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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. 2016106147
)	
Gospel Outreach of Olympia)	FINDINGS, CONCLUSIONS,
)	AND DECISION
For a Special Use Permit)	
_____)	

SUMMARY OF DECISION

The request for a Special Use Permit to redevelop and expand the existing Gospel Outreach Reformational Church is **GRANTED**, subject to conditions.

SUMMARY OF RECORD

Request:

Gospel Outreach Reformational Church of Olympia (Applicant) requested a Special Use Permit (SUP) to redevelop and expand the existing Church, located at 1925 South Bay Road NE, Olympia (Tax Parcels 11807230300, 11807230306, and 11807230700). The Applicant proposes to redevelop the site in five phases over a 21-year time period.

Hearing Date:

The Thurston County Hearing Examiner conducted an open record public hearing on the request on October 10, 2017.

Testimony:

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

- Scott McCormick, Associate Planner, Thurston County Resource Stewardship Department
- Dawn Peebles, Thurston County Environmental Health Division
- Arthur Saint, Thurston County Public Works Department
- David Boe, Boe Architects, Applicant Representative

Attorney Heather Burgess represented the Applicant at the hearing.

Exhibits:

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

- Exhibit 1 Resource Stewardship Department Staff Report including the following attachments:
- A. Notice of Public Hearing
 - B. Master Application, dated December 21, 2016
 - C. Special Use Permit application, dated December 21, 2016
 - D. Project scope narrative, dated March 1, 2017
 - E. Project design narrative (undated)
 - F. Statement of justification (undated)
 - G. Trip estimate evaluation
 - H. Vicinity map
 - I. Well site location map (labeled aerial photo), dated June 2017
 - J. Project site plans and design drawings
 - K. Notice of Application with adjacent property owner list, dated January 25, 2017
 - L. SEPA Mitigated Determination of Non-Significance, issued September 11, 2017
 - M. SEPA Environmental Checklist, signed December 21, 2016
 - N. Letter from the Nisqually Indian Tribe, dated September 15, 2017
 - O. Approval memorandum from Arthur Saint, P.E., TC Public Works, Development Review, dated August 29, 2017
 - P. Letter from Heather Burgess (Phillips Burgess PLLC), dated July 24, 2017, with attached Traffic Assessment by Heath & Associates, dated July 13, 2017
 - Q. Approval memorandum from Dawn Peebles, TC Environmental Health, dated July 12, 2017

- R. Email correspondence with Dawn Peebles, dated May 30, 2017 through January 17, 2017
- S. Email correspondence with Glenn Martucci, dated May 24, 2017 through April 17, 2017
- T. Memorandum from JWM&A, Re: Well locations within 200 feet, dated May 8, 2017
- U. Letter from Thurston County Resource Stewardship to Boe Architects, dated May 2, 2017
- V. Email from David Boe regarding public comments received, dated April 27, 2017, with attached public comments from Ricky Bhalla, dated April 12, 2017
- W. Letter from Sound Urban Forestry, dated April 14, 2017, with attached Tree Protection Plan, dated April 13, 2017
- X. Email correspondence with Scott McCormick, TC Resource Stewardship, dated April 25, 2017 through January 17, 2017
- Y. Letter from Thurston County Resource Stewardship to Boe Architects, dated March, 15, 2017
- Z. Memorandum from Arthur Saint, P.E. to Scott McCormick, dated March 15, 2017
- A-1. Letter from the Washington State Department of Ecology, dated January 12, 2017
- B-1. Letter from the Nisqually Indian Tribe, dated January 11, 2017
- C-1. Drainage Scoping Report from JWM&A, dated December 20, 2016
- D-1. Water and sewer availability letter from the City of Olympia, dated December 8, 2016
- E-1. Email from David Boe to Scott McCormick, TC Resource Stewardship, dated September 18, 2017
- F-1. Presubmission conference notes for project, dated September 1, 2016
- Exhibit 2A Comment email from Cathy Hier, dated October 8, 2017
- Exhibit 2B Comment email from Carla Swanzy, dated October 10, 2017

- Exhibit 3 Public notice photos and photo of existing church parking lot
- Exhibit 4 Letter from Heather Burgess, dated October 10, 2017, with letter from Glenn Martucci, dated October 4, 2017
- Exhibit 5 Applicant PowerPoint presentation
- Exhibit 6 Hearing Examiner decision on SUP 2005100553

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

FINDINGS

1. The Applicant requested a special use permit (SUP) to redevelop and expand the existing Gospel Outreach Reformational Church, located at 1925 South Bay Road NE, Olympia.¹ The application materials initially submitted proposed to redevelop the site in five phases over a 21-year time period. *Exhibits 1, 1.B, and 1.C.*
2. The subject property is located within the Olympia Urban Growth Area and is zoned R-4. Places of worship are allowed in the R-4 zone with approval of a SUP. *Exhibit 1; TCC 23.04.040.*
3. The general purposes of the Olympia UGA’s residential districts include, in relevant part, “to maintain or improve the character, appearance, and livability of established neighborhoods by protecting them from incompatible uses, excessive noise, illumination, glare, odor, and similar significant nuisances”; “to ensure the compatibility of dissimilar adjoining land uses”; and “to minimize the potential for significant flooding and allow recharge of ground water”. *TCC 23.04.020.A.* The purpose of the R-4 designation is “to accommodate residential development in areas sensitive to stormwater runoff in a manner and at a density (up to four units per acre) that avoids stormwater related problems (e.g., flooding and degradation of environmentally critical areas)”. *TCC 23.04.020.B.*
4. The subject property consists of three parcels totaling 3.81 acres. While the three parcels are adjacent to each other, the subject property frontage on South Bay Road is not continuous: there are two intervening residential parcels, which are surrounded by church land on three sides. The existing church is 11,435 square feet in area and is

¹ The legal description of the subject property is a portion of Section 07, Township 18 North, Range 1 West, W.M.; also known by the following parcel numbers, with legal descriptions: Parcel No. 11807230300 - Section 07 Township 18 Range 1W Quarter SW NW BLA14101375TC PTN TR B Document 4405538 FOR TAX PURPOSES ONLY OTHER PTN TR B ARE PARCEL NUMBERS 11807230306 Farm & Agriculture and 1A (2.0 acres); Parcel No. 11807230306 - Section 07 Township 18 Range 1W Quarter SW NW BLA14101375TC PTN TR B FOR TAX PURPOSES ONLY OTHER PTN TR B ARE PARCEL NUMBERS 11807230300 DOR EXEMPT AND PARCEL NUMBER 1A (0.59 acres); and Parcel No. 11807230700 - 7-18-1W SW-NW N366F OF S520F OF E145F OF W330F LESS 1A (1.22 acres). *Exhibit 1.*

- located on the southernmost parcel. Most of it was constructed in the 1980s, with a classroom addition constructed in 2006 pursuant to a special use permit granted on April 17, 2006 (No. 2005100553). The northernmost parcel contains open space/recreation fields. The westernmost parcel contains two single-family residences, both of which would be removed to accommodate the proposed development. *Exhibits 1, 1.J, 5, and 6.*
5. Surrounding land uses consist of medium- to high-density residential development, with lot sizes ranging from approximately 0.2 to 1.0 acres. *Exhibit 1.*
 6. Phase 1 of redevelopment would be relocation of the existing parking to the west to allow for building expansion. This phase would include parking for 100 vehicles, perimeter and internal landscaping, storm water systems, and a revised vehicle ingress/egress from South Bay Road NE to the site to improve safety. *Exhibits 1 and 1.D.*
 7. The second part of Phase 1 would be construction of a new fellowship hall, to be located between the new parking area and the original building along the north property line. The fellowship hall would be approximately 6,000 square feet with an additional 5,000 square feet of support space to include storage rooms, break-out rooms, foyer, and additional restrooms. The total size of building construction for Phase 1 would be 11,000 square feet, with construction anticipated in 2017-2018. *Exhibits 1 and 1.D.*
 8. Phase 2 would be a remodel of the existing multi-purpose sanctuary/fellowship hall into a dedicated sanctuary space and narthex. To the existing space of 5,748 square feet a side aisle and apse addition of approximately 1,880 square feet would be added for a combined remodel/addition of 7,628 square feet. This phase was initially projected for construction in 2022-2023, depending on funding. *Exhibits 1 and 1.D.*
 9. Phase 3 would construct an entry porte cochere, entry foyer, nursery, and office spaces between the parking lot and the sanctuary. This building addition would add approximately 3,450 square feet, with the porte cochere canopy being an additional 1,150 square feet. This phase was initially projected for construction in 2027-2028, depending on funding. *Exhibits 1 and 1.D.*
 10. Phase 4 would construct additional support spaces to the west of the sanctuary including a sacristy, vestry, church classrooms, and additional office space totally approximately 2,880 square feet. This phase was initially projected for construction in 2033-3034, depending on funding. *Exhibits 1 and 1.D.*
 11. Phase 5 would construct additional music rehearsal, music practice room, and classroom spaces along the east side of the existing classroom wing, totaling approximately 2,800 square feet. This phase was initially projected for construction in 2037-2038, depending on funding. *Exhibits 1 and 1.D.*
 12. Bulk standards applicable to development in the R-4 zone include a maximum building height of two stories or 35 feet, whichever is less; minimum front, rear, and side yard setbacks of 20 feet, 25 feet, and five feet, respectively; a maximum building coverage

of 35%; and a maximum impervious surface coverage of 35%. *TCC 23.04.060*. After completion of all proposed phases, the impervious surface coverage of the subject property would be 29.5%, and the building coverage would be 11.97%. The proposed buildings/building expansions would comply with required setbacks, as would the new parking lot. The parking lot would be between 26 to 29 feet from the west (rear) property line, abutting existing residential development. The tallest building ridge line would be 35 feet in height, with a single steeple (exempt from the 35-foot limitation) reaching approximately 65 feet in height. *Exhibits 1.M, 1.V, and 5*.

13. The subject property is served by the City of Olympia public water and sewer systems. Both systems have capacity to serve the proposed development, and the City has committed to providing water and sewer to the development. City water and sewer connection permits would be issued as part of building permit issuance, subject to payment of required fees. *Exhibits 1.C and 1.D-1*. However, there are several wells on or within close proximity to the subject property, and there is an on-site sewage system on the subject property. As specified in the conditions recommended by the County Environmental Health Division and those that have been incorporated into the SEPA mitigated determination of non-significance (MDNS): the three wells on the subject property would be decommissioned in accordance with Department of Ecology standards; the on-site sewage system would be abandoned in accordance with Thurston County Sanitary Code requirements; and the parking lot (proposed to be adjacent to a neighboring irrigation well) would be designed so that stormwater is directed away from the well and so that there are no penetrations within 100 feet of the well. *Exhibits 1.I, 1.L, 1.Q, 1.T, and 1.U*.
14. The project is subject to design review, pursuant to *TCC 23.50*, prior to building permit issuance. *Exhibits 1.U and 1.Y; Scott McCormick Testimony*.
15. Storm drainage improvements would be constructed in accordance with the Thurston County Drainage and Erosion Design Manual. Although the overall proposed project build out is long, storm drainage improvements for all proposed phases would be constructed during Phase 1. These improvements would include a roof downspout infiltration system, and conveyance of runoff from the driveway, parking lot, and sidewalks to the western edge of the parking lot to catch basins. An approved pretreatment device would be installed for water quality treatment, and open-bottom underground vaults would provide 100% infiltration from those areas. *Exhibit 1.C-1*. The County is satisfied that the proposed drainage improvements are consistent with County standards. *Scott McCormick Testimony; Arthur Saint Testimony*.
16. The parking requirement applicable to the church is based on sanctuary seating, with one parking stall per four seats. As proposed, the sanctuary would provide seating for 400, requiring a minimum of 100 parking stalls. In the site's current condition, some of the approximately 60 parking stalls on the subject property abut, or are in direct view of, the street right-of-way. The proposed parking area would be set back farther from the street and would be behind existing and proposed buildings. Stormwater facilities and landscaping would be installed along the street frontage at the south end of the subject

property, in an area formerly occupied by parking stalls. *Exhibits 1.E, 1.F, 1.G, 1.J, 1.P, 1.R (Boe email dated March 16), and 1.C-1; Testimony of David Boe.*

17. Access to the site is from South Bay Road NE, an arterial street. The Applicant proposes to move and straighten the existing driveway to improve vehicle maneuvering safety at the point of ingress/egress. The change would allow for dedicated right turn and left turn exit lanes, as well as an entrance lane. *Exhibits 1.F and 1.J.*
18. The County has determined that the project does not require street frontage improvements due to the relatively low volume of additional traffic that is expected. The primary purpose of the project is to provide dedicated spaces for church activities that are currently housed in a multipurpose structure; the sanctuary size would increase only modestly. The church's average growth rate has been less than 3% per year, and no change in school enrollment is anticipated.² A large number of church and school attendees live within walking distance of the church. Based on analysis by the Applicant's traffic engineering consultant, the expected number of new average daily weekday trips would be 11, which is less than the 20 new trips threshold that triggers mandatory compliance with City of Olympia street standards. Seven new Sunday peak hour trips are expected. The additional traffic is not expected until Phase 2 of the project. *Exhibits 1.F, 1.P, and 1.Z; Scott McCormick Testimony; David Boe Testimony.*
19. There are currently 25 trees within the proposed parking lot expansion area, which have been evaluated by a certified arborist. The trees are in poor to fair condition, and most are not native species. All of these trees would be removed for parking lot development, and replaced with perimeter and interior landscaping consistent with the requirements of TCC 23.36. The landscaping would include five- to 10-foot tall shrubs and a six-foot tall sight-obscuring fence along the west property line, foundation plantings along building walls, and landscaping around the proposed roof drain infiltration facility. The County submitted that the proposed landscaping satisfies ordinance standards. *Exhibits 1, 1.J, and 5.*
20. Parking lot lighting would include shielded fixtures to contain parking lot light within the property. The fixtures would be located on the west side of the property so that the light is thrown towards the center of the site, as opposed to being located in the center of the site, where light would be thrown towards the perimeter. These design choices are expected to minimize off-site light lighting impacts. *Exhibit 1.V.*
21. The project would be required to comply with County and State noise limits. Construction hours would be restricted to occur between 7:00 a.m. to 7:00 p.m. *Exhibit 1.*
22. The Nisqually Indian Tribe reviewed the proposal and did not have comments, but requested to be informed if there are discoveries of archaeological resources or human

² School enrollment has averaged 46 students per year over the past five years, with current enrollment at 41 students. The special use permit that was issued for the 2006 classroom addition contemplated up to 71 students. *Exhibit 1.P and 6.*

burials during construction. This request was incorporated into the recommended conditions of SUP approval. *Exhibits 1 and 1.B-1.*

23. Thurston County Resource Stewardship Department assumed lead agency status for review of the proposal's probable adverse environmental impacts pursuant to the State Environmental Policy Act (SEPA). The County's Responsible Official issued a mitigated determination of non-significance (MDNS) on September 11, 2017. The MDNS contains 11 conditions relating to environmental health (protection of off-site wells, decommissioning of on-site wells and septic system, compliance with School Facility Plan Review application requirements), cultural resources, construction hours, sediment control, design review, construction storm water permitting, spill cleanup, and public works requirements. The MDNS was not appealed. *Exhibits 1 and 1.L.*
24. Notice of the open record hearing was mailed to property owners within 500 feet of the site on September 25, 2017, published in The Olympian on September 29, 2017, and posted on-site on September 29, 2017. *Exhibits 1.A and 3.*
25. At time of hearing, Resource Stewardship Staff recommended, and the Applicant revised the original request in concurrence, that the duration of SUP approval be extended to ten years for the submission of required development and building permits, rather than the standard three years allowed by TCC 23.72.140(B)(4) and rather than the 21 year approval proposed in the application. The County Code's special use permit provisions allow the Hearing Examiner to establish time limits for uses. Planning Staff and the Applicant both contended that the revised 10 year approval period would be consistent with SUP approvals the County has granted in the past for phased church developments on the basis of such projects' long time horizons and fundraising uncertainties. *Exhibits 1 and 4; Heather Burgess Argument.*
26. Three public comment letters were submitted in response to the application. Two were in support of the application. One, from a neighbor to the west, raised questions/concerns regarding parking lot setbacks, light pollution from parking lot lighting and headlights, property value impacts, and construction noise. The Applicant submitted responses to these concerns, which have been incorporated into the above findings. *Exhibits 1, 1.V, 2A, and 2B.*
27. At hearing, Applicant representatives clarified that regardless of how nice the proposed improvements are, there is not expected to be a significant increase in site attendance. The reason for the proposal is to relieve pressure on the sanctuary, rather than to increase the area of sanctuary, by creating other spaces at the property for non-worship uses including (but not limited to) school music programming and fellowship (rather than worship) events. These improvements would improve the appearance of the sanctuary to enhance the worship experience and would also allow staff and volunteers to move furniture less frequently. The current congregation has 259 members (including the children who attend the school) and the proposed expansion of sanctuary seating for 400 assumes that the historic modest annual growth rate of 3% would remain in effect well into the future. The main reason that growth is not expected is that the community values

a congregation where it is possible to know everyone. They are more likely to start a second church elsewhere than to exceed a 400 member congregation size. Applicant representatives addressed the concerns of the neighbor comments about the impacts of the parking area and stated that the proposal is intended to reduce and mitigate all the potential impacts noted in the comment letter. Finally, Applicant agents waived objection to the recommended conditions of approval. *David Boe Testimony; Dan Martucci Testimony.*

CONCLUSIONS

Jurisdiction:

The Hearing Examiner has jurisdiction to decide this special use permit application under Sections 2.06.010 and 23.48.020 of the Thurston County Code.

Criteria for Review:

The Hearing Examiner may approve an application for a special use permit only if the following general standards set forth in TCC 23.48.030 are satisfied:

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

Additional Applicable Code Sections:
Chapter 23.04 – RESIDENTIAL DISTRICTS

23.04.020 – Purposes.

- A. The general purposes of the residential districts contained in this chapter are as follows:
1. To provide a sustainable residential development pattern for future generations;
 2. To encourage development of attractive residential areas that provide a sense of community and contain a variety of housing types to accommodate different lifestyles and household sizes;
 3. To maintain or improve the character, appearance, and livability of established neighborhoods by protecting them from incompatible uses, excessive noise, illumination, glare, odor, and similar significant nuisances;
 4. To establish a compact growth pattern to efficiently use the remaining developable land; enable cost effective extension and maintenance of utilities, streets and mass transit; and enable development of affordable housing;
 5. To enable community residents to reside and work within walking or bicycling distance of mass transit, employment centers, and businesses offering needed goods and services in order to reduce traffic congestion, energy consumption, and air pollution;
 6. To provide for development of neighborhoods with attractive, well connected streets, sidewalks, and trails that enable convenient, direct access to neighborhood centers, parks, and transit stops;
 7. To ensure adequate light, air, and readily accessible open space for each dwelling unit in order to maintain public health, safety, and welfare;
 8. To ensure the compatibility of dissimilar adjoining land uses;
 9. To protect or enhance the character of historic structures and areas;
 10. To provide residential areas of sufficient size and density to accommodate the City's projected population growth, consistent with Section 36.70A.110, RCW;
 11. To preserve or enhance environmental quality and protect ground water used as a public water source from contamination;
 12. To minimize the potential for significant flooding and allow recharge of ground water;

13. To allow innovative approaches for providing housing, consistent with the policies of the Olympia Joint Plan; and
14. To ensure that development without municipal utilities is at a density and in a configuration that enables cost effective urban density development when municipal utilities become available.

B. The additional purposes of each individual residential district are as follows:

3. Residential Four Units per Acre (R-4). To accommodate residential development in areas sensitive to stormwater runoff in a manner and at a density (up to four units per acre) that avoids stormwater related problems (e.g., flooding and degradation of environmentally critical areas)....

23.04.060 – Residential districts’ use standards.

21. Places of Worship. The following requirements apply to all places of worship subject to special use approval:

- a. Location. Before a place of worship may be located in an R-4, R 4-8, R 6-12, MR 7-13 or MR 10-18 district, at least one of the following locational criteria shall be met:
 - i. The proposed place of worship shall be located within three hundred feet of an arterial street, major collector street, or an access point on a highway; or
 - ii. The site is within three hundred feet of a school and/or park.
- b. Plan Review. Plans showing the site layout and design of proposed buildings shall be submitted for approval as part of site plan review by the department, in accordance with Chapter 23.72.
- c. Size. The minimum lot size shall be twenty thousand square feet.
- d. Dwelling Units. Any dwelling in conjunction with a place of worship shall comply with the provisions governing residential uses in the district where it is located.
- e. Conversion. No existing building or structure shall be converted to a place of worship unless such building or structure complies or is brought into compliance with the provisions of this code and any other applicable county regulations.
- f. Screening. There shall be sight-obscuring screening along the perimeter of parking lots adjunct to a place of worship which are located across the street from or abutting a residential use. (See Chapter 23.36, Landscaping and Screening.)

- g. Associated Uses. Uses sponsored by a place of worship such as day-schools, auditoriums used for social and sports activities, health centers, convents, preschool facilities, convalescent homes and others of similar nature shall be considered separate uses subject to the provisions of the district in which they are located. (See Section 23.04.060(4) which provides for child care centers as accessory uses.)

Conclusions Based on Findings:

1. With conditions of approval, the proposed use at the proposed location would comply with applicable laws and plans, including the use-specific standards for places of worship, the Olympia Urban Growth Area design standards, the Thurston County Road Standards, the Drainage Design and Erosion Control Manual, and the Thurston County Sanitary Code. With respect to the use-specific standards, the church is located adjacent to an arterial street, site plans were submitted for review, the subject property exceeds 20,000 square feet, and sight-obscurating screening would be installed along the perimeter of the parking lot adjacent to residential uses. *Findings 4, 14, 15, 16, 17, 18, 19, 21, 23, and 27.*
2. The use would comply with the general purposes and intent of the R-4 zone, and with applicable open space, lot, setback, and bulk standards. The surrounding neighborhood would be protected from potential nuisances through the proposed landscaping, the proposed lighting type/location, and compliance with noise standards and construction hour limitations. The project stormwater improvements would provide for infiltration of stormwater. Setback, building height, building coverage, and impervious surface coverage standards would be satisfied. Sufficient parking would be provided. *Findings 2, 3, 12, 15, 16, 19, 20, and 21.*
3. The proposed use is appropriate in the location for which it is proposed.
 - a. With conditions, the use would not result in substantial or undue adverse effects on adjacent property, neighborhood character, natural environment, traffic conditions, parking, public property or facilities, or other matters affecting the public health, safety and welfare. The existing church is part of the character of the surrounding residential neighborhood, and the expansion in building area and other improvements would not result in new or significantly intensified land uses. The building would comply with applicable design standards, and would be screened by proposed new vegetation. The modest expected traffic increase would be mitigated through payment of applicable mitigation fees. A safer, realigned site access is proposed. There would be adequate parking on site. Environmental impacts were evaluated during the SEPA review process and an MDNS was issued. *Findings 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 27.*
 - b. With the conditions identified by the Public Works and Public Health departments, the use would be adequately served by and would not impose an undue burden on any of the improvements, facilities, utilities, or services existing or planned to serve the

area. The City of Olympia water and sewer systems have adequate capacity to serve the development. *Findings 13, 15, 17, 18, and 23.*

4. The requested 10-year approval period is reasonable and appropriate under the circumstances and is consistent with past County interpretation of the relevant provisions. *Finding 25.*

DECISION

Based on the preceding findings and conclusions, the request for a special use permit to redevelop and expand the existing Gospel Outreach Reformational Church, located at 1925 South Bay Road NE, Olympia, is **GRANTED** subject to the following conditions:

Thurston County Public Works Conditions:

ROADS:

1. The proposed roadway in concept and design shall conform to the Road Standards and the City of Olympia standards and development guidelines.
2. A construction permit shall be acquired from the Thurston County Public Works – Development Review Section prior to any construction.

TRAFFIC CONTROL DEVICES:

3. All traffic control devices shall be designed, located, manufactured, and installed in accordance with the Road Standards, Manual of Uniform Traffic Control Devices and applicable WSDOT Standards & Specifications. A sign and striping plan shall be incorporated into the construction drawings for the project. Please contact Thurston County Public Works – Development Review Section Staff to obtain the most current Thurston County guidelines.
4. County forces may remove any traffic control device constructed within the County right-of-way not approved by this division and any liability incurred by the County due to nonconformance by the applicant shall be transferred to the applicant.

DRAINAGE:

5. The storm water management system shall conform to the Drainage Design & Erosion Control Manual.
6. All drainage facilities outside of the County right-of-way shall remain private and be maintained by the developer, owner and/or the property owners association.
7. 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.

UTILITIES:

8. 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.
9. Proposed utility work within the Thurston County Right of Way shall conform to the Road Standards and Chapter 13.56 Thurston County Code. These standards do not address specific city design requirements but rather only items such as restoration of the County right of way and traffic control.
 - a. Placement of utilities within the County right of way will require a Franchise Agreement with Thurston County pursuant to Title 13.56 TCC. This agreement shall be executed with Thurston County prior to final approval.
 - b. Please note all utilities placed parallel to and within the pavement structure are required to rebuild a minimum of half the road, to include grinding and replacement of a minimum of 0. feet of asphalt concrete pavement.

TRAFFIC:

10. Per Thurston County Resolution 14820, traffic impact fees shall be paid prior to issuing any building permits associated with this project.

GENERAL CONDITIONS:

11. No work shall take place until a construction permit has been issued by Thurston County Public Works – Development Review Section.
12. Development within the City of Olympia urban growth boundary, requiring review by both Thurston County and the corresponding city jurisdiction, shall be designed to the more stringent standards of the two jurisdictions.
13. The proposed grading or site work shall conform to Appendix J of the International Building Code, Title 14.37 of the Thurston County Code and Drainage Design & Erosion Control Manual.
14. When all construction/improvements have been completed, contact the Thurston County Public Works – Development Review Section at 786-5214 for a final inspection.
15. This approval does not relieve the Applicant from compliance with all other local, state and/or federal approvals, permits, and/or laws necessary to conduct the development activity for which this permit is issued. Any additional permits and/or approvals shall be the responsibility of the Applicant. One permit that may be required is a Construction Stormwater Permit from the Washington State Department of Ecology. Information on when a permit is required and the application can be found at:

<http://www.ecy.wa.gov/programs/wq/stormwater/construction/permit.html>.

Any additional permits and/or approvals shall be the responsibility of the Applicant.

PROJECT SPECIFIC CONDITIONS:

16. Once the planning department has issued the official approval, 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.
17. PRIOR to construction, the applicant shall:
 - a. Pay outstanding construction review and inspection fees*
 - b. Receive erosion and sediment control permit
 - c. Have the erosion and sediment control inspected and accepted
 - d. Receive a construction permit
 - e. 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 email at padillr@co.thurston.wa.us.

FINAL REVIEW:

18. Prior to receiving final approval from this department, the following items shall be required:
 - a. Completion of all roads and drainage facilities.
 - b. Final inspection and completion of all punch list items.
 - c. Record drawings submitted for review and acceptance. The record drawings shall include street names and block numbers approved by Addressing Official.
 - d. Receive and accept Engineer’s Construction Inspection Report Form (Appendix IC, Volume I of the Drainage Design and Erosion Control Manual).
 - e. Receive and accept Maintenance Agreement Form (Appendix I-E, Volume I of the Drainage Design and Erosion Control Manual).
 - f. Execute an agreement with financial security for the maintenance and operation of the drainage facilities in accordance with Thurston County Code 15.05.040.
 - g. Completion of required signing and striping.

h. Payment of any required permitting fees.

TCRS Land Use & Environmental Review Conditions:

19. All necessary development and building permits shall be submitted within 10 years of SUP approval. Additional one year extensions may be granted if requested prior to the SUP expiration date pursuant to TCC 23.72.140. After the initial 10 year SUP approval period the SUP will be subject to all new and amended regulations, requirements, policies or standards which are adopted after the original date of approval.
20. Design Review shall be completed prior to issuance of any future building permits for the proposed project. Additional conditions may be placed upon this project through the Design Review applications.
21. Landscaping – Vegetative landscaping shall consist of evergreen or a combination of approximately sixty percent evergreen and forty percent deciduous trees, interspersed with large shrubs and ground cover. A sight-obscuring fence or other landscape structure can be used and may be required if as determined by the department it is necessary to reduce site specific adverse impacts to adjacent land uses. Tree, shrub, and groundcover spacing shall be appropriate for the species type and consistent with the intent of this section. All planting areas shall have plant materials that provide eighty percent coverage within three years.
22. The Applicant shall maintain all landscape and planting areas in a healthy condition and replace any dead or dying vegetation.
23. All development on the site shall be in substantial compliance with the approved site plan and with the development standards of the R4 zoning district.
24. In the event that archaeological deposits or skeletal material or features of a burial/interment situation are encountered, all work in the vicinity of the discovery area must stop immediately and contact made with the Washington State Historic Preservation Officer, Thurston County Resource Stewardship and the Nisqually Tribe.
25. Lighting shall be designed and shall function in a manner that shields direct light from adjoining streets and properties.
26. If new signage is proposed, it shall comply with TCC 23.42.
27. Construction activities shall be limited to the hours of 7:00am to 7:00 pm to minimize associated noise. All activities on-site shall fully comply with noise limitations outlined in WAC 173-60.
28. All development on the site shall be in substantial compliance with the approved site plan and project narrative, except as conditioned above. 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.

29. Provision shall be made to minimize the tracking of sediment by construction vehicles onto paved public roads. If sediment is deposited, it should be cleaned every day by shoveling or sweeping. Water cleaning should only be done after the area has been shoveled out or swept.
30. During construction, all releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials must be contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills should take precedence over other work on the site.

TC Environmental Health Conditions:

31. There shall be no penetrations through the new paved parking lot within 100 feet of the neighboring irrigation well. The parking lot shall be designed such that all stormwater is directed away from the well.
32. Prior to release of the building permit, the existing wells located on the project site must be decommissioned by a licensed well driller per Washington State Department of Ecology standards. Copies of the decommissioning reports must be submitted to this office.
33. Prior to release of the building permit, the existing on-site sewage system must be properly abandoned per Article IV of the Thurston County Sanitary Code. An abandonment permit is required and copies of abandonment documentation from a licensed on-site sewage system pumper must be provided.
34. Prior to release of the building permit for areas utilized by the school, a complete School Facility Plan Review Application must be submitted to the Food & Environmental Services Section for review and approval. An application may be obtained at <http://www.co.thurston.wa.us/health/ehle/schools.html>, or by contacting the Food & Environmental Services Section at 360-867-2667. Prior to final building occupancy approval, a pre-opening inspection must be satisfactorily completed by the Food and Environmental Services Section.

DECIDED October 24, 2017.



Sharon A. Rice
Thurston County Hearing Examiner

THURSTON COUNTY
PROCEDURE FOR RECONSIDERATION AND APPEAL
OF HEARING EXAMINER DECISION TO THE BOARD

NOTE: THERE MAY BE NO EX PARTE (ONE-SIDED) CONTACT OUTSIDE A PUBLIC HEARING WITH EITHER THE HEARING EXAMINER OR WITH THE BOARD OF THURSTON COUNTY COMMISSIONERS ON APPEALS (Thurston County Code, Section 2.06.030).

If you do not agree with the decision of the Hearing Examiner, there are two (2) ways to seek review of the decision. They are described in A and B below. Unless reconsidered or appealed, decisions of the Hearing Examiner become final on the 15th day after the date of the decision.* The Hearing Examiner renders decisions within five (5) working days following a Request for Reconsideration unless a longer period is mutually agreed to by the Hearing Examiner, applicant, and requester.

The decision of the Hearing Examiner on an appeal of a SEPA threshold determination for a project action is final. The Hearing Examiner shall not entertain motions for reconsideration for such decisions. The decision of the Hearing Examiner regarding a SEPA threshold determination may only be appealed to Superior Court in conjunction with an appeal of the underlying action in accordance with RCW 43.21C.075 and TCC 17.09.160. TCC 17.09.160(K).

A. RECONSIDERATION BY THE HEARING EXAMINER (Not permitted for a decision on a SEPA threshold determination)

1. Any aggrieved person or agency that disagrees with the decision of the Examiner may request Reconsideration. All Reconsideration requests must include a legal citation and reason for the request. The Examiner shall have the discretion to either deny the motion without comment or to provide additional Findings and Conclusions based on the record.
2. Written Request for Reconsideration and the appropriate fee must be filed with the Resource Stewardship Department **within ten (10) days of the written decision**. The form is provided for this purpose on the opposite side of this notification.

B. APPEAL TO THE BOARD OF THURSTON COUNTY COMMISSIONERS (Not permitted for a decision on a SEPA threshold determination for a project action)

1. Appeals may be filed by any aggrieved person or agency directly affected by the Examiner's decision. The form is provided for this purpose on the opposite side of this notification.
2. Written notice of Appeal and the appropriate fee must be filed with the Resource Stewardship Department **within fourteen (14) days of the date of the Examiner's written decision**. The form is provided for this purpose on the opposite side of this notification.
3. An Appeal filed within the specified time period will stay the effective date of the Examiner's decision until it is adjudicated by the Board of Thurston County Commissioners or is withdrawn.
4. The notice of Appeal shall concisely specify the error or issue which the Board is asked to consider on Appeal, and shall cite by reference to section, paragraph and page, the provisions of law which are alleged to have been violated. The Board need not consider issues, which are not so identified. A written memorandum that the appellant may wish considered by the Board may accompany the notice. The memorandum shall not include the presentation of new evidence and shall be based only upon facts presented to the Examiner.
5. Notices of the Appeal hearing will be mailed to all parties of record who legibly provided a mailing address. This would include all persons who (a) gave oral or written comments to the Examiner or (b) listed their name as a person wishing to receive a copy of the decision on a sign-up sheet made available during the Examiner's hearing.
6. Unless all parties of record are given notice of a trip by the Board of Thurston County Commissioners to view the subject site, no one other than County staff may accompany the Board members during the site visit.

C. STANDING All Reconsideration and Appeal requests must clearly state why the appellant is an "aggrieved" party and demonstrate that standing in the Reconsideration or Appeal should be granted.

D. FILING FEES AND DEADLINE If you wish to file a Request for Reconsideration or Appeal of this determination, please do so in writing on the back of this form, accompanied by a nonrefundable fee of **\$669.00** for a Request for Reconsideration or **\$890.00** an Appeal. Any Request for Reconsideration or Appeal must be **received** in the Permit Assistance Center on the second floor of Building #1 in the Thurston County Courthouse complex no later than 4:00 p.m. per the requirements specified in A2 and B2 above. **Postmarks are not acceptable.** If your application fee and completed application form is not timely filed, you will be unable to request Reconsideration or Appeal this determination. The deadline will not be extended.

* Shoreline Permit decisions are not final until a 21-day appeal period to the state has elapsed following the date the County decision becomes final.



Project No. _____ Appeal Sequence No.: _____

Check here for: RECONSIDERATION OF HEARING EXAMINER DECISION

THE APPELLANT, after review of the terms and conditions of the Hearing Examiner's decision hereby requests that the Hearing Examiner take the following information into consideration and further review under the provisions of Chapter 2.06.060 of the Thurston County Code:

(If more space is required, please attach additional sheet.)

Check here for: APPEAL OF HEARING EXAMINER DECISION

TO THE BOARD OF THURSTON COUNTY COMMISSIONERS COMES NOW _____
 on this _____ day of _____, 20___, as an APPELLANT in the matter of a Hearing Examiner's decision rendered on _____, 20___, by _____ relating to _____

THE APPELLANT, after review and consideration of the reasons given by the Hearing Examiner for his decision, does now, under the provisions of Chapter 2.06.070 of the Thurston County Code, give written notice of APPEAL to the Board of Thurston County Commissioners of said decision and alleges the following errors in said Hearing Examiner decision:

Specific section, paragraph and page of regulation allegedly interpreted erroneously by Hearing Examiner:

1. Zoning Ordinance _____
2. Platting and Subdivision Ordinance _____
3. Comprehensive Plan _____
4. Critical Areas Ordinance _____
5. Shoreline Master Program _____
6. Other: _____

(If more space is required, please attach additional sheet.)

AND FURTHERMORE, requests that the Board of Thurston County Commissioners, having responsibility for final review of such decisions will upon review of the record of the matters and the allegations contained in this appeal, find in favor of the appellant and reverse the Hearing Examiner decision.

STANDING

On a separate sheet, explain why the appellant should be considered an aggrieved party and why standing should be granted to the appellant. This is required for both Reconsiderations and Appeals.

Signature required for both Reconsideration and Appeal Requests

 APPELLANT NAME PRINTED

 SIGNATURE OF APPELLANT

Address _____

 Phone _____

Please do not write below - for Staff Use Only:

Fee of \$669.00 for Reconsideration or \$890.00 for Appeal. Received (check box): Initial _____ Receipt No. _____
 Filed with the Resource Stewardship Department this _____ day of _____, 20___.