



COUNTY COMMISSIONERS

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HEARING EXAMINER

Creating Solutions for Our Future

**BEFORE THE HEARING EXAMINER
FOR THURSTON COUNTY**

In the Matter of the Application of)	
)	
)	SUPT NO. 2007101604
Olympia Central Presbyterian Church)	
)	
)	
For a Special Use Permit)	FINDINGS, CONCLUSIONS, AND DECISION
)	
_____)	

SUMMARY OF DECISION

A special use permit to construct a 21,000 square foot addition to an existing church and to provide 96 additional parking spaces is **GRANTED**, subject to conditions. The property is at 7241 Pacific Ave. SE, Lacey Washington and is in unincorporated Thurston County.

SUMMARY OF RECORD

Request

The Olympia Central Presbyterian Church (Applicant), requests approval of a special use permit (SUPT) to construct a 21,000 square foot addition to an existing church and to provide 96 additional parking spaces on property at 7241 Pacific Ave. SE, Lacey Washington in unincorporated Thurston County.¹

Hearing Date

The Thurston County Hearing Examiner conducted an open record public hearing on the request on January 20, 2009.

Testimony

At the open record public hearing, the following individuals presented testimony under oath:
Tony Kantas, Associate Planner, Development Services Department
Arthur Saint, P.E., Roads and Transportation Department

¹ The property's legal description is: Section 15, Township 18 North, Range 1 West, W.M.; known as Tax Parcel No(s). 48200300000 and 48200200300

Sara Brallier, Environmental Health Department
Craig Matson, Owner Representative
Jerry Morrisette, Owner Representative
Benny Kim, Owner Representative

Exhibits

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

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

Attachment a	Notice of Hearing
Attachment b	Special Use Permit Application, dated April 27, 2007
Attachment c	Design Review Application, dated September 19, 2008
Attachment d	Project Narrative
Attachment e	Zoning Map
Attachment f	Site Plan
Attachment g	Landscape Plan
Attachment h	Design Review Plans
Attachment i	Determination of Non-Significance, dated January 19, 2006
Attachment j	August 12, 2008 Comment Letter from, Sara Brallier, Thurston County Public Health and Social Services Department
Attachment k	January 7, 2008 Comment Memorandum from Arthur Saint, Thurston County Roads and Transportation Services Department
Attachment l	October 1, 2008 Comment Memorandum from Kevin Hughes, Thurston County Roads and Transportation Services Department
Attachment m	Water Availability Letter
Attachment n	Aerial Photo
Attachment o	Photos (8)

EXHIBIT 2 January 10, 2009 Comment email from Joe Cho

EXHIBIT 3 Color Photos of Public Hearing Notice Posting on Site

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 to construct a 21,000 square foot addition to an existing church and to develop 96 additional parking spaces on a 3.97 acre parcel at 7241 Pacific Ave. SE, Lacey Washington, in unincorporated Thurston County. *Exhibit 1, Staff Report; Exhibit 1, attachment b.*
2. The construction would include a detached addition to the existing church, 96 additional parking spaces at the church complex, construction of an internal traffic route, design and installation of a new on-site septic disposal system, and design and installation of an on-site storm water treatment and retention system. The existing 10,000 square foot church

structure would remain and be used for youth services, office space, and a fellowship hall for smaller church gatherings and meetings. With the additional 96 parking spaces the Applicant would have 142 spaces on site. *Exhibit 1, Staff Report, pg. 2.*

3. The subject property is zoned Mixed Use Moderate Density Corridor (MMDC) in which residential uses at a density between eight and twelve units per acre and various types of commercial uses are allowed outright. Churches are allowed in a MMDC Zoning District subject to an SUPT. *Exhibit 1, Staff Report, pg. 2; TCC 21.66.020(B)(1).* The property and other properties in the general vicinity are in the Lacey Urban Growth Area. *Exhibit 1, Staff Report, pg. 3.*
4. The subject property fronts Pacific Avenue on the north boundary and Union Mills Road on the east boundary. Access to the site is off Pacific Avenue. A single-family residential subdivision (Plat of Tanglewilde) is north of the site on the opposite side of Pacific Avenue. A mobile home park is on the adjacent property to the south. An espresso stand, a septic pump company (A+ Septic) and the Faith Lutheran Church are west of the subject property and a single-family residence abuts the property to the east. *Exhibit 1, Staff Report, pg. 2; Testimony of Mr. Kantas.*
5. Pursuant to the RCW 43.21C, the Washington State Environmental Policy Act (SEPA), the County was designated as the lead agency for identifying environmental impacts generated by the proposed development. On November 4, 2008, the County issued a Mitigated Determination of Non-Significance (MDNS). No appeal of the MDNS was filed. *Exhibit 1, Staff Report, pg. 3; Exhibit 1, attachment i.*
6. The subject property is relatively flat and has elevations that range from 184 to 179 feet above sea level. There are no developmental limitations on the site. *Testimony of Mr. Kantas; Exhibit 1, Staff Report.*
7. The subject property is developed with a church that is currently used for services. After construction of the addition the existing church structure will be used for ancillary functions of the church. The two single-family residences currently on site would be demolished and removed. *Testimony of Mr. Kantas; Testimony of Mr. Morrissette; Exhibit 1, Staff Report, pg. 2; Exhibit 1, Attachment j.*
8. The existing church on site was developed pursuant to a SUPT issued in 1992 (SUP 90-11). At the time of approval there were no maximum setback standards. Subsequently, Thurston County adopted maximum setback standards of 15 feet that applied to the subject property. The building on site is a non-conforming structure. *Testimony of Mr. Kantas.*
9. With one exception the existing use as a church is consistent with the development standards of the Thurston County- Lacey Urban Growth Area and the MMDC zoning standards. As noted in Finding 8, that exception is that the existing church structure exceeds the maximum front yard setback of 15-feet (TCC 21.22.060(B)) by approximately 55 feet. The existing building is setback approximately 70-feet from the

- front property along Pacific Avenue. *Testimony of Mr. Kantas; Exhibit 1, Staff Report, pg. 3.* It is the intent of the Applicant to maintain the non-conforming setback standard.
10. The development of the proposed site 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. *Testimony of Mr. Kantas.*
 11. Thurston County Department of Public Health and Social Services (Public Health) submitted comments in an August 12, 2008 memo. The Department determined that the site is currently served by an existing on-site sewage system and approved Group A public water system, identified as the Thurston County PUD Tanglewilde Water System. *Exhibit 1, Attachment j; Testimony of Ms. Brallier.*
 12. The sewage system currently serving the site would be abandoned and a new larger system will be installed. Even though the property is in a mapped urban growth area boundary of the City of Lacey, the County would allow the proposed septic system. This determination was made after the City submitted notice to the County that it is unable to provide sewer service at this time and is unwilling to own or operate the system per the requirements of the Thurston County Sewerage General Plan. To extend sewer main lines to the subject property would be prohibitively expensive. *Exhibit 1, Attachment j; Testimony of Ms. Brallier; Testimony of Mr. Morrisette.*
 13. There are no existing on-site wells identified on the property. No other off-site water supplies were identified within 200 feet of the subject property. A water availability letter from the Tanglewilde Water System was provided Public Health. No new wells would be developed on site. *Exhibit 1, Attachment j; Testimony of Ms. Brallier.*
 14. An integrated pest management plan has been prepared for the site and has been accepted by Public Health. *Exhibit 1, Attachment.*
 15. Thurston County Department of Roads and Transportation (Roads) submitted a memo dated October 1, 2008 and one dated January 7, 2009 setting forth a summary of its review of the project. The County issued a variance from the standards of the Drainage Manual to allow the used of a CONTECH storm filter vault to treat portions of storm water runoff. Roads concluded that the proposal satisfies the requirements as set forth in the County's manual for road standards and erosion. *Exhibit 1, Attachments k and l; Testimony of Mr. Saint.*
 16. A traffic impact analysis was submitted. All off-site traffic impacts were considered by Roads and the City of Lacey. Based on the review it was determined that there would be no traffic impacts to the City or County transportation facilities. *Exhibit 1, attachment l; Testimony of Mr. Saint.*

17. The property has been used as a church for a significant period; however, the church use differs from surrounding uses. As a means of addressing such conflicts, Thurston County requires Type I landscaping be installed to provide a dense sight barrier and physical buffer to provide separation of conflicting uses and land use districts. (see:TCC 21.80.050(B)(1)). *Testimony of Mr. Kantas.*
18. The Applicant submitted a landscape plan prepared by a landscape architect which includes Type I landscaping along the south property line. The property to the south is zoned Low Density Residential. This landscaping will provide sight screening to the mobile home park developed on the LDR site. *Exhibit 1, Staff Report, pg. 4; Exhibit 1, Attachment g.*
19. The County determined that Type IV Landscaping within the parking lot is required for visual relief and shade in parking areas. The landscaping requirements for the parking lot were set forth in the Staff Report. *Testimony of Mr. Kantas; Exhibit 1, Staff Report, pg. 6.* The Applicant did not object to these requirements. *Testimony of Mr. Morrissette; Exhibit 1, Attachment g*
20. The requirements for off-street parking for churches are set forth in TCC Table 21T-13 (TCC 21.72). Churches in Thurston County must have at least one and no more than two parking spaces for four seats at the place of worship. The proposed church has been designed with 350 seats. A minimum of 87 parking spaces and a maximum of 175 parking spaces are required. The Applicant proposed a total of 142 parking stalls. *Exhibit 1, Staff Report, pg.7.* The proposed parking plan complies with TCC 20.44.
21. Written notice of the public hearing was sent to all property owners within 300 feet of the site and notice was published in and The Nisqually Valley News on January 9, 2009, at least ten (10) days prior to the hearing. Notice was posted on January 9, 2009. *Exhibit 1, Attachment a.* No public testimony was submitted. However a letter in opposition was submitted from an adjoining property owner. The opponent submitted that the proposed development would depreciate adjoining property and marketability. The letter did not address criteria for review of SUPTs in Thurston County. *Exhibit 2.*

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 MMDC zoning district. Churches are allowed with a SUPT in an MMDC. *Finding of Fact No. 3.* With the exception of the proposed front setback, the expansion of church facility would conform to existing zoning laws and regulations of Thurston County. While the setback would exceed the maximum setback standard, it would be a continuation of an existing design of the use of the parcel. The setback request is reasonable. *Findings of Fact Nos. 7 and 8*
- 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. 4, 10, 16, 17 and 21.* . The site will be served by a private septic system and water district utilities. *Findings of Fact Nos. 11, 12 and 13.*. 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. Adequate provisions have been made for landscaping the site; providing sufficient parking; screening the parking lot; and providing adequate provision for utilities. *Findings of Fact Nos. 4, 5, 6, 7, 8, 9, and 11-19*
- 4. The landscaping of the site is consistent with the landscaping requirements in Thurston County. *Finding of Facts Nos. 17, 18 and 19*

5. The development of the site as proposed will 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. *Finding of Fact No. 10.* This conclusion is the summation of all stated Findings.

DECISION

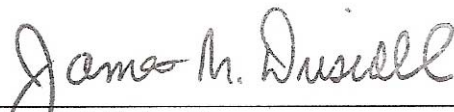
Based on the record developed at the public hearing and the above Findings of Fact and Conclusion an SUPT for construction Permit to construct a 21,000 square foot addition to an existing church and to provide 96 additional parking spaces is **GRANTED**, subject to the conditions listed below. The property is at 7241 Pacific Ave. SE, Lacey Washington and is in unincorporated Thurston County.

1. The building height of the new structure shall not exceed 45 feet from average grade.
2. The landscaping of the site shall be installed consistent with the landscaping plan submitted by the Applicant. All approved and required landscaping and irrigation must be installed prior to any occupancy of the structure. If, as determined by the Department of Community Services, the time of planting is not optimum for plant survival, the Applicant may submit to the County a letter of credit that covers all costs associated with the landscaping work, including but not limited to, materials and labor. The amount of the letter of credit shall be 120 percent of the total estimated cost of all landscaping that is required to be installed prior to final occupancy. All landscaping activity shall be in accordance with TCC 21.80.090.
3. All structures shall have a minimum setback of 10-feet from the side yard and 15-feet from the rear property line. The front yard set back shall not be greater than the existing front yard setback.
4. A landscape *maintenance* assurance device for a period of one year from the completion of planting the landscape shall be submitted to Thurston County Development Services to ensure survival of all required landscaping. The value of the maintenance assurance device must equal at least 20% percent of the replacement cost of the landscape materials (TCC 21.80.080(C)).
5. Pursuant to TCC 21.80.080(B), all landscaping shall be irrigated with an irrigation system designed by one of the following--a licensed landscape architect, a state of Washington-certified nurseryman, a state of Washington certified landscaper or a professional engineer. Prior to building permit issuance, an irrigation plan shall be submitted to and reviewed and approved by the Thurston County Development Services Department.
6. Outdoor lighting fixtures shall be oriented to avoid direct glare onto adjacent properties and rights-of way while providing adequate safety for pedestrians.

7. All development on the site shall be in compliance with the approved site plan. Any expansion or alteration of the site plan that exceeds the activity approved by the Hearing Examiner may require a new or amended Special Use Permit. The Development Services Department will determine if a proposed amendment is substantial enough to require Hearing Examiner approval.
8. The proposed concept and design of the roadway shall conform to the 1999 Thurston County Road Standards and the City of Lacey standards and development guidelines.
9. The stormwater management system for the site shall conform to the 1994 Thurston County Drainage Design and Erosion Control Manual and Title 15.05 Thurston County Code. A two-year operation and maintenance agreement and financial security shall be executed prior to final approval.
10. Any proposed utility work within 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 City of Lacey design requirements and only focus on County right of way and traffic control.
11. All water and sewer 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.
12. 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.
13. Approval of the SUPT does not relieve the Applicant from compliance with all local, state and/or federal approvals, permits, and/or laws necessary to conduct the development activity for which this permit is issued. Approval of any additional permits and/or approvals shall be the responsibility of the Applicant.
14. Prior to construction, the Applicant shall provide complete construction plans for full frontage improvements in accordance with the City of Lacey Department of Public Works Arterial Street Design (DWG. NO. 4-2.2 of the Lacey Development Guidelines). The plans shall incorporate drainage facilities on the project site that are adequate to treat and infiltrate the runoff from the frontage and all tributary areas. Design shall be in accordance with the 1994 Drainage Design & Erosion Control Manual.
15. Prior to approval and release of non-residential building permits for this facility, an On-Site Sewage System Permit Application (OSSA) and full sewage system design must be submitted. The on-sewage system design and permit must receive Environmental Health Department approval prior to approval and release of the building permit.

16. Prior to final building occupancy approvals for this facility, the new sewage system must be installed and the record drawing (as-built) and designer/engineer certification must be submitted and deemed acceptable by Thurston County Department of Public Health and Social Services.
17. Prior to final building occupancy approvals for this facility, all existing on-site sewage systems on this property must be abandoned per the requirements of Article IV of the Thurston County Sanitary Code. Abandonment permits are required for each of the systems to be abandoned. Copies of all abandonment documentation from the licensed septic system septic pumper must be provided. Although abandonment permits are required for each system, there are no fees associated with the abandonment permits because they are part of the special use permit requirements.
18. This project was reviewed with respect to water supply, sewage system, and hazardous materials based on specific information provided by the Applicants and its consultants. Any future changes in the design or construction of the new structure with regard to number of parishioners or proposed activities must be reviewed by Thurston County Environmental Health.

Dated this 23rd day of January, 2009



James M. Driscoll
Thurston County Hearing Examiner