thurston County

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