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**HEARING EXAMINER**

**BEFORE THE HEARING EXAMINER  
 FOR THURSTON COUNTY**

In the Matter of the Application of	)	NO. SUPT 2006100765
	)	
	)	
<b>ROCHESTER SCHOOL DISTRICT</b>	)	<b>FINDINGS, CONCLUSIONS    AND DECISION</b>
	)	
	)	<b>SCHOOL CAMPUS MASTER PLAN</b>
For Approval of a Special Use Permit	)	
_____	)	

**SUMMARY OF DECISION**

A Special Use Permit Master Plan for the construction and/or placement of new classroom, recreation, and maintenance facility structures for the combined Rochester School District campus located in Thurston County, Washington is **GRANTED**, subject to conditions.

**SUMMARY OF RECORD**

Request:

The Rochester School District requests approval of a Special Use Permit (SUPT) for its School Campus Master Plan that would provide for the construction and/or placement of 18 portable classrooms, a greenhouse, two covered play sheds, and a maintenance storage shed. Three parcels of land, totaling approximately 77 acres, would be utilized for these facilities and are located within Thurston County at 7710 James Road SW, 7740 James Road SW, and 19800 Carper Road SW, Rochester, Washington.

Hearing Date:

An open hearing on the request was held before the Hearing Examiner of Thurston County on August 7, 2006.

Testimony:

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

1. Robert Smith, Associate Planner, Thurston County Development Services
2. Arthur Saint, Thurston County Roads & Transportation Services
3. John Ward, Thurston County Environmental Services
4. Gary Larson, Applicant's Representative, GALCO Engineering

Exhibits:

The following exhibits were admitted at the open record hearing:

1. Staff Report dated August 7, 2006 with the following attachments:
  - Attachment a: Notice of Public Hearing
  - Attachment b: Zoning and Vicinity Site Map
  - Attachment c: Special Use Permit Application, received February 24, 2006
  - Attachment d: Project Narrative
  - Attachment e: Overall Site Plan
  - Attachment f: Determination of Non-Significance, issued February 22, 2006
  - Attachment g: Agency Comments: Thurston County Public Health & Social Services, dated June 16, 2006
  - Attachment h: Agency Comments: Roads & Transportation, dated July 18, 2006
  - Attachment i: Habitat Management Plan, dated April 18, 2006
2. Future Site Master Plan - Rochester School Campus

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 Rochester School District (Applicant) requests approval of the Rochester School District Master Plan (Master Plan). The Master Plan would encompass the combined Rochester School campus – Rochester High School, Grand Mound Elementary School, and Rochester Primary School – and pertains to three contiguous parcels of land totaling approximately 77 acres. *Exhibit 1, Staff Report, Pages 1-2; Exhibit 1, Attachment C, SUPT Application; Testimony of Mr. Smith.*

2. The three parcels of land that the Applicant seeks to utilize for the Master Plan include Thurston County Tax Parcel Numbers 09410001000, 09340004001, and 09340004002 (Subject Property).<sup>1</sup> The subject property is located at 7710 James Road SW, 7740 James Road SW, and 19800 Carper Road SW in Rochester, Thurston County, Washington *Exhibit 1, Staff Report, Page 2; Exhibit 1, Attachment C, SUPT Application.*
3. The subject property is located within the Rural Residential/Resource – One Dwelling Unit Per Five Acres (RRR 1/5) zoning district. The purpose of the RRR 1/5 zone is to encourage residential development that maintains Thurston 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. Schools are permitted within the RRR 1/5 district subject to approval of a Special Use Permit (SUPT). TCC 20.54.070(1) sets for specific standards for academic schools. *TCC 20.09A.010; TCC 20.09A.025, TCC 20.54; TCC 20.54.065 (Table 1); TCC 20.54.070; Exhibit 1, Staff Report, Page 2; Attachment C, SUPT Application.*
4. The Thurston County Comprehensive Plan supports this proposal. The Comprehensive Plan speaks to the County's vision of providing a wholesome quality of life that includes educational facilities and activities and preserving a healthy environment. *Thurston County Comprehensive Plan.*
5. The subject property is predominantly level and vegetated with field grass. *Exhibit 1, Staff Report, Pages 2-3.*
6. The surrounding community is rural with single-family residences on large lots and pasture land. *Exhibit 1, Staff Report, Page 3.*
7. The Applicant's Capital Facility Plan projects that student population within the school district could increase by as much as 1,000 student over the next five years (through 2011) depending on residential development within Thurston, Lewis, and Grays Harbor Counties. Due to this increased student growth and program space, the Applicant predicts that it will need to develop the proposed facilities over the next 10 years. *Exhibit 1, Staff Report, Page 2; Exhibit 1, Attachment D, Project Narrative.*
8. The proposal encompasses three schools – Rochester High School, Grand Mound Elementary, and Rochester Primary. No changes are proposed to the existing structures. The Applicant's Master Plan proposal would provide for a total increase in building square footage from 202,398 to 241,662 and a total increase

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<sup>1</sup> At the hearing, Mr. Larson noted that the School District is currently consolidating the three parcels into a single parcel.

in paved and/or covered surfaces square footage from 721,294 to 760,558. The Master Plan proposes the following additions:

- Rochester High School: adding a total of 13,568 square feet - five double-wide portable classrooms (1,792 square feet each) and a greenhouse (4,608 square feet)
- Rochester Primary School: adding 11,260 square feet - five double-wide portable classrooms (1,792 square feet each) and a covered playshed (2,330 square feet)
- Ground Mound Elementary School: adding 9,436 square feet - eight single-wide portable classrooms (892 square feet each) and a covered playshed (2,330 square feet)
- Maintenance Facility: adding 5,000 square feet - a storage shed (5,000 square feet)

Although the overall site plan depicts locations of the proposed portable classrooms and structures, the exact placement location of the classrooms has not yet been determined. Placement of the portable classrooms would be based on student capacity and class size reduction. *Exhibit 1, Staff Report, Page 2; Exhibit 1, Attachment D, Project Narrative; Exhibit 2, Enlarged Site Plan; Testimony of Mr. Smith; Testimony of Mr. Larson.*

9. The subject property is served by a Group A public water system and on-site septic systems. *Exhibit 1, Staff Report, Page 5; Exhibit 1, Attachment C, SUPT Application; Exhibit 1, Attachment D, Project Narrative.*
10. The Thurston County Public Health and Social Services Department (Public Health) reviewed the Applicant's proposal and recommended approval, subject to future evaluation of water demand and sewage capacity. Public Health noted that Rochester High and Rochester Primary both have existing on-site septic systems with a designated reserved area while Grand Mound Elementary has two on-site septic systems and designated reserve areas, one of which is partially covered with a gravel parking lot. The impact of increased demand on the subject property's Group A public water system would be evaluated prior to issuance of each building permit as would the impact on sewage daily flow increase. Public Health noted that although the Grand Mound reserve area that is partially covered by a gravel parking lot it can not be considered an adequate reserve area. However, it appears that there is enough room to relocate the reserve north of the parking area without impacting the public water supply. Modifications and impacts to the Group A water system would require State of Washington Department of Health review and approval. *Exhibit 1, Staff Report, Pages 5-6; Exhibit 1, Attachment G, Public Health Comments; Testimony of Mr. Ward.*

11. Rochester High School is accessed from Carper Road. Both Rochester Primary and Grand Mound are accessed from James Road. No new access points are proposed. *Exhibit 1, Staff Report, Page 2; Exhibit 2, Overall Site Plan.*
12. Thurston County Roads & Transportation (Roads & Transportation) reviewed the proposed Master Plan and determined that the preliminary requirements of the 1999 Thurston County Road Standards and 1994 Drainage Design and Erosion Control Manual appear to have been satisfied. Roads & Transportation recommended approval subject to several general and project specific conditions including, but not limited to, road design, utility work, and stormwater management. County Staff determined that due to the phased development of the proposal and the anticipated traffic volume, no traffic impacts are expected. In addition, County Staff determined that the existing stormwater facility is adequate to accommodate any additional surface water runoff. *Exhibit 1, Staff Report, Pages 5-6; Exhibit 1, Attachment H, Roads & Transportation Comments; Testimony of Mr. Saint.*
13. TCC 20.44 sets forth the minimum requirements for parking facilities. TCC 20.44.030(1)(b)(ii)(A) requires that a high school provide one parking space for each classroom and office plus one parking space for each five students. TCC 20.44.030(1)(b)(ii)(C) requires that other types of schools provide one parking space for each classroom and office. Existing parking is: Rochester High – 398 spaces, Grand Mound – 148 spaces, Rochester Primary – 159 spaces.<sup>2</sup> Although the present and future number of classrooms and offices were not submitted into the record, calculations based on the average student population for each schools appears to demonstrate that parking is in excess of the requirements of TCC 20.44.<sup>3</sup> *Exhibit 1, Staff Report, Page 3; Exhibit 1, Attachment D, Project Narrative; Testimony of Mr. Smith.*
14. The RRR 1/5 zoning district restricts the height of structures to 35 feet. The proposed portable classrooms and greenhouse would probably not exceed height restrictions. The heights of the playsheds and maintenance storage facility were not submitted in to the record but it would appear that these structures could be constructed to conform to height standards. *TCC 20.09A.050(3).*
15. Commercial and non-residential structures are required to be setback a minimum of 35 feet from an arterial roadway, 25 feet from a local and/or collector roadway, and 10 feet from a flanking street. A minimum side and rear yard of 10 feet must be provided. All proposed structures would be required to be setback in conformance with the required minimums. *TCC 20.07.030(1); Exhibit 1, Staff Report, Page 4; Exhibit 2, Enlarged Site Plan.*

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<sup>2</sup> Parking spaces included paved parking, gravel overflow, and bus loop overflow. *Exhibit 1, Attachment D, Project Narrative.*

<sup>3</sup> According to the Applicant, the average student population at each school site is: Rochester High – 536 students, Grand Mound Elementary – 497 students, and Rochester Primary – 436 students.  
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16. Landscaping is required in order to provide screening between incompatible land uses, to safeguard privacy, and to protect the aesthetic assets of the community. Commercial uses must have a minimum five-foot landscaped buffer strip along all public rights-of-way or adjacent to a residential district or use. The buffers adjacent to residential uses shall be a combination of trees, live groundcovers, shrubs, earthen berms, and other landscape features which would provide a year round sight-obscuring screen within three years. County Staff determined that the subject property currently maintains landscape that complies with the requirements of TCC 20.45. At the time of placement of portable classrooms, additional landscaping to provide screening and/or aesthetics may be required. *TCC 20.45.010; TCC 20.45.040; Exhibit 1, Staff Report, Page 3; Testimony of Mr. Smith.*
17. Although not noted in the proposal, any additional lighting and signage must comply with TCC 20.40. All signage and lighting shall be designed to maintain and, where possible, enhance traffic and pedestrian safety, property values, and the county's aesthetic character and attractiveness to economic development. *TCC 20.40.010.*
18. Pursuant to Washington's State Environmental Policy Act (SEPA), RCW 43.21C, the Rochester School District acted as lead authority for the identification and review of environmental impacts resulting from the proposed project. Based on this review, the School District determined that the proposal would not have a probable significant adverse impact on the environment and issued a Determination of Non-Significance (DNS) on February 22, 2006. *Exhibit 1, Staff Report, Pages 3 and 5; Attachment F, DNS.*
19. For the past 12 years, the Washington State Department of Fish and Wildlife (WDFW) has monitored an osprey nest site that is located on a light pole between the Rochester High football and track field. Pursuant to TCC 17.15, Table 9, the osprey (*Pandion haliaetus*) is listed as an "important species"<sup>4</sup> in Thurston County. WDFW includes the osprey on its "State Monitored Species" list.<sup>5</sup> TCC 17.15.735 requires a Habitat Management Plan (HMP) which identifies how the development impacts from the proposed project will be addressed and mitigated. WDFW prepared a HMP for the proposed Master Plan which provides that no disturbance, harassment, or damage is allowed to the osprey or the osprey nest and that WDFW must approve development timing restrictions and mitigation measures so as to provide adequate protection for breeding osprey. *Exhibit 1,*

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<sup>4</sup> An "important species" means those state priority species and those local species recognized as such by *TCC 17.15.200(17)*.

<sup>5</sup> State Monitor species are species which although monitored by the WDFW for status and distribution are not listed as endangered, threatened, or sensate. These species are managed by WDFW, as needed, to prevent them from becoming endangered, threatened, or sensitive.

*Staff Report, Page 5; Exhibit 1, Attachment I, HMP; Testimony of Mr. Smith; Testimony of Mr. Larson.*

20. Public Comment, for or against the proposal, was not received by Thurston County. *Exhibit 1, Staff Report, Pages 6.*
21. The County provided proper notice of the public hearing. Written notice of the public hearing was sent to all property owners within 500 feet of the site and notice was published in *The Olympian* on July 28, 2006 at least 10 days prior to the hearing. Notice was posted on-site on July 28, 2006. *Exhibit 1, Staff Report, Page 3; Exhibit 1, Attachment A, Notice of Public Hearing.*
22. County Staff has determined that the proposed school district facilities, as conditioned, are consistent with the Thurston County Comprehensive Plan and the Thurston County Zoning Ordinance. *Exhibit 1, Staff Report, Page 6.*

## **CONCLUSIONS**

### Jurisdiction

The Hearing Examiner has jurisdiction to decide this Special Use Permit application under Section 20.54.015(2) and Chapter 2.06 of the Thurston County Code. Pursuant to TCC 20.54.050, the Hearing Examiner is authorized to impose may impose such additional conditions, safeguards, and restrictions upon the proposed use as may be necessary in the public interest.

### Criteria for Review:

The Hearing Examiner may approve an application for a Special Use Permit only if the following general and use-specific standards set forth in TCC 20.54.040 and TCC 20.54.070, respectively, are satisfied:

### Special Use Permit Criteria:

#### ***TCC 20.54.040 - General Standards (Relevant Portions)***

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 purpose 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.
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.
- b. Services. 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.

**TCC 20.54.070(1) – Specific Standards (Relevant Portions)**

1. Academic Schools.

a. Minimum Site Size.

- i. For Public Schools. Minimum site size shall be as required by the Superintendent of Public Instruction.
- 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.

Conclusions Based on Findings

- 1. **With conditions of approval, the proposed use at the specified location would comply with all applicable federal, state, regional, and Thurston County laws or plans.** The proposed Master Plan, as conditioned, is consistent with the Thurston County Comprehensive Plan, Thurston County Zoning Ordinance, and all other policies and ordinances. Upon approval of a SUPT, a public academic schools is a permitted use within the RRR 1/5 zone. Thurston County’s Comprehensive Plan supports this proposal by allowing the County to accommodated projected growth by providing the quality educational services that would result from improvements proposed by the Applicant with the Master Plan while preserving the natural environment (osprey nesting site). Conditions of approval would require the Applicant to adhere to protection measures of the Osprey HMP. Applicable provisions of the zoning code – setbacks, parking, signage, and landscaping/screening – have all been analyzed and conditions of approval ensure compliance. *Findings of Fact Nos. 1, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22.*
- 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.** The primary intent of the RRR 1/5 zoning district is to encourage development that maintains the county’s rural character. The Applicant’s



proposal, although not essentially rural in character, provides open space within the site, aesthetic landscaping, and serves the adjacent residential uses by providing education facilities. Applicant's proposal would not create demand for urban level services and will be adequately serviced by the proposed Group A water system, on-site sewage, and stormwater facilities. All facilities are subject to future review to ensure compliance with zoning regulations. The proposed site plan, as conditioned, conforms to the RRR 1/5 zoning districts design standards and associated requirements for setbacks, height, landscaping, parking, lighting, and signage. *Findings of Fact Nos. 1, 3, 4, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22.*

3. **With conditions of approval, the proposed special use is appropriate in the location for which it is proposed.** Applicant has proposed to increase the classroom and program facilities square footage of an existing multi-school campus within a rural residential area. Development of the proposal would provide increased educational facilities within both the immediately surrounding community but also in outlying areas. The surrounding area is low-density residential development and the new structures for the facilities will be setback from the property lines. Utilization of an existing school campus for expansion of schools needs is an appropriate location that demonstrates efficient land use management. *Findings of Fact Nos. 1, 2, 3, 4, 6, 7, and 8.*
  - 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.** There would be no substantial or undue adverse effects on surrounding properties. All neighboring properties are similarly zoned and no neighboring property owners have voiced concern over the proposal. Parking would be adequate to serve the proposed Master Plan project. Additional landscaping may be required to screen the proposed project from neighboring properties. Setbacks as required by the TCC would buffer visual impacts and any noise generated by the operation of the facility. Compliance with WAC 173-60 and related nuisance ordinances of the TCC would limit any adverse impacts on neighboring properties from noise generated by the facility. Compliance with the Osprey HMP would ensure protection of the natural environment. Subsequent evaluation of the service capacity of the Group A water system and on-site septic system will protect against adverse impacts to the public health, safety, and welfare. Conformance with all of the RRR 1/5 zoning district design standards, including parking, landscaping, signage, and lighting, will ensure that the proposal will not result in substantial or undue adverse effects on adjacent properties. *Findings of Fact Nos. 1, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18.*
  - 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.** The proposed project would be served by an existing

Group A water system and on-site septic system. No public utility services would be burdened by the proposal. No adverse traffic impacts are anticipated. *Findings of Fact Nos. 9, 10, 11, 12, 13.*

4. **TCC 20.54.070(1) sets forth special approval criteria applicable to the proposed project.** Conditions of approval will require the Applicant to adequately screen adjacent residential uses to limit noise impacts from school activities. Building heights should be review at building permit submittal. *Findings of Fact Nos. 14 and 16.*

### **DECISION**

Based upon the preceding Findings and Conclusions, the Rochester School District's request for approval of a Special Use Permit Master Plan to construct and/or locate up to ten Double-Portable Classrooms, eight Single-Portable Classrooms, two covered play sheds, a greenhouse, and a maintenance storage shed on three contiguous tax parcels located at 7710 James Road SW, 7740 James Road SW, and 19800 Carper Road SW within Thurston County 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 met at the time of building permit application submittal for the two future portable classroom buildings:
  1. Any increase of water demand must be addressed with a Certificate of Water Availability for the Group A water supply for each building prior to building permit issuance.
  2. Evaluation of sewage daily flow increase and demonstration of adequate OSS sizing must be submitted with each building permit application.
  3. All existing conditions at the time of application must be submitted with each the building permit application (structures, primary and reserve drainfield locations, playgrounds, neighboring water sources within 200 feet, etc.).
  4. A portion of the reserve area for the Grand Mound Elementary School is partially covered with gravel and currently being used for a parking lot. This portion can not be considered as an adequate reserve area. The Applicant will consult with Thurston County Environmental Health and Thurston County Development Services to relocate the reserve area north of the parking lot. The new location shall maintain the 100 foot separation from the public water supply
- B. Prior to final approval, the following requirements of the Thurston County Roads and Transportation Services Department shall be met:

1. The proposed roadway in concept and design shall conform to the 1999 Thurston County Road Standards.
  2. The stormwater management system shall conform to the 1994 Thurston County Drainage Design & Erosion Control Manual and Title 15.05 Thurston County Code.
  3. 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, address items such as: restoration of the County right of way and traffic control.
  4. The proposed water and sewer system, and any improvements to these systems, 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.
  5. The proposed grading or site work shall conform to Appendix J of the International Building, Title 14.37 of the Thurston County Code and 1994 Drainage Design & Erosion Control Manual.
  6. This approval does not relieve the Applicant from compliance with all other local, state and/or federal approvals, permits, and/or laws necessary to conduct the development activity for which this permit is issued. This includes, but is not limited to, the Thurston County Zoning Code, Title 20 and Titles 14 (Building/Construction), 15 (Public Works) and 17 (Environment). Any additional permits and/or approvals shall be the responsibility of the Applicant.
  7. 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.
  8. PRIOR to construction, a pre-construction conference shall be scheduled with county staff.
- C. All development must comply with the Osprey Habitat Management Plan prepared by the Washington State Department of Fish and Wildlife and admitted in to the record as Exhibit 1, Attachment I.
- D. Depending on the placement of the proposed portable classrooms, the Applicant may be required to provide additional landscaping to provide for both visual screening and noise buffering from neighboring residential uses. At the time of building permit application, Thurston County Development Services shall determine if additional landscaping is required.

- E. 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 21<sup>st</sup> day of August, 2006.

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Julie K. Ainsworth-Taylor  
Hearing Examiner for Thurston County