



COUNTY COMMISSIONERS

Cathy Wolfe  
 District One  
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 District Two  
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 District Three

**HEARING EXAMINER**

**BEFORE THE HEARING EXAMINER  
 FOR THURSTON COUNTY**

In the Matter of the Application of	)	NO. 2005103095 (Sunrise Beach School)
	)	
<b>Roxanne Cox</b>	)	FINDINGS, CONCLUSIONS
	)	AND DECISION
For a Special Use Permit.	)	
_____	)	

**SUMMARY OF DECISION**

A Special Use Permit to establish a private school within the RRR 1/5 zone is **GRANTED**, subject to conditions.

**SUMMARY OF RECORD**

**Request:**

Roxanne Cox (Applicant) requested a Special Use Permit (SUPT) to establish a private school within the RRR 1/5 zone. The subject property is located at 3548 Old Steamboat Island Road NW, Olympia, Washington, and is identified as Assessor Parcel Number 09260025000.

**Hearing Date:**

An open record hearing on the request was held before the Hearing Examiner of Thurston County on November 20, 2006. The Hearing Examiner left the record open until November 22, 2006 for receipt of information from the Roads and Transportation Services Department.

**Testimony:**

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

- Gayle Zeller, Associate Planner, Development Services Department
- Arthur Saint, P.E., Roads and Transportation Department
- Roxanne Cox
- Jeanne Carr, Attorney
- Fred Brockman
- Rob Hill
- Charlotte Rowe

Jerry Rowe  
Kathy Kerber  
Cheri Steachy

**Exhibits:**

At the open record hearing the following exhibits were admitted into the record:

EXHIBIT 1 Development Services Planning & Environmental Section Report including the following attachments:

Attachment A	Notice of Public Hearing
Attachment B	Zoning Map
Attachment C	Special Use Permit Application, dated June 29, 2005
Attachment D	Site Plan, dated October 30, 2006
Attachment E	Preliminary Drainage Plan Dated March, 2005
Attachment F	Existing Tree Inventory dated October 30, 2006
Attachment G	Mitigated Determination of Nonsignificance, issued October 12, 2006
Attachment H	Arial View of Subject Parcel
Attachment I	Contour Map of Subject Parcel
Attachment J	WAC 173-60-040 and TCC 10.36.040
Attachment K	Attachment H Memorandum from Arthur Saint, Thurston County Roads & Transportation Services, Development Review Section, dated July 5, 2006
Attachment L	January 27, 2006 Level I Traffic Analysis prepared by Perry A. Shea, P.E., Parametrix
Attachment M	Attachment J Memorandum from Laura Welk, Thurston County Public Health and Social Services Department, dated September 7, 2006.
Attachment N	August 25, 2005 Correspondence from Ken Lewis
Attachment O	September 6, 2005 Correspondence from Dan & Kim Cunningham
Attachment P	October 23, 2006 Correspondence from Griffin School District #324
Attachment Q	October 25, 2006 Correspondence from the WDOE
Attachment R	Photos 1 through 10

EXHIBIT 2 Full Size Site Plan

EXHIBIT 3 Full Size Tree Inventory Plan

EXHIBIT 4 Enlarged Drainage Plan

EXHIBIT 5 Floor Plan

EXHIBIT 6 Color Photos of the Site (Same as Exhibit 1, attachment r)

EXHIBIT 7 Photo of Public Notice Posting

EXHIBIT 8 Comment Email from Blair & Barbara Patrick, November 14, 2006

- EXHIBIT 9 Comment Email from Alana Hess, November 15, 2006  
EXHIBIT 10 Comment Letter from Donald Brannam, Griffin School District, November 16, 2006  
EXHIBIT 11 Comment Email from Bob & Marilyn Calkins, November 17, 2006  
EXHIBIT 12 Additional Conditions submitted by staff  
EXHIBIT 13 Memo from Arthur Saint, November 20, 2006

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

### FINDINGS

1. The Applicant requested a SUPT to establish a private school within the RRR 1/5 zone. The subject property is located at 3548 Old Steamboat Island Road NW, Olympia, Washington, and is identified as Assessor Parcel Number 09260025000. *Exhibit 1, Staff Report, pages 1-2; Exhibit 1, Attachments b, c, d, and e.*
  
2. The subject property is zoned Rural Residential Resource – One Dwelling Unit Per Five Acres (RRR 1/5). *Exhibit 1, Staff Report, page 3.* The purpose of the RRR 1/5 zone 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.* Schools are allowed in the RRR 1/5 zone with approval of a SUPT, provided the use complies with the following standards set forth in TCC 20.54.070(1):
  - a. Minimum Site Size – Private Schools: In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area of a private school in excess of four students, shall be determined by the approval authority. The density shall not exceed one hundred students per one acre of ground nor shall there be more than one square foot of floor area to two square feet of ground area.
  - b. Any portion of the site which abuts upon a residential use shall be screened in such a manner as to reduce the noise generated by activities on the school grounds.
  - c. The height of any auditorium or gymnasium shall be set by the approval authority.

*TCC 20.54.070(1).*

3. Sunrise Beach School is a pre-kindergarten through 12<sup>th</sup> grade private school that has been operating since 1990 at a different location. The purpose of the SUPT is to relocate the school to 3548 Old Steamboat Island Road. The project would involve four phases. The first phase would include placement of a 9,200-square-foot, 12.5-foot-tall modular building for classroom, library, and administration purposes; placement of a 2,250-square-foot, 12.5-foot-tall modular building to serve as a covered play area;

construction of the access drive, hammerhead turnaround, and parking area; and installation of above-ground fire flow storage tanks (up to 55,700-gallon capacity). The second phase would include a sports field (175 feet x 120 feet), four tennis courts (120 feet x 240 feet total), a volleyball court (42.5 feet x 72 feet), and a basketball court (60 feet x 104 feet). The third phase would include a combined gymnasium, auditorium, and cafeteria (approximately 5,000 to 10,000 square feet), an extension of the access road, and a hammerhead turnaround. The fourth phase would include a covered horse arena (150 feet x 100 feet).<sup>1</sup> The Applicant anticipates completing all phases within the next ten to fifteen years. The total impervious surface coverage would be 84,000 square feet. *Exhibit 1, Staff Report, page 2; Exhibit 2.*

4. Sunrise Beach School is primarily operated as an extension campus for home-schooled students. The students are required to attend class on campus one hour per week, although some students are on campus longer (approximately 3.5 hours per week) for additional classes and activities. The Sunrise Beach School also offers classroom space for a University of Washington extension class, which meets three mornings a week for an hour and a half, and private tutoring for one hour per week per tutoring student. The total enrollment at the school facility is expected to be approximately 80 students. However, the limited amount of time each student would be on campus, the 80 students would be equivalent to seven full-time students on site. The maximum number of students on site at one time would be 30. *Exhibit 1, Staff Report, pages 2 and 5; Exhibit 1, Attachment l; Testimony of Ms. Cox.*
5. The subject property is 15 acres in area, which exceeds the minimum lot size requirement of the RRR 1/5 zone. *Exhibit 1, Staff Report, page 7.* The student density, based on 80 students, would be 5.3 students per acre of ground. The floor area of the buildings would be approximately 34,200 square feet, or 0.1 square-foot of floor area per two square feet of ground area. *Exhibit 1, Staff Report, page 7; Exhibit 2.*
6. Classes currently start at 9:00 a.m. and end at 3:00 p.m., although students arrive and leave at various times during the day according to their individual class schedules. Private tutoring is available during the late afternoon (3:30 p.m. to 6:30 p.m.) for one hour sessions. *Exhibit 1, Staff Report, page 5; Exhibit 1, Attachment l.*
7. The total number of teacher instruction hours per week is 25.5 hours, which is the equivalent of one full-time teacher. In addition, there is one full-time secretary, one full-time administrator, and occasional parent volunteers. A maximum of eight staff would be on site at any one time. *Exhibit 1, Staff Report, page 5.*
8. Section 20.45.040 of the Thurston County Code (TCC) requires commercial uses to provide a minimum five-foot landscaped buffer strip along all public rights-of-way and adjacent to residential districts or uses. Land uses surrounding the subject property include

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<sup>1</sup> The Proposed Site Plan received November 2, 2006 (Exhibit 2) noted as a fifth phase "Possible Future Modular Classrooms." However, the Hearing Examiner is only reviewing phases one through four. The environmental impact of the future classrooms was not analyzed during the SEPA review process. *Exhibit 2; Exhibit 1, Attachment g (see project description).*

Old Steamboat Island Road to the west, single-family residences on one-and-a-half to eight-acre parcels to the east, single-family residences and undeveloped land to the north, and Griffin Elementary School to the south. The Applicant proposes to place the proposed sports field and tennis courts adjacent to one of the east property lines. County staff recommended that the Applicant provide a Type 1 landscape screen (or a solid wood fence) along the east property lines<sup>2</sup> to mitigate potential lighting and noise impacts associated with those uses. The Proposed Site Plan (Exhibit 2) depicts the landscaping. *Exhibit 1, Staff Report, page 3; Exhibit 2; Exhibit 12.*

9. The northern portion of the subject property is forested with stands of Oregon white oak, fir, and other trees. The Oregon white oak and associated understory must be preserved per the conditions of the Mitigated Determination of Nonsignificance. The Applicant would not do any development within the northern portion of the site and no development in this area would be allowed as part of the SUPT. No additional landscaping is needed in this area of the site. *Exhibits 2 and 3; Exhibit 1, Attachment g.*
10. The Site Plan does not depict any landscaping along Old Steamboat Island Road. Staff recommended as a condition of approval that the Applicant submit a revised landscape plan depicting the screening required by TCC 20.45.040. *Exhibits 2 and 12.*
11. The maximum building height in the RRR 1/5 zone is 35 feet. Staff submitted that the future gymnasium/auditorium would be required to comply with the RRR 1/5 height limitation. *Exhibit 1, Staff Report, page 7.*
12. Access to the school would be from an existing 22-foot-wide paved driveway from Old Steamboat Island Road. The Applicant proposes to extend the driveway to the proposed classroom building and construct a hammerhead turnaround at the end. The driveway extension and turnaround would be surfaced with gravel. *Exhibit 2.* The Thurston County Roads and Transportation Services Department reviewed the submitted project plans and determined that the preliminary requirements of Thurston County Road Standards have been satisfied, and recommended conditional approval of the project. *Exhibit 1, Attachment k.*
13. The Applicant submitted a Level 1 Traffic Impact Analysis (TIA) prepared by a transportation engineer (Exhibit 1, Attachment l). Based on the type of uses on site (including the U.W. extension class), the projected enrollment, the class schedule, the fact that some parents wait while their student is in class, and the fact that some vehicles carry more than one student (siblings), the transportation engineer determined that the school would generate 11 trip ends (i.e., single direction trips) during the AM peak hour and six trip ends during the PM peak hour.<sup>3</sup> *Exhibit 1, Attachment l, page 4.*

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<sup>2</sup> The subject property is pentagonal in shape, and there are two east property lines. Type 1 landscaping would be installed along both. *Exhibit 2.*

<sup>3</sup> Trip generation is often calculated using the multipliers contained in the *Trip Generation* report prepared by the Institute of Transportation Engineers (ITE). Using the ITE multipliers for the land use classification Private School K-12, the proposed use would generate six AM peak hour trips and one PM peak hour trip. The Applicant's

14. At the request of Thurston County, the Applicant's transportation engineer also evaluated the maximum traffic potential of the development, assuming all students would be on campus five days a week as part of a traditional school schedule, considering both the size of the building (9,200 square feet) and the number of students enrolled. Using the building size as the variable, the project would generate a maximum of 33 AM peak hour trips and 7 PM peak hour trips. Using an enrollment of 80 students as a variable, the project would generate a maximum of 63 AM peak hour trips and 14 PM peak hour trips. *Exhibit 1, Attachment 1, pages 4-5.* Per the recommended conditions of SUPT approval, the Applicant would not be allowed to reach the maximum traffic potential without further County review. Recommended Condition No. 19 requires a new SUPT if school operations change from a non-traditional schedule to a traditional schedule with full-time students on campus each day. *Exhibit 1, Staff Report, page 11.*
15. According to the Applicant's TIA, the number of vehicles on site at any one time, including staff vehicles, would be between six and eight vehicles. The Applicant proposes to construct a gravel parking area adjacent to the driveway. Twelve regular parking stalls and one handicapped parking stall would be provided, as well as additional space for overflow parking. *Exhibit 2; Exhibit 1, Attachment 1.*
16. One of the issues raised in public comment on the proposal was the amount of traffic on Old Steamboat Island Road. Old Steamboat Island Road provides access to Griffin Elementary School, which is immediately south of the subject property. Old Steamboat Island Road is a two-lane road with wide, paved shoulders. The posted speed limit is 25 miles per hour. The pavement ends just north of the proposed access to the subject property. Some students attending Griffin Elementary School walk to school, and others are dropped off at locations that require them to walk along or cross the road. The traffic generated by the school and by other nearby uses has resulted in traffic congestion near the school and safety issues for pedestrians. The concern was that the additional traffic generated by the proposed development would exacerbate the problem. Although Mr. Scott Davis of the Traffic Division of the Thurston County Roads and Transportation Services Department has submitted a grant application to construct a sidewalk along both sides of Old Steamboat Island Road along the Griffin Elementary School frontage, he does not expect to hear the results of the application until June of 2007. There are currently no sidewalks on Old Steamboat Island Road. *Testimony of Mr. Hill; Testimony of Ms. Rowe; Exhibit 10; Exhibit 13; Exhibit 1, Attachment p.*
17. Students attending the Sunrise Beach School are driven to school, and at the proposed location would be dropped off at the school building (the building is set back a significant distance from Old Steamboat Island Road). The Applicant intends to schedule classes to avoid Griffin School traffic. *Testimony of Ms. Cox; Testimony of Ms. Carr.*

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transportation engineer used the project-specific analysis described in this Finding to provide a more conservative estimate of the traffic impact of the development. *Exhibit 1, Attachment 1, pages 3-4.*

18. Not all of the traffic to and from Sunrise Beach School would need to pass Griffin School. There is a short road connecting Steamboat Island Road and Old Steamboat Island Road just south of the proposed site access, but north of the Griffin School access. Parents utilizing the road connection would not have to use the portion Old Steamboat Island Road that runs along the Griffin School frontage. *Exhibit 2; Testimony of Ms. Carr.*
19. County Roads and Transportation Services Department staff reviewed the proposed accesses and determined that it is acceptable due to the low traffic generation of the use. In the event the intensity of the use increased to include daily full time students, further traffic analysis would be required. *Testimony of Mr. Saint.*
20. Stormwater runoff from the driveway and parking area would be collected into catch basins, piped to a wetpond for treatment, and infiltrated on site. The wetpond and infiltration pond would be located adjacent to Old Steamboat Island Road. Stormwater runoff from clean impervious surfaces (roofs, tennis courts, and basketball court) would be directed to an infiltration gallery located in the central portion of the site. *Exhibit 1, Staff Report, page 2; Exhibit 1, Attachment e.* The Thurston County Roads and Transportation Services Department reviewed the submitted drainage plan and determined that the preliminary requirements of the Drainage and Erosion Control Manual have been satisfied. The Roads Department recommended conditional approval of the project. *Exhibit 1, Attachment k.*
21. The Applicant proposes to serve the development with a new Group A public water system and an on-site sewage disposal system. A representative from the Thurston County Public Health and Social Services Department visited the site and determined that there is adequate area and suitable soils on site to support a sewage system large enough to serve the use. With respect to water, the Public Health and Social Services Department recommended that the Applicant obtain Department of Health approval of the Group A public water system prior to issuance of building permits or sewage permits. In public comment on the proposal, questions were raised as to the adequacy of the water supply. *Exhibit 1, Staff Report, page 6; Exhibit 1, Attachment m; Exhibits 8 and 11.*
22. One of the issues raised by County staff is the possibility that the sports field would be used for organized athletic activities in addition to those associated with the academic use of the site, such as hosting rival teams or leasing the site to community leagues. Staff recommended that such athletic activities not be allowed as part of this SUPT. At the open record hearing, the Applicant requested the ability to host rival teams; however, no evidence was submitted as to the nature, times, or impact of such events, and staff did not analyze such events during its review of the project. *Exhibit 1, Staff Report, pages 6 and 11; Testimony of Ms. Carr.*
23. Pursuant to the State Environmental Policy Act (SEPA), Thurston County acted as lead agency for review of environmental impacts caused by the proposal. The County issued a Mitigated Determination of Nonsignificance (MDNS) on October 12, 2006. The MDNS requires the Applicant to identify, retain, and preserve the Oregon white oak in the northern portion of the subject property. *Exhibit 1, Attachment g.*

24. Notice of the open record hearing was mailed to properties within 500 feet of the site on November 7, 2006, posted on site on November 9, 2006, and published in *The Olympian* on November 10, 2006. *Exhibit 1, Staff Report, page 3; Exhibit 1, 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 Section 20.54.015 of the Thurston County Code.

### Criteria for Review:

The Hearing Examiner may approve an application for a Special Use Permit only if the standards 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 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.
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:
  - 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 proposal would satisfy the criteria for a SUPT.
  - a. The proposal would be consistent with all applicable laws and plans. The policies of the Thurston County Comprehensive Plan are implemented through the regulations of the Thurston County Code. The proposal would be consistent with these regulations, including the special standards for schools. Adequate site area is proposed for the school, and the 35-foot height limit of the RRR 1/5 zone would be appropriate for the gymnasium/auditorium building. The proposed development was reviewed under the State Environmental Policy Act and an MDNS was issued. A condition requiring compliance with the MDNS is attached to this approval. *Findings Nos. 2, 4, 5, 8, 9, 10, 11 and 23.*
  - b. The proposal would comply with the purposes and intent of the RRR 1/5 zone, and with the special standards applicable to schools, as required by TCC 20.54.070(1). With conditions that restrict the types of athletic events and the lighting of athletic fields, and that require landscaping along the eastern property lines and Old Steamboat Island Road, the use would be compatible with the rural character of the area and with County landscaping requirements. Although the Applicant requested the ability to host certain athletic events, insufficient evidence was presented from which to evaluate such request. With the condition of the MDNS, which requires the Oregon white oak woodland to be preserved, the use would preserve environmentally sensitive areas and would create an open space corridor. The use would not create a demand for urban level services. However, further review of the project would be required if the use changed to a traditional school schedule. The project appears to comply with all RRR 1/5 bulk standards. Building setbacks and heights would be confirmed at the time of building permit issuance. *Findings Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 19, 21, 22, and 23.*
  - c. The proposed use would be appropriate in the location for which it is proposed.
    - i. 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 PROVIDED the intensity of the use remains consistent with the non-traditional school schedule presented in the application materials and the classes are scheduled to not coincide with Griffin Elementary School. Such conditions would ensure that the traffic generated by the development, although relatively light, would not exacerbate existing traffic conditions. *Findings Nos. 12-19.*
    - ii. The use would be adequately served by, and would not impose an undue burden on, utilities. Although questions were raised as to the adequacy of the water supply, these questions would be addressed by the Department of Health during its review. *Finding No. 21.*

## **DECISION**

Based upon the preceding Findings and Conclusions, the request for a Special Use Permit to establish a private school within the RRR 1/5 zone at 3548 Old Steamboat Island Road NW is **GRANTED**, subject to the following conditions:

**The following Environmental Health Code-related conditions shall be satisfied:**

1. Prior to issuance of a building permit for this project, the Applicant shall obtain plan review approval from Thurston County Public Health and Social Services Department Food and Environmental Services Section. A portion of that review and approval process will include approval of the sewage disposal method and system.
2. Prior to issuance of a building permit, an application and on-site sewage disposal system design must be submitted for Environmental Health Department review.
3. Prior to release of any building or sewage system permits for this facility, the Group A public water system must receive final construction approval from the Washington State Department of Health, Office of Drinking Water. Verification of this approval must be submitted to the Thurston County Public Health & Social Services Department.

**The following Roads and Transportation Services Department conditions shall be satisfied prior to permit issuance:**

4. The proposed roadway in concept and design shall conform to the 1999 Thurston County Road Standards.
5. The stormwater management system shall conform to the 1994 Thurston County Drainage Design & Erosion Control Manual and Title 15.05 Thurston County Code.
  - a. For this project this also includes a two-year operation and maintenance agreement and financial security that shall be executed prior to final approval.
  - b. Prior to final approval a maintenance agreement found in Appendix K of the Drainage Design & Erosion Control Manual must be prepared for this project and recorded.
6. 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.
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.
8. 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 1994 Drainage Design & Erosion Control Manual.

9. The approval of the SUPT does not relieve the Applicant of compliance with all other local, state and/or federal approvals, permits, and/or laws necessary to conduct the development activity for which the permit is issued. Any additional permits and/or approvals shall be the responsibility of the Applicant or its successors or assigns.
10. Prior to construction, a complete set of construction drawings and the final drainage and erosion control report shall be submitted to Thurston County for review and acceptance.
11. Prior to construction a pre-construction conference shall be scheduled with Thurston County staff.

**The following Development Services Department conditions shall be satisfied prior to permit issuance:**

12. Lighting shall be designed and shall function in a manner that shields direct light from adjoining streets and properties. Prior to permit issuance, a Lighting Plan shall be submitted and approved by the Development Services Department.
13. This Special Use Permit does not authorize lighting of the recreational and sports fields.
14. Prior to occupancy of the classroom structure, all vegetation shall be installed in compliance with the approved landscape plan. A financial security agreement is required if installation of the plantings cannot occur prior to occupancy due to the timing of the planting season.
15. The Applicant shall maintain all landscape and planting areas in a healthy condition and replace any dead or dying vegetation.
16. No organized school activities or overflow parking shall occur within the drip line of the Oregon White Oak woodland located in the northern portion of the subject parcel.
17. This Special Use Permit does not authorize amplified music or voices for outdoor events or activities.
18. This Special Use Permit does not authorize organized athletic events that are not associated with academic school activities, such as hosting rival teams or leasing the sports fields to community or school leagues. Authorization to conduct such athletic events shall require review and approval of a new or amended Special Use Permit.
19. This Special Use Permit authorizes Sunrise Beach School to operate in a non-traditional school setting as described in the application materials. Should operations change to a traditional school environment with full-time students on campus each day, the Special Use Permit will be suspended and a new Special Use Permit will be required.
20. All development on the site shall be in substantial compliance with Proposed Site Plan submitted November 2, 2006 (Exhibit 2), except as modified by the conditions of this decision. 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.

21. Pursuant to TCC 20.45.040, a revised landscape plan must be submitted showing a minimum five-foot landscaped buffer strip running parallel to Old Steamboat Island Road, NW. The buffer strip shall be any combination of trees, live groundcovers, shrubs, earthen berms, and other landscape features; provided that the resultant effect is to provide partial screening and to soften the appearance of parking lots and structures. Some visibility into parking lots from public rights-of-way is desirable for public safety.
22. Pursuant to TCC 20.45.040, a Type 1 landscape screen along the entirety of the east property line is required, as shown on the proposed site plan. The buffer strip shall contain any combination of trees, live ground covers, shrubs, earthen berms, and other landscape features which will provide a year round sight-obscuring screen within three years. An aesthetically pleasing high solid-wood fence may be substituted for the vegetative screen.
23. The Applicant shall schedule classes so that the start and end times do not coincide with the start or end of the Griffin Elementary School day.
24. The Applicant shall comply with the condition of the October 12, 2006 Mitigated Determination of Nonsignificance.

Decided this 11<sup>th</sup> day of December 2006.

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James M. Driscoll  
Hearing Examiner for Thurston County