



Cathy Wolfe
 District One
 Diane Oberquell
 District Two
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 District Three

HEARING EXAMINER

**BEFORE THE HEARING EXAMINER
 FOR THURSTON COUNTY**

In the Matter of the Application of)	PROJECT NO. 2005105426
)	SEQUENCE NO. 05-117898 ZM
)	
Yelm Community Schools)	FINDINGS, CONCLUSIONS
(Lackamas School))	AND DECISION
)	
For Approval of an amendment of)	
Special Use Permit. #2004105509)	
_____)	

SUMMARY OF DECISION

An amendment to Special Use Permit #2004105509 is granted to add four (4) double-wide portable classroom buildings (two after approval of the Special Use Permit Amendment and two for placement in the future) and to convert the existing single-family residence to accommodate offices for the school for a total of 484 occupants (including students and staff) on property at 16240 Bald Hill Road Southeast, Yelm Washington.

SUMMARY OF RECORD

Request

On June 17, 2005 the Yelm Community Schools (Applicant) was granted approval of a Special Use Permit (SUPT) to remodel an existing school, the Lakamas School, and its gymnasium on property located within a Rural Residential/Resource 1/5 zoning district at 16240 Bald Hill Road SE in Thurston County, Washington. The Applicant has requested an amendment to the SUPT to add four (4) double-wide portable classroom buildings (two after approval of the Special Use Permit Amendment and two future placements) and to convert an existing single-family residence into school offices. The amendment to the SUPT would allow the school to operated with a total of 484 occupants (including students and staff)

Hearing Date

An open hearing on the request was held before the Hearing Examiner of Thurston County on July 10, 2006.

Testimony:

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

Kim Pawlawski, Associate Planner
Bala Ramaya, Development Review
Erling Berklin, Yelm School District
Trent Lougheed, Applicant Representative

Exhibits:

The following exhibits were admitted at the open record hearing:

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 November 9, 2005
- Attachment d Narrative Summary from Jerome W. Morrissette & Associates, dated November 9, 2005
- Attachment e Site Plan, dated November 2, 2005
- Attachment f Determination of Nonsignificance, issued June 15, 2006
- Attachment g Memorandum from John Ward, Thurston County Public Health & Social Services Department, dated June 20, 2006
- Attachment h Memorandum from Bala Ramaya, Thurston County Roads & Transportation Services Department, dated February 28, 2006
- Attachment i Photos of Subject Property, dated June 16, 2006
- Attachment j Letter from Washington State Department of Ecology, dated February 13, 2006
- Attachment k Letter from Shanna Stevenson, Thurston Regional Planning Council – Historic Commission, dated December 16, 2005
- Attachment l Email from Steven W. Morrison, Thurston Regional Planning Council – Historic Commission, dated February 9, 2006

EXHIBIT 2 SUPT Decision #2004105509

EXHIBIT 3 Enlarged Site Plan

EXHIBIT 4 Color Photos of Site, taken July 6, 2006

EXHIBIT 5 Memo from Scott Davis, Roads and Transportation, concerning condition B1

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

FINDINGS

1. On June 17, 2005 the Yelm Community Schools (Applicant) was granted approval of a Special Use Permit (SUPT) to remodel an existing school, the Lakamas School, and its gymnasium on property located within a Rural Residential/Resource 1/5 zoning district at 16240 Bald Hill Road SE in Thurston County, Washington. The Applicant has requested an amendment to the SUPT to add four (4) double-wide portable classroom buildings (two immediately after approval of the Special Use Permit Amendment and two future placements) and to convert an existing single-family residence into school offices. The amendment of the SUPT would allow the school to operate with a total of 484 occupants (including students and staff)¹. With the additional classroom buildings there would be ten portable classroom buildings in addition to the 3 existing stick-built structures. *Exhibit 1, Staff Report: Testimony of Mr. Trent*
2. The subject property is approximately 7.37 acres in size and is located at 16240 Bald Hill Road SE in Thurston County, Washington.² *Exhibit 1, Staff Report, pages 1-2; Attachment and Attachment d.*

¹ The Applicant original request for a SUPT was to remodel an existing school building and gymnasium in order to operate it as a public school serving kindergarten to fourth grade students. At the time the Applicant proposed remodeling the existing buildings to bring them into compliance with the Americans with Disabilities Act (ADA) and life safety standards. A remodel of a gymnasium was also proposed and heating, ventilation, water, and on-site sewage systems were to be renovated and/or upgraded. In the same application the Applicant also sought to place four portable classrooms on the northeast portion of the site; to construct a new 54-stall parking lot and the possibility of addition two additional portable classrooms and a covered play area in the future.

² The legal description of the property is Parcel A of BLA 04 102600 TC; known as Tax Parcel No. 22624440000. *Exhibit 1, Staff Report, page 1; Exhibit 1, Attachment b.* The County's staff report denotes the address as 16240 Bald Hill Road SE. Some documentation (*Exhibit 1, attachment b, attachment e, attachment g, attachment m; Exhibit 2*) note the property's physical address as 16312 Bald Hill Road SE. However, per the Thurston County Tax Assessor's records, the correct address for Tax Parcel No. 22624440000 is 16240 Bald Hill Road SE

3. The Applicant operates the school five days per week during normal school hours. The present proposal of the Applicant is to renovate and update the existing single-family residence on site and to add a maximum of four portable classroom buildings. According to the Applicant with the proposed addition the student enrollment and staff would result in 484 people being on site. *Exhibit 1, Staff Report; Testimony of Ms.Pawlowski.*
4. The subject property is mostly level. The predominant vegetation is field grass. There are twelve large conifer trees located throughout the parcel. Four of these trees would have to be removed to accommodate construction. There are no mapped critical areas on or adjacent to the site. *Exhibit 2; Finding No. 3*
5. The subject property is located in a Rural Residential/Resource– One Dwelling Unit per Five Acres (RRR 1/5) zoning district and is designated as rural under Thurston County’s Comprehensive Plan. Academic schools are permitted uses in the RRR 1/5 district subject to approval of a SUPT. Surrounding land use includes single-family residences on large lots, undeveloped and forested lands, and the Bald Hills Fire Station directly in front of the school property. The Amended SUPT would be consistent with the standards and requirements of the RRR 1/5 zone. *Exhibit 2, Finding #4; Exhibit 1, Staff Report, Page 2.*
6. Although the school building was operated as a public school until 1946 the existing structures were constructed in the early 1900s. Since the 1990’s, the building has been utilized for various community and private functions and underwent a full restoration in the late 1980s. Pursuant to TCC 20.56.010, uses that are not in conformance with the zoning code at time of adoption of the code may continue unless vacated. A nonconforming use shall be considered vacated if the use has not been maintained in the manner which is customary for the use for a period of three (3) years. *TCC 20.56.040.* The Lackamas School has not been utilized as a school since 1946 and therefore a SUPT is required to operate the structure as a school. *Exhibit 1, Staff Report, page 2; Exhibit 1, attachment d; TCC 20.56.* The proposed development is acceptable to the Superintendent of Yelm Community Schools.
7. Requirements for off-street parking are established for property in Thurston County in TCC chapter 20.44. The ordinance establishes parking for schools as being 1 required parking space for each classroom and office. As a condition of approval the SUPT required 11 parking spaces. The proposed amendment identifies an additional 8 classrooms and 2 offices. The improvements of the amended SUPT would necessitate 21 parking spaces being required. The SUPT called for 50 parking spaces (48 regular stalls and two handicap parking stalls) and 4 bus parking stalls. These same parking spaces remain available. *Exhibit 1, Staff Report, Page 3; Exhibit 2; Exhibit 1, Attachment; Testimony of Mr. Trent*

8. All landscaping requirements of TCC 20.45.040 were addressed in the original Special Use Permit. *Exhibit 1, Page 3*
9. In its analysis of the request the County Staff also considered the projected noise to be generated by the students. According to the County Staff, because of the relatively small number of students and the limited times they are outside, the additional students generated by the proposed expansion will not cause substantial or undue adverse impacts to the adjacent properties and residences. *Exhibit 1 Staff Report, Page 4*
10. The Development Review division of the Thurston County Roads & Transportation Services Department reviewed the request for the amended SUPT and determined that the existing stormwater facilities at the site will adequately address the additional runoff from the 4 proposed portable classroom buildings. *Exhibit 1, attachment h; Testimony of Mr. Ramaya*
11. As part of the SUPT issued in 2005 the Applicant constructed a Group A public water system and on-site septic system. The Environmental Health section of the Thurston County Public Health and Social Services Department reviewed the proposed amendment and determined that the existing water and septic systems would adequately serve the two immediate proposed portable classroom buildings and offices. The Department did however state that applications are submitted for the other two additional portable classroom buildings, a further review would have to be conducted to examine capacity and potential upgrades to all systems. *Exhibit 1, Attachment g.* The Department also noted that the additional standards for academic schools as set forth in TCC 20.54.070(1) were satisfactorily addressed in the original SUPT.
12. The Development Review section of the Thurston County Roads and Transportation Services Department reviewed the project for access, traffic, and storm water control requirements (Attachment h). In addition to parking review the Development Review staff determined that off-site traffic impacts require the installation of a left turn lane/channelization and illumination according to WSDOT standards on Bald Hills Road SE. The Applicant has submitted this information to the Thurston County Traffic Engineer for review, and is currently awaiting approval of these plans. *Exhibit 1, Staff Report; Exhibit 1, Attachment h.* . Subsequent to the hearing, and pursuant to the instruction of the Hearing Examiner, the Roads Department submitted “because there is public benefit for the Yelm School District and Thurston County to discuss potential partnerships on Bald Hills Road improvements, the installation of the left turn lane and illumination may be deferred for one year from project approval provided the process in section 2.16 of the Thurston County Road Standards is followed.” *Exhibit 5.*

13. As part of the SUPT approval Thurston County issued a SEPA Mitigated Determination of Nonsignificance (MDNS) on April 28, 2005, which became final on May 19, 2005. The MDNS expressly stated several conditions that the Applicant must comply with and such conditions are incorporated in this decision. Washington State Department of Ecology submitted comments pertaining to water quality and the State's recommendations are incorporated in this decision. *Exhibit 2*. For the amendment to the SUPT a Determination of Nonsignificance (DNS) was issued on June 15, 2006. The environmental determination became final on June 29, 2006 and no appeals were filed. *Exhibit 1, Attachment f*.
14. In 1990, the school was placed on the National Register of Historic Places.³ Thurston County Advance Planning and Historic Preservation reviewed the proposal and provided recommendations in order to assure that adequate and appropriate consideration is given to the preservation of the historic qualities for which the school was originally listed. *Exhibit 2*. As part of the instant request the Thurston Regional Planning Commission's Historical Committee reviewed the project pursuant to the Secretary of the Interior Standards for Rehabilitation (the standards generally used for evaluating changes to historic buildings) and did not provide additional conditions for approval. *Exhibit 1, attachments k and l*.
15. The County provided proper notice of the public hearing. Written notice was mailed to property owners within 500 feet and to others who had requested such notice. Notice was posted on the subject property on June 29, 2006. Notice of the public hearing was published in The Olympian on June 30, 2006 at least ten (10) days prior to the hearing. *Exhibit 1, Attachment a*
16. Although notice was properly given no public testimony was received.

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

A. *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:

³ The National Register of Historic Places is an official listing of historically significant sites and properties throughout the country. It is maintained by the National Park Service (U.S. Department of the Interior) and includes districts, sites, buildings, structures, and objects that have been identified and documented as being significant in American history, architecture, archaeology, engineering or culture.

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:
 - 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.

B. Sign, Landscaping & Parking Standards

1. Signs. TCC 20.54.040(5) limits signs for special use projects concerning non-residential proposals to no more than one two-faced sign not to exceed 32 square feet per side.
2. Landscaping. TCC 20.54.070(1)(b) requires any portion of a school site which abuts upon a residential use to be screened in such a manner as to reduce the noise generated by activities on the school grounds.
3. Parking. For education facilities, TCC 20.44 requires a minimum of one (1) parking space for each classroom and office.

C. 20.54.070 Use-Specific Standards

1. For public schools, the minimum site size shall be as required by the Superintendent of Public Instruction.

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 site is zoned for residential development. A public school is permitted within the zone. Thurston County's Comprehensive Plan seeks to provide a liveable and workable community for its residents. Quality education serves those goals. The Thurston County Roads & Transportation Services, the Public Health and Social Service Department, and Historical Committee recommend approval of the project, subject to conditions that will ensure the installation of a new public water supply and on-site sewage system and preservation of the historic nature of the property. New water and sewage systems will meet the Health Department's requirements for a school facility. Existing wells must be decommissioned and the water supply system approved by the State. Conditions of approval are necessary to ensure that adequate potable water and septic disposal will be provided for the safety of the children and the surrounding community. The findings and conclusions as stated in SUPT Decision #2004105509 are applicable to the instant request. *Findings of Fact 4-14.*

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.** No significant increase in size or change in the placement of the existing buildings, which complies with the standards of the underlying zone, is proposed. An amendment to the SUPT #2004105509 which would add four (4) double-wide portable classroom buildings (two after approval of the Special Use Permit Amendment and two future placements) and convert an existing single-family residence into school offices. The amendment to the SUPT would allow the school to operate with a total of 484 occupants (including students and staff). The proposal would comply with the general purposes, requirements and standards of the RRR 1/5 zone. *Findings of Fact 1, 5, 6-14*

3. **As conditioned, the remodeled will preserve the historic nature and character of the property.** The proposal will contain appropriate parking and fire access, as well as all necessary utilities. *Findings of Fact 6*

4. With conditions of approval, the proposed special use is appropriate in the location for which it is proposed.

5. **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.** There will be no substantial or undue adverse effects on surrounding properties. Conditions for the development of the site are designed to mitigate impacts. *Findings of Fact, 8-14*

6. **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.**
7. **The proposed project, with conditions, will meet sign, landscaping and parking requirements.** The Applicant will be required to meet the requirements of TCC 20.54.040(5) and TCC 20.40 for any sign installed for the school. The Applicant's proposal satisfies the off-street parking requirements of TCC 20.44 for educational facilities. Conditions of approval ensure these standards will be met. The Applicant will be required to present a landscaping plan which will buffer
8. **The proposed project, with conditions, will meet use-specific standards for public schools.** The 7.37-acre site meets minimum lot size requirements of the zoning district. The proposed development is acceptable to the Superintendent of Yelm Community Schools. . *Findings of Fact 5 and 6*

DECISION

Based upon the preceding Findings and Conclusions, the request for approval of an amendment of Special Use Permit #2004105509 is granted to add four (4) double-wide portable classroom buildings (two immediately after approval of the Special Use Permit Amendment and two for placement in the future) and to convert the existing single-family residence to accommodate offices for the school for a total of 484 occupants (including students and staff) on property at 16240 Bald Hill Road Southeast, Yelm Washington. The approval is granted subject to the following conditions:

- A. The following requirement of the Environmental Health Division of the Thurston County Public Health & Social Services Department shall be satisfied at the time of building permit application submittal for the two future portable classroom buildings. A detailed wastewater flow analysis and population will also be required at that time to determine if the existing on-site sewage system serving the school has capacity for the flows and population increase that would be generated. If such capacity is not available modifications will be required prior to construction of the future portables.
- B. Prior to final approval, the following requirements of the Thurston County Roads and Transportation Services Department shall be met:
 1. Provide left turn lane/channelization and illumination according to WSDOT standards. Because there is public benefit for the Yelm School District and Thurston County to discuss potential partnerships on Bald Hills Road improvements, the installation of the left turn lane and illumination may be deferred for one year from project approval provided the process in section 2.16 of the Thurston County Road Standards is followed.

2. The stormwater management system shall conform to the 1994 Thurston County Drainage Design & Erosion Control Manual and TCC 15.05. For the instant project, this also includes a two-year operation and maintenance agreement and financial security that shall be executed prior to final approval.
 3. Pursuant to TCC 18.24, the Applicant shall execute an agreement and provide a financial security to assure successful operation of the required improvements (i.e., roads, signage, illumination, etc.) prior to final approval. Improvements not covered by this agreement are water, sewer and stormwater facilities. These are addressed either by separate county ordinance or in the case of water and sewer utilities by the utility purveyor.
 4. Proposed utility work within the Thurston County right-of-way shall conform to the 1999 Thurston County Road Standards and TCC 13.56. These standards do not address specific design requirements but rather focus on items such as restoration of the County right-of-way and traffic control.
 5. The proposed grading or site work shall conform to Appendix J of the International Building Code, TCC 14.37 and the 1994 Drainage Design & Erosion Control Manual.
 6. This approval does not relieve the Applicant from compliance with any other local, state and/or federal requirements for approvals, permits, and/or laws necessary to conduct the development activity for which this Special Use Permit Amendment is issued. All additional permits and/or approvals shall be the responsibility of the Applicant.
- C. 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.
- D. Review has been conducted for this proposal for **484** occupants, including students and staff. If the occupancy of Lackamas School exceeds 484, an amended Special Use Permit application must be submitted to review for the increased number of occupants and the related impact on the infrastructure.

Decided this 17th day of July, 2006.

James M. Driscoll
Hearing Examiner for Thurston County

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Findings, Conclusions & Decision
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Yelm Community Schools – Lakamas School
an amendment to SUPT 2004-105509 under
File number 2005105426