

**BEFORE THE HEARING EXAMINER  
FOR THURSTON COUNTY**

In the Matter of the Application of	)	NO. SUPT 020849
	)	
<b>Griffin School District</b>	)	<b>FINDINGS, CONCLUSIONS</b>
	)	<b>AND DECISION</b>
For Approval of a Special Use Permit.	)	
_____	)	

**SUMMARY OF DECISION**

The request for approval of a Special Use Permit to modernize, improve, and add classrooms and administrative space at the 12.5-acre Griffin Middle School site located at 6530 33<sup>rd</sup> Avenue NW in Thurston County, WA is **GRANTED**, with conditions.

**SUMMARY OF RECORD**

**Request**

Griffin School District (Applicant) requested approval of a Special Use Permit (SUPT) to modernize, improve, and add classrooms and administrative space at the 12.5-acre Griffin Middle School site located at 6530 33<sup>rd</sup> Avenue Northwest in Thurston County, Washington. The site is within a Rural Residential/Resource 1/5 zoning district and requires an SUPT

**Hearing Date**

An open hearing on the request was held before the Hearing Examiner of Thurston County on June 2, 2003.

**Testimony**

The following individuals presented testimony under oath at the open record hearing:

Cindy Wilson, Thurston County Development Services Department  
Jack King, Thurston County Roads and Transportation Services  
Arthur Saint, Thurston County Roads and Transportation Services  
Gary Duvall, Thurston County Environmental Health Department  
Matthew Bissen  
Doug Tapp

Manuel Pereira  
Jerry Haller

**Exhibits**

The following exhibits were admitted at the open record hearing:

**EXHIBIT 1 Development Services Department Staff Report**

Attachment a	Notice of Public Hearing
Attachment b	Special Use Permit Application
Attachment c	Supplemental information sheets submitted by Applicant
Attachment d	Notice of Application dated March 26, 2003
Attachment e	Vicinity Map
Attachment f	Site Plans
Attachment g	Landscaping plan
Attachment h	SEPA Mitigated Determination of Nonsignificance, May 1, 2003
Attachment i	May 12, 2003 Letter from Gary Duvall, Environmental Health
Attachment j	December 19, 2003 Letter from Faith Perry, Development Review
Attachment k	Comment letter received April 22, 2003 from Jerry Haller
Attachment l	Comment letter dated May 19, 2003 from J. Berubi, Washington State Department of Ecology

**EXHIBIT 2** Memorandum from Arthur Saint, Development Review, dated May 29, 2003, Subject: SUPT020849, Griffin School District, Recommendation for Preliminary Approval

**EXHIBIT 2a** Memorandum from Arthur Saint, Development Review, dated May 29, 2003, Subject: SEPA020849, Griffin School Addition- SEPA Recommendation

**EXHIBIT 3** Enlarged Site Plan, A-01, dated 10-14-02

Upon consideration of the testimony and exhibits submitted at the open record hearing, the Hearing Examiner enters the following Findings and Conclusions:

## FINDINGS

1. The Applicant requested approval of a SUP to modernize, improve, and add classrooms and administrative space at the 12.5-acre Griffin Middle School site located at 6530 33<sup>rd</sup> Avenue NW in Thurston County, Washington.<sup>1</sup> The site is within a Rural Residential/Resource 1/5 zoning district and requires an SUPT for the proposed school construction activity. The school site currently contains three education buildings. One of these buildings is used for a gym/multipurpose room, and also is used for physical education classes during school hours and sporting events and academic programs after school. The proposed improvements will include construction of a new gymnasium building to replace the existing gymnasium building. The existing gymnasium will be preserved and used for physical education and lunch periods for a local elementary school. *Exhibit 1, Staff Report, pages 1-2; Attachment b; Attachment c.*
2. The subject property is zoned Rural Residential Resource – One Dwelling Unit per Five Acres (RRR 1/5). Academic Schools are allowed within the RRR1/5 zone upon review and approval of a SUPT. The existing school buildings were constructed in 1927, prior to the adoption of the Thurston County Code and are a legally established nonconforming use. *Exhibit 1, Staff Report, page 3; CCC 20.09A.025; CCC 20.54; CCC 20.56; Testimony of Ms. Wilson.*
3. Griffin School is a K through 8 school and currently has approximately 625 students. At full build out of the proposed project the school will have approximately 800 students. All of the improvements were designed for full build out and the County reviewed the proposal as such. *Testimony of Mr. Bissen; Testimony of Ms. Wilson.*
4. Surrounding land uses include residential development to the north and east. Landscaping that provides screening is necessary to provide separation between some differing land uses, and to preserve aesthetic qualities of the community. The Applicant proposes to preserve the existing landscaping throughout the project site. In addition, it will plant a variety of vegetation to buffer the school from adjacent land uses. *Exhibit 1, Attachment g; CCC 20.54.070.* Exhibit 1, attachment g was a landscape plan that the County considered acceptable.
5. The Thurston County Code requires that school facilities provide one parking space for each classroom or office. Using this standard the Applicant is required to provide 55 spaces. The Applicant proposes 128 parking spaces to serve existing and proposed uses. *Testimony of Ms. Wilson; Testimony of Mr. Bissen; CCC 20.44.030.*
6. In addition to the new gymnasium, the Applicant proposes several other site improvements. They include the construction of a new drainfield system and water tank

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<sup>1</sup> The legal description of the property is a portion of Section 2, Township 18 North, Range 3 East, W.M.; known as Tax Parcel No. 09260029000. *Exhibit 1, Staff Report, page 1; Exhibit 1, Attachment b.*

improvements; and a new parking and a fire lane that will serve the perimeter of the buildings. Water to the site will be from an existing well located on the subject property. Adequate access to the project site will be off Steamboat Island Road and 33<sup>rd</sup> Avenue NW. There will be no impact it traffic in the area. *Staff Report, page 2; Testimony of Ms. Wilson; Testimony of Mr. Bissen.*

7. The proposal supports several policies as stated in the Thurston County Comprehensive Plan. It is consistent with the plan which encourages school facilities to be primarily developed in urban growth areas, unless rural locations are necessary to serve existing school populations. *CCC 31.02.285.* The Plan also encourages the type of proposed landscaping which will buffer noise between non-residential and residential land uses. *CCC 31.02.320.* The Capital Facilities element of the Comprehensive Plan supports the availability of public facilities such as schools. It also encourages development where adequate public facilities already exist or can be provided in an efficient manner. *CCC 31.02.820.*
8. Pursuant to the State Environmental Policy Act (RCW 43.21C) Thurston County was designated as the lead agency for the environmental review of the proposed project. The County issued a SEPA Mitigated Determination of Nonsignificance on May 1, 2003. The MDNS includes seven conditions that relate to drainage, stormwater runoff, wastewater treatment, potable water and landscaping. There were no appeals of the MDNS. *Exhibit 1, Attachment h.*<sup>2</sup>
9. The Applicant's proposal was submitted to Thurston County agencies for review and comment. The Public Health and Social Services Department submitted comments dated May 12, 2003 that sewage disposal and water availability and quality can be satisfied to County Standards. *Testimony of Mr. Duvall.* The Roads and Transportation Services Department in its submitted comments dated May 29, 2003 determined that the proposed drainage on site must conform to the 1994 Thurston County Drainage Design & Erosion Control Manual. *Exhibit 2.* The Department of Water and Waste Management submitted comments dated May 20, 2003 that accepted the infiltration and stormwater runoff as proposed. *Exhibit 1, Attachments i, j.*
10. A citizen (Mr. Haller) submitted written comments relating to the proposal that addressed potential impacts to abutting property from stormwater and wastewater runoff.

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1. <sup>2</sup> On May 29, 2003 the Thurston County Roads and Transportation Services submitted written comments that referred to the MDNS. The Department recommended 13 conditions of approval for the proposal. *Exhibit 2, Agency Comments.* Because the SEPA appeal period had run these comments were and conditions were considered in the permit review of the request. On May 19, 2003 the Department of Ecology also submitted written comments that referred to the MDNS. The comments addressed sewage disposal and the quantity and quality of water on the subject property and are considered in the permit process. . *Exhibit 1, Attachment l.* These departments are reminded that SEPA deadlines for comments and appeals should be adhered to.

Specifically, the citizen expressed concern that stormwater and wastewater would infiltrate the soil and affect his wells and septic systems located to the north of the project site. *Exhibit 1, Attachment k*. At the hearing the Applicant indicated that there will be no intrusion of storm water or sewage within the required radius of Mr. Haller's well. *Testimony of Mr. Bissen*.

11. In addition to his above referred to written comments, Mr. Haller testified at the June 2, 2003 public hearing that existing utilities are inadequate to serve the proposed increase in student population. The Applicant responded that it would retrofit the existing school facilities to accommodate the proposed growth and comply with state and local regulations. *Testimony of Mr. Haller; Testimony of Mr. Bissen*.
12. The County provided proper notice of the public hearing. It mailed notice to property owners within 500 feet and published notice in The Olympian on May 23, 2003. *Exhibit 1, Staff Report, page 2; Attachment a*.

## **CONCLUSIONS**

### **Jurisdiction**

The Hearing Examiner has jurisdiction to decide this Special Use Permit application under Section 20.54.015 of the Thurston County Code, and Sections 35.63.130 and 36.70.970 of the Revised Code of Washington.

Pursuant to TCC 20.54.050, the Hearing Examiner is authorized to impose such additional conditions, safeguards and restrictions upon the proposed use as it may deem necessary in the public interest.

### **Criteria for Review**

In order to grant a Special Use Permit, the Hearing Examiner must find that the application satisfies both general standards and use-specific standards applicable to the application. *TCC 20.54.020; TCC 20.54.040; TCC 20.54.070*. Those standards constitute criteria for the Hearing Examiner's decision, and are as follows:

### **General Standards**

1. "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." *TCC 20.54.040(1)*.
2. "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." *TCC 20.54.040(2)*.

3. “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 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 the adverse effects 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 of approval, the proposed use at the specified location would comply with the Thurston County Comprehensive Plan and all applicable federal, state, regional, and Thurston County laws or plans.** The existing school buildings have been used for educational purposes for residents of Thurston County for over half a century. While residents have relied on the existing facilities, improvements to the facilities and new construction are necessary for the school to serve its function. The site is within a RRR 1/5 zone and is allowed upon review and approval of a SUPT. The Applicant has met its burden of proving that the proposal complies with the Thurston County Comprehensive Plan and all applicable federal, state, regional, and Thurston County laws or plans. *Findings of Facts Nos. 2-12.*
2. **With conditions of approval, the proposed use would comply with the general purposes and intent of the applicable zoning district regulations and subarea plans. Open space, lot, setback and bulk requirements would be no less than that specified for the zoning district in which the proposed use is located unless specifically provided otherwise in this chapter. The proposed school building would comply with zoning requirements in the RRR 1/5 zone.** Because the improvements will be constructed on existing school grounds, many of the infrastructural features of the subject property will be retained or improved. Modifications and new construction will be in accordance with zoning code regulations. The proposed landscaping will provide safety and separation between different uses, and will maintain aesthetic qualities of the community. The proposal will contain appropriate parking and fire access, as well as all necessary utilities. All utility service to the site will satisfy Thurston County requirements. *Findings of Facts Nos. 2-12.*

3. **With conditions of approval, the proposed special use is appropriate in the location for which it is proposed.**
  - a. **With conditions of approval, the proposed use would not result in substantial or undue adverse effects on adjacent property, neighborhood character, natural environment, traffic conditions, parking, public property or facilities, or other matters affecting the public health, safety and welfare.** The proposed modifications will improve the existing school facilities to accommodate existing growth in our region and the required utilities will meet current standards. The Applicant will mitigate impacts to surrounding land uses through appropriate landscaping. The proposed modifications will be beneficial to the Thurston County Community. *Findings of Facts Nos. 1, 4, 5, 6, 8, and 9.*
  - b. **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.**

### DECISION

Based upon the preceding Findings and Conclusions, the request for approval of a Special Use Permit to modernize, improve, and add classrooms and administrative space to the existing 12.5-acre Griffin Middle School site located at 6530 33<sup>rd</sup> Avenue NW in Thurston County, WA is **GRANTED**, with conditions.

- A. Prior to or in conjunction with the issuance of any building permits, all regulations and requirements of the Thurston County Environmental Health Department, (Attachment i) Thurston County Roads and Transportation Services Department (Exhibit 2), Thurston County Development Services Department, and Thurston County Fire Marshall shall be met.
- B. Landscaping and screening shall include a minimum 5 foot wide landscaping strip along the public right-of-way and adjacent to the residentially zoned property to the north and west, as shown in the landscaping plan. The landscaping required along the public right-of-way and along the property lines shall be installed, inspected, and approved prior to issuance of a final occupancy permit.
- C. 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.
- D. The site shall be maintained in a neat and orderly manner at all times.

- E. Parking lot design shall conform to the requirements of TCC 20.44 and the approved site plan.
- F. 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.
- G. Proposed utility work within the Thurston County Right of Way shall conform to the 1999 Thurston County Road Standards and Chapter 13.56 Thurston County Code. These standards do not address specific city design requirements but rather on item such as restoration of the County right of way and traffic control.
- H. The proposed grading or site work shall conform to Appendix 33 of the 1997 Uniform Building Code and 1994 Drainage Design & Erosion Control Manual.
- I. The scope of the project requires that the entire site to be brought up to current drainage standards pursuant to Table 2.1 of the DDECM;
- J. Stormwater runoff from these existing and proposed site improvements require water quality treatment in accordance with the applicable sections of the DDECM;
- K. Due to the redevelopment nature of the proposed project, land area on-site is insufficient to install constructed wetlands, wet ponds, biofilters or filter strips consistent with Section 7.3 Hierarchy of Treatment of the DDECM without significant impact to the project;
- L. Stormwater runoff from a portion of the roadway will be treated and infiltrated on-site as a 'trade of equivalent areas'. This proposed 'trade' allows for uncontrolled discharge from an equivalent sized on-site sub basin (southeasterly portion of site, Basin #7) from which runoff would be difficult to capture and treat cost-effectively, given topography and existing vegetative buffers.
- M. Storm and surface water runoff from the easterly and southerly parking areas cannot effectively be conveyed to on-site constructed wetland, wet pond, or biofilter for water quality treatment due to physical site constraints, topographic limitations and design grades. Runoff from these areas (including the 'equivalent trade areas') will be directed to an appropriately sized Stormwater Management, Inc. treatment device and discharged to a subsurface infiltration gallery located entirely on site.
- N. This infiltration system will remain privately operated and maintained for the express purpose of providing surface and stormwater discharge from the captured areas.



- O. Based on information provided by AHBL, the Owner agrees to install:
1. StormFilter™ system to provide treatment for the westerly and southerly parking areas; and
  2. Catch Basin StormFilter™ for treatment of runoff generated off the northwesterly parking area;

Both manufactured by Stormwater Management of Portland, Oregon, Inc. and for the purpose of providing water quality treatment prior to infiltration;

- P. Based on the information provided by AHBL and prepared by Stormwater Management, Inc., the stormwater treatment devices will provide acceptable levels of water quality treatment, in accordance with the intent of Section 7.3 for this project;
- Q. The stormwater treatment devices shall be located outside of the County Right-of-Way and within an area suitable for the continued operation, maintenance and future replacement by the Owner and their heirs, successors or assigns;
- R. As a condition of approval, the Griffin School shall sign and record an “Agreement to Maintain Stormwater Facilities and Implement a Pollution Source Control Plan”, as provided in Appendix K of the DDECM. This agreement shall specifically delegate to the Owner (heirs, successors or assigns) the responsibility for the proper operation and maintenance of the stormwater treatment device, infiltration system and other related improvements;
- S. As a condition of approval, the Griffin School shall submit for approval an executed contract providing for ongoing operation and maintenance of the stormwater treatment device. Such operation and maintenance contract shall be for a term not less than 2 years, shall be binding on the Owner (heirs, successors or assigns), and shall be consistent with manufacturer’s recommendations;
- T. The installation, operation and maintenance of the stormwater treatment device and other related stormwater improvements will not place a financial responsibility on or demand for additional governmental services provided by Thurston County as designed; and
- U. Any additions, deletions, substitutions, changes or modifications to the contributing drainage area, or the selection of the water quality treatment device shall be subject to additional review and approval by the DDECM Administrator.

Decided this 11<sup>th</sup> day of June 2003.

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James M. Driscoll  
Hearing Examiner for Thurston County

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