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 District One  
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 District Three

**HEARING EXAMINER**

**BEFORE THE HEARING EXAMINER  
 FOR THURSTON COUNTY**

In the Matter of the Application of	)	NO. 2006104643 (South Bay Elementary)
	)	
<b>North Thurston School District</b>	)	<b>FINDINGS, CONCLUSIONS</b>
	)	<b>AND DECISION</b>
For a Special Use Permit.	)	
_____	)	

**SUMMARY OF DECISION**

The request for a Special Use Permit to expand South Bay Elementary School is **GRANTED**, subject to conditions.

**SUMMARY OF RECORD**

Request:

North Thurston School District (Applicant) requested a Special Use Permit (SUPT) to expand South Bay Elementary School, which is located in the RRR 1/5 zone. The project would include remodeling and expanding the existing school building, adding a storage shed to the covered play area, replacing nine portable classrooms with two new modular classroom buildings, updating and expanding the school's water system facilities, and expanding the school's parking facilities. The subject property is located at 3845 Sleater Kinney Road in Thurston County, Washington, and is identified as Assessor Parcel Numbers 11932420800, 11932340200, 11932310500, and 11805210000.

Hearing Date:

An open record hearing on the request was held before the Hearing Examiner of Thurston County on July 2, 2007.

Testimony:

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

Roger Giebelhaus, AICP, Development Services Department  
 Kevin Hughes, Roads and Transportation Department  
 Mike Lavery, North Thurston School District  
 Robert Lindstrom, Architect

Karen Walter, on behalf of her parents Carlun & June Ware  
Jim Carlson  
Surjit Chhabra

Exhibits:

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

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

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|--------------|--|
| Attachment a | Notice of Public Hearing   |
| Attachment b | Special Use Permit Application   |
| Attachment c | Civil Narrative and Supplemental information sheets submitted by Applicant |
| Attachment d | Notice of Application dated January 26, 2007                               |
| Attachment e | Vicinity Map   |
| Attachment f | Site Plan  |
| Attachment g | Landscaping Plan   |
| Attachment h | Reservoir Site Plan  |
| Attachment i | Elevation drawings of Pump House   |
| Attachment j | SEPA Determination of Nonsignificance, October 30, 2006.                   |
| Attachment k | May 31, 2007 letter from John Ward, Environmental Health                   |
| Attachment l | June 7, 2007, memorandum from Kevin Hughes, Development Review Section     |
| Attachment m | Geodata Arial View   |

EXHIBIT 2 Enlarged Site Plans

EXHIBIT 3 Color Photos of Site, including Photo of Public Hearing Posting

EXHIBIT 4 Traffic Impact Analysis, Revised June 2007

EXHIBIT 5 Storm Drainage Report, January 2007, Revised May 2007

EXHIBIT 6 Written Testimony of Carlun & June Ware

EXHIBIT 7 Enlarged Landscape Plan

EXHIBIT 8 Enlarged Architectural Site Plan

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 expand South Bay Elementary School, which is located in the RRR 1/5 zone. The project would include remodeling and expanding the existing school building, adding a storage shed to the covered play area, replacing nine portable classrooms with two new modular classroom buildings, updating and expanding the school's water system facilities, and expanding the school's parking facilities. The subject property is located at 3845 Sleater Kinney Road in Thurston County, Washington, and is identified as Assessor Parcel Numbers 11932420800, 11932340200, 11932310500, and 11805210000. *Exhibit 1, Staff Report, pages 1-2; Exhibit 1, Attachment b; Exhibit 7.*
2. The subject property is zoned Rural Residential Resource – One Dwelling Unit Per Five Acres (RRR 1/5). *Exhibit 1, Staff Report, page 2.* 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.* “Academic Schools” are allowed in the RRR 1/5 zone with approval of a SUPT, subject to the use-specific standards set forth in Section 20.54.070(1) of the Thurston County Code (TCC).<sup>1</sup> *Exhibit 1, Staff Report, page 3.*
3. The subject property is 19.23 acres in area. The site is currently developed with a school building (approximately 41,425 square feet), a parking lot (95 parking stalls and seven curb-side spaces for queuing), a covered play area, nine portable classrooms, two playfields, two septic drainfields, a stormwater detention pond, a well, and water system infrastructure. The school has been operating on the site for 50 years. The Applicant proposes to expand the school building to approximately 46,763 square feet, expand the parking lot to 120 parking stalls and 18 curb-side spaces, construct a storage shed

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<sup>1</sup> The use-specific standards require the minimum site area for a public school to be as required by the Superintendent of Public Instruction, the portion of the school site that abuts a residential use to be screened in such a manner as to reduce the noise generated by activities on the school grounds, and the height of any auditorium or gymnasium to be set by the approval authority. *TCC 20.54.070(1)*. Because this application is for an expansion of an existing school and no new auditorium or gymnasium is proposed, only the landscaping requirement is directly relevant to this review.

adjacent to the covered play area, replace the nine portable classrooms with two modular buildings (12 classrooms) totaling 14,093 square feet, and construct improvements to the water and storm drainage infrastructure and to the site accesses. The new building additions would comply with the building setback standards applicable to development in the RRR 1/5 zone. *Exhibit 1, Staff Report, pages 2 and 4; Exhibit 3; Exhibit 7; Exhibit 1, Attachment c; TCC 20.09A.050; TCC 20.07.030; Testimony of Mr. Laverty.*

4. Surrounding land uses are residential. *Exhibit 1, Staff Report, page 3.*
5. Primary vehicular access to the site is from South Bay Loop NE. The only other access is a driveway from Sleater-Kinney Road, which leads to a gravel parking area next to the playfields in the southern portion of the site. This gated secondary access is used for after-school activities. As part of the expansion project the Applicant proposes to create two new entrances off Sleater-Kinney Road. The northernmost (main) entrance, which would be located approximately 280 feet south of the Sleater-Kinney Road/South Bay Loop NE intersection, would lead directly into the expanded parking area at the front of the school. As recommended in the Applicant's Traffic Impact Analysis (Exhibit 4), the Applicant proposes to construct a right turn pocket on Sleater-Kinney Road at this entrance. The second new entrance would be located between the main entrance and the existing gated driveway. This entrance would be gated for use by emergency vehicles only. The Thurston County Roads & Transportation Services Department has granted a variance from Sections 4.09 and 7.03 of Thurston County Road Standards to allow the proposed intersection spacing, based on a determination that the right turn pocket would mitigate impacts associated with the northern access point, and that no new impacts would be associated with the gated access points.<sup>2</sup> *Exhibit 1, Attachments c and l; Exhibits 4 and 7.*
6. The new main access from Sleater-Kinney Road would improve vehicle circulation on the site by separating car and bus traffic. The existing access off South Bay Loop NE would continue to be used by school buses and School District support vehicles, and would lead to a school bus waiting/turn around area to the west of the school building. Most parents dropping off and picking up students would use the new access from Sleater-Kinney Road. However, due to the close distance between the new site entrance and the South Bay Loop intersection, the small number of parents driving northbound on Sleater-Kinney Road to reach the school would not be allowed to turn left into the Sleater-Kinney Road entrance, and would instead be required to turn left at South Bay Loop and use the old school entrance. Because the number of parents affected by the left turn restriction would be small, the parents' use of the South Bay Loop entrance would not adversely affect the circulation plan. *Exhibit 1, Staff Report, page 5; Exhibit 7; Testimony of Mr. Hughes; Testimony of Mr. Laverty.*

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<sup>2</sup> Sleater-Kinney Road is an arterial street. Section 7.03(A)(1) of Thurston County Road Standards limits access points to one per 500 feet of frontage, taking into account accesses on both sides of the street and on adjoining property. In this case it appears that there would be less than 500 feet between the new emergency access and the existing gated driveway, and between both of the proposed driveways and driveways on the opposite side of the street. *Exhibit 7; Exhibit 1, Attachment m.*

7. The Applicant proposes additional parking on site to alleviate an existing safety problem created when visitors park along the shoulder of Sleater-Kinney Road during special events. However, the existing parking exceeds what is required by the County's parking standards (TCC 20.44). The County determined that only 45 parking stalls are required to comply with the TCC. *Exhibit 1, Staff Report, page 5.*
8. The Applicant submitted a Traffic Impact Analysis for the project (Exhibit 4), which assumed that the expansion would accommodate 75 new students. With the proposed access modifications, the traffic from the additional students generated by the project would have a minimal impact on the Level of Service (LOS)<sup>3</sup> of the intersection of Sleater-Kinney Road and South Bay Loop and on the LOS of the site access intersections, during both the AM peak hour (8:15 to 9:15 a.m.) and the PM peak hour (2:45 to 3:45 p.m.). The LOS of the westbound approach of the Sleater-Kinney Road/South Bay Loop intersection would drop one point (from B to C) during the AM peak hour. At all other locations the LOS would remain the same or improve slightly as a result of the project. All intersection approaches studied in the Traffic Impact Analysis would operate at LOS C or better. *Exhibit 4.*
9. The Thurston County Public Health and Social Services Department determined that the existing onsite sewage disposal system has adequate capacity for the proposed school expansion project without any system upgrades. However, the Applicant has proposed some voluntary upgrades to the septic system. *Exhibit 1, Attachments k and c.*
10. The existing on-site stormwater detention pond does not have sufficient capacity to comply with the County's 1994 Drainage Design and Erosion Control Manual, and it lacks water quality treatment facilities. The Applicant proposes to double the capacity of the existing pond and add a water quality treatment cell. The pond would be sized to comply with the County's maximum release rates for the 2-year and 100-year, 24-hour peak storm events. The treated runoff would be released into the downstream system at a 24-inch culvert in Sleater-Kinney Road, then travel in a southeasterly direction within a drainage swale located on the east side of Sleater-Kinney Road. The runoff from the expanded school is not expected to adversely affect the downstream drainage system, including two wetlands located several hundred feet downstream of the subject property, due to the proposed water quality and capacity improvements. *Exhibit 1, Attachment c; Exhibit 5.*
11. One of the issues raised in public comment on the application related to existing drainage problems along South Bay Loop, at the north end of the site. The roadside ditches on South Bay Loop are shallow, with limited flow capacity. There is a plug two parcels downstream (west) of the site that causes the runoff to pool. In order to mitigate the problem, the Applicant proposes to install a swale along the bus lane in the northwest

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<sup>3</sup> "Level of service (LOS) is a quality measure describing operational conditions within a traffic stream, generally in terms of such service measures as speed and travel time, freedom to maneuver, traffic interruptions, and comfort and convenience. Six LOS are defined for each type of facility that has analysis procedures available. Letters designate each level, from A to F, with LOS A representing the best operating conditions and LOS F the worst." *Exhibit 4, page 17.*

portion of the site to contain peak flows. Overall, the proposed stormwater improvements are expected to improve downstream drainage conditions. *Testimony of Ms. Walter; Testimony of Mr. Chhabra; Testimony of Mr. Carlsen; Testimony of Mr. Laverty; Testimony of Mr. Hughes.*

12. The Applicant proposes to upgrade the school's fire suppression system. There is an existing 30,000-gallon underground water storage tank on the site for fire flow purposes, but the capacity is not adequate to meet current standards (approximately 87,000 gallons). The Applicant proposes to install new water tanks on the site to increase the fire flow storage to approximately 100,000 gallons, and install associated fire suppression infrastructure. The proposed emergency access from Sleater-Kinney Road would allow fire truck access to within 150 feet of all points of the school building. *Exhibit 1, Staff Report, page 2; Exhibit 1, Attachment c; Exhibit 7.*
13. The Applicant proposes to construct a new pump house on an existing landscaped island in the western portion of the site (adjacent to bus waiting area). The pump house would control both the fire suppression and domestic water systems on the site. The domestic water system would include an approximate 6,000-gallon water storage tank. *Exhibit 1, Staff Report, page 2; Exhibit 1, Attachment c; Exhibit 7.*
14. Section 20.45.040 of the Thurston County Code 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. In addition, the use-specific standards applicable to schools (TCC 20.54.070(1)) require that the portion of a school site that abuts a residential use to be screened in such a manner as to reduce the noise generated by activities on the school grounds. The western and southern boundaries of the site are already landscaped with mature trees and shrubs (see Exhibit 1, page 5 and Exhibit 3). The Applicant proposes to install new landscaping along the northern and eastern boundaries of the site (South Bay Loop and Sleater-Kinney Road, respectively), and within the parking lot. The landscaping would include trees and evergreen shrubs. County staff has determined that the submitted Landscape Plan (Exhibit 8) complies with TCC 20.45.040. *Exhibit 1, Staff Report, page 5; Exhibit 8.*
15. Pursuant to the State Environmental Policy Act (SEPA), North Thurston Public Schools No. 3 acted as lead agency for review of environmental impacts caused by the proposal. The School District issued a Determination of Nonsignificance (DNS) on October 30, 2006. The DNS was not appealed. *Exhibit 1, Staff Report, page 6; Exhibit 1, Attachment j.*
16. Notice of the open record hearing was mailed to properties within 500 feet of the site on June 19, 2007, published in The Olympian on June 22, 2007, and posted on site on June 22, 2007. *Exhibit 1, Staff Report, page 3; Exhibit 1, Attachment a; Exhibit 3 (Photo 1).*
17. In public comment on the application, questions were raised as to potential stormwater, water quality, and traffic impacts, and as to the accuracy of the property lines depicted on the Applicant's survey. The stormwater, water quality, and traffic issues are addressed in

Findings 6, 8, 9, 10, and 11. The property line issue is outside of the Hearing Examiner's jurisdiction. *Testimony of Ms. Walter; Testimony of Mr. Chhabra.*

## 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 school use has been in place on the site for 50 years. The proposed improvements would

bring the school into compliance with current fire, health, and storm drainage codes. The Roads and Transportation Department has granted the Applicant a variance from Thurston County Road Standards for the proposed driveway spacing. No probable, significant adverse environmental impacts were identified during the State Environmental Policy Act (SEPA) review of the project. *Findings Nos. 3, 5, 9, 10, 12, 13, and 15.*

- b. The proposal would comply with the purposes and intent of the RRR 1/5 zone, and with applicable development standards. The school use is compatible with residential development. The proposed expansion would not affect any environmentally sensitive areas, or create a demand for urban level services. The building additions would comply with required setback standards. The existing vegetation complies with TCC 20.54.070(1). Additional landscaping would be installed consistent with TCC 20.45.040. *Findings Nos. 2, 3, 4, 9, and 14.*
- 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. With respect to effects on adjacent property, the proposed stormwater improvements would improve rather than exacerbate existing downstream conditions. The stormwater improvements would include the site's first water quality treatment facilities. Neighborhood character would not be significantly impacted by the project, which would result in only three new classrooms. With the proposed site circulation improvements, the additional traffic would have minimal impact on the local street system. At most intersection approaches, the LOS would remain the same. Additional parking would be provided on site to reduce street parking during special events. The number of parking spaces would exceed the amount required by the Thurston County Code. New landscaping would be installed along South Bay Loop and Sleater-Kinney Road. The proposed fire system, potable water, septic, and site circulation improvements would enhance the public health, safety, and welfare. *Findings Nos. 5-15, 17.*
  - ii. The use would be adequately served by, and would not impose an undue burden on, utilities. *Findings Nos. 9, 12, and 13..*

### DECISION

Based upon the preceding Findings and Conclusions, the request for a Special Use Permit to expand South Bay Elementary School, including remodeling and expanding the existing school building, adding a storage shed to the covered play area, replacing nine portable classrooms with two new modular classroom buildings, updating and expanding the school's water system facilities, and expanding the school's parking facilities is **GRANTED**, subject to the following 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, Thurston County Roads and Transportation Services Department, Thurston County Development Services Department, and Thurston County Fire Marshall shall be met
- B. The site shall be maintained in a neat and orderly manner at all times.
- C. All development on the site shall be in substantial compliance with the approved site plan and landscape 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.

DEVELOPMENT REVIEW SECTION CONDITIONS:

- D. The proposed roadway improvements in concept and design shall conform to the 1999 Thurston County Road Standards, development guidelines, and approved variances.
- E. Pursuant to Title 18.24 Thurston County Code the developer shall execute an agreement and provide a financial security to assure successful operation of the required improvements 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 the water and sewer utilities by the utility purveyor.
- F. 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 & 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.
- 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.
  - a. Placement of utilities within the County right of way will require a Franchise Agreement with Thurston County pursuant to Title 13.56 TCC. This agreement shall be executed with Thurston County prior to final approval.
  - b. Please note all utilities placed parallel to and within the pavement structure are required to rebuild a minimum of half the road, to include grinding and replacement of a minimum of 0.20' of asphalt concrete pavement.

- H. 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.
- I. 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.
- J. 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. Any additional permits and/or approvals shall be the responsibility of the Applicant.

**PROJECT SPECIFIC CONDITIONS**

- K. In recognition that the plans submitted for preliminary review are construction plans, a final review for construction will be performed immediately after the Hearing Examiner has granted approval. Any additional information and/or required revisions will be requested at that time.
- L. PRIOR to construction, a revised set of construction drawings and final drainage and erosion control report which address the above condition shall be submitted to Thurston County for review and acceptance. Once the plans and report receive construction approval, mylars shall be submitted for the County Engineer's signature. A copy of the signed construction drawings shall be kept onsite during construction.
- M. PRIOR to construction a pre-construction conference shall be scheduled with county staff.

Decided this 17<sup>th</sup> day of July 2007.

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James M. Driscoll  
Thurston County Hearing Examiner