



COUNTY COMMISSIONERS

Cathy Wolfe  
 District One  
 Sandra Romero  
 District Two  
 Karen Valenzuela  
 District Three

**HEARING EXAMINER**

*Creating Solutions for Our Future*

**BEFORE THE HEARING EXAMINER  
 IN AND FOR THE COUNTY OF THURSTON**

In the Matter of the Applications of	)	
	)	Project Nos.
<b>Olympia Country and Golf Club/ Bowen Properties LLC</b>	)	SUP 12-108370
	)	SSDP 12-108375
	)	SCUP 12-109152
	)	VAR 12-109155
	)	
	)	
	)	
For a Special Use Permit,	)	FINDINGS, CONCLUSIONS,
a Shoreline Conditional Use Permit, and	)	AND DECISIONS
a Variance	)	

**SUMMARY OF DECISIONS**

The requested special use permit, substantial shoreline development permit, shoreline conditional use permit, and variance to construct and operate improvements at the existing Olympia Country & Golf Club at 3636 Country Club Drive NW in Olympia, Washington are **GRANTED** subject to conditions, including final approval of the shoreline conditional use permit by the Washington State Department of Ecology.

**SUMMARY OF RECORD**

**Request**

Bowen Properties, LLC (Applicant) requested approval of special use, substantial shoreline development, and shoreline conditional use permits and a variance to construct and operate improvements at the existing Olympia Country & Golf Club.

**Hearing Date**

The Thurston County Hearing Examiner conducted an open record public hearing on the request on December 10, 2012.

**Testimony**

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

Mike Kain, Planning Manager, Resource Stewardship  
Arthur Saint, P.E., Public Works  
Dr. Angela Bowen, Applicant  
Lisa Klein, AHBL  
David Boe, Boe Architects  
Margaret McPhee  
Tim Boyd, Chair, Olympia Country & Golf Club Board of Governors  
Thomas McPhee

### **Exhibits**

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

EXHIBIT 1 Resource Stewardship Planning & Environmental Section Report including the following attachments:

Attachment a Notice of Public Hearing

Attachment b Special Use Permit Application and the Following Supporting Documents:

1. Master Land Use Application
2. Special Use Permit Application
3. Narrative Summary
4. Existing and Proposed Conditions Analysis
5. Parking Analysis
6. Plan Set
7. Survey
8. Department of Health Septic Application
9. Water Availability Certificate
10. Historic Photograph

Attachment c SEPA Review Application and the Following Supporting Documents:

1. SEPA Supplemental Application
2. Master Application
3. SEPA Checklist
4. Geotechnical Report
5. Level 1 Traffic Impact Analysis
6. Site Plan

Attachment d Shoreline Substantial Development Permit / Conditional Use Permit Applications and the Following Supporting Documents:

1. JARPA Supplemental Application

2. Master Application
3. SSDP/CUP Narrative Summary
4. JARPA Applications and associate Drawings/Cross-Sections
5. SEPA Checklist
6. Site Plan
7. Landscape Plan

Attachment e      Zoning Variance Application and the Following Supporting Documents:

1. Variance Application
2. Variance Narrative Summary
3. Parking Study
4. Parking Exhibits
5. Site Plan

Attachment f      Preliminary Stormwater Drainage Report, July 2012:

Attachment g      Notice of Application, August 9, 2012

Attachment h      Mitigated Determination of Non-Significance, October 18, 2012

Attachment i      2009 Aerial Photos of Site

Attachment j      Photos of Public Hearing Notice Posting

Attachment k      Photos of the Site, September 2012

Attachment l      Photo of Existing Meeting Hall from Water

Attachment m      Satellite Parking Area for Special Event Overflow Parking, December 4, 2012

Attachment n      Club House Rendering

Attachment o      Meeting Hall Rendering

Attachment p      Comment Letter from Thurston County Water Resources, July 31, 2012

Attachment q      Comment Letter from Thurston County Water Resources, August 3, 2012

Attachment r      Comment Letter from Thurston County Historic Commission, September 14, 2012

- Attachment s      Comment Letter from Thurston County Public Works, October 5, 2012
- Attachment t      Comment Letter from Thurston County Public Works, October 12, 2012
- Attachment u      Comment Letter from Thurston County Public Works, November 28, 2012
- Attachment v      Comment Letter from Thurston County Environmental Health, November 20, 2012
- Attachment w      Comment Letter from Thurston County Environmental Health, November 29, 2012
- Attachment x      Comment Letter from WA State Department of Ecology, August 29, 2012
- Attachment y      Comment Letter from WA State Department of Ecology, November 1, 2012
- Attachment z      Public Comment Letters:
  - 1. Roger Timmis, August 27, 2012
  - 2. Laurel Schmidt Seaman, August 20, 2012
  - 3. Stephen & Terry Lind, September 14, 2012

EXHIBIT 2      Comment Letter from Catherine Anderson, December 9, 2012

EXHIBIT 3      Comment E-mail from Phil Tenkhoff, November 30, 2012

EXHIBIT 4      Staff Report Summary

EXHIBIT 5      Photo of Overflow Parking Area

EXHIBIT 6      Revised Site Plan, December 10, 2012

EXHIBIT 7      PowerPoint Presentations:

- a) Special Use Permit (26 pages)
- b) Shoreline Permits (10 pages)
- c) Variance (14 pages)

Based upon the record developed at the open record hearing, the Examiner enters the following findings and conclusions.

## FINDINGS

### *Background*

1. The Applicant requested approval of special use, substantial shoreline development, and shoreline conditional use permits and a variance to construct and operate improvements at the existing Olympia Country & Golf Club at 3636 Country Club Drive NW in Olympia, Washington.<sup>1</sup> Country Club Drive presently serves 28 residential lots south of the club, terminating at a barricade approximately 2,400 feet south of the project. *Exhibit 1, Attachments B, C, D, and E.*
2. The Olympia Country & Golf Club was established in 1925, prior to the adoption of County zoning controls that require special use permits for golf facilities in the underlying zones. It is a legally nonconforming use. Its waterfront location affords guests and visitors unique and attractive views of Puget Sound and Mount Rainier, adding to the draw of the athletic and social facility; however, the economic climate since 2008 has led to a drop in membership and attendance. The existing meeting hall has undergone multiple remodels but it and the other structures are currently in outdated conditions. The proposed improvements would maintain the basic layout of the existing campus while correcting functional, aesthetic, accessibility, and code deficiencies and improving the facility's economic viability. *Exhibit 1, Attachment B; Bowen Testimony; Exhibit 1, page 4.*
3. The country and golf club occupies 99 acres abutting Budd Inlet. It consists of an 18-hole golf course on 62.19 acres, and a clubhouse, pool, parking, beach and tidelands, a pro shop, cart storage, and various accessory structures for storage and utilities on 36.88 acres. The clubhouse and golf course have been in place for over 85 years, while the pro shop and pool were added in the 1950s. No changes are proposed to the golf course. All proposed improvements would be developed within 400 feet of the ordinary high water mark of Budd Inlet. *Exhibit 1, Attachment B, Narrative; Klein Testimony; Exhibit 1, page 3; Exhibit 1, Attachments K and L, site photos; Exhibit 1, Attachment B, page 4, Existing Facility Site Aerial.*
4. Surrounding land uses include single family homes at an approximate density of two dwelling units per acre to the north and south. The golf course is to the west and Budd Inlet is to the east. *Exhibit 1, page 3; Exhibit 1, Attachment I, Vicinity Maps.*
5. The project limits are located partially in the Rural LAMIRD One Dwelling Unit per Acre (RL-1/1) zoning district and partially in the Rural Residential Resource One Dwelling Unit per Five Acres (RRR 1/5) zoning district inland from the shoreline. Areas within 200 feet of the ordinary high water mark (OHWM) of Budd Inlet are designated as a Rural Shoreline Environment pursuant to the Shoreline Master Program for the Thurston Region (SMPTR). *Exhibit 1, page 3.*

---

<sup>1</sup> The legal description of the project site is a portion of Section 33, Township 19 North, Range 2 West, W.M., known as Tax Parcel Numbers 12933430700, 12933340100, and 129334316000. *Exhibit 1, page 1; Exhibit 1, Attachment b.*

6. Proposed improvements would be developed within an approximately two-acre project limit on three adjacent parcels: Parcel A (12933340100), 35.34 acres west of Country Club Drive NW zoned RRR 1/5; Parcel B (12933430700), 1.47 acres east of Country Club Drive zoned RL 1/1; and Parcel C (12933431600), 0.7 acres southeast of Parcel A zoned RL 1/1. There are no wetlands, streams, or other critical areas within the project limits. The slope down to the beach on Parcel A was reviewed and determined by a qualified geotechnical engineer not to meet the County's critical areas definition of a marine bluff. The bluff is stable. *Exhibit 1, Attachment B.*
7. Proposed improvements include: replacement of the existing 11,700 square foot club house/banquet hall with an 18,024 square foot meeting facility; replacing the existing pro shop and cart storage building with a combined 4,500 square foot clubhouse and pro shop; a partially underground parking structure with a separate cart storage area; several two- to 14-foot-tall retaining walls within 200 feet of the shoreline; significant redesign of surface parking; improvements and expansion to the existing pool deck; removal of two concrete stairways to the beach, to be replaced with one wooden stairway; regrading the terraced, landscaped slope near the beach to a natural slope; improving the public road through the property to current County road standards; and landscape enhancements throughout, including revegetation of the shoreline landward of the bulkhead with native species. Approximately 40,000 cubic yards of grading is proposed. *Exhibit 1, page 2; Exhibit 1, Attachments B, D, and E; Exhibits 7a,b, and c; See Exhibit 1, Attachment F, Conceptual Site Plan; See Exhibit 1, Attachment D, JARPA, Plan Set Sheet 8 of 9 (photos of waterfront).*
8. The proposal would resolve or improve the following existing nonconformities to current Thurston County Code: eliminate all parking stalls in the right-of-way; provide adequate on-site parking; reduce the number of parking stalls within 100 feet of residential property; relocate the meeting hall 13 feet farther away from the shoreline than the existing structure in compliance with the shoreline setback; return the shoreline to a natural condition; and provide Americans with Disabilities Act (ADA) accessibility to all structures. *Exhibit 1, page 2; Exhibit 1, Attachments B, D, and E; Exhibits 7a,b, and c.*
9. The project requires approval of the following permits under consideration in the instant proceedings:
  - Special use permit (SUP) for replacement and enlargement of golf facilities including the pro shop, meeting hall, and parking structure;
  - Shoreline substantial development permit (SDP) for improvements to the meeting hall and pool deck and for placement of retaining walls and landscaping within the shoreline jurisdiction;
  - Shoreline conditional use permit (SCUP) for placement of retaining walls and enlargement of the pool deck within the shoreline jurisdiction (these two items are included in the SDP but also require an SCUP); and
  - Variance to allow improvements to exceed the building coverage standards on Parcel A.

*Exhibit 1, page 2.*

10. The proposed project design was based on a requested right-of-way vacation. At the time of the instant public hearing, the right-of-way vacation hearing had been held by a different Thurston County hearing examiner in a separate proceeding but the decision not yet issued. The vacation would reduce the width of County right-of-way along the frontages of Parcels A and B to a consistent 50 feet with a 26-foot paved width, matching the developed roadway of Country Club Drive NW in the project vicinity. The vacation is necessary to allow the proposed placement of the new meeting hall in compliance with the 50-foot shoreline setback. Resource Stewardship Department Staff recommended conditioning approval of the instant four permits on approval of the vacation. *Exhibit 1, page 3; Kain Testimony; Exhibit 1, Attachment B.*
11. Thurston County Code (TCC) defines a "golf facility" as real property utilized by a for-profit or non-profit commercial entity for purposes relating to the sport of golf, excluding stand-alone retail golf businesses. *TCC 20.03.040 (57.3)*. The Applicant and Resource Stewardship Staff agree that the entire proposed project fits within the definition of golf facility. The improvements on Parcel A, including parking with golf cart storage area, a clubhouse with locker rooms, and a lounge, are related to and needed for the success of the golf operation. The proposed meeting hall on Parcel B is not as obviously a golf facility. The Applicant's materials and the Staff Report both contain extensive analysis of the proposed meeting hall as an accessory use to the golf facility. Noting that the structure is the largest structure on the premises, the Applicant argues it is an accessory use because it would be a subordinate use (could not operate as a standalone business), has fewer hours of operation and lower patron use, and would generate less than 35% of the facility's overall revenues. Further, the Applicant submitted a survey of 18-hole golf courses in King, Pierce, Kitsap, and Thurston Counties, analyzing building square footage. The survey shows that the proposed facilities on-site including the meeting hall would place the Olympia Country & Golf Club near the middle of the range of building square footage for golf facilities in the region, with 52% of existing facilities having larger building totals.<sup>2</sup> It also shows that facilities that allow for large social gatherings like the proposed meeting hall are a common use at golf facilities. *Exhibit 1 Attachment B, Narrative, pages 13-17; Exhibit 1, pages 5-6.* The County Code does not establish a maximum size for accessory uses. Thurston County has not previously issued permits for golf facility accessory buildings similar to the proposed meeting hall, and there is no County policy relating to the size of meeting halls at golf facilities. Staff noted that the meeting hall would facilitate golf activities such as tournaments, in addition to serving as a venue for weddings, fund raisers, and other events typically held at country clubs. *Kain Testimony.*

#### *Special Use Permit*

12. Special use permit approval is required for portions of the project on all three parcels. Portions of Parcel A and all of Parcel C would be redeveloped. On Parcel A, the existing

---

<sup>2</sup> Table 7 in the SUP application lists the surveyed golf facilities in the region and their amenity structures for comparison. *Exhibit 1, Attachment B, Narrative.*

4,600 square foot pro shop and cart storage building would be demolished and replaced with a 4,500 square foot club house. This would transfer the existing golf cafe (with kitchen) and the golf member locker rooms from Parcel B and combine them with the pro shop and golf parking on Parcel A, placing all golf uses on the same side of the street as the course itself. The one-story club house would be built on top of a new parking structure and would contain the pro shop, an office, a bar and lounge, kitchen, restrooms, lockers, changing room, a covered deck, and storage. The clubhouse would be accessed via ADA accessible elevator from inside the parking structure and via stairway and existing cart ramp around the north end of the building. Sidewalks and crosswalks would be provided. Parcel C would contain parking and road improvements. *Exhibit 1, Attachments B and E; Exhibit 7a; Klein Testimony.*

13. Parcel B improvements would include removal of the existing 11,700 square foot clubhouse which in its current condition sits 37 feet from the OHWM. As the clubhouse function would be moved to Parcel A, the project would replace this structure with an 18,024 square foot "meeting hall". The proposed meeting hall would shift 13 feet to the west such that the structure would be located wholly outside the 50-foot shoreline setback, bringing the building into compliance with the shoreline master program. Pushing the structure to the west would back it into the existing slope. Although the square footage represents a sizeable increase, the footprint of the new structure would be only 1,400 square feet larger and the building would occupy essentially the same north to south envelope, minimizing changes to the Puget Sound views of upslope properties. The three-story meeting hall would provide: one kitchen each on the main and upper floors; dining/banquet area; a casual dining lounge; offices; storage; restrooms on all three floors; elevator; and mechanical/utilities areas. The Applicant contends that the additional square footage of the proposed meeting hall is necessary to provide operational efficiencies, upgrades for ADA accessibility, and new accessory uses needed to make the golf facility economically viable. *Exhibit 1, Attachment B; Exhibit 7a; Klein Testimony.*
14. Also on Parcel B, the portion of the existing foundation in the 50-foot shoreline setback would be removed and replaced with lawn. The two existing concrete stairways to the beach would be removed, their footprints restored, and replaced with a single wooden staircase on pilings with plantings beneath. The small retaining walls and invasive English ivy on the terraced portion of the slope would be removed, the area graded to a more natural slope, and planted with native species. The existing pool deck would be expanded with pervious surfacing. A children's recreational spray ground feature is proposed west of the pool. The meeting hall is designed with a porte cochere<sup>3</sup> for convenient drop off and a covered walkway to the main entry at essentially the same grade as Country Club Drive. Existing parking on Parcel B would be regraded and redesigned to provide 11 (rather than the existing 15) parking spaces. Altogether, impervious surfaces on Parcel B would be reduced slightly, from 35.5% to 34.6% lot coverage. Parcel B's north and south boundaries abut residential lots. The existing

---

<sup>3</sup>According to Webster's Ninth New Collegiate Dictionary, porte-cochère is an architectural term for a passageway through a building or screen wall designed to let vehicles to pass from the street to an interior courtyard, a roofed structure extending from the entrance of a building over an adjacent driveway sheltering those getting in and out of vehicles (from the weather).



buffers would be retained and enhanced with additional landscaping. Landscaping would also be provided along the frontage and around the building. *Exhibit 1, Attachment B; Exhibit 7a; Klein Testimony.*

15. According to the project architect, the improvements to the meeting hall are necessary to address significantly under functioning features of the existing building including: lack of ADA accessible entrance, lack of lobby in the meeting hall; a too-small kitchen serving two separate floors; restrooms that are poorly located and too few; poor acoustic attenuation; and the inability of delivery trucks to access the structure due to parking density and configuration. Among the other benefits, the project would use concrete and steel construction to attenuate sound, install a new septic system for the clubhouse, slightly reduce the size of the banquet hall while increasing area dedicated to halls, lobbies, and kitchens. *Boe Testimony.* In addition, Applicant representatives contended that approval of the proposed improvements would create construction jobs, correct inadequate parking, and bring the site and structures up to current code or reduce legal nonconformities in many regards including building code, land use, ADA accessibility, stormwater treatment, shoreline protection, and septic system requirements, among others. Once improved, the enhanced facility would be a bigger regional draw, generating local jobs and tourism revenues. The history of the club would be preserved through photographs and memorabilia displayed in the meeting hall. The completed project is expected to allow the club to stay open for business so that it may continue to play an active role in the social history of the region into the future. *Exhibit 1, Attachment B; Klein Testimony.*

#### *Parking*

16. The existing legally nonconforming parking situation is a source of concern for neighbors, members, and the owners of the facility. Presently, there are 91 striped parking spaces - an insufficient number - only 24 of which comply with current County parking standards. Thirty-one of the existing spaces are in the right-of-way and 47 are within 100 feet of residential properties (12 are nonconforming in both regards). Parking is presently provided on both sides of Country Club Drive, where conditions include undefined roadway, no sidewalks or pedestrian crossings, and neighborhood traffic traveling through the middle of the parking area. There is frequent overflow parking in the neighborhood during peak periods and special events. *Exhibit 1, Attachment B, see Parking Analysis Figures P-1 and P-2; Exhibit 1, Attachment E, parking study; Exhibit 7a.*
17. Although the use specific standards for golf facilities require parking lots to be set back 100 feet from residential properties, neither the golf facilities nor parking provisions establish a specific number of off-street parking spaces for golf facilities. There are no similar listed land use categories in the parking standards. The Applicant submitted a professionally prepared parking study to arrive at the required number of parking stalls. The study found that the golf facility will need up to 112 parking spaces for the golf activities and up to 179 spaces when afternoon and evening special events are scheduled during the high use season on the heaviest golf day, which is Saturday. That peak number would only be required for a window of time measured in hours and only on

Saturdays in the drier months of the year. The parking study proposed a total of 161 parking stalls, an increase of 70 stalls over the existing condition. In addition, the Applicant has identified a satellite parking area on the Applicant's overall 99-acre ownership off of Cooper Point Road. Valet parking is proposed during higher volume special events, placing staff and/or guest cars in the satellite location. *TCC 20.54.070(13); Exhibit 1, Attachment B, Parking Analysis, see Sheets P-1 and P-2; Exhibit 1, Attachment E, Parking Study; Exhibit 5; Exhibit 1, Attachment M; Exhibit 1, page 16.*

18. On Parcel A, the proposal would provide 150 total parking stalls, both in surface parking lots that would be separated from the road by curb, sidewalk, and landscaping, and inside a parking structure built partially into the existing slope. Approximately 18,200 square feet of the roof of the parking structure would be covered with 24 inches of top soil, golf course turf, and the relocated practice green and tee box, rendering the building partially underground as seen from above. The clubhouse would be built on the remaining portion of the parking structure roof. The structure would be landscaped along the rim and the outer edges to soften the visual impact of the building's mass. *Exhibit 1, Attachment B, Narrative, Parking Analysis; Exhibit 6.*
19. Of the 161 proposed stalls, 123 would conform with current standards, which the Applicant calculates to be an improvement of 80%. None of the proposed parking would be within the right-of-way. Presently, the 47 parking stalls provided within 100 feet of neighboring residential parcels are legally nonconforming, meaning they do not need a permit to remain in use. The Applicant proposes to reduce the number of parking spaces within the 100-foot residential buffer from 47 to 38. Of the 38 "buffer" stalls, 17 are existing stalls and 21 are proposed in locations where legally nonconforming parking spaces do not currently exist. Resource Stewardship Staff contended that these 21 proposed new spaces do not conform to golf facilities standards at TCC 20.54.070(13) and could only be allowed through a variance approved by the Hearing Examiner. No application for such a variance has been submitted. The Applicant submitted a revised site plan depicting the area intended to contain the 21 stalls as "designated for future parking spaces". *Exhibit 6.* Staff recommended a condition of approval requiring the Applicant either to attain compliance prior to issuance of the meeting hall certificate of occupancy through variance approval or to site the 21 offending spaces elsewhere outside the buffer. Resource Stewardship Staff contended the option to reduce total parking by 21 spaces may be approvable because the parking analysis demonstrates the need for more than 140 spaces occurs only during special events on high season Saturdays; however, such an outcome would function as a limit building occupancy for the facilities. *Exhibit 1, pages 8-9; Exhibit 1, Attachment M; Exhibit 1, Attachment B, Parking Analysis, see Sheets P-1 and P-2; Exhibit 1, Attachment E, Parking Study.*

#### *Shoreline Permits*

20. The entire project is proposed within 400 feet of the ordinary high water mark (OHWM), which is marked by a four-foot-high bulkhead. The jurisdiction of the Shoreline Master Program for the Thurston Region (SMPTR) extends 200 feet landward from the OHWM. The meeting hall, proposed retaining walls, shoreline grading, access, and revegetation,

and portions of the pool deck enhancement are within the shoreline jurisdiction. Because the total value of the proposed commercial development within the Rural Shoreline Environment is greater than \$6,412.00, a shoreline substantial development permit (SDP) is required. The proposed pool deck expansion and retaining walls north and south of the meeting hall are not listed as allowed uses in the Rural Shoreline Environment by the SMPTR and therefore these activities require approval of a shoreline conditional use permit (SCUP). *Exhibit 1, pages 10-13; Exhibit 7b.*

21. The SMPTR Commercial Development Chapter encourages development of water dependent uses designed to allow public access to shorelines, preserve upland views, and prevent adverse impacts to water quality. Resource Stewardship Staff characterized the proposal as a water dependent use because the improvements in the shoreline area would attract members of the public to dine and recreate adjacent to the water. The project would not result in new commercial uses, but would redevelop and bring existing commercial uses more into compliance with the SMPTR. By relocating the primary structure (meeting hall) back into the hillside, the proposal would comply with the 50-foot shoreline setback requirement, correcting the current legal nonconformity. In removing the two concrete stairways and the terraced English ivy section, replacing it with a graded (more natural) and revegetated slope and a raised walkway to the beach on pilings, all provided with native plantings, the project would restore the 50-foot buffer to a much more natural condition, consistent with the SMPTR. All club members, guests, or event attendees would enjoy access to the restored shoreline area and the views of the Sound. Two viewpoints would be provided along the raised wooden walkway. All parking would be placed at least 120 feet from the water. Stormwater runoff from the new impervious surfaces on Parcel B would be treated for water quality before discharging to the inlet. Impervious surface area on the waterward parcel would be reduced by the proposal from 35.5% to 34.9%. *Exhibit 1, pages 10-14; Exhibit 1, Attachment C; Exhibit 7b.*
22. Although the proposed meeting hall is larger in area than the structure it would replace, it would occupy approximately the same space as the previous structure. This is due to the addition of a basement floor and a larger upper floor, as well as its being built partially into the slope. The new structure would not exceed 35 feet in height from average grade level (as specified in the definition of “height” in the SMP). One upland residence is anticipated to have its view impacted by the extended and slightly higher roofline on the new building; however, the Applicant has agreed to remove a large cedar tree near the existing meeting hall and pool, resulting in a changed but not significantly reduced view. *Exhibit 1, pages 12-13; Exhibits 7a and 7b.*
23. Nine retaining walls are proposed around the new meeting hall within the shoreline jurisdiction. Final design of the walls is not completed; they are likely to be mechanically stabilized earth (MSE). The walls would be designed and their construction overseen by a professional engineer. A north-south wall would be placed at the east boundary of the Parcel A parking area. Finished grade surfaces above and below the walls adjacent to the parking area and south of the meeting hall would be relatively flat. The walls would range from two to 14 feet in height, with four of them exceeding

four feet. Walls adjacent to the patio would be two feet tall with flat landscaped terraces ranging from four to 25 feet between the walls. No new walls are proposed within the 50-foot shoreline setback. *Exhibit 1, Attachment D; Exhibit 6; Exhibit 7b.*

24. The swimming pool would not be changed. However, the decking around the pool would be expanded with pervious paving. A new recreational spray ground would be installed west of the pool. *Exhibit 1, Attachment D, JARPA; Exhibit 7b.*
25. No in-water work is proposed, nor is any alteration to the existing bulkhead, pier, and floating dock. The proposal would improve the shoreline environment by: moving the large structure back out of the 50-foot shoreline setback; removing and replacing the two concrete stairways with one raised wooden stairway, provided with two viewpoints; removal of the terraced area; regrading to a more natural slope; removal of invasive species and planting with native species; and reducing overall impervious areas in the shoreline jurisdiction. These actions would enhance access to, the appearance of, and erosion control along the shoreline. *Exhibit 1, Attachment D, JARPA.*

#### *Variance*

26. Because Parcel A is zoned RRR 1/5, it is subject to a maximum coverage by buildings of 20,000 square feet. *TCC 20.09A.050(3)*. Resource Stewardship Staff contended that the parking structure is subject to and included in this limitation. Because the code does not define "building coverage", the Applicant contended that "lot coverage" is the closest definition and should be held applicable. The Code defines lot coverage as "that portion of a lot which, when viewed directly from above, would be covered by a building, or any part of a building, except any area covered by a structure where fifty percent or more of the perimeter of such structure is open from grade". *TCC 20.03.030(76)(emphasis added); Exhibit 1, Attachment E; Exhibit 1, page 15.*
27. After the project, Parcel A would contain the parking structure and clubhouse combined building, with a footprint of 29,050 square feet. Several other small buildings exist on Parcel A now totaling approximately 2,000 square feet; however Resource Stewardship Staff has interpreted the provision to be limited to new structures, excluding legally non-conforming buildings. A variance is required to allow the maximum building coverage to be exceeded by 9,005 square feet. *Exhibit 1, Attachment E; Exhibit 1, pages 15-16; Klein Testimony; Exhibit 7c.*
28. The Applicant notes that when viewed from above consistent with the definition of lot coverage, a large portion of the parking structure would not appear to be covered by structure. A full 18,370 square feet of the parking structure roof is a green roof that would not "appear to be covered by structure" when viewed from above. Excluding the green roof, the area obviously covered by structure when viewed from above is 12,680 square feet. However, Staff's interpretation is that footprint is the determining factor in calculating lot coverage. *Exhibit 1, Attachment E; Exhibit 1, pages 15-16.*
29. According to the parking study, the golf facility would need up to 112 parking spaces for the golf activities and up to 179 spaces on Saturdays in during the high use season.

Parcel B's parking area can accommodate eleven spaces, including five ADA accessible spaces; there is no possibility of increased parking on Parcel B. On Parcel A, the grade rises about 20 feet from the existing surface parking area to the golf course to the immediate west. Parcel A's flat area adjacent to Country Club Drive would not permit even 112 spaces if the clubhouse and cart storage facility are placed there. Without substantial grading and redesign of the golf course, adequate surface parking would not be possible. *Exhibit 1, pages 16-17; Exhibit 1, Attachment E; Klein Testimony; Boe Testimony; Exhibit 7c.*

30. The Applicant listed the following physical factors as grounds for variance approval: Budd Inlet adjacent to the east, and its 50-foot shoreline buffer in which the Shoreline Management Act discourages parking; Country Club Drive which bisects the project area; residential parcels to the north and south of Parcel B, with a required 100-foot setback to parking areas; topography rising east to west from an elevation of 45 feet to 100+ feet, limiting provision of parking without steep slope cuts and walls; and the existing golf course, established in 1925, none of which can be used for parking without substantial redesign of the golf course. *Exhibit 1, Attachment E; Exhibit 7c.*
31. The Applicant team argued that the existing facility is unique in that it has a long history as a social and athletic venue in Thurston County, has impressive views, and that approval of the requested variance would not set a precedent for similar variance requests. Staff noted that other RRR 1/5 zoned parcels greater than ten acres in size would have the right to request a building coverage variance, which could be approved if circumstances showed compliance with criteria for approval. *Exhibit 1, page 17; Exhibit 1, Attachment E, Narrative.*
32. Staff contended that the variance would not result in detriment to the public or to adjacent properties. The parking structure would be built into the hillside, hidden from view from the golf course and most homes in the area. The majority of the structure would be covered with grass and used as a practice green and tee box for hole number one and would blend in with the existing golf course. The exposed exterior of the structure would be softened with cascading vegetation. With the clubhouse on the top as well and the cart storage and maintenance housed on the second level, the proposed structure would allow multiple uses, decrease impervious surfaces, and reduce on-street parking throughout the neighborhood. Allowing the larger structure could be an important element in the future success of the facility, which in theory would provide jobs and tax revenue, preservation of existing green spaces, and support for the property values of nearby parcels. *Exhibit 1, page 18; Exhibit 1, Attachment E, page 17.*
33. In proposing parking for the updated golf club, several configurations were considered, each of which would have required at least one variance. The alternatives are addressed in detail on pages 18 - 22 of the variance narrative. The instant proposal was selected after consideration of all alternatives because it accommodates the greatest number of conforming parking stalls, reduces existing parking nonconformities to the greatest extent, minimizes the scale of the structure, and minimizes the number of variances required. *Exhibit 1, Attachment E, Variance Narrative, pages 18-22; Exhibit 7c.*

34. Addressing the question of why parking cannot be pushed into the area currently used as golf course, the Applicant representatives noted that the proposed parking area abuts the 18th hole, which is short relative to the other holes due to topography. Due to the natural slope, retaining walls and large boulders were placed to make the green for the 18th hole. To push parking back onto the green would necessitate large amounts of cut and fill and paving where currently there is topography and grass. In addition, to reconfigure the 18th hole would require reconfiguring two or three other holes moving west from there, thus leading to major redesign of the golf course. *Boe Testimony; Klein Testimony; Exhibit 7c.*
35. According to Staff, the RRR 1/5 building coverage limit is intended to keep urban-sized structures out of the rural area and thereby preserve the rural character. The existing golf facility has been on the site for 85 years, and the proposal would not change the nature of the use. While the overall subject property is bordered on three sides by residences on lots smaller than typical rural lots, the proposed parking structure would be surrounded primarily by the golf course itself, visible from a very few residential lots due to topography. The proposed design and landscaping would soften and reduce the appearance of the relatively large structure, and the facility would reduce parking impacts in the neighborhood. The overall project would occupy two of 99 acres, leaving 97 acres in its existing open, green condition. Building coverage of all the Applicant's parcels taken together would remain very low. *Exhibit 1, page 19; Exhibit 1, Attachment E, pages 22-23.*

#### *General Findings*

36. The Applicant submitted a professionally prepared traffic impact analysis (TIA) that evaluated existing roadway conditions and traffic, as well as projected traffic volumes and trip distributions generated by the proposal. The TIA stated:

The [project] will replace existing on-grade parking areas and provide additional stalls in order to better serve the membership. The total building addition to the site will increase over the existing 16,300 square feet of structures to 22,524 square feet of building... The additional space will allow some enhanced activities, however the net effect on weekday PM peak hour traffic would be negligible. ...[T]here are no anticipated new trips associated with the increased buildings and new parking area. ... No change in trip distribution ... will occur as the new construction provides for similar local accessing to the site. ...The project should not materially change the traffic volumes associated with the golf course as the improvements provide for better service to the existing membership.

*Exhibit 1, Attachment C, Traffic Impact Analysis, pages 7-8.* Thurston County Public Works accepted the TIA as satisfying with County requirements for traffic assessment. *Exhibit 1, Attachment S.*

37. Stormwater facilities to handle runoff from new impervious surfaces were designed to comply with the 2009 Thurston County Drainage Design and Erosion Control Manual. At the design stage, it is anticipated that the existing conveyance system to the beach

outfall has adequate capacity to address runoff from planned improvements and would not be replaced. Runoff would be treated in stormwater filter vaults or other systems accepted by the County. For Parcel B, runoff from all impervious surfaces would be subject to all minimum requirements. For Parcel A, new impervious surfaces and converted pervious surfaces would be subject to all minimum requirements. A closed loop wash system would be installed on Parcel A to bring the golf cart wash system into compliance with current County standards. A construction stormwater pollution prevention plan (SWPPP) would be prepared during engineering review. *Exhibit 1, Attachments F and B; Exhibit 7b.*

38. Thurston County Public Works Development Review section reviewed the Applicant's preliminary site plan, the drainage plan and report, and traffic impact analysis, determining that all preliminary requirements of the Thurston County Road Standards and the Drainage and Erosion Control Manual are satisfied by the proposal. Public Works Staff recommended approval with conditions. *Exhibit 1, Attachment U; Saint Testimony.*
39. The improved facilities would continue to receive domestic water service from the Butler Cover Water Company, a Group A system. Large on-site septic would continue to provide treatment for sanitary wastes. One septic tank located west of the pool within the 50-foot shoreline setback may be relocated. *Exhibit 1, Attachment F.*
40. Thurston County Environmental Health Division (EHD) Staff reviewed the applications and supporting materials with respect to water supply, sewage system, and the potential risk of release of hazardous materials (primarily gasoline) near the Sound and over the category III aquifer recharge area. EHD determined that, with compliance with State Department of Health requirements and County recommended conditions, the proposal would not represent a significant risk to ground and surface waters and recommended approval subject to conditions. *Exhibit 1, Attachment W.*
41. Thurston County Environmental Health Division Staff submitted comments indicating that the Applicant's professionally prepared geotechnical study adequately assessed the proposal for possible impacts to the marine bluff on Parcel B. Staff concurred with the report that the project would have a low to very low likelihood of destabilizing the marine bluff and recommended project approval. *Exhibit 1, Attachment Q.*
42. Washington State Department of Ecology submitted comments regarding erosion control, prevention of discharge of sediment laden waters to the Sound, proper disposal of construction and demolition debris, and prevention of discharge of equipment fluids during construction. *Exhibit 1, Attachments X and Y.*
43. The Thurston County Historic Commission submitted comments on the proposal, recommending the following conditions for project approval: retention of a historic preservation professional to document the history of the clubhouse; contribution of a cash amount toward erection of a historical marker; and provision of a history room in the

new facility dedicated to photographs and information about the history of the Club.  
*Exhibit 1, Attachment R.*

44. The Applicant submitted a landscape plan depicting new trees, shrubs, and groundcover throughout Parcel B and along Country Club Drive. The landscaping would enhance the existing vegetated buffer to the north and south of Parcel B with trees and understory plantings and would restore disturbed areas waterward of the new meeting hall with lawn and native shoreline species. On Parcel A, landscaping is proposed on and around the parking structure and surface parking areas. Street trees and landscaping are proposed along Country Club Drive. *Exhibit 1, Attachment B, Landscape Plan.*
45. Included in Resource Stewardship Staff's recommended conditions is a request that the applications, if approved, be subject to review in five years. Although the proposal is not anticipated to increase traffic to the facility, Staff asserted that the proposal, if successful, could result in higher membership rates, guest attendance, and numbers of special events. This could result in unanticipated and therefore unmitigated traffic, parking, and noise impacts. Staff also noted that the approved landscaping might be insufficient or result in unanticipated impacts to neighborhood views. Staff argued that future review is necessary to protect the public interest intended to be preserved by the special use permit process. *Kain Testimony.*
46. Recommended condition number eight would prohibit golf facility from generating noise rising to the level of "persistently annoying as reported by any nearby property owner." Staff acknowledged that this standard is both subjective and not based in the code. However, based on experience from other special use permits authorizing places of assembly in residential zones, Staff asserted that there is a potential for the proposal to result in noise that creates bad feelings in the neighborhood that would be inconsistent with the special use permit criteria for approval. The recommended condition would serve as notice to the neighbors as well as the operators that Staff would intend to investigate and seek mitigation of noise complaints that fall short of breaking the County's adopted noise standards. Mitigation that Staff might seek to implement in the future could include restrictions on times for amplified music, orienting speakers away from offended residences, and other similar measures. *Kain Testimony; Exhibit 1, page 20.* The Applicant representatives acknowledged this request and made no objection. *Klein Testimony.*
47. Thurston County acted as lead agency for review of the proposal for compliance with the requirements of the State Environmental Policy Act (SEPA). In conducting environmental review, the County considered information from the following sources: various 2012 site visits; the environmental checklist; applications for SUP, SSDP, SCUP, and variance, with attached site survey, site plan, preliminary septic application, certificate of water availability, landscape plan, and historical aerial photos; a traffic mitigation and parking analysis; a geotechnical report; a traffic impact analysis; a preliminary stormwater drainage report; memoranda from the County geotechnical engineer, Thurston County Public Works, and Thurston County Historic Commission; comments from the Washington State Department of Ecology; and public comments



from Roger Timmis, Laurel Schmidt Seaman, and Steve and Terry Lind. Determining that compliance with County Code and various mitigation measures would prevent probable, significant, adverse environmental impacts, the SEPA Responsible Official issued a mitigated determination of non-significance (MDNS) on October 18, 2012. No appeal was filed prior to the appeal deadline of November 8, 2012. *Exhibit 1, Attachment H; Kain Testimony.*

48. Mitigation measures required by the MDNS included: historic preservation actions; approval of the associated right-of-way vacation OR modification of the site plan; proof of various state approvals and determinations; a legally binding, recorded agreement requiring the Applicant (and successors in interest) to maintain the stormwater facilities and implement a pollution source control program; a prohibition against the use of landscaping or other chemicals within the shoreline setback; appropriate measures for the handling of unanticipated archeological resources discovered during site work; compliance with the recommendations of the approved geotechnical report; and development of an overflow parking area on a grass portion of the final plan. *Exhibit 1, Attachment H.*
49. Notice of the public hearing was sent to all property owners within 500 feet of the site, other State and County agencies, and interested parties on November 27, 2012 and published in The Olympian and posted on the County's web page on November 29, 2012, consistent with the requirements of the County Code. However, notice was not posted on-site until December 4, 2012. The Code requires the site be posted a minimum of ten days prior to the public hearing. As discussed on the record at hearing, the record was held open for public comment until December 14, 2012 in order to allow the full comment period required. *Exhibit 1, page 3; Exhibit 1, Attachments A and J; Kain Testimony.* No comments were submitted from the public after adjournment of the hearing.
50. Prior to the public hearing, the County received public comments expressing support for the proposal due to increased traffic and pedestrian safety, preservation of the golf course as a green belt, and desired improvements to the existing facilities. One comment expressed a concern regarding noise from jetskis and boats, and one comment expressed concerns regarding impacts to the view from the commenter's upslope parcel resulting from the meeting hall and proposed landscaping. *Exhibit 1, Attachment Z.*
51. At hearing, public comment submitted was unanimously in favor of the proposal. Issues raised included support for the proposed parking amendments, which all believe would improve traffic safety and, importantly, emergency vehicle access to homes beyond the club on the dead end road. One individual found the satellite parking area to be an implausible solution to a shortage of parking on-site because people would have to drive through the site to discover there was no parking and then turn around and head back to the satellite parking area. One person raised a concern about noise generated by groups that rent the meeting hall for events. The concern was forwarded by a neighbor living immediately adjacent to the facility who commented that amplified music and outside noise next to the swimming pool in the evenings has been a concern for years. This

comment requested that control of outdoor evening noise and amplified music be made a condition of permit approval. *Exhibit 2, Anderson Comments; Exhibit 3, Tenkhoff Comments; Margaret McPhee Testimony; Boyd Testimony; Thomas McPhee Testimony.*

52. Several comments indicated the importance of the golf facility as a local and regional venue, the loss of which would be a detriment to the community. At the conclusion of the testimony of Olympia Country & Golf Club Board of Governors Chairman, Tim Boyd, he asked the audience members in support of approval of the instant applications to stand. Nearly the entire audience of approximately 100 people stood. Resource Stewardship Planning Manager Mike Kain commented that in about 20 years of project review work, he has never worked on a project of this size that didn't have a single opponent; this was a first. *Boyd Testimony; Kain Testimony.*

## CONCLUSIONS

### **Jurisdiction**

The Hearing Examiner has jurisdiction to decide this special use permit application under Sections 2.06.010 and 20.54.015 of the Thurston County Code, and Section 36.70.970 of the Revised Code of Washington.

### **Criteria and Standards for Review**

#### **I. Special Use Permit Criteria**

The Hearing Examiner may approve an application for a special use permit only if the following general standards set forth in TCC 20.54.040(3) are satisfied:

- A. 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.
- 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. 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 said adverse effects may occur.

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.

*20.54.050 - (Special Use) Conditions and restrictions.*

In addition to those standards set forth in this chapter with regard to both general and specific standards which must be met, the approval authority may impose such additional conditions, safeguards and restrictions upon the proposed use as it may deem necessary in the public interest.

*Use Specific Standards for Golf Facility Special Use Permits*

TCC 20.54.070(13) Golf Facilities.

- a. Facilities shall be limited to a single eighteen-hole golf course with or without accompanying driving range.
- b. Stand-alone driving ranges shall be considered a golf facility.
- c. Clubhouses shall be limited to four thousand five hundred square feet.
- d. Parking lots shall be set back from the nearest residential property a minimum of one hundred feet. The one hundred foot setback shall include sight-obscuring plantings.

**II. Shoreline Substantial Development Permit**

Pursuant to Washington Administrative Code (WAC) 173-27-150, in order to be approved by the Hearing Examiner, the SSDP project must be consistent with:

- A. The policies and procedures of the Shoreline Management Act;
- B. The provisions of applicable regulations; and
- C. The Shoreline Master Program for the Thurston Region.

*(a) Shoreline Management Act*

Chapter 90.58 RCW, the Washington State Shoreline Management Act of 1971, establishes a cooperative program of shoreline management between the local and state governments with local government having the primary responsibility for initiating the planning required by the chapter and administering the regulatory program consistent with the Shoreline Management Act. The Thurston County Shoreline Master Program provides goals, policies and regulatory standards for ensuring that development within the shorelines of the state is consistent the policies and provisions of Chapter 90.58 RCW. Some of the policies of RCW 90.58.020 are to foster “all reasonable and appropriate uses” and to protect against adverse effects to the public health, the land, and its vegetation and wildlife.

*(b) Applicable regulations from the Washington Administrative Code*

WAC 173-27-140 Review criteria for all development.

- (1) No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the master program.
- (2) No permit shall be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.

WAC 173-27-190 Permits for substantial development, conditional use, or variance.

- (1) Each permit for a substantial development, conditional use or variance, issued by local government shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.140 (5)(a) and (b).

*(c) Shoreline Master Program for the Thurston Region*

*V. Commercial Development*

*A. Scope and Definition*

Commercial developments are those uses which are involved in providing goods, merchandise or services for compensation. Commercial developments range from small businesses within residences to high-rise office buildings including hotels, motels, grocery markets, shopping centers, restaurants, shops, private or public indoor recreation facilities.

*B. Applicable Policies*

1. Commercial developments which are water-dependent or water-related are encouraged.
2. Commercial development that will provide opportunities for the public to enjoy the shorelines of the state will be considered.
3. New commercial developments on shorelines should be encouraged to locate in those areas with existing commercial uses.
4. Commercial developments that are water-dependent or water-related are encouraged to provide public access.

6. Commercial developments should be aesthetically compatible with the surrounding area. Structures should not significantly impact views from upland properties, public roadways and from the water.
7. Parking facilities should be placed inland, away from the immediate water's edge and recreational beaches.
8. Commercial development should be discouraged within the 100-year flood plain.
9. Commercial developments which impair upstream or downstream land uses, wildlife or stream hydrology are prohibited.

### C. General Regulations

1. Buildings over thirty-five (35) feet will be allowed if they do not obstruct the view of substantial numbers of residences or upland properties.
- ...
4. Commercial uses that are water-dependent or water-related shall provide public access when feasible.

The following commercial activities are permitted in the Rural Environment:

- a. Water-dependent commercial uses.
- b. Uses other than those listed above may be allowed provided the following showings are made:
  - (1) The site is designed in a manner to allow substantial numbers of people access to and enjoyment of the shoreline.
  - (2) The use does not discourage public enjoyment of the shoreline due to impacts such as traffic, noise and other emissions.
  - (3) Structures must be set back fifty (50) feet from the ordinary high-water mark.
  - (4) Commercial structures shall not exceed thirty-five (35) feet in height

### III. Shoreline Conditional Use Permit

For a Shoreline Conditional Use Permit to be approved, the Hearing Examiner must find the following:

1. The proposed use is consistent with the policies of RCW 90.58.020 and the SMPTR;
2. The proposed use would not interfere with the normal public use of public shorelines;
3. The proposed use of the site and design of the project would be compatible with other authorized uses within the area and with uses planned for the area under the

comprehensive plan and shoreline master program;

4. The proposed use would cause no significant adverse effects to the shoreline environment in which it is to be located; and,
5. The public interest would suffer no substantial detrimental effect.
6. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
7. Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.
8. Uses which are specifically prohibited by the master program may not be authorized pursuant to either subsection (1) or (2) of this section.

*WAC 173-27-160.*

#### **IV. Variance**

Before any variance can be granted, the hearing examiner shall make findings of fact setting forth and showing that the following circumstances exist:

1. That the granting of the proposed variance will not result in the allowance of a use which is not classified as a permitted or special use in the district wherein the use would be located;
2. That special conditions and circumstances exist which are peculiar to the land, such as size, shape, topography or location, not applicable to other lands in the same district and that literal interpretation of the provisions of this title would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this title;
3. That the special conditions and circumstances are not the result of the actions of the applicant;
4. That granting of the variance requested will not confer a special privilege to the property that is denied other lands in the same district;
5. That the granting of the variance will not be materially detrimental to the public welfare or injurious to other land or improvements in the vicinity and district in which the property is situated;

6. That the reasons set forth in the application justify the granting of the variance, and that the variance, if granted, would be the minimum variance that will make possible the reasonable use of the land; and
7. That the granting of the variance will be in harmony with the general purpose and intent of this title and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

### **Other Applicable Thurston County Code Provisions**

TCC 20.03.040(1) An "accessory use" means a use or building which is clearly subordinate to and customarily found in association with a principal use.

TCC 20.03.040(57.3) "Golf facility" means real property utilized by a for-profit or non-profit commercial entity for purposes relating to the sport of golf, excluding stand-alone retail golf businesses.

TCC 20.03.040(101.5) "Permitted or primary use" means any authorized use allowed alone or in conjunction with other uses in a specified zoning district and subject to the limitations of the regulations of such zoning district. Nothing in this definition shall be construed to relieve any person of the obligation to obtain other permits required by other applicable regulations or laws.

### **Conclusions Based on Findings**

#### **A. Special Use Permit:**

1. The proposed upgrades to the existing country club, in operation at the present location since 1925, comply with all applicable federal, state, regional, and Thurston County laws or plans. The Applicant has notified appropriate state agencies. The upgrades would improve the facility's compliance with the Americans with Disabilities Act requirements, as well as with building code, stormwater requirements, shoreline protection regulations, sanitary code requirements, and other all known applicable provisions. The upgrades would also bring the use into better compliance with the Thurston County Comprehensive Plan through the following: promoting tourism to the region; making better use of and restoring the scenic vista of the on-site waterfront; encouraging regional athletic tournaments in the County; memorializing the historic appearance and role of the original facility in Thurston County's history through providing information to the Historic Register and through providing on-site monuments and photographic displays to preserve knowledge of the venue. The project would bring the use into far greater compliance with the Shoreline Master Program for the Thurston Region, as addressed in the shoreline permit conclusions below. Finally, in allowing upgrades to the legally nonconforming use in the rural area, the project as proposed and conditioned would have limited if any adverse effects on the rural character of the neighborhood while achieving Comprehensive Plan compliance through dramatically improving parking, traffic safety, member/guest access, and stormwater treatment. *Findings 2, 8, 12, 13, 14, 15, 16, 17, 18, 19, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 50, 51, and 52.*

2. The legally nonconforming country and golf club was developed on-site prior to adoption of the zoning code and many other current County land use controls (including the shoreline master program, parking standards, and others). The proposal would eliminate or significantly improve the majority of the existing nonconformities. With regard to parking, the record shows at least 161 parking spaces are required. The permits presently under consideration can only allow development of 140 parking spaces, 17 of which would remain legally nonconforming with regard to the required 100-foot setback of golf facility parking areas from residential parcels. Those 17 legally nonconforming parking stalls may continue to be used; however the Applicant may not create new nonconforming spaces, such as the 21 surface lot stalls proposed on Parcel A adjacent to the parking structure. The area for those 21 spaces has been set aside for future parking development. A condition of approval would ensure that the remaining 21 parking stalls are legally created or that the use is restricted to occupancies that can be served by the approved 140 stalls. Finally, the proposed building coverage on Parcel A exceeds the maximum allowed pursuant to the RRR 1/5 zoning regulations. To address this proposed nonconformity, the Applicant requested a variance, which is approved and addressed in detail below. As conditioned, the project is compliant with all requirements of the underlying RRR 1/5 and R/L 1/1 zoning districts. *Findings 2, 5, 6, 8, 12, 13, 14, 15, 16, 17, 18, and 19.*

3. Regarding location and the appropriateness of impacts: The proposal would not create a new use, nor is it expected to intensify the existing use. Because of its legally nonconforming status, the country and golf club has been legally allowed to impact the surrounding residential properties for decades in ways that are not consistent with current code requirements. In submitting the current applications, the proposed improvements become subject to current code. As proposed and conditioned, the project would reduce existing substantial existing impacts on the surrounding rural community and would not result in new substantial or undue impacts, for the following reasons:

Consolidation of the golf-specific uses on Parcel A and non-golf-specific uses on Parcel B would not substantially impact surrounding properties. It would reduce existing safety issues by not requiring golfers to cross the street to access different golf amenities. The new clubhouse, pro shop, and cafe on Parcel A would be slightly smaller than the existing structure. The proposed meeting hall on Parcel B was designed to provide the full 50-foot shoreline setback. Having it built into the existing natural slope would significantly reduce the visual and massing impacts of its somewhat larger square footage and footprint. The proposal's impacts on upslope views generally would not be significant relative to existing views, although one property in particular would lose some portion of its view as a result of the extended roofline. The Applicant has offered to create a new view corridor for that property by removing one or more large tree(s), to which the County has not objected. Most importantly, the proposal would reduce the nonconformity of the existing parking situation. By providing 140 parking stalls (and potentially 21 more in the future), the project would significantly alleviate the most substantial impact of the existing



facility on the surrounding community: unsafe parking conditions and overflow parking in the neighborhood. The proposed parking structure on Parcel A would back up and be built into the existing slope, appearing to be partially underground, with a practice green on top. Landscaping on the ground and cascading from the roof would reduce the impact of the structure's mass as seen from the street, while from above, the only structure visible would be the clubhouse/pro shop. Another existing impact of the present facility identified in the record is noise, especially noise generated by outdoor evening activities and amplified music on Parcel B. Noise will be addressed in a separate conclusion. Stormwater and septic systems would be updated with the project. As conditioned, the project would reduce existing impacts of the commercial activity, rendering the facility more compatible with the surrounding community. *Findings 2, 8, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 36, 37, and 44.*

4. With the authority conferred by TCC 20.54.050, the Examiner adopts the conditions recommended by Staff requiring review of the SUP in five years and allowing County investigation and remediation of persistently annoying noise. Approval of the SUP requires the improvements to conform to current County standards, including noise limits. A condition of approval would ensure that all activities at the new meeting hall shall comply with noise restrictions applicable to commercial activities in residential zones adjacent to residential uses. Additionally, the instant approval adopts Staff's recommended condition that would authorize County Staff to investigate and remediate any complaints of on-site activities resulting in "persistently annoying" levels of noise by requiring additional measures of noise mitigation prior to the five year review. Should persistently annoying noise issues continue to the time of the five year review, more significant limitations could be placed on on-site activities. *Findings 36, 45, 46, 50, and 51.*
5. The record contains no evidence that the project would impose any burden on area improvements, facilities, utilities, or services. The same Group A water system would serve the renovated buildings. Improvements to the large on-site septic system would increase compliance with current code. No increase in traffic is anticipated, but as conditioned, the use would be reviewed in five years at which time the impacts of unanticipated traffic increases could be addressed. Removal of existing parking from the right-of-way together with the proposed curb, sidewalk, and landscaping improvements would enhance vehicle and pedestrian safety in the area, improving emergency vehicle access. *Findings 16, 17, 18, 19, 36, 37, 38, 39, 40, and 41.*
6. As conditioned, the proposal is consistent with the use-specific standards applicable to golf facilities. The project would not change the existing 18-hole golf course and would not construct a driving range. The proposed clubhouse on Parcel A would be 4,500 square feet. The proposed meeting hall on Parcel B is an appropriate accessory use for the golf facility. As conditioned, the SUP would not authorize any new parking spaces within 100 feet of any residential parcel. Seventeen existing legally nonconforming parking spaces within 100 feet of residential parcels would be retained, but 30 such spaces would be removed and replaced outside the required buffer. The existing landscaped buffers between parking and adjoining residential

uses would be retained and enhanced with additional plantings. The Applicant had proposed 21 new nonconforming parking stalls within 100 feet of residential uses in replacement of part of the 30 spaces to be removed. This arrangement is not authorized. The Applicant may request approval of the 21 spaces within the 100-foot buffer in a separate variance application at a later time, or may seek to provide additional parking by other methods outside the buffer. Maximum occupancy allowed in the meeting hall shall be limited by parking available at the time the application for certificate of occupancy is submitted. *TCC 20.54.070(13); Findings 12, 13, 14, 15, 16, 17, 18, 19, 44, and 45.*

**B. Shoreline Substantial Development Permit:**

1. The proposed work within the shoreline jurisdiction would amount to a reasonable and appropriate use of the shoreline. By relocating the primary structure on Parcel B 13 feet to the west, incorporating its mass into the slope, the project would bring the property into compliance with the 50-foot shoreline setback. By removing the foundation of the old structure and restoring the area, removing the terraced area and rockeries from the shoreline, removing the English ivy, and replacing the two concrete stairways to the water with one raised wooden stairway with plantings underneath, the proposal would substantially restore the shoreline to natural conditions, benefiting the environment. The new wooden stairway to the beach would have two view points, providing access to the beach for club guests and members. The proposed stormwater treatment improvements would prevent degradation of water quality caused by runoff from the site's impervious surfaces. The proposal is consistent with the goals and policies of the Shoreline Management Act. *Findings 12, 13, 14, 20, 21, 22, 23, 24, 25, and 37.*
2. The proposed meeting hall, associated parking, retaining walls, landscaping and pool deck enlargement meet the description of commercial development, which is allowed in the Rural Shoreline Environment. The meeting hall would not be taller than 35 feet above the average grade. The record shows that the proposal would partially impact the view of one upslope residence, which the Applicant would mitigate by removal of a tree, creating a new view corridor for that residence. The proposal is consistent with WAC 173-27-140(2). A condition of approval would ensure compliance with WAC 173-27-140(1). *Findings 12, 13, 14, 20, 21, 22, 23, 24, and 25.*
3. As proposed and conditioned the proposal is consistent with the applicable goals, policies, and regulations of the Shoreline Master Program for the Thurston Region. No new commercial uses are proposed. The renovated meeting hall and associated activities are considered to be "water related" because they would draw club members and guests to dine and recreate adjacent to the inlet, enjoying mountain and water views. The proposed site design encourages walking along the shoreline. The new facility would occupy the same shoreline frontage as the existing building, making better use of parcel depth and grade. Part of that better use would incorporate installation of new retaining walls adjacent to the parking area to maintain bluff stability, screen vehicles from the water, and improve stormwater control. Extensive

landscaping would enhance the site visually, as well as improve screening between the commercial use and its residential neighbors. The proposal would remove invasive plants along the shoreline, return the embankment to a natural grade, and plant native species. All parking would be sited at least 120 feet from the water. The proposed meeting hall would not exceed 35 feet in height from average grade level. Only one upland residence would have an altered view of the Sound, resulting from an extended and slightly higher roofline on the meeting hall. The Applicant has proposed to mitigate that loss of view through removal of a large cedar tree near the existing meeting hall and pool, such that there would be no significant net loss of view. The proposal would reduce total impervious surface coverage on Parcel B. *Findings 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 44.*

**C. Shoreline Conditional Use Permit:**

1. As addressed in conclusion B.1 and B.3 above, the proposal is consistent with the policies of RCW 90.58.020 and the SMPTR.
2. The proposal would not change public use of the shoreline, except to the extent that it would enhance the public use by adding land-stabilizing retaining walls adjacent to a parking lot and expand the pool deck north of the meeting hall. Expansion of the pool deck would provide increased recreational opportunities near the shoreline. All new construction is proposed outside the 50-foot shoreline buffer. *Findings 20, 21, 22, 23, 24, and 25.*
3. The golf facility has been a part of the neighborhood for 85 years and the instant proposal would not change the nature or intensity of the use. The proposal was specifically designed to restore and enhance the shoreline area and to increase, through landscaping, the screening of the existing commercial use from neighboring residential properties. The portions of the project that require SCUP approval would not be visible from the neighborhood. *Findings 2, 20, 21, 22, 23, 24, 25, 36, and 44.*
4. As described above, the proposal would substantially restore existing alterations of the shoreline area, returning it to a more natural state. No work would be done waterward of the bulkhead. The proposal includes stormwater treatment and septic improvements that should result in ongoing improvement of the water quality immediately offshore. *Findings 20, 21, 22, 23, 24, 25, 37, and 40.*
5. The portions of the project subject to SCUP approval would benefit the public interest by stabilizing the bluff and enhancing recreation opportunities in the shoreline. *Findings 20, 21, 22, 23, 24, and 25.*
6. The Olympia County & Golf Club is the only facility of its kind in the vicinity. Improvements that reduce its effects on the shoreline environment could not result in any cumulative adverse effects on the environment. *Findings 2, 20, 21, 22, 23, 24, and 25.*
7. The retaining walls and pool deck expansion are not classified in the shoreline master

program but they may be authorized as conditional uses because the record demonstrates consistency with the requirements of the SCUP approval criteria and the goals, policies, and regulations of the SMPTR. No part of the proposal is specifically prohibited by the master program. *Findings 12, 13, 14, 15, 20, 21, 22, 23, 24, and 25.*

8. RCW 90.58.020 states:

The interest of all of the people shall be paramount in the management of shorelines of statewide significance...(and that) local government...shall give preference to uses in the following order of preference which: (1) Recognize and protect the statewide interest over local interest; (2) Preserve the natural character of the shoreline; (3) Result in long term over short term benefit; (4) Protect the resources and ecology of the shoreline; (5) Increase public access to publicly owned areas of the shorelines; (6) Increase recreational opportunities for the public in the shoreline; (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

The existing country and golf club is a regional facility, rather than a local facility. During its 85 year history, it has hosted hundreds of regional and statewide events. The proposal would not alter the nature of the use as a regional facility. The portions of the project subject to SCUP approval are needed to support the overall upgrades necessary to sustain the long-term viability of the country club. The retaining walls would provide stability and add native vegetation. The expansion of the pool deck would be accomplished with pervious paving. The natural character of the shoreline environment would be enhanced rather than degraded. The overall use of the shoreline will remain unchanged from that established over the past several decades. The project would improve pedestrian shoreline access and add an area for passive shoreline enjoyment through deck lounging and outdoor events. Conclusion B.3 above details the proposal's compliance with the SMPTR. The RCW declares that the local jurisdiction should preserve the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state. To this end, preferred uses are those "which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline." The proposal complies with these requirements. *Findings 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, and 28.*

**D. Variance:**

1. The proposal would result in more efficient and adequate parking for an existing golf course, which is an allowed use in the underlying RRR 1/5 zone. No unauthorized use would result from approval. *Findings 7, 16, 17, 18, 19, and 27.*
2. With Budd Inlet to the east, significant changes in topography moving inland, the golf course to the west, north, and south, and residential parcels to the north and south, the development envelope on-site is significantly limited by topographic, geologic, and previously developed features. The parking study indicates a need for 112 parking spaces for golf activities and up to 179 spaces for special events scheduled on

Saturdays during the high use season. Surface parking area available without significant and expensive redesign of the 85 year old golf course would not accommodate even the 112 cars present for strictly golf activities. The proposed parking structure represents the most parking with the least cut and fill, impervious surface, and interruption of on-site activities. *Findings 2, 3, 4, 16, 17, 18, 19, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35.*

3. The Applicant is not responsible for the topographic, geologic, and development conditions present on the site. *Findings 2, 3, and 30.*
4. There are no similar commercial uses in the vicinity, but should any arise in the future on parcels with similar restrictions, the owners would have the same opportunity to apply for a variance. Approval would not grant a special privilege to the Applicant. *Findings 32 and 35.*
5. Approval of the parking structure would ameliorate an existing parking problem that is an existing threat to public safety and a frequent hassle for neighbors of the golf facility. As proposed and conditioned, the structure would blend into the vegetated slope of the golf course such that it would not even appear to be a structure when seen from the air. The mass of the building would be disguised with cascading and ground-based vegetation, and would only be visible to a few residential lots and persons driving by. It would have less visual impact than the same number of surface parking places. No detriment to the public interest is shown in the record. *Findings 16, 17, 18, 19, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35.*
6. As noted above, multiple configurations were considered for providing adequate parking for the existing use of the existing golf facility. The proposal represents the least amount of deviation from code needed to afford the maximum improvement in an existing, legally nonconforming situation that presents a threat to public safety. *Findings 33 and 34.*
7. The instant proposal would exceed structural coverage on the RRR 1/5-zoned Parcel A by 9,000 square feet, nearly 150% of that allowed. However, the golf facility occupies 99 contiguous acres and even with the variance, building coverage of the entire property would be very low. Neighbors of the property are unanimously in favor of the parking structure and the instant variance because they believe it is necessary to relieve the currently hazardous parking situation. *Findings 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 51, and 52.*

### **DECISION**

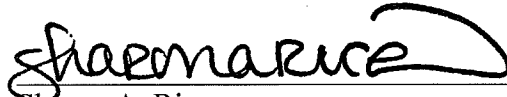
Based on the preceding findings and conclusions, the requested special use permit, substantial shoreline development permit, shoreline conditional use permit, and variance to construct and operate improvements at the existing Olympia Country & Golf Club at 3636 Country Club Drive NW in Olympia, Washington are **GRANTED** subject to conditions, including final approval of the shoreline conditional use permit by the Washington State Department of Ecology and the following:

1. Prior to or in conjunction with the issuance of a building permit, all applicable regulations and requirements administered by the Thurston County Resource Stewardship Department shall be met, including mitigation measures required by the October 18, 2012 Mitigated Determination of Non-Significance.
2. **SDP and SCUP.** Construction and operation of the approved project must be consistent with all applicable policies and other provisions of the Shoreline Management Act, its rules, and the Shoreline Master Program for the Thurston Region.
3. 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.
4. No discharge of sediments into Puget Sound shall be permitted at any time.
5. **SDP and SCUP.** The building permit must be issued for the meeting hall, and retaining wall construction, pool deck expansion, and shoreline restoration activities must be commenced within two years of the effective date of the shoreline permits. Additionally, all approved development must be completed within five years of the effective date of the shoreline permits. A one-year extension may be granted by the Hearing Examiner upon appropriate request by the Applicant. The effective date is the date of the last action required on the shoreline permits and all other government permits and approvals that authorize the development to proceed.
6. All activities related to the proposed golf facilities shall be in substantial compliance with the site plan in the record at Exhibit 6, including modifications required by this approval. Any expansion or alteration of this use will require approval of new or amended permits.
7. **SDP and SCUP.** Physical activities within the shoreline jurisdiction pursuant to the two shoreline permits shall not begin and are not authorized until 21 days from the date of filing of the Hearing Examiner's decision with the Department of Ecology as required in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within 21 days from the date of filing have been terminated, except as provided in RCW 90.58.140(5)(a) and (b).
8. Noise from equipment or personnel engaged in the operation shall not rise to the level of persistently annoying as reported to the Resource Stewardship Department by any nearby property owner. The County will investigate complaints of persistently annoying noise and may require appropriate mitigations on an ongoing basis.
9. Any lighting associated with the operation shall be designed and placed to avoid direct or reflected glare onto nearby residences.

10. **SUP and SDP.** Approval is contingent upon prior approval of the requested Country Club Drive right-of-way vacation. In the absence of such vacation approval, a revised site plan shall be submitted for Hearing Examiner consideration or a front setback variance request shall be reviewed by staff.
11. **SUP.** To ensure continued compatibility with the surrounding neighborhood, subsequent review of the SUP shall be initiated within five years of SUP approval to determine if membership or user increases are significant enough to require additional mitigating conditions. It shall be the responsibility of the Applicant to timely submit application and fee for the review. Issues to be reviewed include, but are not limited to, traffic, parking, noise, and landscaping.
12. **SUP.** If a building permit has not been issued, or if construction activity or operation has not commenced within three years from the date of final approval, the special use permit shall expire. The special use permit shall also expire when the use or activity for which the permit was granted is vacated for a period of three years. Upon the application of the owner or representative, the approval authority may grant a one-year extension. TCC 20.54.040
13. **Variance.** If a building permit has not been issued, or if construction activity or operation has not commenced within three years from the date of final approval, the variance shall expire. The variance shall also expire when the use or activity for which the variance was granted is vacated for a period of three years. There is no extension permitted. TCC 20.52.045.
14. **SUP.** Building permits shall not be issued until a site plan deleting new nonconforming parking spaces is approved, or approval of a variance showing the creation of new nonconforming parking spaces has been approved by the Hearing Examiner.
15. **SDP and SCUP.** No additional development or grading beyond the subject approval is authorized within 50 feet of the existing bulkhead. Non-developed areas within the 50-foot shoreline setback area shall be planted with native shoreline vegetation and maintained as such, where possible.
16. **SDP.** The current percentage of impervious surface coverage on the shoreline parcel shall not be increased as a result of the approved project.
17. Compliance with the recommendations of the Thurston County Public Works Department is required. The recommendations are set out in attached memos of October 5, 2012, October 12, 2012 and November 28, 2012.
18. Compliance with the recommendations of the Thurston County Environmental Health Department is required. The recommendations are set out in the attached memos of November 20, 2012 and November 29, 2012.

19. **SUP.** The special use permit is approved for 140 parking stalls and six satellite stalls. Prior to issuance of Certificate of Occupancy for the new meeting hall, an additional 21 parking stalls are required, either through a separately processed variance application and/or through another satellite parking location to be approved administratively by the Department. If 21 additional stalls are not located and approved, a new parking study shall be prepared to determine the maximum occupancy for special events on-site at the peak period.

**DECIDED** this 31st day of December 2012.



Sharon A. Rice

Thurston County Hearing Examiner *Pro tem*