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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. 2006102509 – Littlerock Community
	)	Fellowship Church
<b>Ken Buchanan,</b>	)	FINDINGS, CONCLUSIONS
<b>Littlerock Community Fellowship</b>	)	AND DECISION
	)	
<u>For a Special Use Permit.</u>	)	

**SUMMARY OF DECISION**

A Special Use Permit to establish a 13,000-square-foot church, 111-stall parking lot, and associated stormwater facilities at 11510 Littlerock Road SW is **GRANTED**, subject to conditions.

**SUMMARY OF RECORD**

**Request:**

Ken Buchanan of Littlerock Community Fellowship (Applicant) requested a Special Use Permit (SUP) to establish a 13,000-square-foot church, 111-stall parking lot, and associated stormwater facilities under Rural Residential Resource zoning regulations. The subject property is located at 11510 Littlerock Road SW in Thurston County, Washington.

**Hearing Date:**

An open record hearing on the request was held before the Hearing Examiner of Thurston County on November 19, 2007.

**Testimony:**

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

- Roger Giebelhaus, AICP
- Arthur Saint, P.E., Roads and Transportation Department
- Ken Buchanan
- Brian Ewing, Skillings-Connolly
- Lyle Jones

**Exhibits:**

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

EXHIBIT 1 Development Services Department Staff Report including the following attachments:

- Attachment a Notice of Hearing
- Attachment b Special Use Permit Application, dated March 12, 2004
- Attachment c Zoning Map
- Attachment d Site Plan, Drainage & Erosion Control & Grading plan prepared by Skillings and Connolly, Inc.
- Attachment e Preliminary Landscape, Buffer Enhancement and Lighting Plan, prepared by Skillings and Connolly, Inc.
- Attachment f Aerial View of Property
- Attachment g Photographs of property
- Attachment h Notice of Application, dated August 17, 2007
- Attachment i Mitigated Determination of Non-Significance, dated October 19, 2007
- Attachment j October 2, 2007 Comment Letter from, John Ward, Thurston County Public Health and Social Services Department
- Attachment k September 25, 2007, SEPA Comment Memorandum from Arthur Saint, Thurston County Roads and Transportation Services Department
- Attachment l September 25, 2007, Project Comment Memorandum from Arthur Saint, Thurston County Roads and Transportation Services Department

EXHIBIT 2 Color Photograph of Public Hearing Notice Posting

EXHIBIT 3 Comment email from Charles & Beverly Heebner, November 18, 2007

EXHIBIT 4 Enlarged Drainage, Erosion Control & Grading Plan, June 20, 2007

EXHIBIT 5 Commercial Traffic Generation Worksheet, June 6, 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 an SUP to establish a 13,000-square-foot church, 111-stall parking lot, and associated stormwater facilities under Rural Residential Resource zoning regulations. The subject property is located at 11510 Littlerock Road SW in Thurston County, Washington. *Exhibit 1, Staff Report, pages 1-2; Exhibit 1, Attachment b.*
  
2. The subject property is zoned Rural – One Dwelling Unit per 20 acres. At the time the SUP application was complete (July 6, 2006), the subject property was zoned Rural Residential Resource – One Dwelling Unit per Five Acres (RRR 1/5). The zoning change to Rural 1/20 became effective on August 27, 2007. The instant request is reviewed under the zoning ordinances in place at the time of complete application.<sup>1</sup> *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.* Churches are allowed in the RRR 1/5 zone with approval of a SUP, provided the use complies with the following standards set forth in *TCC 20.54.070(7)*:

#### 7. Churches.

- a. The height limitations of the pertinent use district need not be observed; however, if the height limitation of such use district is exceeded, then each side yard shall be at least equal in width to the height of the building, spires and towers excluded.
- b. Any dwelling located in conjunction with a church shall comply with the provisions governing residential uses of the use district in which it is located.
- c. There shall be suitable landscape screening on any church parking lot adjacent to a public right-of-way. A sight-obscuring landscape screen or aesthetically pleasing high solid fence shall be provided between the church parking lot and any abutting residential use.
- d. Church-sponsored uses requiring special use approval may be reviewed under the original special use application for the church, or as an amendment to an approved special use.

*TCC 20.54.070(7).*

3. The subject property is 6.13 acres that is undeveloped. Surrounding land uses are single-family residential. The Applicant proposes to construct the church in the northeast

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<sup>1</sup> The proposed use is also allowed in the Rural 1/20 zone with approval of a SUP. *Testimony of Mr. Giebelhaus.*

portion of the site, approximately 15 feet from the north side property line and 150 feet from the front property line (Littlerock Road). The side and front yard setback requirements for nonresidential buildings in the RRR 1/5 zone are 10 feet and 25-35 feet, respectively. The height limitation of the RRR 1/5 zone is 35 feet. The Applicant does not propose to exceed the 35-foot height limit. *Exhibit 1, Pages 2 and 4 and Attachments d and f; TCC 20.07.030; TCC 20.09A.050.*

4. No dwelling is proposed on site. *Exhibit 1, Page 5 and Attachment d.*
5. Section 20.45.040 of the Thurston County Code (TCC) requires that commercial uses provide a minimum five-foot landscaped buffer strip along all public rights-of-way and adjacent to residential districts or uses. There is existing vegetation along the subject property's west and northern boundaries and the Applicant proposes to install additional landscaping along the west property boundary (south of the wetland) and along Littlerock Road, which would screen the parking lot and stormwater detention facilities. The Applicant's preliminary landscape plan (*Exhibit 1, Attachment e*) indicates that the landscaping would include rhododendrons. The resident to the north of the subject property requested that any landscaping along the northern boundary not include rhododendrons due to problems with alpacas; however, the preliminary landscape plan does not show landscaping along the northern boundary, except at the property frontage. Per the recommended conditions of SUP approval, the Applicant would be required to supplement the existing vegetation along the north property line as needed to comply with the landscaping ordinance. *Exhibit 1, Staff Report, pages 5-7; Exhibit 1, Attachment e; Testimony of Mr. Jones.*
6. The Applicant does not propose a school or other related use at this time. The church building would be used for Sunday services and for mid-week Bible study and other small group activities. The Site Plan depicts a future building area to the northwest of the church building. Any additional building would require approval of a new or amended SUP. *Testimony of Mr. Buchannan; Testimony of Mr. Giebelhaus.*
7. Based on the trip generation rates established in the Institute of Transportation Engineers Trip General Manual, the proposed church (ITE land use code 560) is expected to generate 8.54 weekday PM peak hour trips. *Exhibit 5.* The County Roads and Transportation Services Department reviewed the trip generation information and determined that no traffic mitigation is required for the development. Littlerock Road has sufficient capacity to carry the traffic generated by the development. *Exhibit 1, Attachment l; Testimony of Mr. Saint.*
8. The northwest portion of the subject property contains a portion of a Category 3 wetland. The Thurston County Critical Areas Ordinance (CAO) requires a 100-foot buffer for Category 3 wetlands when adjacent to high-intensity land uses, but allows the buffer to be averaged. The Applicant proposes minor buffer averaging on the site. The Applicant has submitted a preliminary buffer enhancement plan (*Exhibit 1, Attachment e*) that includes removing Scotch broom from the wetland buffer, and replanting it with Douglas

fir, western red cedar, and native shrubs. The Mitigated Determination of Nonsignificance issued for the proposal requires the Applicant to implement the enhancement plan, fence the perimeter of the buffer, and install wetland buffer signage along the fence line. *TCC 17.15.940; TCC 17.15, Table 10; Exhibit 1, Attachments e and i; Testimony of Mr. Giebelhaus.*

9. Thurston County's off-street parking standards require churches to provide one parking space per three fixed seats, six feet of bench, or 150 square feet of building area. The proposed 13,000-square-foot church is designed to provide seating for 250 people. Based on seating, the church must provide at least 83 parking spaces.<sup>2</sup> The Applicant proposes 111 parking spaces. The parking lot would be gravel; however, the Applicant proposes to pave the parking lot as funds become available. Initially, only the driveway apron from Littlerock Road would be paved. *Exhibit 1, Staff Report, pages 5-6; Exhibit 1, Attachment d; Testimony of Mr. Buchannan; Testimony of Mr. Ewing.*
10. Stormwater runoff from the parking lot would be treated in grass bioswales located around the perimeter of the parking lot and detained in facilities located west of the parking lot. During the dry season, the treated stormwater would enter the ground through a shallow infiltration pond located in the southwest corner of the site. During the wet season, when the seasonal water table is high, the treated stormwater would be metered into the wetland. The facilities would be sized to accommodate the runoff from a completely paved parking lot. *Exhibit 1, Attachment d; Testimony of Mr. Ewing.* 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.*
11. The Applicant proposes to serve the development with a new Group A public water system and an on-site sewage disposal system. The Thurston County Environmental Health Department has approved the proposed well location, which is within the wetland buffer. Per the recommended conditions of SUP approval, the well must be drilled prior to enhancing the wetland buffer, and the well house and other water system components must be installed outside the buffer. *Exhibit 1, Attachments d and j.*
12. The proposed septic drainfields would be located along the north property line, between the church building and Littlerock Road. The drainfields would be located approximately 200 feet from the nearest well, which is located on the adjacent property to the north. The distance would exceed the minimum sanitary control radius for the well, which is 100 feet. *Exhibit 1, Attachments d and f; Testimony of Mr. Giebelhaus; Testimony of Mr. Ewing; Testimony of Mr. Jones.*
13. The Thurston County Environmental Health Department has determined that there is an adequate depth of permeable, unsaturated soils on the site for a properly designed sewage

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<sup>2</sup> Calculating the parking requirement based on building area would yield a similar result – 86 parking spaces.

disposal system, and has approved the preliminary sewage system design. Because portions of the property are located within a Category I Aquifer Recharge Area, the maximum allowed wastewater flow is 900 gallons per acre per day. The proposed design has a maximum peak daily flow of 1,000 gallons, which is 163 gallons per acre. The system would be designed with surge capacity and a timer, and would control dosing so that disposal is spread evenly through the week. The daily application rate would be 400 gallons per day. *Exhibit 1, Attachment j.*

14. The proposal includes an 11-foot-diameter, 55-foot-long above ground water reservoir for fire flow. The tank would lie horizontally rather than vertically. *Exhibit 1, Attachment d; Testimony of Mr. Ewing.*
15. 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 4, 2007. The MDNS contains one condition relating to wetland protection. No comments were submitted during the SEPA comment period ending October 18, 2007. *Exhibit 1, Staff Report, page 3; Exhibit 1, Attachment i.*
16. Notice of the open record hearing was mailed to properties within 500 feet of the site on November 6, 2007, posted on site on November 8, 2007, and published in *The Olympian* and *The Nisqually Valley News* on November 9, 2007. *Exhibit 1, Staff Report, page 2; Exhibit 1, Attachment a; Exhibit 2.* Public comment on the application related to traffic, storm drainage, impervious surfaces, potential accessory uses (such as a school), drinking water quality, and landscaping. *Exhibit 3; Testimony of Mr. Jones.*

## 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 an SUP.
  - 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 churches. The church height would not exceed 35 feet,<sup>3</sup> landscaping would be provided between the church parking lot and abutting residential uses, and between the parking lot and Littlerock Road. No school is proposed as part of the use. The establishment of a school would require approval of a new or amended SUP. The use would be consistent with other applicable County regulations, including those relating to parking and landscaping. The conditions of approval prohibit rhododendrons along the north property boundary. With respect to state regulations, the County reviewed the proposal under the State Environmental Policy Act and issued an MDNS. The MDNS requires implementation of a wetland buffer enhancement plan. *Findings Nos. 2, 3, 4, 5, 6, 8, 9, and 15.*
  - b. The proposal would comply with the purposes and intent of the RRR 1/5 zone, and with the RRR 1/5 regulations. The use is compatible with residential uses, and has been designed to preserve the site's environmentally sensitive areas. The proposed building setbacks and building height would comply with RRR 1/5 standards. Although church buildings are exempt from the building height

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<sup>3</sup> The proposed church location is too close to the north property line for a building height exceeding 35 feet.  
*Finding No. 3.*

limitation with sufficient side yard setbacks, in this case the building height could not exceed 35 feet with the proposed setback from the north property line. A building coverage of up to 60 percent is allowed in the RRR 1/5 zone (see TCC 20.09A.050). The proposed development would not exceed this limitation. *Findings Nos. 1, 2, 3, and 8.*

- 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. The use would generate only a small amount of peak hour traffic. Adequate parking would be provided. The storm drainage system would take into account the seasonal high water table, and would be adequately sized for the proposed impervious surfaces. The septic effluent from the use would be far less than the maximum allowed in critical aquifer recharge areas. The septic drainfields would be located a significant distance from the nearest off-site well. Landscaping would screen the proposed parking lot from Littlerock Road and adjacent residential uses. *Findings Nos. 7, 9, 10, 12, 13, 14, and 16.*
  - ii. The use would be adequately served by, and would not impose an undue burden on, utilities. *Findings Nos. 11, 12, 13, and 14.*

### **DECISION**

Based upon the preceding Findings and Conclusions, the request for a Special Use Permit to establish a 13,000-square-foot church, 111-stall parking lot, and associated stormwater facilities at 11510 Littlerock Road SW is **GRANTED**, subject to the following conditions:

1. Based on the building setbacks proposed, the building height shall not exceed 35 feet from average grade.
2. The east boundary of the site, along Littlerock Road, shall be landscaped consistent with the requirements of Sections 20.45.040 and 20.54.070.6 of the Thurston County Zoning Ordinance. Existing vegetation may be used to satisfy the applicable requirements along the western and northern boundaries; however, the Applicant shall plant additional trees/shrubs as needed to screen the use consistent with the requirements. Rhododendrons shall not be used for landscaping along the northern boundary.
3. All approved landscaping and irrigation must be installed prior to occupancy of the structure. If the time of year is not right for optimum plant survival, the applicant shall provide the County a Letter of Credit covering all costs associated with the landscaping work (materials and labor). The amount of the Letter of Credit shall be 120 percent of the total estimated cost and all landscaping would need to be installed within one-year of final occupancy.

4. Outdoor lighting fixtures shall complement project design and shall be oriented to avoid direct glare onto adjacent properties while providing adequate safety for pedestrians.
5. 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, such as by adding a building in the area marked on the site plan as “future building” or by establishing a school use, 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.
6. Future signage for the proposed Church site will require a building permit and review under the Signs and Lighting Chapter.

Conditions based on Roads & Transportation Services input:

7. The proposed roadway in concept and design shall conform to the 1999 Thurston County Road Standards.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.

13. PRIOR to construction a pre-construction conference shall be scheduled with County staff.

Conditions based on Health Department input:

14. Prior to approval and release of any building or sewage system permits for this facility, a finalized Integrated Pest Management Plan (IPMP) must be developed to the use of chemicals and excessive irrigation for maintenance of landscaped areas on this site.
15. Prior to approval and release of any building permits for the new church facility an on-site sewage system application and full sewage system designs must be submitted with all application and design review fees.
16. Prior to approval of final building occupancy approvals for the new church facilities the new sewage system must be installed and the record drawing (as-built) and designer/engineer certification must be submitted for the new system. The sewage system installation and record drawing must be accepted by this office prior to final building occupancy approval for the new church facilities.
17. Prior to approval and release of building permits for construction, written confirmation of final Group A public water system approval must be received from the Washington State Department of Health. In circumstances where portions of the water system are an integral part of the proposed facility, building permits may be released for construction only based upon written confirmation of water system plan approval (a formal waiver request must be submitted). However in all cases written confirmation of final water system construction approval (installed and construction-certified by as-built by the professional engineer and approved by WSDOH) must be completed prior to approval of final building occupancy and use of the water system.
18. The well site for the new water system is located within a wetland buffer. Per Planning Department requirements the well must be drilled and water system completed before the required re-vegetation or planting may occur in the buffer. Only the well head itself and portions of the water line are allowed in the wetland buffer. The well house and any other water system components must be constructed outside the wetland buffer.

Decided this 10<sup>th</sup> day of December 2007.

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James M. Driscoll  
Thurston County Hearing Examiner