

BEFORE THE HEARING EXAMINER
FOR THURSTON COUNTY
In the Matter of the Application of
Matthew Schubart for J.Z. Knight
For Approval of a Special Use Permi

February 2, 1998.

) NO. SUP-95-007

)

) FINDINGS, CONCLUSIONS

) AND DECISION

)

)

SUMMARY OF DECISION

A request for approval of a Special Use Permit to Matthew Schubart for J.Z. Knight is APPROVED, subject to conditions.

SUMMARY OF RECORD

Request:

Matthew Schubart for J.Z. Knight (applicant) requests approval of a Special Use Permit for expansion of the Ramtha School of Enlightenment facilities located at the Messiah Stud Ranch, 14507 Yelm Highway, Yelm, WA, 98597. The expansion proposes to increase the size of the arena from 20,000 square feet to 47,000 square feet. The expansion further proposes to add three restroom/shower facilities, a food service facility and a warehouse building; construct an all-weather fire service road around the arena area; expand parking capacities and traffic patterns; and expand the on-site sewage system and water system.

Hearing Date:

A hearing on the request was held before the Hearing Examiner of Thurston County on February 2, 1998.

Testimony:

At the hearing the following individuals presented testimony under oath:

Michael Kain, Thurston County;

Maryrose Livingston, Thurston County;

Scott Davis, Thurston County;

John Ward, Thurston County;

Matthew Schubart, applicant;

Perry Shea, SCA Engineering, for the applicant; John Knowles, consultant for the applicant; Ken

Garmann, City of Yelm;

Anita Wilson, neighbor;

Shirley Ranger, neighbor;

Les Clarambeau, neighbor;
Barbara Sullivan, neighbor.

Exhibits:

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At the hearing the following exhibits were submitted and were admitted as part of the official record:

EXHIBIT 1: Staff Report with the following attachments:

Attachment a: Notice of Hearing and Mailing List;

Attachment b: December 17, 1997 Letter from Alan Rice;

Attachment c: Parcel Map;

Attachment d: Building Area Site Plan;

Attachment e: Total Area Site Plan;

Attachment f: Revised Environmental Checklist;

Attachment g: Mitigated Determination of Non-Significance, dated December 9, 1997;

Attachment h: February 12, 1996 Comment Letter from Roads & Transportation Services;

Attachment i: January 31, 1996 Comment Memorandum from William Halbert;

Attachment j: May 16, 1997 Letter from Matthew Schubart;

Attachment k: Fire Department Response to Alarm Signal at Messiah Ranch;

Attachment l: November 29, 1997 Letter from Matthew Schubart;

Attachment m: June 27, 1997 Comment Letter from Environmental Health;

Attachment n: December 3, 1997 Comment Memorandum from Roads & Transportation Services;

Attachment o: February 11, 1997 Comment Letter from Washington Department of Transportation;

Attachment p: November 6, 1995 Comment Letter from City of Yelm;

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Attachment q: February 12, 1997 Comment Letter from City of Yelm;

Attachment r: January 8, 1997 Comment Letter from City of Yelm;
Attachment s: September 12, 1997 Comment Letter from City of Yelm;

Attachment t: August 3, 1995 Comment Letter from S. Chamberlain & Associates, Inc.;

Attachment u: January 16, 1997 Comment Letter from S. Chamberlain & Associates, Inc.;

Attachment v: January 2, 1997 Comment Letter from Thurston County Fire Marshall;

Attachment w: January 31, 1998 Letter from Matthew Schubart;

Attachment x: February 2, 1998 Revised Condition B from Thurston County;

Attachment y: Report and Decision of the Thurston County Hearing Examiner;
Case No. SPR-3-89.

EXHIBIT 2: February 4, 1998 Memorandum from Michael Kain, Thurston County

Based upon the record developed at the Public Hearing, including exhibits and testimony submitted at the Public Hearing, the following Findings of Fact and Conclusions are entered in SUPport of the decision of the Hearing Examiner.

FINDINGS

1. The applicant requests approval of a special use permit to enlarge an existing arena from approximately 20,000 square feet to approximately 47,000 square feet. The arena is part

of the Messiah Stud Ranch located at 14507 Yelm Highway, Yelm, WA 98597. In addition to the arena expansion, the applicant also wants to add three restroom/shower facilities, a food service facility for on-site participants and a warehouse building; construct an all-weather fire service road around the arena area; construct a paved handicapped parking area adjacent to the arena; expand the pasture area used for parking; place gravel on the first 50 to 150 feet of the entrance apron to two pastures; expand the on-site sewage system and water system; and open a new egress point onto 89th Avenue. Exhibit 1; Testimony of Mr. Kain; Testimony of Mr. Schubart.

2. The purpose of the expansion is to allow for increased capacity for events held at the Ramtha School of Enlightenment (RSE). The RSE holds Ramtha dialogue events, and mind consciousness and energy seminar workshops. Participants, members of an

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association of Ramtha followers, participate in social, educational, and cultural activities while on-site. Events vary in length from an evening to several days to a month. During the period from September 1996 to September 1997 there were 37 events held. Attendance at these events ranged from 239 to 1000 participants, with an average of 600 students per event, and approximately 125 event days during the year. The events have start and finish times at various times of the day or night. During the events, students stay on the premises and sleep in cars or tents. The expansion will double the arena's capacity from 999 to 2,000 participants. In addition, outside venues may be used to accommodate additional participants beyond 2,000, though the applicant does not foresee more than 2,000 people attending any one event. One goal of the expansion is to consolidate the events, and, thereby reduce the number of annual events without reducing the number of annual participants. Exhibit 1; Exhibit 1l; Testimony of Mr. Schubart.

3. In 1989 the site was zoned "Unmapped Use District" which permitted nonresidential uses after Site Plan Review approval by the Hearing Examiner. On July 10, 1989 the Thurston County Hearing Examiner approved SPR-3-89 which allowed for the remodel of an existing riding arena into a meeting hall with associated parking for the Ramtha School of Enlightenment. The site continues to operate as a horse ranch. Exhibit 1; Exhibit 1y; Testimony of Mr. Schubart.

4. Subsequent to the 1989 site plan review approval, the subject property was rezoned. It is currently zoned Rural Residential - One Dwelling Unit per Five Acres (RR 1/5) and is located within the Urban Growth Area of the City of Yelm. This zoning classification permits fraternal organizations with a Special Use Permit. The Thurston County Development Services Department determined that the operation falls within the

definition of a fraternal organization and no appeal was made of this determination.
Exhibit 1.

5. The surrounding properties are primarily residential. To the north and west are scattered single family residences and small farms; to the east is State Route 510; across SR 510 are scattered single family residences; and to the south are scattered residences, Yelm Auto Wrecking, and forestland.
Exhibit 1.

6. The site, approximately 104 acres, is relatively flat with a slight slope to the west. The soil is primarily Spanaway gravelly sandy loam. The site contains: two single family residences (one of which is to be removed); six fenced pasture areas that double as parking or drainfields; a 20,000 square foot arena; two office areas totaling approximately 3,000 square feet (one to be removed and replaced); a 2,000 square foot bookstore; a 3,000 square foot storage building; and, stables and various small accessory outbuildings. An inspection of the site found no violations regarding the placement of mobile homes. Exhibit 1; Exhibit 1f; Exhibit 1m; Exhibit 2; Testimony of Ms. Wilson;

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Testimony of Mr. Clarambeau; Testimony of Mr. Schubart; Testimony of Mr. Kain.

7. The site perimeter is screened by natural vegetation on the west, south, and most of the east. Much of the eastern property line is screened by an eight-foot brick wall. The north side is open, but has been recently planted with a row of Leylandi Cypress. The Cypress trees, in healthy condition, are currently three to four feet high, spaced eight feet on center. They will be a well-established vegetative screen in three years and will attain a height of fifteen to twenty feet in as little as five years. Cypress has also been planted along the Yelm Highway and the west property line. Exhibit 1; Exhibit 1b; Exhibit 1f; Testimony of Mr. Schubart; Testimony of Mr. Kain.

8. Thompson Creek, which runs through the western portion of the property, is a seasonal stream that historically floods during heavy rain events. The stream is classified as a Type 3 stream, and designated a critical area, but is not subject to shoreline regulations. On the stream, there are two existing permitted vehicular creek crossings, and, livestock presently access the stream. Exhibit 1; Exhibit 1f; Exhibit 1m; Testimony of Ms. Livingston; Testimony of Mr. Garmann.

9. The stream is significantly degraded. Yelm is conducting a study of Thompson Creek to evaluate flood issues and the effects that adjacent properties have on the flooding events. The subject property is included in this study. From the data of the study measures will be taken to correct the

impacts to the stream. Exhibit 1; Exhibit 1f; Exhibit 1m;
Testimony of Ms. Livingston; Testimony of Mr. Garmann.

10. Water to the facilities on the site is provided by a group A water system which will be upgraded in order to serve the expanded facility. Exhibit 1f; Exhibit 1m; Testimony of Mr. Kain; Testimony of Mr. Ward; Testimony of Mr. Knowles.

11. The property will have an on-site sewage and drainfield. The soil area and depth are able to accommodate the design and installation of a new on-site sewage system to service the facility expansion. The existing drainfield capacity is 3,600 gallons per day while the expanded system will have a capacity of 11,000 gallons per day. This increased capacity will be able to accommodate 1,000 new participants plus the additional food service and showers. The on-site sewage system will be pressure distribution, designed with a minimum vertical separation standard of three feet. No hazardous wastes will be stored or generated on-site. The proposed project appears to meet the intent of the Drainage Design and Erosion Control Manual for Thurston County with respect to stormwater drainage. The proposal is not expected to impact ground or surface waters. Sewage design will be done at the building permit/sewage permit stage. Exhibit 1f; Exhibit 1m; Testimony of Mr. Kain; Testimony of Mr. Ward; Testimony of Mr. Knowles.

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12. The proposed expansion with the attached conditions will be in compliance with the Thurston County Comprehensive Plan and all applicable Federal, State, Regional, and Thurston County laws or plans. As proposed, the project will comply with all setback, bulk and open space requirements of the Zoning Ordinance. Exhibit 1; Testimony of Mr. Kain.

13. A Determination of NonSignificance was issued for the project on December 9, 1997. There were no appeals and the MDNS became final on December 24, 1997. The MDNS contained eleven mitigating conditions, as follows:

a) A new on-site sewage system shall be designed to accommodate the additional waste water flows generated by the expansion. The system must be designed to meet the criteria set forth in the Washington State Technical Review Committee's "Design Standards for Larger On-site Sewage Systems."

b) The existing water system shall be upgraded and receive design and construction approval from the Washington State Department of Health prior to the issuance of

building permits for the expansion of the facility.

c) No hazardous materials may be stored or generated on-site.

d) The stormwater drainage facility must meet the requirements of the Drainage Design and Erosion Control Manual for Thurston County. Additional information must be submitted with the final drainage report and plans and shall include, but not be limited to, required setbacks, easements, accesses, and maintenance agreements.

e) Traffic mitigation for Messiah Ranch shall be determined in accordance with the signed agreement between Messiah Ranch and Thurston County. That agreement shall be finalized and signed prior to issuance of building permits for expansion of the facility. The agreement consists of, in brief, the following:

f) The applicant's traffic consultant shall monitor traffic conditions at three public participation events at Messiah Ranch. Additionally, the applicant shall provide traffic control for two public participation events. Selection of all of these events shall be conducted by agreement between the applicant and Thurston County. Thurston County shall consult other affected parties, including but not limited to, Washington State Department of Transportation and City of Yelm prior to making a final determination on event selection. At the conclusion of the event monitoring, a report shall be prepared by the applicant's traffic consultant that includes the following: summary of traffic monitoring; number of participants in

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attendance at each event; traffic conflict analysis based on the field monitoring of the intersections of concern; findings and recommendation to mitigate any traffic impacts resulting from increases in event traffic from public participation events.

The report shall be used by Thurston County, the applicant, and the applicant's traffic consultant to determine "fair share" contributions (if any) for mitigating traffic impacts. Thurston County shall consult with other affected parties, including, but not limited to, Washington State Department of Transportation and City of Yelm prior to making a final determination.

g) The subject property contains a reach of Thompson Creek, which is classified as a Type 3 water. In accordance with the Thurston County Critical Areas Ordinance, TCC 17.15.900, an undisturbed vegetated buffer shall be established, as a

minimum, 100 feet upland from ordinary high water along the length of both sides of the stream. As a condition of approval, the stream location and the associated undisturbed vegetative buffer shall be surveyed and placed site plan submitted with the building permit application for expansion of the facility.

h) If the applicant wishes to reduce the 100-foot protective buffer around Thompson Creek by up to 50 percent in accordance with the Thurston County Critical Areas Ordinance, TCC 17.02.935, they must submit a riparian restoration plan prepared by an approved biologist to Thurston County Development Services, Environmental/Shorelines Section for review and approval. The applicant shall then be required to fully implement the approved plan in order to obtain the buffer reduction.

i) Portions of the project site are within the 100-year flood plain of Thompson Creek. Construction on this site may necessitate a Flood Hazard Permit (Title 14.38 of the Thurston County Code) from the Thurston County Development Services Department. As condition of approval, the extent of the 100-year flood plain shall be accurately located on the site plan submitted with the building permit application for expansion of the facility.

j) Wetlands, marshes, bogs and swamps are designated as "Critical Areas" per the Thurston County Critical Areas Ordinance, TCC 17.15. As a condition of approval, wetlands on the subject property shall be identified on the survey/recording document. Due to the importance of these wetlands for wildlife habitat, pollution control, ground water recharge and flood water storage, no clearing, filling, grading or other construction activities shall be allowed within the wetland or buffer area except where exempted by and when prior authorization is obtained from Thurston County Development Services, Environmental/Shorelines Section.

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k) Livestock currently have access to Thompson Creek. As a condition of final approval, livestock shall be fenced out of Thompson Creek, in accordance with Thurston County's Critical Areas Ordinance, Thurston County's Nonpoint Pollution Control Ordinance, and State Water Pollution Control Laws.

l) Erosion shall be controlled throughout the construction of the facilities. No discharge of sediments into wetland areas, conveyance ditches or Thompson Creek shall be permitted at any time. Erosion control best management practices must be installed prior to the construction phase of

the project and maintained throughout the construction phase. Erosion control best management practices include, but are not limited to, installation of silt control fences and bank stabilization material. Exhibit 1; Exhibit 1g.

14. The security lighting is designed to shield direct light from adjoining streets and properties. The proposed expansion will require additional security lighting which will be designed to shield direct light from adjoining streets and properties. Exhibit 1.

15. Between the hours of 10:00 p.m. and 7:00 a.m., noise levels are limited by regulations to a level of 45 dBA at the property line. Complaints from neighbors about the noise levels at night were submitted at the Hearing. The County responded that the noise would be monitored and that the noise standards would be enforced. Exhibit 1; Testimony of Ms. Ranger.

16. An emergency fire response agreement has been negotiated with the Messiah Ranch and Thurston County Fire District #2. This plan involves communication between Messiah Ranch, the Fire District, Capitol Communications, and Custom House (a licensed monitoring facility). Exhibit 1j; Exhibit 1k.

17. Historically, parking for events has occurred on pastureland located on either side of Thompson Creek. Additional pastures along the north and west boundaries of the site are proposed to be used to increase the parking capacity to accommodate at least 1,500 vehicles. The parking areas are vegetated with grass, which acts as a biofiltration system for the pollutants from parked cars. Bacteria in the root zones and underlying soil break down the pollutants before they enter the groundwater. An existing gravel road will remain, but new access aprons will be paved for the first 50 to 150 feet to control dust. A new egress onto 89th Avenue is proposed to serve the north pasture parking area. Exhibit 1; Exhibit 1i; Testimony of Mr. Kain; Testimony of Mr. Knowles.

18. Traffic is a major concern in this proposal. Both the Washington Department of

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Transportation and the City of Yelm expressed concerns over the traffic flow at events, and, neighbors to the property concur as evidenced by their testimony. SR 510 is under the jurisdiction of the Washington State Department of Transportation, but Yelm is responsible for improvements to correct traffic problems on that portion of SR 510 through Yelm. Testimony of Mr. Davis; Testimony of Mr. Garmann.

19. SR 510 borders the property and is the only thoroughfare through Yelm. The primary access to the property is off 93rd Ave. Though there is an entrance off 89th along SR 510 it is restricted to use by the residents and employees of the ranch and is not used by the event participants. However, the applicant has proposed using 89th Avenue as a second egress site. There is opposition to the use of 89th Avenue for egress because of restricted site distance and an absence of a functional intersection. The heavy traffic on SR 510 might also cause access problems off 89th Avenue. Testimony of Mr. Kain; Testimony of Mr. Schubart.

20. Event traffic has caused significant increases in the traffic level on SR 510 and 93rd Avenue where it intersects the highway. There are rolling traffic peaks from 5:30 a.m. until 8:00 p.m. which include a large number of pass through commuters and school and bus traffic. Currently SR 510 has 16,000 ADT (average daily trips) and this is projected to increase to 25,000 in the year 2010. Testimony of Mr. Kain; Testimony of Mr. Schubart.

21. The applicant has done a traffic impact analysis and plans on site further study. In its 1995 study the applicant's traffic consultant determined that during events on site the LOS remained at acceptable levels, and with projected increases of traffic from the proposed expansion, the LOS would remain acceptable. However, the City of Yelm disagreed with some of these findings, including LOS during events, traffic channeling and impacts caused by stacking of vehicles. In response, the applicant submitted that the study proved that, because of the existing traffic conditions on SR 510, a left-turn channelization at the intersection of 93rd Avenue and SR 510 was warranted even without event traffic. It was the conclusion of the Applicant that it should not be responsible for mitigation measures. Exhibit 1n; Exhibit 1o; Exhibit 1p; Exhibit 1q; Exhibit 1r; Exhibit 1s; Exhibit 1t; Exhibit 1u; Testimony of Mr. Davis; Testimony of Ms. Wilson; Testimony of Mr. Shea; Testimony of Ms. Ranger; Testimony of Mr. Garmann; Testimony of Mr. Clarambeau; Testimony of Ms. Sullivan.

22. The applicant's traffic engineer proposed a follow-up traffic study to determine if mitigation measures are required. The proposal would involve the monitoring of traffic followed by the applicant's traffic consultant preparing a report to be reviewed by Thurston County. Based on the information set forth therein, the County, the applicant and the applicant's traffic consultant would determine whether the applicant must provide measures for mitigating traffic impacts. No mention in the proposal included participation in the process by the Department of Transportation of the State of

Washington or the City of Yelm. However, as part of the current proposal before the County the City of Yelm has requested a fair-share contribution from the Messiah Ranch for traffic improvements. Testimony of Mr. Davis; Testimony of Mr. Shea; Testimony of Mr. Garmann; Testimony of Mr. Knowles; Testimony of Mr. Schubart.

23. Public notice of the open record public hearing on this application was provided by mailing a written notice to all property owners within 500 feet of the site on January 21, 1998; posting notice on January 23, 1998; and publication in The Olympian on January 22, 1998. Exhibit 1; Exhibit 1a.

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and decide applications for special use permits pursuant to Chapter 36.70 of the Revised Code of Washington and Chapter 20.54 of the Thurston County Code. Chapter 36.70 RCW authorizes the Hearing Examiner to hear and decide cases in the manner determined by county ordinances and consistent with state law. The Thurston County Board of Commissioners requires the Hearing Examiner to conduct a public hearing and render a decision based on the record within ten (10) working days of the close of the hearing. The decision must be consistent with the general and specific criteria for review set forth in Chapter 20.54 of the Thurston County Code. Authority to approve permits of this type is granted to the Hearing Examiner under TCC 14.32.087.

Criteria for Review

General Standards for Special Use Permits (TCC 20.54.040):

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

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public health, safety and welfare.

b. Services. The use will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities existing or planned to serve the area.

Definition of Community Club or Fraternal Organization (TCC 20.03.040(24):

A building in which members of a community or association may gather for social, educational or cultural activities.

Specific Standards for Special Use Permits for Fraternal Organizations (TCC 20.54.070):

a. Minimum site area shall be twenty thousand (20,000) square feet.

b. Landscaping shall be required where necessary to preserve the appearance of the residential character of the neighborhood. There shall be a ten (10) foot buffer strip with visual screening on all sides abutting residential districts or uses.

c. The building shall be of a design that will be compatible with the residences in the area.

d. Parking shall not be less than the minimum required in Section 20.44.030; however, the Approval Authority shall determine if additional spaces will be needed to guarantee that all user parking will be on the premises and will be adequate for the use.

Lighting (TCC 20.40.060):

Lighting shall be designed and shall function in a manner which shields direct light from adjoining streets and properties. Shielding, location, height, type of illumination and landscape buffers shall be evaluated in lighting design to meet this standard.

Off-Street Parking - Minimum Required Spaces (TCC 20.44.030):

The minimum number of required off-street parking spaces shall be determined in accordance with the following:

1. The following shall be used to determine minimum required parking spaces:

b. Public and Semi-public

(1) Auditoriums, churches, theaters and similar uses - 1 parking space per 3 seats.

2. The off-street parking requirements for uses not specifically mentioned in this Section

shall be the same as the use most similar from the standpoint of parking needs, unless the Hearing Examiner finds such requirements to be unreasonable as applied to the proposed use, in which case the Hearing Examiner shall prescribe reasonable requirements for the use.

Design Requirements for Off-Street Parking (TCC 20.44.050):

Whenever off-street parking is required, the parking area and space shall be designed, constructed and maintained in accordance with the following minimum provisions and standards (the applicable standards):

7. Within urban growth areas as shown on Map M-14 of the Thurston County Comprehensive Plan, required parking areas shall be surfaced with lattice block pavement, asphalt concrete or portland cement concrete, except that the Roads and Transportation Services Director may require a surface of grass reinforced with geotextiles in parking areas which are used lightly enough to allow the survival of such a surface.

Landscaping and Screening - Commercial Uses (TCC 20.45.040):

All commercial uses must have a minimum five (5) foot landscaped buffer strip along all public right-of-way or adjacent to a residential district or use. Buffers adjacent to residential districts or uses shall be densely planted with shrubs or trees at least four (4) feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen within three (3) years.

Such screening and landscaping shall be interrupted by normal entrances and exits.

There shall be no signs hung or attached thereto. An aesthetically pleasing high solid fence may be substituted for the vegetative screen.

Conclusions Based on Findings

1. The applicant requests approval of a special use permit to enlarge an existing arena from approximately 20,000 square feet to approximately 47,000 square feet. The arena is part of the Messiah Stud Ranch located at 14507 Yelm Highway, Yelm, WA 98597. In addition to the arena expansion, the applicant also wants to add three restroom/shower facilities, a food service facility for on-site participants and a warehouse building; construct an all-weather fire service road around the arena area; construct a paved handicapped parking area adjacent to the arena; expand the pasture area used for parking; place gravel on the first 50 to 150 feet of the entrance apron to two pastures; expand the on-site sewage system and water system; and open a new egress point onto 89th Avenue.

Findings of Fact No. 1.

2. The proposed expansion, as conditioned, will be compliance with the Thurston County Comprehensive Plan and all applicable Federal, State, Regional, and Thurston County

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laws or plans. Findings of Fact No. 3 - 23.

3. The proposed expansion will comply with the general purpose and intent of the applicable regulations in the zoning district. The subject property is zoned RR 1/5 and the use is within the definition of a fraternal organization, which are permitted in the RR 1/5 zoning district with the approval of a SUP. The proposed expansion will be consistent with all setback, bulk and open space requirements for the RR 1/5 district. Findings of Fact No. 4 and 12.

4. The proposed expansion is consistent with the specific standards for fraternal organizations. The site is approximately 104 acres and thereby exceeds the minimum site area required. The existing landscaping will preserve the residential character of the area. As conditioned, the exterior design of the arena and any other structures visible from off-site will be designed in a residential or agricultural character, subject to the Development Services Department's approval. Findings of Fact No. 6 and 7.

5. The proposed expansion will not result in substantial or undue adverse effects on adjacent property, neighborhood character, natural environment, parking, public property or facilities, or other matters affecting the public health, safety and welfare. All additional lighting will be designed to shield direct light from adjoining streets and properties. Adequate landscaping exists and will be maintained as long as the fraternal organization is in use. More study and input is required to determine effects of traffic. Finding of Fact No. 7, 14 and 22.

6. Adequate parking, 1,500 parking spaces, is proposed and it exceeds the minimum required. Parking for events has occurred on pastureland located on either sides of the creek, and additional pastures along the north and west boundaries of the site are proposed to accommodate additional parking. The parking will be accessed from the existing gravel road and new access aprons will be paved for the first 50 to 150 feet to control dust. Finding of Fact No. 17.

7. Traffic is significant concern for the proposed expansion. The site is accessed from 93rd

Avenue, off SR 510. Event traffic has caused significant increases in the traffic levels on an already busy SR 510 and 93rd Avenue. A traffic mitigation study has been submitted, which stated that the LOS remained acceptable during events and would continue to be acceptable with increased traffic from the expansion. However, further traffic analysis is needed that adequately identifies the current traffic conditions and the projected conditions after the expansion. As conditioned, traffic impacts will be identified and then adequately mitigated. Findings of Fact No. 18-22.

8. Thompson Creek, classified as a Type 3 stream and designated as a critical area, is

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significantly degraded. As conditioned, the applicant is required to establish an undisturbed vegetated buffer or establish a 50 foot vegetative buffer and submit a riparian restoration plan. From the data collected in the Yelm study, measures will be identified to decrease impacts to the creek. The applicant is required to participate in the study of the creek and mitigate impacts identified in the report. Findings of Fact No. 8 and 9.

9. Between the hours of 10:00 p.m. and 7:00 a.m. noise levels are limited by regulations to 45 dBA at the property line. The noise will be monitored by the County and the noise standards will be enforced. Finding of Fact No. 15.

10. The proposed expansion will be adequately served by and will not impose an undue burden on any of the improvements, facilities, or utilities that exist or are planned to serve the area. The existing group A water system will be upgraded to serve the expanded facility. The on-site sewage system will be upgraded to serve the site and will meet the requirements set forth in "Design Standards for Larger On-site Sewage Systems." The stormwater drainage system will meet the requirements of the Drainage Design and Erosion Control Manual for Thurston County. An emergency fire response agreement has been negotiated by the applicant and the Fire District. Findings of Fact No. 10, 11 and 16.

DECISION

Based upon the preceding Findings of Fact and Conclusions, and the testimony and evidence submitted at the Public Hearing, the request for a Special Use Permit for the purpose of expanding the Ramtha School of Enlightenment facilities is APPROVED, subject to the following conditions:

1. All requirements and regulations of the Thurston County Environmental Health Department, Thurston County Roads and Transportation Services Department, Thurston County Development Services Department, and the Olympic Air Pollution Control Authority shall be satisfied prior to or in conjunction with the issuance of any building permit. In addition, if the number of participants per event exceeds 2,000 a subsequent Special Use Permit review must be done.
2. A new on-site sewage system shall be designed to accommodate the additional waste water flows generated by the expansion. The system must be designed to meet the criteria set forth in the Washington State Technical Review Committee's "Design Standards for Larger On-site Sewage Systems." The sewage system design shall be approved before any building begins.
3. The existing water system shall be upgraded and receive design and construction

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approval from the Washington State Department of Health prior to the issuance of building permits for the expansion of the facility.

4. No hazardous materials shall be stored or generated on-site.
5. The stormwater drainage facility shall meet the requirements of the Drainage Design and Erosion Control Manual for Thurston County. Additional information must be submitted with the final drainage report and plans and shall include, but not be limited to, required setbacks, easements, accesses, and maintenance agreements.
6. Based on testimony from the City of Yelm and the County, as well as public testimony additional traffic information is required. As a means to address projected traffic increases and the resulting impacts, a traffic monitoring study and report shall be completed by July 1, 1998. Thurston County shall choose an independent traffic consultant to conduct the study at the expense of the applicant. For the study, the applicant shall provide a list of events and anticipated attendance for activities in March, April, May, and June 1998. The County shall pick three of these events as the basis of the study. Traffic counts and flow patterns shall be observed for the three events. At the conclusion of the three event monitoring, a report shall be prepared by the traffic consultant that includes the following: summary of traffic monitoring; number of participants in attendance at each event; number of vehicles at the events; traffic conflict analysis based on the field monitoring of the intersections identified by the County; and findings and recommendation to mitigate any traffic impacts resulting from increases in event traffic from public participation events. The traffic report will be reviewed by the City of Yelm and the Washington State Department of Transportation. Upon completion of review, the County shall establish traffic mitigation, if necessary.

7. Any appeals of mitigation measures will be heard by the Hearing Examiner. If no appeals are made within 10 days of the issuance of the report, the mitigation measures become final. The report shall be used by Thurston County, the applicant and the traffic consultant to determine "fair share" contributions (if any) for mitigating traffic impacts.
8. The traffic study shall also study the impacts or potential impacts and mitigation measures of egress onto 89th Avenue.
9. The subject property contains a reach of Thompson Creek, which is classified as a Type 3 water. In accordance with the Thurston County Critical Areas Ordinance, TCC 17.15.900, an undisturbed vegetated buffer shall be established, a minimum of 100 feet upland from ordinary high water along the length of both sides of the stream. As a condition of approval, the stream location and the associated undisturbed vegetative buffer shall be surveyed and a site plan submitted with the building permit application for expansion of the facility. The applicant will participate in the study of Thompson Creek and mitigate impacts identified in the report.

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10. If the applicant wishes to reduce the 100-foot protective buffer around Thompson Creek by up to 50 percent in accordance with the Thurston County Critical Areas Ordinance, TCC 17.02.935, a riparian restoration plan prepared by an approved biologist must be submitted to Thurston County Development Services, Environmental/Shorelines Section for review and approval. The applicant shall be required to fully implement the approved plan in order to obtain the buffer reduction.
11. Portions of the project site are within the 100-year flood plain of Thompson Creek. Construction on this site may necessitate a Flood Hazard Permit (Title 14.38 of the Thurston County Code) from the Thurston County Development Services Department. As a condition of approval, the extent and location of the 100-year flood plain shall be accurately depicted on the site plan submitted with the building permit application for expansion of the facility. There shall be no homes on the flood plain. Further, there shall be no home or trailer located on the property without County approval.
12. Wetlands, marshes, bogs and swamps are designated as "Critical Areas" per the Thurston County Critical Areas Ordinance, TCC 17.15. As a condition of approval, wetlands on the subject property shall be identified on the survey/recording document. Due to the importance of these wetlands for wildlife habitat, pollution control, ground water recharge and flood water storage, no clearing, filling, grading or other construction activities shall be allowed within the wetland or buffer area except where exempted by and when prior authorization is obtained from Thurston County Development Services, Environmental/Shorelines Section.

13. Livestock currently have access to Thompson Creek. As a condition of final approval, livestock shall be fenced out of Thompson Creek, in accordance with Thurston County's Critical Areas Ordinance, Thurston County's Nonpoint Pollution Control Ordinance, and State Water Pollution Control Laws.

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14. Erosion shall be controlled throughout the construction of the facilities. No discharge of sediments into wetland areas, conveyance ditches or Thompson Creek shall be permitted at any time. Erosion control best management practices shall be installed prior to the construction phase of the project and maintained throughout the construction phase. Erosion control best management practices include, but are not limited to, installation of silt control fences and bank stabilization material. Both dust and noise shall be controlled during construction.

15. Approval is given subject to compliance with the stated conditions. A review of the operation by County staff approximately 24 months after the date of approval must occur. Items to be reviewed will include, at minimum, traffic, parking, lighting, noise, stream protection, and perimeter screening. If problems are evident for which mitigation cannot be accomplished or cannot be agreed upon, the review shall be transferred to the Hearing Examiner at a public hearing who shall have authority to modify a permit.

16. Because of the nature of the events held at the Messiah Ranch, the hours of operation are unlimited. However, all operations shall comply with the noise standards of WAC 173-060. Noise levels shall remain below 45 dBA from 10:00 p.m. until 7:00 a.m. If noise complaints are submitted in writing to the Development Services Department and determined to be valid, the applicant shall implement noise mitigation measures approved by the Environmental Health Department or, if required by the Environmental Health Department, conduct a noise test per the requirements of the Environmental Health Department to demonstrate that the standards are being met. Upon receipt of a valid noise complaint in writing, the County may require a noise test be conducted within 30 days of the complaint. Based on test results, the County may require mitigation.

17. There shall be no more than one two-faced sign along both the State Highway 510 frontage and along the 93rd Avenue frontage. Each shall not exceed 32 square feet per side; or alternatively, two signs visible off-site may be attached to a building below the roof line, or placed close to a building, with a combined square footage not to exceed 32 square feet. The design of any sign visible off-site shall be in compliance with the requirements of Chapter 20.40 of the Zoning Ordinance. On-site directional signs shall also be permitted.

18. All outside lighting shall be designed and shall function in a manner which shields direct light from adjoining streets and properties. Shielding, location, height, type of illumination and landscape buffers shall be evaluated in lighting design to meet this condition.

19. A minimum of 677 parking spaces shall be maintained on-site. This will require a minimum parking area of 203,000 square feet total. The site shall contain enough spaces to accommodate participants and employees. There shall be no parking along any internal or external access roads or fire lanes. The participant spaces may be grass and need not be marked. Between 50 and 150 feet of the access apron to the north parking area and the southwest parking area shall be paved as needed to control dust.

Additionally, if dust becomes a problem on the interior gravel access road, as determined by the Olympic Air Pollution Control Authority, it shall also be paved. Use of the pasture parking area will cease if any of the following conditions occur: degradation of turf; erosion or soil migration; and tire rutting. Should one or more of these conditions occur, parking in the pastures shall not resume until proper mitigation has occurred.

20. The employee parking lot shall be paved and sized to accommodate all employees, except the temporary employees who only work during scheduled events. The temporary they may park in the pasture areas with the event participants.

21. Existing perimeter landscaping shall be maintained so long as the site is used as a fraternal organization. The landscaping must provide a dense visual screen. Where needed to ensure a dense screen the landscaping shall be enhanced. The County shall make determination of the need for enhancements.

22. Primary permanent access shall be from 93rd Avenue. All parking for events shall be on-site. There will be No Parking signs installed on 93rd Avenue and these signs are not to be removed. An egress point onto 89th Avenue shall be permitted from the north parking area unless the traffic monitoring required in the environmental determination and condition #8 herein does not result in positive data to allow the egress. The County shall have the authority to make such a judgment.

23. The exterior design of the arena and any other structures visible from off-site should be designed in a residential or agricultural character and shall be approved by the Development Services Department prior to the issuance of building permits.

24. All development and activities on-site shall be in substantial compliance with the approved site plan and project description. Any substantial expansion or alteration of this use will require approval of a new or amended Special Use Permit. The Department will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.

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25. Plans and specifications for the proposed food facility must be submitted and approved by Thurston County Public Health and Social Services Department's Food/Safety Section prior to the issuance of the building permit.

Decided this 4th day of March, 1998.

James M. Driscoll

Hearing Examiner for Thurston County

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