



COUNTY COMMISSIONERS

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 District Two  
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 District Three

**HEARING EXAMINER**

*Creating Solutions for Our Future*

**BEFORE THE HEARING EXAMINER  
 FOR THURSTON COUNTY**

In the Matter of the Application of	)	SUPT NO. 2007104764
	)	
<b>Thomas Evans</b>	)	<b>Church of Jesus Christ of Latter Day</b>
	)	<b>Saints</b>
	)	
For a Special Use Permit	)	FINDINGS, CONCLUSIONS,
	)	AND DECISION
_____	)	

**SUMMARY OF DECISION**

A special use permit for construction of a project at the Yelm LDS Church, 10425 Clark Road SE, Yelm, WA is **GRANTED**, subject to conditions. The approved permit allows construction of a 3,723 square foot class room/office addition to an existing church; expansion of an existing parking lot by 79 parking spaces; and construction of a 12' x 14' detached storage building.

**SUMMARY OF RECORD**

**Request**

Thomas Evans, on behalf of the Yelm LDS Church (Applicant), requests approval of an special use permit (SUPT) for construction of a 3,723 square foot class room/office addition to an existing church; expansion of an existing parking lot by 79 parking spaces; and construction of a 12' x 14' detached storage building at the existing church at 10425 Clark Road SE, Yelm, WA.

**Hearing Date**

The Thurston County Hearing Examiner conducted an open record public hearing on the request on June 16, 2008.

**Testimony**

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

- Tony Kantas, Associate Planner, Development Services Department
- Kevin Hughes, Roads and Transportation Department
- John Ward, Environmental Health Department
- Gary Hochstrasser, H3 Architects, PLLC
- Marky Steepy, KPFF Engineers

## Exhibits

At the open record public 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 November 19, 2007
- Attachment c Project Narrative
- Attachment d Zoning Map
- Attachment e Site Plan
- Attachment f Landscape Plan
- Attachment g Determination of Non-Significance, dated May 6, 2008
- Attachment h April 24, 2008 Comment Letter from, John Ward, Thurston County Public Health and Social Services Department
- Attachment i April 17, 2008 Comment Memorandum from Kevin Hughes, Thurston County Roads and Transportation Services Department
- Attachment j Aerial Photo

EXHIBIT 2 Enlarged Site Plan

EXHIBIT 3 Enlarged Landscape Plan

EXHIBIT 4 Photos of Public Hearing Notice Posting

EXHIBIT 5 June 16, 2008 Memorandum from Kevin Hughes, Roads and Transportation Department containing City of Yelm Road Improvement Conditions

Based upon the record developed at the open record hearing, the Hearing Examiner enters the following Findings and Conclusions.

### **FINDINGS**

1. The Applicant requests approval of a SUPT for construction at the Yelm LDS Church, 10425 Clark Road SE, Yelm, Wa.<sup>1</sup> The SUPT would allow construction of a 3,723 square foot class room/office addition to an existing church; expansion of an existing parking lot by 79 parking spaces; and construction of a 12' x 14' detached storage building. No dwelling is proposed with the church facility. *Exhibit 1, Attachments b and c; Testimony of Mr. Kantas.*
2. The subject property has been used as a church facility since 1975. An addition to the building and increased parking were completed in 1981. *Exhibit 1, attachment c.* There has never been a SUPT issued for the church because at the time of its development such a permit was not required. Growth of the church congregation has occurred. *Exhibit 1, Staff Report, page 4.* The requested SUPT would bring the entire church facility on site into compliance with Thurston County zoning laws. *Testimony of Mr. Kantas.*

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<sup>1</sup> Section 30, Township 17 North, Range 1 West, W.M.; known as Tax Parcel No. 22730210900

3. The subject property is zoned Rural Residential – 1 Unit Per 5 Acres (RR 1/5) and is within the Yelm Urban Growth Area. Churches are permitted within the zoning district with a Special Use Permit and Hearing Examiner approval (TCC 20.54.070(7)). *Testimony of Mr. Kantas.*
4. All of the adjacent properties are zoned for residential uses. The properties directly to the south, west, and east are developed as single-family residential. (An irrigation ditch separates the adjacent single-family development to the west.) There is an undeveloped property on the adjacent north property. Clark Road SE borders the east property line and the City of Yelm borders property on the west. All the adjacent properties to the north, south, and east are within the Yelm Urban Growth Area. *Exhibit 1, Staff Report, page 2; Testimony of Mr. Kantas*
5. The church on site is served with two on-site sewage systems. After construction the existing and proposed structures would be connected to the City of Yelm sanitary sewer system. A letter of sewer availability from the City of Yelm has been provided to Thurston County. The existing on-site sewage systems would be abandoned consistent with the requirements of Article IV of the Thurston County Sanitary Code. Likewise after construction, the existing structure and the addition would be served by the City of Yelm public water system. A letter of water availability from the City of Yelm has been provided to Thurston County. An existing well on site is not used for domestic water service. *Exhibit 1, Staff Report, page 2; Testimony of Mr. Kantas; Exhibit 1, attachment h.*
6. Structures in an RR 1/5 zone are subject to a height limitation of 35 feet (TCC 20.09.040(2)). The height of the addition on the south side of the existing church would be 18-feet from finish grade to the ridge of the roof, with the exception of a portion at 15-feet. The proposed addition would not exceed 35-feet in height. *Exhibit 1, Staff Report, page 4.*
7. The RR 1/5 setback standards (TCC 20.07.030(1)(a)) require a 10-foot side and rear yard setback and a 25-foot front yard setback for all commercial and non-residential uses. The proposed addition would be approximately 25-feet from the south side property line; and the proposed 14'x20' storage building would be 15-feet from the west rear property line. All of the existing building improvements are setback approximately 40-feet from the nearest property line. The parking lot improvements are setback 20-feet from the nearest property line. *1, Staff Report, page 4*
8. A 20-foot sight obscuring landscape buffer around the perimeter of the parking lot and landscape screening along the right-of-way of Clark Road are proposed. The landscaping, as called out in a landscape plan, includes tress, shrubs and groundcover. There would also be landscaping within the parking lot on site and a new lawn (sod) near the new addition is proposed. *Exhibit 1, attachment f, Exhibit 3.*
9. Minimum requirements for landscaping and screening between incompatible land uses (such as those of church and residences) are required to ensure privacy and protect aesthetic assets. The submitted landscape plan is in accordance with TCC 20.45 and

includes a minimum five-foot landscaped buffer strip along the public right-of-way of Clark Road and the adjacent residential use; buffers adjacent to Clark Road that would have certain required plantings; and a retaining wall in the northwest corner of the site that protects a berm adjacent to an irrigation ditch. No signs are to be hung or attached to a vegetative screen. *Exhibit 1, Staff Report, page 5; Exhibit 1, attachment f; Testimony of Mr. Kantas.*

10. TCC 20.44.030 establishes parking requirements for various land uses, including churches. In Thurston County church parking is regulated with a minimum standard of one parking space per three seats or six feet of bench and one space per 150 square feet without fixed seating. For the church on the subject property the parking requirements are calculated as:

352 linear feet of pews (fixed seating)	59 spaces
42 fixed seats (fixed seating)	14 spaces
<u>423 square feet without fixed seating</u>	<u>3 spaces</u>
minimum parking spaces required	77 spaces

The existing parking lot has 104 parking spaces. The proposal is for 96 additional spaces for a total of 200 parking spaces. *Exhibit 1, Staff Report, page 6, Exhibit 2.* The proposed parking plan complies with TCC 20.44.

11. Pursuant to the State Environmental Policy Act, Thurston County acted as lead agency for review of environmental impacts caused by the proposal. The County issued a Determination of Non-Significance (DNS) on May 6, 2008. No appeals were filed. *Exhibit 1, Attachment g*
12. Thurston County Environmental Health Division reviewed the project and recommended approval subject to conditions. *Exhibit 1, Staff Report, page 6; Exhibit 1, Attachment h; Testimony of Mr. Ward.*
13. Thurston County Roads and Transportation Services reviewed the project and recommended approval subject to conditions. A recommended condition of the Department would require a dedication of land for right-of-way for the improvement of Clark Road SE. Improvements would be to Neighborhood Collector standards. *Exhibit 1, attachment i; Testimony of Mr. Hughes.*
14. Written notice of the public hearing was sent to all property owners within 300 feet of the site; notice was published in The Olympian and The Nisqually Valley News on June 6, 2008, at least ten (10) days prior to the hearing; and notice was posted on June 6, 2008. *Exhibit 1, Staff Report, page 2; Exhibit 1, Attachment a;* There was no testimony in opposition to the proposal.
15. The special use requested for the church expansion is appropriate for the proposed location. As set forth in the previous findings it will not result in substantial or undue adverse effects on adjacent property, the neighborhood character, natural environment, traffic conditions, parking, public property or facilities, or other matters affecting the

public health, safety and welfare. 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. *Exhibit 1, Staff Report; Exhibit 1, attachments a-j; Testimony of Mr. Kantas.*

## CONCLUSIONS

### Jurisdiction

The Hearing Examiner has jurisdiction to decide this Special Use Permit application under Sections 2.06.010 and 21.81.040(A) of the Thurston County Code, and Section 36.70.970 of the Revised Code of Washington.

### Criteria and Standards for Review

The Hearing Examiner may approve an application for a Special Use Permit within the Lacey UGA only if the following general standards set forth in TCC 21.87.035 are satisfied:

- A. Plans, Regulations, Laws. The proposed use at the specified location shall comply with the Lacey Joint Plan, and all applicable federal, state, regional, and Thurston County laws or plans.
- B. 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.
- C. 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:
  1. 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. ....
  2. 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. **As conditioned, the proposed use would comply with all known federal, state, regional, and Thurston County laws and regulations, including the requirements of the underlying RR 1/5 zoning district.** Churches are allowed to be developed with a SUPT in an RR 1/5 zone. *Finding of Fact No. 3.* The expansion of church facility would conform to existing zoning laws and regulations and would bring the long time church facility in compliance with zoning laws of Thurston County. *Finding of Fact No. 2.*

2. **As conditioned, the use would be appropriate in the proposed location and would not adversely impact adjacent property, neighborhood character, local utilities or roads, or the public health, safety and welfare.** The subject property has been the location of the church facility for many years. The facility is appropriate in its current location and the expansion would not impact adjacent properties or the neighborhood character. No testimony in opposition was submitted. *Findings of Fact Nos. 2, 4, 9, 13 and 14.* The site will be served by public sewer and water utilities. *Finding of Fact No. 5.* There will be no impact to the public health, safety and welfare.
3. **As conditioned, the use would not impose an undue burden on any of the improvements, facilities, utilities, or services existing or planned to serve the area.** The proposal will not impose an undue burden. Adequate provisions have been made for landscaping the site; providing sufficient parking; screening the parking lot; protecting the irrigation ditch and berm in the northwest corner of the site; compliance with height and setback standards; and providing for public utilities and reducing impacts to ground water and eliminating septic sewage. *Findings of Fact Nos. 4, 5, 6, 7, 8, 9, and 10.*

### DECISION

A Special Use Permit special use permit for construction of a project at the Yelm LDS Church, 10425 Clark Road SE, Yelm, WA is **GRANTED**, subject to conditions. The approved permit allows construction of a 3,723 square foot class room/office addition to an existing church; expansion of an existing parking lot by 96 parking spaces; and construction of a 12' x 14' detached storage building.

The following Thurston County Department of Development Services recommended conditions shall be satisfied:

1. The building height of the expansion structure shall not exceed 35 feet from average grade.
2. All approved landscaping and irrigation must be installed prior to occupancy of the expansion structure. If the time of year is not optimum for plant survival, the Applicant shall provide Thurston County with a Letter of Credit that guarantees all costs associated with the required landscaping work. Costs shall include all materials and labor. The amount of the Letter of Credit shall be 120 percent of the total estimated cost. If the Applicant opts for the Letter of Credit instead of immediately installing the landscaping the delay for the installation shall not exceed six months after the final occupancy is allowed. If such a delay occurs Thurston County may exercise its rights pursuant to the Letter of Credit agreement.
3. All structures shall maintain a minimum setback of 35-feet from the front property line of the site and 10-feet from the side and rear property lines.
4. A landscape maintenance assurance security for one year from the completion of planting the landscape shall be submitted to Thurston County Development Services in order to ensure survival of all required landscaping. The value of the maintenance assurance

security must be equal to at least twenty percent of the replacement cost of the landscape materials.

5. Outdoor lighting fixtures shall complement project design and shall be oriented to avoid direct glare onto adjacent properties while providing adequate safety for pedestrians.
6. All development on the site shall be in substantial compliance with the approved site plan. Any expansion or alteration beyond that approved by the Hearing Examiner will require approval of a new or amended Special Use Permit. The Development Services Department will determine if an amendment or change is substantial to require additional Hearing Examiner review.

The following Thurston County Department Roads and Transportation Department recommended conditions shall be satisfied:

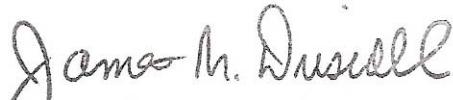
7. The proposed improvements in concept and design shall conform to the 1999 Thurston County Road Standards and development guidelines.
8. Prior to issuance of an occupancy permit and pursuant to Title 18.24 Thurston County Code, the Applicant shall execute an agreement and provide a financial security to assure successful operation of the required improvements. 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.
9. 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.
10. Any 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. In order to meet the requirements of the 1999 Thurston County Road Standards, additional right of way may be required. The Applicant is advised to have its legal representative or surveyor prepare a Quit Claim Deed describing the necessary right-of-way, being a strip of land which when added to the existing right of way totals 28 feet of right-of-way lying east of and abutting the existing centerline of Clark Rd SE. Upon receipt of the information, Thurston County's right-of-way representative will prepare the Quit Claim Deed describing the necessary right-of-way dedication. Please contact the Thurston County Right-of-Way section at 754-4998.

12. 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.
13. 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.
14. Prior to construction, a pre-construction conference shall be scheduled with county staff.

The following Thurston County Department of Health recommended conditions shall be satisfied:

15. Prior to final building occupancy approval for the new buildings Yelm sewer must be extended to the site and all existing buildings must be connected in addition to the new buildings. Written confirmation of final approval for the sewer extension and connection must be received from the City of Yelm.
16. Prior to final building occupancy approval for the new buildings the existing on-site sewage systems must be abandoned per the requirements of Article IV of the Thurston County Sanitary Code. An abandonment permit is required and all abandonment documentation from a licensed septic system pumper must be provided.
17. Prior to final building occupancy approval the existing well on this property must be decommissioned by a licensed well driller per WSDOE standards. A copy of the well drillers decommissioning report (well log) must be provided.

Decided this 18<sup>th</sup> day of June 2008.

  
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James M. Driscoll  
Thurston County Hearing Examiner