



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) NO. 2008101878 **SUPT**
)
Yelm Crossroads Community Covenant)
Church) FINDINGS, CONCLUSIONS AND
) DECISION
For a Special Use Permit Amendment)

SUMMARY OF DECISION

A Special Use Permit for a two-phased construction of a 40,000 square foot church building (at buildout) and a 7,000 square foot office/meeting room building on 14.24 acres at 11508 Vail Road SE, Yelm, WA. is granted subject to conditions.

SUMMARY OF RECORD

Request

Yelm Crossroads Community Covenant Church (Applicant) requests approval a Special Use Permit (SUPT) to construct a 40,000 square foot church building and a 7,000 square foot office/meeting room building on a 14.24 acre site at 11508 Vail Road SE, Yelm, WA.¹

Hearing Date

The Thurston County Hearing Examiner conducted an open record public hearing on the request on February 16, 2010.

Testimony

At the open record public hearing, the following individuals presented testimony under oath:
Robert Smith, Senior Planner, Resource Stewardship Department
John Ward, Environmental Health Department
Arthur Saint, P.E., Public Works Department
Carl Thomson-Applicant's representative
Casey Buck

¹ The legal description of the property is: Lot 2 of Large Lot Subdivision, Case Number LL-0798; known as Tax Parcel Number 22732110100 in Thurston County, State of Washington.

Exhibits

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

EXHIBIT 1 Resource Stewardship Department Report including the following attachments:

- Attachment a Notice of Public Hearing
- Attachment b Vicinity/Site Map
- Attachment c Special Use Permit Application, received May 15, 2008
- Attachment d Proposed Church Narrative, received December 8, 2009
- Attachment e Site Plan for Full Project, dated September 5, 2009
- Attachment f Site Plan for Phase 1, received December 7, 2009
- Attachment g Landscape Plan, received January 8, 2010
- Attachment h Mitigated Determination of Non Significance, issued December 17, 2009
- Attachment i Memorandum from Arthur Saint, Thurston County Public Works Department, dated February 3, 2010
- Attachment j Letter from Brad Sangston of the Public Health and Social Services Department, dated November 10, 2010

EXHIBIT 2 Photo of Public Hearing Notice Posting

EXHIBIT 3 Enlarged Site Plan Phase One and Phase Two

EXHIBIT 4 Enlarged Site Plan Phase One

EXHIBIT 5 Enlarged Landscape Plan

EXHIBIT 6 Hydrogeological Report

EXHIBIT 7 Architectural Drawing Master Plan

Upon consideration of the testimony and exhibits submitted, the Hearing Examiner enters the following Findings, Conclusions, and Decision:

FINDINGS

1. The Applicant requests approval of an SUPT to construct, at full buildout, a 40,000 square foot church complex and a 7,000 square foot office/meeting room building on a 14.24 acre site at 11508 Vail Road SE, Yelm, WA. The church complex, in the center of

the subject property, would contain a sanctuary/meeting area², lobby, classrooms, offices and a gymnasium. Off street parking would be constructed on all four sides of the church. The office/meeting building would be northwest of the main church building and would have a 29-stall parking lot on the west side. *Exhibit 1, Staff Report, pg. 1 and 2, Exhibit 1, attachment c.*

2. The site would be developed in two phases. *Testimony of Mr. Smith.* Phase 1 would include an 8,350 square foot main single story building and a detached 1,600 square foot Christian education wing. *Exhibit 1, Staff Report, pg. 2; Exhibit 1, attachment f.*³ The main building would include meeting space for 312 people, a lobby, bathrooms, a nursery, a warming kitchen and office space. The education wing, which would be a separate structure and would be part of phase I, would have classrooms and bathrooms. Phase 2 of the development would be constructed within 3 to 5 years and would include classrooms, multipurpose meeting space and a gymnasium. *Exhibit 1, Staff Report, pg. 2; Exhibit 1, attachment f; Testimony of Mr. Smith; Exhibit 1, attachment d.* The Thurston County Resource Stewardship Department (Planning Department) representative recommended that if the SUPT is granted, the term should be five years instead of the standard three years. *Testimony of Mr. Smith.* No dwelling is proposed for the site. *Testimony of Mr. Smith, Testimony of Mr. Thomson; Exhibit 1, Staff Report, pg. 7*
3. The subject property is in rural Thurston County and is zoned Residential LAMIRD – One Dwelling Unit per Two Acre zoning district (RL 1/2). Churches are permitted uses in RL 1/2 zoning districts, but are subject to SUPT review [see: TCC 20.54, Table 1, Number 7]. *Exhibit 1, Staff Report, pg. 2; Testimony of Mr. Smith*
4. The triangular shaped parcel slopes gently towards the north with a small pothole at the northern end of the property. Vegetation on site is predominately grasses with several scattered oak trees. Surrounding land uses include a commercial greenhouse operation and a storage business to the west; rural residences on lots of varying sizes to the north; duplexes and undeveloped lands to the east; and a convenience store and rural residences on lots of varying sizes to the south. *Exhibit 1, Staff Report, pg. 3; Exhibit 1, attachment b.*
5. The site is at an intersection of two arterial roadways (Bald Hills Road SE and Vail Road SE) and is in an area with commercial uses. The main access would be off Bald Hills Road. An emergency access is proposed off Vail Road. There is a convenience store to the south and a nursery and storage business to the west. A church at this location would be consistent with the character for the area. *Exhibit 1, Staff Report pg. 6; Testimony of Mr. Smith; Testimony of Mr. Saint.*

² The church services would be held in the sanctuary/meeting hall. *Testimony of Mr. Thomson*

³ The exact square footage to be developed during phase 1 is confusing. The figure used in the staff report is more precise than the phasing notes as set forth on Exhibit 3—the conceptual grading, paving and utility plan. The phasing description as set forth in the staff report and Mr. Smith’s testimony will be the description used for review of the SUPT.

6. For development of a nonresidential use in an RL1/2 zone, an SUPT is required and specific standards must be satisfied. The specific zoning standards that apply to the application are: a minimum lot width of 100 feet; minimum setbacks from property lines of 35 feet from the front property line and 10 feet from all other property lines; and maximum building coverage of 60%. Based on the proposed design, the proposed project would comply with the listed standards *Exhibit 1, Staff Report pg. 3*.
7. Both of the new buildings would be served by a public water supply system to be developed on site. The Applicant has proposed a new Group B public water system.⁴ There are no existing wells on the property and a new well for the new public water supply system would be located in the northeast corner of the property. *Testimony of Mr. Ward; Exhibit 1, attachment j*.
8. The subject property is within a category 1 aquifer recharge area that is listed as a critical area in Thurston County and is subject to standards of the County's Critical Areas Ordinance. *Exhibit 1, Staff Report pgs. 2 and 3*. Aquifer recharge area regulations are enforced by the Environmental Health Department (Health) as part of the project review. *Exhibit 1, Staff Report pg. 4*.
9. Three separate parts of the development were included in identifying the required wastewater flow requirements of phases I and II. The wastewater flows for the sanctuary were calculated to be 3,000 gallons per day peak flow. These flows assumed completion of full buildout of the sanctuary with the proposed 700-seat church and the 48-person daycare. There would be no food service at either of these uses. The wastewater flows from the parsonage and the office that would be constructed as part of phase II were calculated to be 1,120 gallons per day peak flow. The wastewater flows from another proposed office that would house 30 people were calculated to be 510 gallons per day. The total designed flow was projected to be 4,630 gallons on the 14.24-acre site, or 325.14 gallons per acre per day of residential strength wastewater. This amount is below the maximum allowed wastewater flow of a Category I Aquifer Recharge Area, which is 900 gallons per acre per day. *Exhibit 1, attachment j, pg. 2*.
10. Three sand lined beds are shown with the calculations provided by the Applicant. Health determined that the beds are sufficient to meet the design flows treatment lever before soil dispersal. There would also meet the expected increase of flows that would come with the anticipated growth in phase II. *Exhibit 1, attachment j, pg. 2; Testimony of Mr. Ward*.
11. The Applicant submitted a hydro-geological report that was consistent with the County's policies. In the report, the Applicant proposed an enhanced treatment devise system that would be registered with the Washington State Department of Health for nitrate reduction. The conclusions were the project would meet the County nitrate assimilative capacity standard and there would be no significant impact to the aquifer *if* the on-site sewage systems are designed and installed to meet all requirements of Article IV of the

⁴ The Health Department gave notice to the Applicant that the water system design may fall into a Group A category, and if that is the situation, the water system plan review will convert to a Group A review. Exhibit 1, attachment j, pgs. 1 and 2.

Thurston County Sanitary Code. The on-site systems would have to include the enhanced treatment component for nitrate reduction. *Exhibit 1, attachment j, pg. 2; Testimony of Mr. Ward.*

12. TCC 20.44 sets forth the parking standards for development in Thurston County. These standards include the amount of parking required for churches with fixed seating. That standard is 1 space for every 3 seats or 6 feet of bench. Without fixed seating, the parking standard is 1 space per 150 square feet of gross floor area [see: TCC 20.44.030(1)(b)]. The proposed church building would have 40,000 square feet of floor area and the required parking based on the 1 space per 150 square foot standard would be 267 spaces. The Applicant's proposed 286 spaces exceeds the standard by 19 spaces, however, with the range of uses proposed for the structure, including a gymnasium, lobby, and office area, in addition to the primary meeting use, the 286 spaces would be adequate. *Exhibit 1, Staff Report, pgs. 3 and 4.*
13. The proposed 7,000 square foot office and meeting room building would require 24 additional spaces at a rate of 1 space per 300 square foot ratio [TCC 20.44.030(1)(c)]. The Applicant proposed 29 spaces, which satisfies the standard.⁵ *Exhibit 1, Staff Report, pgs. 3 and 4.*
14. Because of the surrounding commercial uses and the location of the proposed project, the Planning Department determined that landscaping standards for commercial development apply. *Testimony of Mr. Smith.* TCC 20.45.040 establishes landscape requirements for landscaping of commercial properties. . The Applicant submitted a landscape plan that calls for extensive plantings along the property boundaries in the area of the new buildings and throughout the parking lots. *Exhibit 1, attachment g.* The landscaping report also included landscaping along the two public streets, Bald Hill Road and Vail Road and an aesthetically pleasing mix of plants to soften views from the roadways. Proposed landscaping along the boundaries of adjacent lots would consist of a hedge for screening purposes. The landscaping for the northern portion of the property would be existing native vegetation, including a number of oak trees. *Exhibit 1, attachment g.* The Planning Department submitted that the proposed landscaping scheme would provide an aesthetically pleasing view from off site and would comply with landscaping requirements. *Exhibit 1, Staff Report, pg. 4; Testimony of Mr. Smith*
15. While oak woodlands are an important habitat in Thurston County, the limited number of oak trees on the subject property does not qualify as protected oak woodland [see: TCC 17.15, Table 8]. The Applicant proposed to retain most of the oak trees on-site and to comply with protection standards. *Exhibit 1, Staff Report, pg. 4; Testimony of Mr. Smith.*
16. The height of the proposed buildings was not specifically called out in the application because of the uncertainty of what it would be. *Exhibit 1, Staff Report, pg. 7; Testimony of Mr. Thomson.* According to the site plan, the closest that any building would be to a property line would be approximately 80 feet. At the time of building permit application, the height restriction would be enforced. Pursuant to TCC 20.54.070(7) Churches, the

⁵ For Phase 1 construction of the 8,350 square foot church building and the 1,600 square foot education building the required number of parking spaces would be 67 spaces. *Exhibit 1, Staff Report, pg. 4. .*

height limitations of the RL 1/2 zone would not apply, but if the height limitation of the RL 1/2 zoning district is exceeded, then each side yard setback must, at the minimum, equal the height of the building. This standard does not apply to spires and towers. The height requirement for the structures would be determined at the time of building permit reviews. *Exhibit 1, Staff Report, pg. 7; Testimony of Mr. Smith.*

17. The 14 plus acre subject property would provide adequate space and area for the proposed use at complete buildout. The proposed landscaping would mitigate potential adverse impacts to the neighboring properties and the submitted landscaping plan calls for a vegetative screen around the proposed structures and parking areas that would soften the general appearance of the use. *Testimony of Mr. Smith; Testimony of Mr. Thomson; Exhibit 1, Staff Report, pg. 6*
18. Pursuant to the State Environmental Policy Act (RCW 43.21C) Thurston County was designated as the lead agency for identification and review of all environmental impacts resulting from the proposed development. On December 17, 2009 a Mitigated Determination of NonSignificance (MDNS) was issued. The MDNS contained conditions for development of the site. There were no appeals of the MDNS and on December 31, 2009, it became final. *Exhibit 1 attachment h.*
19. The proposed special use is appropriate in the location for which it is proposed. The use will not result in undue adverse effects on adjacent properties because the proposed use is compatible with uses in the area. It would not change the neighborhood character and natural environment. While there would be a small increase in traffic and parking, these increases would not impact the area. The site would be a public facility and would be developed with effective utility service. There would be no impact on the public health, safety or welfare.
20. Written notice of the public hearing was sent to all property owners within 500 feet of the site and to others who had requested notice on February 2, 2010. Notice of the public hearing was published in The Olympian on February 5, 2010 at least ten (10) days prior to the hearing. Notice was posted on site on February 5, 2010. *Exhibit 1, attachment a; Exhibit 2.*
21. Only one public witness testified at the hearing. She submitted that she owned a neighboring property and supported the proposal. *Testimony of Ms. Buck.*

CONCLUSIONS

Jurisdiction:

The Hearing Examiner has jurisdiction to decide the Special Use Permit amendment pursuant to TCC 2.06.010 and TCC 20.54.015, and RCW 35.63.130 and RCW 36.70.970.

Criteria for Review:

Special Use Permits for property in an LR1/2 zone are allowed pursuant to TCC 20.10A.025 and Chapter 20.54, Table 1. Special uses are subject to review pursuant to TCC chapter 20.54.070(7).

The Hearing Examiner may approve an application for a Special Use Permit only if the following *general* standards set forth in TCC 22.54.040 are satisfied:

TCC 20.54.040.

1. Plans, Regulations, Laws. The proposed use at the specified location shall comply with the Thurston County Comprehensive Plan and all applicable federal, state, regional, and Thurston County laws or plans.
2. Underlying Zoning District. The proposed use shall comply with the general purpose and intent of the applicable zoning district regulations and sub-area plans. Open space, lot, setback and bulk requirements shall be no less than that specified for the zoning district in which the proposed use is located.
3. Location. No application for a special use shall be approved unless a specific finding is made that the proposed special use is appropriate in the location for which it is proposed. This finding shall be based on the following criteria:
 - a. Impact. The proposed use shall not result in substantial or undue adverse effects on adjacent property, neighborhood character, natural environment, traffic conditions, parking, public property or facilities, or other matters affecting the public health, safety and welfare.
 - b. Services. The use 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.

Specific criteria for SUPTS for churches include:

TCC.54.070(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.

Conclusions Based on Findings

1. **As conditioned, the requested SUPT would comply with all known federal, state, regional, and Thurston County laws and plans, including the Comprehensive Plan.** *Findings of Fact Nos. 3, 6, 7, 8, 11, 12, 13, 14, 15, 16, 18*
2. **The proposed use shall comply with the general purpose and intent of the applicable zoning district regulations and sub-area plans. Open space, lot, setback and bulk requirements shall be no less than that specified for the zoning district in which the proposed use is located.** The proposed development of the church complex would comply with RL 1/2 zoning requirements that are applicable for the development of the site. *Findings of Fact Nos. 6 and 16.* The Applicant proposes off-street parking that is in excess of minimum standards. The proposal complies with parking requirements. *Findings of Fact Nos. 12 and 13.* It also meets the landscaping requirements of the County. . *Findings of Fact Nos. 14 and 15.*
3. The proposed special use is appropriate in the location for which it is proposed. The use will not result in undue adverse effects on adjacent properties because it will be a continuation of a use that has been long established in the area. It would not change the neighborhood character and natural environment. While there would be a small increase in traffic and parking, these increases would not impact the area. The site would be a public facility and would be developed with effective utility service. There would be no impact on the public health, safety or welfare. *Findings of Fact Nos., 5-19.*
4. The height limitations RL zone district is not the height standard that must be satisfied. The actual height of the structures has yet to be determined but if the RL 1/2 height standard is exceeded each side yard shall be at least equal in width to the height of the building excluding the spires and towers. *Finding of Fact No. 16.*
5. There would be no dwelling built on site. *Finding of Fact No. 2.*
6. The sight has been designed to have commercial landscaping. Suitable landscaping of the church parking lot would be provided. There would be a sight obscuring landscape screen between the church parking lot and any abutting residential uses. *Finding of Fact No 14.*

DECISION

A Special Use Permit for a two-phased construction of a 40,000 square foot church building (at buildout) and a 7,000 square foot office/meeting room building on a 14.24-acre site at 11508 Vail Road SE, Yelm, WA. is granted subject to the following conditions:

- A. The following conditions were the recommendations of the Environmental Health Division of the Thurston County Public Health and Social Services Department.
 1. Prior to approval and release of any building permits for the new church facility or any buildings to be developed in phase I, an onsite sewage system application and full sewage system designs must be submitted with all application and design review fees. Nitrate treatment devices registered by the Washington State Department of Health shall be incorporated for each on-site sewage system design

that is prepared for the project. The church shall be responsible for hiring a single certified monitoring specialist to monitor and maintain the on-site sewage systems on the property.

2. Prior to approval of any final building occupancy for any structure developed in phase I the sewage system must be installed and the record drawing and designer/engineer certification must be submitted for the new system. The sewage system installation and record drawing must be accepted by Environmental Health Division of the Thurston County Public Health and Social Services Department prior to final building occupancy approval for the new structures.
3. An Integrated Pest Management Plan (IPMP) has been developed and approved for the proposed project. Copies of the IPMP must be made available to all landscape maintenance contractors and their employees or to whatever entity is responsible for maintaining landscaped areas on the property.
4. Prior to approval and release of building permits for construction, written confirmation of final public water system approval must be received from Environmental Health Division of the Thurston County Public Health and Social Services Department or 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 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 this Department or the WSDOH) must be completed prior to approval of building occupancy and the use of the water system.

B. The following conditions were the recommendations of the Public Works Department of Thurston County:

5. **NOTICE IS GIVEN** that, prior to any construction, a construction permit is required to be secured from the Thurston County Public Works –Development Review Section. The permit shall be applied for, and all fees paid, prior to the pre-construction conference.
6. All traffic control devices must be designed, located, manufactured and installed in accordance with the TCRS, Manual of Uniform Traffic Control Devices and all applicable Washington State Department of Transportations- Standards and Specifications. A sign and striping plan shall be incorporated into the construction drawings for the project. The Applicant is put on notice that contact with Thurston County Public Works – Development Review Section Staff must be made to obtain the most current Thurston County guidelines.

7. County Staff may remove any non-approved traffic control device that is constructed within the County right-of-way and that any liability incurred by the County due to non-conformance by the Applicant shall be the legal responsibility of the Applicant.
8. The stormwater management system shall conform to the 1994 Thurston County Drainage Design and Erosion Control Manual and TCC 15.05.
 - a. The Applicant shall provide a two-year operation and maintenance agreement and financial security that shall be executed prior to final approval.
 - b. Prior to any occupation permits being issued for any structure on-site a maintenance agreement found in Appendix K of the Thurston County Drainage Design and Erosion Control Manual must be prepared for this project and recorded with Thurston County.
 - c. A Property Owners' Association (POA) shall be formed. The document creating the POA shall at a minimum provide for the following: (1) Members of the POA shall be responsible for maintenance of storm drainage facilities as described in Maintenance Plan (See Section 3.3), (2) Inclusion by reference of the maintenance manual prepared by the Project Engineer in accordance with Section 3.3 and (3) Power to assess fees to maintain storm drainage facilities and sanctions in the event that jurisdiction takes action to maintain facilities. Refer to Appendix E, Section E.2 of the Drainage Design and Erosion Control Manual for sample language.
9. All drainage facilities outside of the County right-of-way shall remain private and be maintained by the developer and/or the homeowner's association.
10. Storm water runoff shall be controlled through all phases of the project by facilities designed to control the quality and quantity of discharges and shall not alter nor impact any existing drainage or other properties.
11. All natural and man-made drainage paths contained in the proposed development require easements as set forth in **Section 2.14** of the DDECM.
12. 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.
13. Proposed utility work within the Thurston County right-of-way shall conform to the 1999 Thurston County Road Standards and TCC chapter 13.56. These standards do not address specific city design requirements control.
 - i. In order to place utilities within the County right of way the Applicant must obtain a Franchise Agreement with Thurston County pursuant to Title 13.56 TCC. This agreement shall be executed with Thurston County prior to final approval.

- ii. If any utilities are placed parallel to and within the pavement structure of Thurston County right-of-way, the Applicant must rebuild a minimum of one-half of the road, and it must include grinding and replacement of a minimum of 0.20' of asphalt concrete pavement.
- 14. Payment of the off-site traffic mitigation fees that have been a condition of the MDNS (see: MDNS-condition 10) must be made prior to any occupancy permits. Payments must be made consistent with Section 2.13 of the Thurston County Road Standards. Timing of such payments to the other jurisdictions may be altered upon agreement with respective jurisdiction and Thurston County
- 15. The proposed roadway shall conform in concept and design to the 1999 Thurston County Road Standards.
- 16. Required plan submittal information is set forth in **Chapter 3.00** of the Thurston County Road Standards.
- 17. All proposed grading or site work should conform to Appendix J of the International Building Code, Title 14.37 of the Thurston County Code and 1994 Drainage Design and Erosion Control Manual.
- 18. The Applicant shall contact the Thurston County Public Works – Development Review Section at 786-5214 for a final inspection at the time all construction/improvements have been completed for each phase of the development.
- 19. Approval of the SUPT does not relieve the Applicant from compliance with all other local, state and/ federal approvals, permits, and laws necessary to conduct the development activity for which this permit is issued. Any additional permits and/or approvals are the responsibility of the Applicant.
- 20. Subsequent to the official preliminary approval of the SUPT, a construction permit application shall be submitted along with a complete set of construction drawings and the final drainage and erosion control report to Thurston County Public Works – Development Review Section for review and acceptance.
- 21. PRIOR to construction, the Applicant shall:
 - a. Pay outstanding construction review and inspection fees*
 - b. Receive a construction permit
 - c. Schedule a pre-construction conference with county staff.

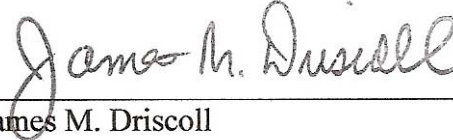
* The current fee schedule can be found online at <http://www.co.thurston.wa.us/permitting/fees/docs/Roads-Development-Review-Fees-20090301.pdf> or contact Ruthie Padilla with the Thurston County Public Works – Development Review Section by phone at 754-3355, ext. 6595, or by e-mail at padillr@co.thurston.wa.us.

22. A duplicate original mylar drawing, certified by the design engineer as "record drawing" in accordance with the January 1, 1999 edition of 1999 Thurston County Road Standards shall be provided prior any occupancy permits being issued. The final plat map and the survey traverse closure calculations shall be submitted to the Development Services Department prior to receiving final approval.
23. Prior to receiving administrative approval from the Public Works Department of Thurston County: the following items shall be required:
 - a. Completion of all roads and drainage facilities
 - b. Final inspection and completion of all punch list items, if required after final inspection
 - c. Receive and accept **Appendix "F"** and **"K"** per the DDECM submitted and signed by the project engineer
 - d. Review and accept contractor's blueline record of changes. The changes shall be incorporated on to the original mylars, within "clouds". The record drawing mylars shall be received and accepted, then submit two sets of final record drawings for project file and bond file. The record drawings shall include street names and block numbers approved by Addressing Official.
 - e. Financial security will be necessary for maintenance and operation of the drainage facilities
 - f. Financial security for the completion of all improvements required (i.e., sidewalks)
 - g. Completion of required signing and striping
 - h. Payment of any required final fees
 - i. Payment of any required mitigation fees
 - j. Complete the right-of-way dedication process
24. All landscaping must be shown, as approved, on all construction drawings. All landscaping shall be installed prior to final occupancy. If the time of year is not a time of optimum plant survival, the Applicant may provided the County a Letter of Credit that covers 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.
25. The oak trees on site shall be protected during and after site construction. No disturbance of the ground or native vegetation under the trees is allowed. Orange construction fencing shall be placed around the trees at the outer edge of the canopies. \\All mitigation conditions of the Mitigated Determination of NonSignificance must be satisfied consistent with the times and terms of the condition.
26. All development on the site shall be in substantial compliance with the approved site plan. Any expansion or alteration of this use beyond that initially approved by the Hearing Examiner will require approval of a new or amended Special Use

Permit. The Resource Stewardship Department will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.

27. The access to the site shall be off Bald Hills Road. An emergency access shall be provided along Vail Road.

Dated this 24th day of February, 2010



James M. Driscoll
Thurston County Hearing Examiner