



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  
 FOR THURSTON COUNTY**

In the Matter of the Application of	)	
	)	
	)	SUPT NO. 2011100194
	)	
<b>Olympia Lacey Islamic Center</b>	)	
	)	
	)	
For a Special Use Permit	)	FINDINGS, CONCLUSIONS, AND DECISION
	)	
_____	)	

**SUMMARY OF DECISION**

The request for approval for a special use permit to build a 3,610 square foot mosque with 52 parking spaces and a planned future expansion of 2,000 additional square feet on 1.45 acres in Thurston County, Washington is **GRANTED** subject to conditions.

**SUMMARY OF RECORD**

**Request**

Olympia Lacey Islamic Center (Applicant) requested approval of a special use permit to build a two-story mosque with parking, landscaping, and a planned 2,000 square foot future expansion.

**Hearing Date**

The Thurston County Hearing Examiner conducted an open record public hearing on the request on March 4, 2013.

**Testimony**

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

- Tony Kantas, Resource Stewardship Department Planning Staff
- Arthur Saint, P.E., Public Works Department
- Sara Brallier, Environmental Health Department
- Chris Aldridge, Hatton Godat Pantier, Applicant Representative
- Thomas Weaver

Lonnie Locke on behalf of Judy Wong  
Carl Determeyer

**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 Hearing
  - Attachment b      Master Application, dated January 20, 2011
  - Attachment c      Special Use Permit Application, dated January 20, 2011
  - Attachment d      Design Review Application, dated January 20, 2011
  - Attachment e      Project Narrative
  - Attachment f      Vicinity and Zoning Map
  - Attachment g      2012 Aerial
  - Attachment h      Site Plan
  - Attachment i      Landscape Plan
  - Attachment j      Design Review Plans
  - Attachment k      Determination of Non-Significance, dated February 14, 2013
  - Attachment l      February 5, 2013 Comment Letter from, Sara Brallier, Thurston County Public Health and Social Services Department
  - Attachment m      February 15, 2013 Comment Memorandum from Arthur Saint, Thurston County Roads and Transportation Services Department
  - Attachment n      February 10, 2011 Letter Washington State Department of Ecology
  - Attachment o      March 30, 2011 Letter Washington State Department of Ecology
  - Attachment p      March 24, 2011 Email from Barb Williams
- Exhibit 2      Color photographs of posted notice of hearing
- Exhibit 3      Comment email from Judy Wong
- Exhibit 4      Trip Generation and Distribution Study, dated received January 20, 2011
- Exhibit 5      Architectural plans
- Exhibit 6      Preliminary Landscape plan
- Exhibit 7      Full size site plans
- Exhibit 8      Integrated Pest Management Plan
- Exhibit 9      Memorandum from Tony Kantas regarding proposed changes to recommended condition of approval #4
- Exhibit 10      Thomas Weaver comments, submitted at hearing

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

### FINDINGS

1. The Applicant requests approval of a special use permit to build a new two-story mosque to replace the existing, legally nonconforming mosque operating for at least the last ten years in a residential structure on-site. Initial construction would consist of 3,610 square feet with a planned future expansion of 2,000 square feet. The proposal includes 52 parking spaces and landscaping on 1.45 acres in the Lacey urban growth area at 7945 Pacific Avenue SE near its intersection with Marvin Road SE.<sup>1</sup> *Exhibit 1, pages 1-2; Exhibit 1, Attachments B and C; Aldridge Testimony.*
2. The site's north property line abuts Pacific Avenue SE. Parcels to the east, west, and south are zoned for and developed with single-family residential uses. There are several existing churches in the vicinity on Pacific Avenue. *Exhibit 1, page 2.*
3. The subject property consists of two legal parcels, each with its own access to Pacific Avenue SE. On-site, there are three primary structures: a manufactured home used as a residence; a 1,700 square foot building currently in use as a mosque; and an unoccupied 1,750 square foot building in poor condition. The site slopes away from Pacific Avenue at elevations ranging from 216 to 204. Slopes over the 50 to 60 feet closest to Pacific Avenue range from seven to 15%. Approximately 60 feet from Pacific Avenue, slopes increase to 2:1 for approximately 10 feet and then the southern one-half to two-thirds of the site flattens with slopes ranging from zero to three percent. *Exhibit 1, page 2.*
4. The subject property is zoned Low Density Residential (LD 0-4). Churches are permitted within the LD 0-4 zone with a special use permit (TCC). *Exhibit 1, page 2; Thurston County Code (TCC) 21.12.020.A.5 and TCC 21.66.020.B.1.* There are no use specific standards for special use churches in the Lacey UGA. *TCC 21.66.060.*
5. The County Code does not specify building coverage standards for special use permit churches in the Lacey UGA; rather TCC 21.66.050(A) states that the design standards for special uses in a given district shall be the initial base of reference in determining the design standards for special uses in the same district. Pursuant to the LD 0-4 dimensional standards, maximum building coverage allowed is 50% of the site area, while maximum impervious site coverage is 65%. *TCC 21.12.050.F and .G.* Minimum front setback required from a street is 20 feet. Minimum side setbacks are a combined total of 10 feet, and the minimum read yard is 15 feet. *TCC 21.12.050.D and .E.* Maximum building height is thirty-five feet. *TCC 21.12.050.H.* However, the Code gives Department discretion to alter these dimensional standards for special uses when such alterations are

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<sup>1</sup> The legal description of the subject property is a portion of Section 23, Township 18 North, Range 1 West, W.M.; known as Tax Parcel No(s). 11823210300 and 11823210301. *Exhibit 1, page 1; Attachment C; Aldridge Testimony.*

found to be reasonable to protect adjacent properties and the public welfare. *TCC 21.66.050.B.*

6. The existing mosque site is surrounded by residential development. Places of public assembly, including the proposed improved mosque, are considered to be conflicting uses relative to residential development. The County Code requires Type I landscaping between the project and adjacent residences to provide a dense sight barrier and physical buffer to separate the special use.<sup>2</sup> *Exhibit 1, page 3; TCC 21.80.050.B.1.* Type II landscaping, a partial sight barrier, is required along the site's Pacific Avenue frontage.<sup>3</sup> Type IV landscaping is required in parking areas.<sup>4</sup> *Exhibit 1, pages 5-6.*
7. The proposed improvements consist of a 3,610 square foot, two-story mosque, to include 1,610 square feet for men's and women's prayer areas on two floors and 2,000 square feet of office, common areas, and wash rooms. A proposed future expansion of 2,000 square feet would add meeting rooms and space to support group functions. A total of 52 parking spaces are proposed.<sup>5</sup> The project would provide frontage improvements along Pacific Avenue, utility improvements, and landscaping. Access would be provided from a single driveway near the west corner on Pacific Avenue. *Exhibit 1, pages 1-2; Exhibit 4; Exhibit 7; Exhibit 1, Attachment J.*
8. The Applicant intends to construct the initial structure upon approval, subject to required permit processes, but it is not known when the proposed 2,000 square foot future addition would be built. The project was reviewed as if the entire building was to be built initially, to ensure all potential future issues resulting from full build out would be adequately addressed. *Kantas Testimony; Aldridge Testimony.*

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<sup>2</sup> Type I landscaping requires a 15-foot sight obscuring buffer between incompatible uses. All plant materials and living ground cover within the Type I landscape area shall be maintained so that the entire landscape area will be covered within three years. Trees shall be a minimum two inches in caliper measured six inches above the base at the time of planting and shrubs must be capable of growing to a minimum of five feet in height, within three years. *TCC 21.80.050.B.*

<sup>3</sup> Type II landscaping is intended to provide visual separation of uses from streets, and visual separation of compatible uses so as to soften the appearance of ... building elevation. It is used around the perimeter of a site ... The trees within the Type II landscape areas shall be a minimum of two inches in caliper measured six inches above the base at planting and shrubs must be capable of growing to a minimum of four feet in height, within five years. When Type II landscaping is used to provide partial screening between uses, a minimum planting area of eight feet in width shall be provided. *TCC 21.80.050.C.*

<sup>4</sup> Type IV landscaping is used to provide visual relief and shade in parking areas. Each area of landscaping must contain at least one hundred square of area and must measure at least eight feet in any direction, and each planting area must contain at least one tree. A landscaped area must be placed at the interior end of each parking row in a multiple lane parking area. This area must be at least eight feet wide and must extend the length of the adjacent parking stall (*TCC 1.80.050(E)(2)(b)(iv)*). Landscaping islands must be placed in every parking row with a maximum spacing of at least one island every seven parking spaces. Such islands shall be a minimum of eight feet in width and shall extend a minimum length of ten feet; provided, that the department may approve of a different configuration in order to provide a more attractive and functional design consistent with the intent of this chapter to promote aesthetic values and a pedestrian-friendly parking lot (*TCC 21.80.050(E)(2)(b)(v)*). No parking stall shall be located more than fifty feet from a tree (*TCC 21.80.050(E)(2)(b)(vi)*).

<sup>5</sup> Reference to 53 parking spaces in the Applicant's narrative are from a previous iteration of the proposal; the correct number is 52. *Aldridge Testimony.*

9. The majority of the proposed structure would be 24 feet in height, with some portions up to 35 feet. The minaret, similar to a steeple, would be a small, localized structure proposed to be seven feet taller than the rest of the building, for a total of 42 feet. At that height, it is anticipated to blend in with mature existing trees in the neighborhood rather than stand out. Exercising the discretion provided in the LD 0-4 zone, Planning Staff determined that the minaret's extra seven feet in height would be consistent with the allowed special use. *Aldridge Testimony; Exhibit 1, Attachment J; Kantas Testimony.*
10. The Applicant submitted a professionally prepared landscape plan depicting which existing landscaping would be retained and where new plantings would occur. As proposed, the project would install Type I landscaping along the west, east, and south property lines, providing a sight obscuring buffer to the adjacent residential properties. Type II landscaping is proposed along the site frontage. The proposed parking area behind the mosque would be provided with Type IV landscaping. Planning Staff reviewed the plan and determined that it provides the landscaping required by Code. *Exhibit 1, page 6; Exhibit 6; Kantas Testimony.*
11. Currently, the mosque is used daily for prayer services and occasionally for social functions. Morning prayer sessions are typically between 9:00 am and 11:00 am, and Friday congregational prayers are held Fridays from 12:30 to 1:30. Evening prayers are daily at sunset, the time of which varies throughout the year. Average attendance in the past has seen five to six participants for morning prayers and 20 to 25 people for Friday midday meetings, while sunset prayers have had limited attendance. Both membership and attendance are anticipated to increase as a result of the project. Basing future numbers on the floor area currently available, future morning prayers would be expected to see six to ten participants and Friday midday meetings are projected to see 50 to 60 participants. The improvements are being designed to provide the capacity for approximately 90 worshipers at full build out. *Exhibit 4.*
12. The Applicant submitted a professionally prepared trip generation and distribution study. All prayer services except the sunset service are at off-peak traffic hours. Based on the Institute of Transportation Engineers Trip Generation Manual and using the building area at full build out, the proposal is projected to generate 33 average weekday trips, two at the AM peak hour, two at the PM peak hour, and 42 at the Friday afternoon session. The trip generation study estimated a conservative eight sunset prayer session attendees, whose vehicle trips would fall into the PM peak hour depending on time of year. In order to calculate how many new trips the project would generate, the consultants estimated traffic for the existing use of the site based on the current attendance numbers and concluded that the proposed improvements would result in 17 average new weekday trips and 21 new Friday afternoon trips, with no new AM or PM peak hour trips. The report concluded that with two new peak hour trips, the proposal would have little to no impact on the adjacent street system or the level of service at the nearby high volume intersection of Pacific Avenue and Marvin Road. *Exhibit 4.*

13. Per the County's off-street parking standards for the Lacey UGA, places of assembly without fixed seating require a minimum of ten and a maximum of eleven parking spaces per 1,000 square feet of gross floor area. For the purposes of calculating parking, gross floor area excludes enclosed or covered areas used for off-street parking or loading, mechanical floor areas, and covered public spaces. The proposed mosque would have a total square footage of 5,500 square feet and proposed 52 parking stalls. According to Planning Staff, taking the excluded building areas into consideration, the proposal complies with off-street parking standards. *Exhibit 1, page 7; Exhibit 7, Sheet 1; 21.72 and Table 21T.13.*
14. The project would consolidate the site's two existing access points to a single point near the eastern boundary. *Exhibit 7, Sheet 1.* Thurston County Public Works Department reviewed the proposed site access and a preliminary drainage plan for compliance with roads, traffic, and storm water control requirements. Public Works Staff determined that the project can be conditioned to ensure compliance with County Road Standards and the Thurston County Drainage Design & Erosion Control Manual. *Exhibit 1, page 5; Exhibit 1, Attachment M.*
15. The proposal would connect to City of Lacey water; the City has confirmed capacity to serve the upgraded mosque. Municipal sewer is not available to the site at the present time. The existing on-site septic system would be decommissioned and replaced with a new system installed to current sanitary code standards. The application materials were routed to the Environmental Health Department for review of compliance with health code requirements, including sewage disposal and water supply. Based upon this review, EHD Staff recommended approval with conditions. *Exhibit 1, Attachment L.*
16. Pursuant to the State Environmental Policy Act, Thurston County acted as lead agency for review of environmental impacts caused by the proposal. The County's Responsible Official reviewed the following documents prior to issuing the environmental threshold determination: master, special use permit, and design review applications; a completed environmental checklist; preliminary site plans; Applicant narrative; an engineered drainage report; a trip generation and distribution study; landscape plans; comments from Thurston County Health and Public works Departments; and correspondence from Department of Ecology and the Applicant. The County issued a determination of non-significance (DNS) on February 14, 2013, which was not appealed and became final. *Exhibit 1, Attachment K.*
17. As proposed, the mosque would be placed such that it crosses over the property line between the site's two underlying tax parcels. Planning Staff recommended a condition of approval requiring the Applicant to complete a boundary line adjustment (BLA) prior to building permit issuance to ensure the proposal would compliance with all setback requirements. The BLA would most likely consolidate the two parcels into one lot. Staff testified that there is no known reason a BLA could not be approved for the property, but indicated that if for some reason it was not approved, the project could have to be redesigned. *Exhibit 1, page 4; Kantas Testimony.*

18. The existing, legally nonconforming mosque is not currently consistent with the development standards for a church in the LD 0-4 zone. The project would result in a larger building than is currently on-site, but would bring the use into compliance with special use standards. *Exhibit 1, page 4; Kantas Testimony.*
19. The Washington State Department of Ecology submitted comments in regards to the correct procedures in the event that any soil contamination is discovered during construction and recycling of construction debris. *Exhibit 1, Attachments N and O.*
20. Written notice of the public hearing was sent to owners of all parcels within 300 feet of the site, published in The Olympian, and posted on site on February 22, 2013. *Exhibit 1, Attachment A; Exhibit 1, page 2; Exhibit 2.*
21. The County received public comments from surrounding property owners prior to and during the public hearing on the application. All persons who commented testified that they have previously found the mosque to be a good neighbor and that they do not object to the proposal. There was general support among comments submitted for the proposed improvement of the buildings on-site. Public comment identified the following areas of concern: loss of privacy due to two-story building; increased noise; and glare from building and parking lights. In addition to general noise increase from additional membership, neighbors were concerned that with the improvements, the Applicant might intend to institute an amplified call to prayer, which they felt would be an interruption to their quiet enjoyment of their properties. One neighbor inquired as to whether the project's garbage enclosure would effectively exclude domestic and wild animals from the waste containers. One neighbor enquired as to whether an existing, older fence on a shared site boundary would be replaced. A representative from a neighboring homeowners' association noted that there have been no noise complaints with the current mosque. *Exhibit 3, Judy Wong comment; Exhibit 1, Attachment P, Barb Williams comment; Exhibit 10, Thomas Weaver comment; Weaver Testimony; Locke Testimony; Determeyer Testimony.*
22. In response to concerns about privacy and glare for residences to the east, the Applicant representative noted that the structure was designed to limit glazing in the eastern elevation, reducing both concerns. Type I landscaping would be installed abutting all residential properties, providing a 15-foot sight-obscuring landscaping buffer. The Applicant agreed to build a solid wood fence in all Type I landscaped areas in order to improve privacy and visual screening for adjacent residences. The Applicant does not plan to install speakers in the minaret and is not intending to institute an amplified call to prayer. Hearing testimony indicated that the Applicant intends to work with adjacent land owners regarding fencing at shared boundaries. *Aldridge Testimony; Exhibits 6 and 7; Exhibit 1, Attachment J.*
23. City of Lacey would provide commercial garbage service, which would include appropriate animal-excluding containers. *Kantas Testimony; Aldridge Testimony.*

24. Planning Staff noted that recommended condition 9 would ensure that all exterior lighting is controlled to prevent glare onto neighboring properties, and also that the Type I landscape buffer should contribute to light dampening. Recommended condition 4 as modified at hearing would require a six-foot tall solid wood fence in all Type I landscaping areas. Regarding whether old fences would be taken down, this level of detail is usually left to the developer to work out with neighboring property owners. Planning Staff noted that the mosque would be required to operate in compliance with the State of Washington noise standards as adopted by the County. With the conditions as modified at hearing and considering all testimony, Planning Staff submitted the position that the proposal complies with all known applicable laws and plans and recommended approval. *Exhibit 1, pages 3, 7-12; Exhibit 10; Kantas Testimony.*
25. The Applicant waived objection to Staff's recommended conditions of approval as explained on the record at hearing. *Aldridge Testimony.*

## **CONCLUSIONS**

### **Jurisdiction**

The Hearing Examiner has jurisdiction to decide this special use permit application under Sections 2.06.010, 21.81.040, and 21.87.010 of the Thurston County Code, and Section 36.70.970 of the Revised Code of Washington.

### **Special Use Permit Criteria for Review**

The Hearing Examiner may approve an application for a special use permit in the Lacey urban growth area only if the following general standards set forth in TCC 21.87. are satisfied:

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

### **Conclusions Based on Findings**

1. The proposed renovation of the existing mosque use would comply with applicable laws and regulations. Churches are allowed by SUPT in the LD 0-4 zone. The proposal would comply with all zoning bulk dimensional requirements, but for the deviation of seven additional feet of structure height to provide for a minaret. As conditioned, the project would comport with landscaping, off-street parking, and other applicable development standards. *Findings 4, 5, 6, 7, 9, 10, 13, 17, and 18.*
2. The proposal would permit an expansion of an existing place of assembly, bringing it into compliance with current County standards. No change in use is proposed. The project would remove existing buildings in poor condition and replace them with a new structure subject to approval through design review. Off-street parking would be formalized and landscaped consistent with Code requirements. The entire site perimeter would be landscaped; specifically, a 15-foot sight obscuring vegetative buffer would be provided along the east, south, and west site boundaries along which the Applicant has agreed to install, in addition to landscaping, a six-foot solid wood fence. Parking lot and other exterior lighting would be down shielded or otherwise designed to prevent off-site glare. Improvements may increase attendance, but the existing mosque use has not generated noise or other conflicts with surrounding residences. The County's Public Works and Environmental Health Departments recommended approval with conditions. The proposal was reviewed for compliance with the requirements of SEPA and a DNS was issued and not appealed. As conditioned, the project would have no adverse affects on surrounding properties or the public welfare. *Findings 1, 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 22, 23, 24, and 25.*
3. The mosque would continue to receive domestic water from the City of Lacey. The project would decommission and replace the existing on-site septic with a new system installed to current code. The trip generation study, which was accepted by the County, indicated that any increase in traffic would be minimal. No significant increase in attendance is anticipated. No impacts to adjacent properties or to public services are anticipated. *Findings 11, 12, 14, 15, 22, 23, and 24.*

### **DECISION**

Based on the preceding findings and conclusions, the requested special use permit to build a two-story mosque as described herein on 1.45 acres in Thurston County, Washington is **GRANTED** subject to the following conditions:

#### **Planning:**

1. The building height shall not exceed 42 feet from average grade.

2. All approved landscaping and irrigation must be installed prior to occupancy of the structure. If the time of year is not right for optimum plant survival, the Applicant may give the County a Letter of Credit covering all costs associated with the landscaping work (materials and labor). The amount of the Letter of Credit shall be 120 percent of the total estimated cost and all landscaping would need to be installed within one-year of final occupancy in accordance with TCC 21.80.090.
3. All structures shall maintain a minimum setback of 25-feet from the side yard and 25-feet from the rear property line.
4. The west, east, and south property lines shall be landscaped with Type I landscaping in compliance with TCC 21.80.050(B). The Type I landscaping along the side and rear property lines shall incorporate a six-foot aesthetically pleasing fence at the property lines. The existing new six-foot wood fence along a portion of the eastern site boundary need not be replaced.
5. The north property line shall be landscaped with Type II landscaping in compliance with TCC 21.80.050(C).
6. The parking lot shall be landscaped with Type IV landscaping in compliance with TCC 21.80.050(E).
7. A landscape maintenance assurance device for a period of one year from the completion of planting the landscape shall be submitted to the Thurston County Resource Stewardship Department to ensure survival of all required landscaping. The value of the maintenance assurance device must equal at least twenty percent of the replacement cost of the landscape materials (TCC 21.80.080(C)).
8. In accordance with TCC 21.80.080(B), all landscaping shall be irrigated with an irrigation system designed by a licensed landscape architect, Washington-certified nurseryman, Washington certified landscaper or a professional engineer. Prior to building permit issuance, an irrigation plan shall be submitted to and reviewed and approved by the Thurston County Resource Stewardship Department.
9. Outdoor lighting fixtures shall be oriented and shielded to avoid direct glare onto adjacent properties and rights-of way while providing adequate safety for pedestrians.
10. A Thurston County demolition permit is required for the removal of the existing structures.
11. Prior to building permit issuance, a boundary line adjustment application shall be submitted to the Thurston County Resource Stewardship Department which depicts property lines that can meet the required setbacks of the Special Use, which may require the two lots to be consolidated. Prior to final building permit approval the boundary line adjustment map shall be recorded with the Thurston County Auditor.

12. All development on the site shall be in substantial compliance with the approved site plan. Any expansion or alteration of this use beyond that initially approved by the Hearing Examiner will require approval of a new or amended Special Use Permit. The Resource Stewardship Department will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.

Roads & Transportation Services:

13. The proposed roadway in concept and design shall conform to the Road Standards and the City of Lacey standards and development guidelines.
14. A construction permit shall be acquired from the Thurston County Public Works – Development Review Section prior to any construction.
15. All access points with sight distance issues or abutting arterial or collector roadways shall be installed prior to final approval.
16. 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.
17. 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 non-conformance by the applicant shall be transferred to the applicant.
18. The storm water management system shall conform to the Drainage Design & Erosion Control Manual.
19. 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.
20. 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.
21. A Construction Stormwater Permit from the Washington State Department of Ecology may be required. Information about the permit and the application can be found at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/permit.html>. It is the applicant's responsibility to obtain this permit if required.
22. 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.

23. 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 0.20' of asphalt concrete pavement.
24. In order to meet the requirements of the Road Standards, additional right of way may be required. Please have your legal representative or surveyor prepare a Quit Claim Deed describing the necessary right-of-way, being a strip of land which when added to the existing right of way totals **49 feet** of right-of-way lying **South** of and abutting the existing centerline of **Pacific Avenue SE**. Upon your request, Thurston County's right-of-way representative will prepare the Quit Claim Deed describing the necessary right-of-way dedication. Please contact the Thurston County Right-of-Way section at 754-4998.
25. Permanent survey control need to be placed to establish all public street centerlines, intersections, angle points, curves, subdivision boundaries and other points of control.
26. Permanent survey control monuments shall be installed in accordance with the standards provided by the Thurston County Public Works – Survey Division. The Survey Division can be reached at 754-4580.
27. To mitigate traffic impacts within Thurston County, the proponent will need to design and construct improvements along this parcel's frontage along Steilacoom Road Southeast prior to Certificate of Occupancy, pursuant to County Road Standards and City of Lacey Development Guidelines and Public Works Standards Drawing 4-3.1. These improvements shall include pavement widening, overlaying existing pavement to centerline, sidewalk, curb and gutter, right of way dedication and drainage improvements to accept stormwater runoff from those improvements.
28. No work shall take place until a construction permit has been issued by Thurston County Public Works – Development Review Section.
29. Development within the City of Lacey 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.
30. 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.

31. When all construction/improvements have been completed, contact the Thurston County Public Works – Development Review Section at 786-5214 for a final inspection.
32. 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.
33. 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.
34. 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.

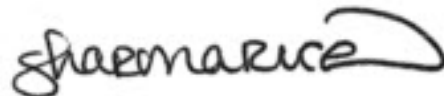
\* The current fee schedule can be found online at <http://www.co.thurston.wa.us/permitting/fees/docs/Roads-Development-Review-Fees-20090301.pdf> or contact Ruthie Padilla with the Thurston County Public Works – Development Review Section by phone at 754-3355, ext. 6595, or by e-mail at [padillr@co.thurston.wa.us](mailto:padillr@co.thurston.wa.us).
35. 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 I-C, 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 right-of-way improvements in accordance with Thurston County Code 18.24.010.
- g. Execute an agreement with financial security for the maintenance and operation of the drainage facilities in accordance with Thurston County Code 15.05.040.
- h. Completion of required frontage improvements.
- i. Completion of required signing and striping.
- j. Payment of any required permitting fees.
- k. Complete the right-of-way dedication process.

Health Department:

- 36. Prior to release of the building permit application, the County Health Department must have received and approved a permit application for an on-site sewage system design prepared by a licensed on-site sewage system designer.
- 37. Prior to final building occupancy approval, the County Health Department must have received and approved a record drawing prepared by a licensed on-site sewage system designer for the on-site sewage system.
- 38. Prior to final building occupancy approval, written confirmation of construction approval for the water utility extension must be received from the City of Lacey.

**DECIDED** this 18th day of March 2013.



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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 **\$595.00** for a Request for Reconsideration or **\$820.00** 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.



<b>Project No.</b> <u>2011100194</u> <b>Appeal Sequence No.:</b> _____
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**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  \$595.00 for Reconsideration or \$820.00 for Appeal. Received (check box): Initial \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Filed with the Resource Stewardship Department this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_.