



July 9, 2026

Greetings,

**Subject: Kaiser Woods Conditional Use Permit
File Number 23-3261**

The enclosed decision of the Olympia Hearing Examiner hereby issued on the above date may be of interest to you. This is a final decision of the City of Olympia.

In general, any appeal of this decision must be filed within twenty-one (21) days from the date of decision filing. See Revised Code of Washington, Chapter 36.70C, for more information relating to timeliness of any appeal and filing, service and other legal requirements applicable to such appeal.

Please contact the City of Olympia, Community Planning and Economic Development Department, at 601 4th Avenue East or at PO Box 1967, Olympia, WA 98507-1967, by phone at 360.753.8314, or by email cpdinfo@ci.olympia.wa.us if you have questions.

Sincerely,

Tressa Pagel
Program Specialist
Community Planning and Economic Development

Enclosure

BEFORE THE CITY OF OLYMPIA HEARINGS EXAMINER

IN RE:
KAISER WOODS PARK.

) HEARING NO. 23-3261

) FINDINGS OF FACT,
) CONCLUSIONS OF LAW
) AND DECISION

APPLICANT: Olympia Parks, Arts, and Recreation

REPRESENTATIVES: Diane Utter, Project Engineer

SUMMARY OF REQUEST:

A Conditional Use Permit to develop 71 acres into a public mountain biking park including 3.5 miles of new trails, 1.9 miles of existing trails, 2 pump tracks, skills stations, restroom, parking lot and associated infrastructure.

LOCATION OF PROPOSAL:

2549 Black Lake Blvd. SW

SUMMARY OF DECISION:

The permit application is **approved** subject to slightly modified conditions.

BACKGROUND

The "Kaiser Woods" acreage at 2549 Black Lake Blvd. SW consists of approximately 70 acres that once housed two residences but was acquired by the City several years ago with the goal of establishing a recreational park. Several years of planning by the Olympia Park, Arts, and Recreation Department refined its proposed use as a public mountain biking facility along with use by hikers and others. This concept was presented to the City Planning Department in November, 2020, and the formal application was submitted in June, 2023. That application then underwent four rounds of review before finally being deemed complete in 2026. Along the way, the concept has been significantly revised to provide for a better "fit" with the surrounding neighborhood including: a 150-foot buffer from all surrounding residential neighborhoods; a

*Findings of Fact, Conclusions of Law
and Decision - 1*

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new access road along the property's south boundary; and a mix of trail uses intended to maximize the mountain biking experience while making as much of the park available for others as possible. As currently proposed, the project seeks Conditional Use approval to:

- Develop 3.5 miles of new trails for mountain biking and hiking.
- Maintain 1.9 miles of existing trails.
- Abandon 0.4 miles of informal trails.
- Construct 2 bicycle pump tracks and skills stations.
- Develop a new paved access lane and utility connections from Black Lake Blvd.

to the site, with a 25-space parking lot and restroom at the entrance to the park.

- Provide frontage improvements along Black Lake Blvd.

The project site includes a number of critical areas including three wetlands and their buffers, as well as three streams. The project's design includes stream crossings as well as some impacts to wetland buffers (but no direct impacts to the wetlands).

The site also contains right-of-way for a future connecting street between Kaiser Road and Black Lake Blvd. The future development of this road is considered in the project design.

Staff recommends approval subject to several conditions. Public comment has been extensive and has largely been favorable although several nearby property owners remain concerned about the potential impacts of traffic, noise and other impacts, as well as possible misuse of park facilities. These concerns have lessened as the concept for the park has been refined and many concerns have been addressed.

PUBLIC HEARING

The public hearing commenced at 5:30 p.m., on Monday, June 22, 2026. The hearing was a "hybrid" hearing consisting of both a remote hearing utilizing the Zoom platform along with the opportunity to appear in person in the Council Chambers in the City Hall. The City appeared through Casey Mauck, Associate Planner. The Applicant, Olympia Parks, Arts, and

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1 Recreation appeared through Diane Utter, Parks Project Engineer. A sizeable crowd was present
2 both in person and remotely. Approximately fifteen members of the public testified. A
3 verbatim recording was made of the public hearing and all testimony was taken under oath.

4 Documents considered at the time of the hearing included the following documents
5 received prior to the hearing:

- 6 1. Staff Report
- 7 2. Revised Site Plan v5
- 8 3. Notice of Application, Public Meeting, and Anticipated SEPA Determination
- 9 4. Notice of Public Hearing and SEPA Determination
- 10 5. Public Comments received as of June 4, 2026
- 11 6. Applicant Response to Public Comments
- 12 7. Revised Soil and Vegetation Plan v4
- 13 8. Revised SEPA Checklist v4
- 14 9. Agency Comments
- 15 10. Psomas Revised Critical Areas Report & Mitigation Plan v2
- 16 11. Landslide Hazard Area Mitigation Sequencing Memo
- 17 12. Revised Landscape Plan v5
- 18 13. Parking Narrative
- 19 14. Revised Civil Plans v5
- 20 15. Revised Drainage Report v4
- 21 16. Revised GeoEngineers Geotechnical Consultation v2
- 22 17. Soils Map
- 23 18. Sage Geotechnical Report
- 24 19. Krazan Geotechnical Report
- 25 20. Hope Community Church Parking Letter
- 26 21. Public Comments (June 5, 2026 to June 16, 2026)
- 27 22. Public Comments (June 17, 2026 to June 22, 2026 at noon)
- 28 23. Additional Public Comments (June 22, 2026)
- 29 24. City's PowerPoint Presentation
- 30 25. Pedestrian Trail Map (Updated Site Map)

City's Testimony:

31 The hearing began with the testimony of Casey Mauck, Associate Planner, and author of
32 the Staff Report (Exhibit 1). Ms. Mauck's testimony was relatively brief and relied heavily upon
33 her written Staff Report as well as her PowerPoint presentation (Exhibit 24). The Kaiser Woods
34 Park contains approximately 71 acres of developable property along with 6.5 acres of dedicated
35 right-of-way plus an additional 2.5 acres located in the City of Tumwater. The park is located in

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1 the extreme southwest corner of the City, with property to the west located in Thuston County; to
2 the southwest in the Tumwater Urban Growth Area; and to the south in the City of Tumwater.
3 Properties located east of the park are within City Limits, while properties immediately to the
4 north are in the City's Urban Growth Area. Areas east and north of the site contain residential
5 neighborhoods, especially the Ken Lake and Westbrook Park neighborhoods. A church is
6 located between the park and Black Lake Blvd. to the southeast. Properties further south, within
7 the City of Tumwater City Limits, are an eclectic mix of residential and commercial uses.
8 Properties to the west are largely timberlands and include a large stand of timber owned by
9 Manke Timber which has allowed mountain bike trails to be established within its timberlands.

10 The project site has been owned by the City for several years, during which time
11 approximately two miles of informal trails have been established and used by both cyclists and
12 hikers. The project proposes to retain some of these informal trails, abandon the remainder, and
13 establish several miles of new trails primarily for mountain biking but with many trails to be
14 available for hikes as well. The project proposes the following:

- 15 ● The development of 3.5 miles of new trails for mountain biking and/or hiking.
- 16 ● The maintenance of 1.9 miles of existing trails.
- 17 ● The abandonment of 0.4 miles of existing trails.
- 18 ● The development of 2 bicycle pump tracks and skills stations.
- 19 ● The construction of a 25-space parking lot with restroom.
- 20 ● The construction of a new paved access lane with utility connections from Black

21 Lake Blvd. to the southeast corner of the site.

- 22 ● Frontage improvements along Black Lake Blvd.

23 A map depicting the design of the new trail system is found at Exhibit 25. Trails to be
24 shared by cyclists and hikers are identified in blue on this map, while cycling-only trails are
25 shown in light gray. Trails to be abandoned are identified by dotted lines. Most of these trails

1 have a single direction of travel for cyclists. This is to ensure that trails shared with hikers have
2 slow moving cycling, while faster downhill trails are cycling-only. All of this is intended to
3 maximize the enjoyment of the trails while ensuring public safety.

4 Ms. Mauck then reviewed the project's review through the Planning Department. The
5 Parks Department first presented the proposal in November, 2020, but did not make its formal
6 application until June of 2023. Thereafter, the application went through several years of review
7 and at least three revisions in response to agency and public comments. After four rounds of
8 review, the project received the Site Plan Review Committee's recommended approval in March,
9 2026. Through these various rounds of review City Staff considered the concerns expressed by
10 members of the public, especially nearby neighbors including damage to critical areas; increased
11 noise; concerns that trails would not be designed for shared use; and worries about possible
12 misuse of park facilities. In particular, concerns were expressed about cyclists gaining access
13 into the park from the adjoining residential neighborhoods and using those neighborhoods for
14 parking. Neighbors also expressed the desire that there be some buffer between the proposed
15 uses and the adjoining neighborhoods.

16 To address many of these concerns, the final plan establishes a 150-foot buffer along the
17 east and north sides of the park for the benefit of the residential neighborhoods nearby. The
18 Parks Department also purchased some additional property along the site's southeast boundary to
19 establish a new point of entry from Black Lake Blvd. and to construct a parking area/restroom,
20 all of which is intended to draw traffic away from the adjoining residential neighborhoods. At
21 the same time, the trails have been redesigned to allow for shared use to the extent practicable
22 without taking away from the designed mountain biking experience.

23 Ms. Mauck then analyzed the project in relation to the City's Comprehensive Plan. As
24 noted more fully in her Staff Report, she finds that the project is consistent with the long list of
25 goals and policies set forth in the Comprehensive Plan including those relating to the natural

1 environment; land use and urban design; transportation; public health, arts, parks and recreation;
2 and family activities.

3 Ms. Mauck then explained that the project had undergone SEPA Review and that the City
4 had issued a Determination of Nonsignificance (DNS) which has not been appealed and is now
5 final.

6 Ms. Mauck then examined the project in relation to the development standards found in
7 the Municipal Code. She explained that the project requires a Conditional Use Permit, as
8 proposed community parks in the Residential Low Impact (RLI) zoning designation having more
9 than 10 parking stalls must be granted a Conditional Use Permit. As part of the review for this
10 permit, the Applicant (the Parks Department) must demonstrate that the proposal does not have a
11 significant adverse effect on the immediate neighborhood. OMC 18.04.060.T. Ms. Mauck states
12 that the project, as conditioned, will not have a significant adverse effect on the immediate
13 neighborhood and otherwise meets all development standards for the RLI zone. As noted earlier,
14 the site has been redesigned to include a 150-foot buffer along the north and east boundaries
15 while the entrance has been relocated to the southeast corner in order to relieve the Ken Lake
16 Neighborhood from the project's traffic. In addition, the City has worked closely with the
17 adjoining neighborhoods to design the trails in a manner which allows access from their
18 neighborhood while also maximizing shared use.

19 Ms. Mauck then turned to the issue of critical areas. The site has a number of critical
20 areas including three wetlands as well as three streams. The City's PowerPoint presentation
21 includes a map describing the location of all streams and wetlands located onsite. (Please note a
22 similar map found in the Staff Report mistakenly identifies "Steam 1" at the location of "Stream
23 2" and vice versa. The map found in the PowerPoint presentation is the accurate map.) As the
24 map demonstrates, the proposed system of trails will require the crossing of Streams 1 and 3 but
25 both crossings will utilize existing paths and will not involve any new construction within the

1 streams. Careful consideration was given to relocating these existing trails but it was ultimately
2 concluded that their relocation would have greater impacts on stream functions than the existing
3 trails, and that retaining the existing trails was the best option.

4 The site's three wetlands have been delineated as shown on the map in the PowerPoint
5 presentation. The project will not have any direct impacts upon the wetlands but will have
6 impacts to wetlands buffers; Wetland A's buffer will be impacted by the proposed stormwater
7 pond; Wetland B's buffer includes areas of trail maintenance; and Wetland C's buffer also
8 includes areas of trail maintenance. The proposed maintenance of trails within the buffers for
9 Wetlands B and C is allowed under the City's Critical Areas Regulations, while the stormwater
10 pond proposed in the buffer of Wetland A is allowed by the use of buffer averaging and the
11 substitution of higher quality new buffer to replace that affected by the stormwater pond. Staff
12 finds that, collectively, the project is designed in a manner which avoids any significant impact
13 upon wetlands and their buffers.

14 Ms. Mauck then turned to the project's compliance with the City's Engineering
15 Development and Design Standards (EDDS) relating to drinking water, wastewater, stormwater,
16 solid waste and transportation. With respect to transportation, the park's new connection to
17 Black Lake Blvd. will be located in the City of Tumwater and Olympia Staff is working closely
18 with Tumwater's Staff to obtain the necessary engineering permit approval from Tumwater. The
19 park will be required to install water facilities consistent with the requirements of the EDDS,
20 including a service line to the proposed restroom. Wastewater requirements are met through a
21 proposed restroom utilizing a holding tank toilet subject to a permit to be issued by Thurston
22 County. Stormwater will be managed through a stormwater design satisfying the requirements
23 of the most current Stormwater Manual and Chapter 5 of the EDDS but will require an easement
24 or maintenance agreement with the adjoining property owner for maintenance of existing
25

1 culverts. Subject to these various conditions, Staff finds that all requirements of the EDDS are
2 satisfied.

3 Ms. Mauck then turned to agency and public concerns relating to the preservation of the
4 site's many trees and, separately, the preservation of cultural resources potentially located onsite.
5 As to the preservation of existing trees, the project's Tree Report concludes that the site contains
6 nearly 24,000 trees while less than 100 are proposed to be removed for the project. Of the trees
7 to be removed, the vast majority are dying or were otherwise considered dangerous and are being
8 removed for safety reasons, leaving only a small number of healthy trees being removed to
9 construct the new parking lot. With respect to preservation of cultural resources, the project will
10 be required to undergo a Cultural Resources Study. Culturally significant trees are known to be
11 located onsite and will be protected. Additional cultural and historic presentation requirements
12 may be required as determined by the Cultural Resources Report.

13 Finally, Ms. Mauck noted that the site contains 6.5 acres of dedicated right-of-way
14 intended for a future road connection between Kaiser Road and Black Lake Blvd. This future
15 road is not expected to be constructed any time soon but might be built within 15 years. If/when
16 constructed, it will require the relocation of the new parking area. Project approval has been
17 conditioned upon the relocation of the parking lot if required for construction of the new road.

18 Ms. Mauck concluded her testimony by noting that the Parks Department, as well as the
19 City's Planning Department, have worked closely with the site's residential neighbors as well as
20 with biking enthusiasts to create a recreational park that meets the needs of the cyclists while
21 demonstrating respect for the surrounding neighborhoods. City Staff believes that the final park
22 plan achieves these objectives and therefore recommends that the requested Conditional Use
23 Permit be approved.

1 **Applicant's Presentation:**

2 The conclusion of Ms. Mauck's testimony the Applicant (the Olympia Parks, Arts, and
3 Recreation Department) appeared through Diane Utter, Parks Project Engineer. Ms. Utter
4 explained that her department purchased the property a few years ago with the goal of
5 establishing a dedicated mountain biking trail facility, as no similar facility currently exists
6 within the City. Indeed, the City would not have purchased such a large parcel if it did not have
7 this goal in mind. Ms. Utter then reviewed the project's Site Plan (Exhibit 25) and explained
8 how the project proposes to establish more than 5 miles of shared use trails including 3.5 miles
9 of new trails and 1.9 miles of existing trail. All trails shown as blue lines on the map will allow
10 hiking as well as cycling (with the exception of one hiking-only trail section in the northeast area
11 of the park). Yellow lines designate existing trails that will be biking-only downhill trails. Light
12 gray lines designate new biking-only trails that are again downhill only. The net result of this
13 proposed system is that in relatively flat areas of the park trails will allow shared use between
14 cyclists and hikers, while cyclists will travel uphill on shared trails but go downhill on biker-only
15 trails. This design will ensure that shared use trails avoid fast moving bikes while allowing
16 liberal hiking through the park and a variety of trails for cyclists. 0.4 miles of existing trails will
17 be abandoned as shown by dotted lines on the map. These abandoned trails will be barricaded
18 and allowed to revegetate so as to discourage any future use and keep all use to the intended
19 trails.

20 Ms. Utter stressed that the trail system has been revised during the review process to
21 establish a consistent 150-foot buffer along the entire north and east boundaries to insulate
22 adjoining residential neighborhoods from the park's use. The only exception to this continuous
23 buffer is a small portion of trails specifically intended to make access into the park more
24 accessible by residential neighborhoods, and is included at the neighbor's request.

1 In response to some questions the Hearing Examiner posed about signage, Ms. Utter
2 explained that the park is expected to be "the most signed park in the City's park system".
3 Signage will include clear warnings on allowed/disallowed uses; will provide wayfinding
4 guidance; will include trail names for easy reference; and will provide clear direction on the use
5 of trails that are uphill-only or downhill-only. In summary, the Park's Department wishes that all
6 those using the park will have no difficulty understanding the rules of use.

7 In response to a question from the Hearing Examiner, Ms. Utter explained that e-bikes
8 will be allowed just as they are allowed in State parks. This means that Class 1 and Class 2
9 e-bikes will be allowed but other forms of motorized bikes/motorcycles will not be allowed.

10 Ms. Utter confirmed that the site will be linked to the adjoining set of trails found on the
11 Manke Lumber property to the west. Those trails are operated on a private agreement between
12 Manke and the biking association and will continue to be used in their current manner.

13 In response to questions from the Hearing Examiner, Ms. Utter confirmed that gates will
14 be established at the southern entrance in order to limit use from dusk to dawn. A second gate
15 will be located west of the parking lot to prevent unauthorized access into the Manke Lumber
16 property to the west. The existing access off of Park Drive will continue as presently configured.
17 There will be no gate at this location but there is an existing bollard which prevents vehicles
18 from gaining access.

19 Parking will be directed toward the Black Lake entrance and the parking lot along the
20 south boundary. The Parks Department is also in conversation with the adjoining church for
21 possible use of its parking facilities when not needed for church-related activities.

22 The park will not have any lighting with the possible exception of some limited safety
23 lighting for the restroom. The park agrees that hours of use are to be limited from dawn to dusk.

24 In response to concerns by members of the public regarding impacts to critical areas and
25 the site's existing vegetation, Ms. Utter first noted that the site has nearly 24,000 trees and that

1 the project has been carefully designed to only require the removal of a handful, with most of
2 those being diseased trees. Trails will be limited to a few feet in width and nearly all of the
3 existing forest will be retained in its current status. Ms. Utter added that it is almost unheard of
4 for a recreational project to retain so much of the existing forest and that the Park's Department is
5 proud of its efforts in this regard. She added that critical areas have been carefully protected and
6 that the park is designed to cause no new or added burdens to the site's streams and wetlands, and
7 that the park's stormwater system has been carefully designed and will be monitored to ensure
8 proper compliance with environmental regulations.

9 Ms. Utter concluded her testimony by noting that this has been an extremely long process
10 but has resulted in an improved final design that respects the concerns of neighboring properties
11 while providing a unique recreational experience.

12 **Public Comment:**

13 There has been extensive public participation and comment throughout this application's
14 history. The Park Department, as well as several public commenters noted that early-on public
15 meetings resulted in the largest attendance for any public meeting held by the City. Once the
16 formal application was presented in 2023, the City received a steady stream of written public
17 comments, both for and against the project (Exhibit 5). At least initially, many of the residents of
18 the surrounding residential neighborhoods expressed opposition due to: concerns about
19 increased traffic in their neighborhoods; noise; environmental impacts; loss of trees; loss of
20 pedestrian use; potential misuse of the park; and a belief that nearby, informal trails (including
21 those on the Manke property) made a public mountain biking park unnecessary. As noted
22 earlier, the application underwent four rounds of review resulting in a number of modifications
23 to the project in response to these various public concerns. Importantly, the Park's Department
24 agreed to acquire additional acreage to establish a new access and parking area; the trails were
25 shifted further west and south to establish a 150-foot buffer from surrounding neighborhoods;

1 and the trails were redesigned to increase the number of shared use trails while preserving a large
2 number of biking-only trails. In addition, new trails were designed to minimize tree removal and
3 any impact to streams and wetlands. Collectively, these modifications resulted in increased
4 acceptance by the surrounding neighborhood and fewer objections.

5 As the public hearing approached, a new round of public comments began to be received
6 in advance of the hearing. Over the days and weeks prior to the hearing, several dozen written
7 comments were received (Exhibits 21-23). The large majority of these written comments were
8 supportive although a number of commenters continued to express opposition/concerns over
9 traffic, noise, shared use, possible misuse, and potential environmental harm.

10 Fifteen members of the public asked to testify during the public hearing. The first four
11 public speakers, Patricia Bracken, John Rich, Beth Gallatin and Michael Godar, expressed some
12 level of opposition to the project, or at least concerns about its impacts. The most commonly
13 expressed concern is the potential for both vehicular and cycling traffic to utilize Park Drive for
14 access, and to park along the public streets at the existing entrance off of Park Drive.
15 Commenters asked if additional steps could be taken to direct traffic to the new entrance/parking
16 area to the south and prevent, or at least discourage, the use of Park Drive. Additional concerns
17 included continued concerns about biking/hiking interaction; the loss of trees; and various other
18 environmental concerns.

19 The remaining eleven public speakers (Dan Auerbach, Beth Provo, Nathan Hamilton,
20 Lisa Sweete, Rip Heminway, Chris Song, Chris Kinerk, Ryan McCord, Calvin Olson-Kihn,
21 Natalie Hibbard, and Sam Ham) all expressed strong support for the application. Several of
22 these commenters are active in cycling education and spoke to the opportunities this park will
23 provide for introducing cycling to younger individuals in a well controlled setting. Several
24 referred to similar facilities in other cities (Tacoma, Issaquah, Bellingham) which have been
25 proven to be excellent community resources. Speakers noted that the local biking associations

1 would be working closely with the Park's Department to assist in trail maintenance, discourage
2 any inappropriate use and report misconduct. Others expressed confidence that the final design
3 of the trails would allow for a smoother interaction with hikers without impairing the biking
4 experience. Several noted the compatibility of the proposed park with the adjoining system of
5 trails to the west and the opportunity to enlarge to regional trail system. At the same time, these
6 commenters expressed an awareness of the park's potential impact to surrounding neighborhoods
7 and agreed with efforts to redirect traffic away from those neighborhoods. A nearly universal
8 expression among these speakers was the belief that the proposed park would be a significant
9 asset to the community and provide great new opportunities for families and younger individuals
10 to engage in active outdoor recreation.

11 The public comment, in combination with the City's testimony, raised three issues not
12 fully addressed in the Staff Report and proposed conditions of approval:

13 1. Limiting use of Park Drive for travel and parking. Understandably, the residents
14 of the neighborhoods to the east prefer that the traffic not travel through its neighborhoods and
15 park at the end of the public street. The Park's Department has gone to great lengths to reduce
16 this problem by acquiring additional property and establishing a new entrance and parking area
17 to the south. Nonetheless, concerns remain that many park users may still continue to gain
18 access from Park Drive, especially if nothing discourages them from doing so.

19 The Hearing Examiner does not have authority to order that park users not travel on, or
20 park alongside, a public road. The Hearing Examiner can, however, impose a condition
21 requiring the City to install signage at the entrance to Park Drive advising the public that the
22 public entrance to the park is further south along Black Lake Blvd. This signage will not prohibit
23 parking users from relying upon Park Drive but will help encourage users to park in the official
24 parking lot. Neither the Park's Department or the Planning Staff object to this proposed
25 additional condition.

2. The Park's Department intends to operate the park from dawn to dusk but project approval has not been conditioned upon this limit on use. Neither the Park's Department or the Planning Staff object to the Hearing Examiner imposing an additional condition that hours of use be limited to dawn to dusk.

3. At least one member of the public expressed concern that the park's intended use could lead to the possibility of smoking which, in turn, could increase the risk of fire to this neighborhood. Ms. Utter responds to this concern by noting that current park policies already prohibit smoking in the park. It is therefore unnecessary to impose an additional condition requiring this,

ANALYSIS

More than most projects, this project has undergone many years of planning, public participation and review and revision. As proposed, it holds true to the Park's Department original vision of a new park dedicated to mountain biking, while respecting the concerns of neighbors and adapting the park's concept to allow a fuller use, all while protecting the site's sensitive environment. To obtain the necessary permit, the Park's Department bears the burden of demonstrating that the facility will not have a significant adverse effect on the immediate neighborhood and by also demonstrating that all development regulations, including protection of critical areas, have been met. I conclude that the project satisfies all of these requirements subject to the conditions recommended by the City Planning Staff together with the additional conditions I have imposed.

I therefore make the following:

FINDINGS OF FACT

1. The Applicant, the Olympia Parks, Arts, and Recreation Department requests a Conditional Use Permit in order to develop 71 acres into a public mountain biking park utilizing

1 existing trails, new trails, new pump tracks and skill stations, restrooms, parking lot, new
2 entrance and associated other infrastructure.

3 2. The site is located at 2549 Black Lake Blvd. SW.

4 3. The project is located almost entirely within the City Limits of Olympia but
5 approximately 2 acres is located in the City of Tumwater.

6 4. The site includes 71 acres available for public park together with an additional 6.5
7 acres of dedicated right-of-way for a future public road. The right-of-way is undeveloped and
8 will be used for park purposes unless/until needed as public road.

9 5. The project site has a zoning designation of Residential Low Impact (RLI). This
10 zoning designation is consistent with adjoining properties to the east located within City Limits.
11 Property to the north is located in the Olympia Urban Growth; to the west is in Thurston County;
12 to the southwest is in the Tumwater Urban Growth Area; and to the south is in the City of
13 Tumwater.

14 6. Surrounding uses include low density residential to the east and north; low density
15 residential and timberlands to the west and southwest; and an eclectic mix of uses to the south
16 within the City of Tumwater including residential commercial and industrial.

17 7. Immediately west of the project site are timberlands owned by Manke Lumber.
18 By agreement between Manke Lumber and area mountain biking associations, portions of these
19 timberlands have been made available for mountain biking trails and a system of trails is
20 currently found in these timberlands.

21 8. To the southeast of the project site is an existing church. The formal entrance to
22 the site off of Black Lake Blvd. travels past this church. There are ongoing discussions between
23 the City and the church over the use of its parking facilities when not needed by the church.

24 9. The project site has a land use designation of Low-Density Neighborhoods in the
25 City's Comprehensive Plan. This designation is consistent with the land use designation of

1 adjoining properties to the east within City Limits. The proposed use is consistent with this land
2 use designation.

3 10. The project site originally contained two residences, both of which have since
4 been demolished. A garage associated with one of those residences has been retained and
5 continues to be used for park storage. This garage is located near the historic entrance to the
6 project site from Park Drive.

7 11. With the exception of the retained garage, the site is currently undeveloped
8 although approximately two miles of informal cycling and walking trails have been established.
9 The site slopes fairly steeply from west to east and is heavily forested with approximately 24,000
10 trees, with forested areas continuing west from the site into the Manke Lumber property.

11 12. The site contains a number of critical areas including three small streams (Streams
12 1, 2 and 3); three wetlands and associated buffers (Wetlands A, B and C); and several areas that
13 are landslide hazard areas. The streams, wetlands and landslide hazard areas are collectively
14 identified on the Critical Areas Map included in the City's PowerPoint presentation (Exhibit 24).

15 Findings Relating to the Proposed Use.

16 13. The Applicant seeks to develop the project site as a public mountain biking park
17 but allowing for shared use of trails to the extent practicable.

18 14. The project proposes the construction of more than 10 parking stalls. If more than
19 10 vehicle parking spaces are requested in the RLI zone, the community park requires a
20 Conditional Use Permit.

21 15. The Applicant seeks Conditional Use Permit approval to undertake the following:

- 22 • Develop 3.5 miles of new trails for mountain biking, with some trails designed for
23 shared use for hiking.
- 24 • Maintain 1.9 miles of existing, informal trails.
- 25 • Abandon 0.4 miles of existing informal trails.

- 1 • Construct 2 bicycle pump tracks and skill stations.
- 2 • Construct a 25 space parking lot and restroom.
- 3 • Construct a paved access lane along with utility connections, commencing at
- 4 Black Lake Blvd. and continuing westerly to the site along the project's south boundary.
- 5 • Undertake frontage improvements along Black Lake Blvd.
- 6 • Install required utilities including a water connection, wastewater services, and a
- 7 stormwater system.

8 16. A map depicting the proposed new trail system is found at Exhibit 25:

9 • Trails shown in blue are shared use trails allowing for both mountain biking and

10 hiking use, although one short section of trail shown in blue near the northeast corner of the site

11 is for hiking-only (cyclists will utilize a parallel a short distance to the west). Except for this

12 brief section of hiking-only trail, all other trails shown in blue are shared use trails.

13 • Trails shown in yellow are existing informal trails that will be incorporated into

14 the biking-only trail system.

15 • Trails shown in light gray are new biking-only trails.

16 • Trails shown as a dotted line are existing informal trails that will be abandoned.

17 17. Traversing the site from eastward to the west, mountain bikers will rely upon blue

18 shaded trails to gain elevation to the west boundary of the park. Their upward travel will

19 therefore be on trails shared with hikers.

20 18. Descending mountain bikers will rely upon biking-only trails shown in light gray.

21 These biking-only trails will allow mountain bikers to descend at speed without encountering

22 hikers.

23 19. The pump tracks and skill stations are shown on Exhibit 25 and are located in the

24 southwestern portion of the project site.

1 20. The primary entrance, driveway, parking area, restroom and stormwater pond are
2 located on the south boundary of the project continuing east to Black Lake Blvd., all as shown on
3 Exhibit 2.

4 21. The historic entry into the property is off the west terminus of Park Drive as
5 shown on Exhibit 2. This entrance will remain but park users will be encouraged to utilize the
6 primary entrance along the south boundary. The entrance off of Park Drive contains a system of
7 bollards to prevent vehicles from traveling further west into the park. A small amount of public
8 parking is available at this entrance within the Park Drive right-of-way.

9 22. An existing garage is located near the Park Drive entrance. It will remain and
10 continue to be used for park-related storage.

11 23. The main park entrance along the south boundary will be gated and locked during
12 periods of nonuse. A second locked gate will be located further west along the main entry to
13 prevent vehicle traffic from entering onto the Manke Lumber property further west. The Park
14 Drive entrance will not be gated and locked but will have bollards to prevent vehicles from
15 further entry.

16 24. The park will not have any lighting with the possible exception of security-related
17 lighting for the restroom.

18 25. Water will be provided to the restroom. The restroom wastewater will be
19 managed through the use of a holding tank toilet to be permitted by Thurston County. Solid
20 waste will be managed through the regular pickup of solid waste recyclables and organics from
21 containers located through the park. Stormwater will be managed through a stormwater drainage
22 system designed to the current stormwater design requirement. The preliminary design for this
23 system includes a stormwater pond near the southeast corner of the project site.

24 26. To ensure that the park is used as intended, hours of operation should be limited
25 from dawn to dusk.

1 27. To reduce impacts of the project upon adjoining neighborhoods to the east, park
2 users should be reminded that the park's primary access/parking area is along the south
3 boundary. Approval should be conditioned upon requiring signage near the Park Drive/Black
4 Lake Blvd. intersection alerting park users that the park's public entrance and parking area is
5 located further south.

6 Findings Relating to SEPA and Public Notice.

7 28. The Applicant first met with the City Staff to discuss the project in a
8 preapplication conference in November, 2020. At or near that time, the Applicant began holding
9 public meetings to present the project and receive public response.

10 29. A formal land use application was submitted and deemed complete on June 12,
11 2023. The City issued Notice of Application on June 30, 2023.

12 30. The Applicant and the City co-hosted a project information meeting on July 12,
13 2023.

14 31. On September 21, 2023, City Staff found that additional information and
15 revisions were necessary.

16 32. On November 27, 2024, the Applicant submitted revised plans and reports.

17 33. On February 3, 2025, following second review, the City issued a revised set of
18 comments. In response, on April 24, 2025, the Applicant submitted revised plans and reports.

19 34. Following the third review, on June 9, 2025, the City issued a third set of review
20 comments.

21 35. The Applicant responded to the third set of comments on April 2, 2026, with a
22 newly revised set of plans and reports.

23 36. On March 6, 2026, the Site Plan Review Committee recommended approval of
24 the project as revised on April 2, 2026. This resulted in a Notice of Public Hearing.

1 37. Public comment began to be received after the initial Notice of Application and
2 have continued to be received since (Exhibit 5). A significant number of additional public
3 comments were received shortly before the public hearing (Exhibits 21-23). Collectively,
4 several dozen public comments have been received in advance of the public hearing. As noted
5 earlier in the Public Hearing Section, these comments include a large number of letters in support
6 by mountain biking enthusiasts but also include several expressions of concerns largely from
7 residents of adjoining residential neighborhoods. Comments in opposition include concerns over
8 traffic and parking along Park Drive; noise; misuse of the park; opportunities for shared use of
9 trails; impacts to critical areas; the potential loss of trees and questions whether the park is
10 necessary given the system of available, informal trails nearby, especially within the Manke
11 Lumber property to the west.

12 38. The Applicant responded to these various public concerns through a number of
13 modifications to the project as noted more fully in the Public Hearing Section. Among other
14 responses, the Applicant has:

- 15 ● Acquired additional property to the south in order to construct a new entrance and
16 parking area off of Black Lake Blvd. in order to avoid use of Park Drive.
- 17 ● Redesigned the trail system to establish a 150-foot buffer from residential
18 neighborhoods to the east and north.
- 19 ● Increased the number of shared use trails to allow greater use by non-bikers.
- 20 ● Designed all new trails to avoid removing trees to the fullest extent possible.
- 21 ● Given careful consideration to the location of trails relative to critical areas.

22 39. While these modifications to the project have not eliminated public opposition all
23 together, residents of the nearby neighborhoods are largely in agreement with the project's final
24 design

1 40. Public notice of the hearing before the Hearing Examiner was issued May 28,
2 2026, mailed to property owners within 300 feet of the subject property, to parties of record, and
3 to recognized neighborhood associations, posted onsite and published in the Olympian on May
4 29, 2026.

5 41. The City, as Lead Agency, issued a SEPA Determination of Nonsignificance
6 (DNS) on June 30, 2023 (Exhibit 3). No appeals were filed and the determination is now final.

7 42. Notices of the application generated agency comment from the City of Tumwater,
8 the Nisqually Tribe and Ecology. Tumwater has submitted various modifications to the proposal
9 which have been incorporated into final design and are conditions of project approval. The
10 project must still apply for and receive engineering permit approval prior to Olympia issuing an
11 Engineering Permit.

12 43. The Nisqually Tribe has expressed concern about the protection of culturally
13 modified trees and other cultural resources onsite. The City has responded to these concerns by
14 conditioning project approval upon requiring a Cultural Resources Survey. This survey will be
15 required as part of engineering permit application. Additional historic and cultural resource
16 protection work may be imposed depending upon the findings of the survey.

17 44. Comments from Ecology were fairly standard and have been incorporated into
18 conditions of approval.

19 Findings Relating to the Project's Consistency with the City Comprehensive Plan.

20 45. The project must be found to be consistent with the City's Comprehensive Plan.

21 46. As noted earlier, the project site has a land use designation of Low Density
22 Neighborhood in the Future Land Use Map of the Comprehensive Plan. This designation is
23 intended to support low density housing while accommodating environmental sensitivities
24 including habitat protection and stormwater.

1 47. The Staff Report, commencing at page 4, undertakes an analysis of the project's
2 consistency with the goals and policies of the Comprehensive Plan. Staff finds that, as
3 conditioned, the project is consistent with a number of goals and policies relating to the natural
4 environment including Goal GN1 and Policies PN1.1, 1.5, 1.7, 1.8 and 1.11; Goal GN3 and
5 Policy PN3.3; and Goal GN11 and Policies PN11.1 and 11.5. Staff further finds that the project
6 is consistent with the Plan's Land Use and Urban Design goals and policies including Goal GL3
7 and Policy PL3.7; Goal GL20 and Policy PL20.4, Staff also finds that the project is consistent
8 with the Transportation element of the Comprehensive Plan including Goal GT7, Goal GT25 and
9 Policy PT25.9. Staff finds that the project is also consistent with the Public Health, Arts, Parks
10 and Recreation component of the plan including Goal GR11 and Policies PR1.1; 1.3, Goal GR2
11 and Policy PR2.1; Goal GR3 and Policies PR3.1 and 3.2; Goal GR9 and Policy PR9.1; and Goal
12 GR10 and Policies PR10.3, 10.4 and 10.6. Staff finds:

13 "The proposal includes a lower-impact land use and smaller development
14 footprint than 'traditional' residential buildings on an environmentally sensitive
15 site. The site is located in an area with critical areas and sensitive drainage
16 considerations. While the zone allows 'traditional' developments like a
17 subdivision of single-family homes here, instead this project proposes minimal
18 vegetation removal and presentation and maintenance of a large, relatively intact
19 site. The sloped topography of the site is appropriate for mountain biking and
20 hiking with minimal grading. Historic, culturally modified trees onsite will be
21 identified and protected. Finally, the careful planning of several mixed-use trails
22 where safe, and beginner and intermediate trails and skills areas, makes this park
23 usable by community members of varying ages and ability levels. The proposal
24 furthers the goals and policies of the Comprehensive Plan."

25 48. The Hearing Examiner concurs with these Findings and adopts them as his own
Findings.

Findings Relating to Compliance with the Fire Code, Chapter 16.32 OMC.

 49. The project must comply with the standards set forth in Section 16.32 OMC
relating to fire protection including access roadways. Staff finds that the project, as conditioned,

1 has made appropriate provision for fire access including adequate road width for fire vehicles
2 and turnarounds. The Hearing Examiner concurs.

3 50. As noted in the Public Hearing Section, the Park's Department imposes a "no
4 smoking" policy on this park's use, helping reduce the possibility of a fire.

5 Findings Relating to Compliance with the Tree, Soil and Native Vegetation Protection
6 and Replacement, Chapter 16.60 OMC.

7 51. The Applicant has submitted a Soil and Vegetation Plan which provides
8 protection measures to ensure safe removal of trees and the protection of remaining trees
9 (Exhibit 7).

10 52. The site contains approximately 24,000 trees. The Soil and Vegetation Plan
11 provides for the removal of 90 trees, but 62 of these are dead or diseased, leaving less than 30
12 healthy trees to be removed from a stand of nearly 24,000 trees.

13 53. The few healthy trees needing to be removed are largely located in the area of the
14 proposed new parking area. The parking lot is an essential aspect of the project.

15 54. The removal of 62 dead or diseased trees is to ensure the safety of trail users.

16 55. Staff finds that the project, as conditioned, complies with all tree, soil and native
17 vegetation protection and replacement pursuant to Chapter 16.60 OMC. The Hearing Examiner
18 concurs.

19 Findings Relating to Compliance with the Unified Development Code, Title 18 OMC,
20 Including Compliance with Residential District Conditional Use Standards, Chapter 18.04 OMC.

21 56. As noted in earlier Findings, the Applicant's request to construct more than 10
22 vehicle parking spaces triggers the requirement for a Conditional Use Permit Pursuant to OMC
23 18.04.060.T: "The decision authority shall approve recreational facilities only if the proposed
24 facility will not have a significant adverse effect on the immediate neighborhood."
25

1 57. The Staff Report, at page 7, undertakes an analysis of the project's impacts to the
2 immediate neighborhood and whether it might have a significant adverse effect on the immediate
3 neighborhood. Staff finds that the project, as conditioned, will not have significant adverse
4 effects on the immediate neighborhood and, at the same time, meets all the development
5 standards for the RLI zone. Staff finds that the various changes made to the project in response
6 to the concerns of the surrounding residential neighborhoods have ensured that the project will
7 not have significant adverse effects to the immediate neighborhood. The Hearing Examiner has
8 carefully considered the Staff's Findings and concurs that the project, as conditioned, will not
9 have significant adverse effects on the immediate neighborhood and therefore complies with
10 OMC 18.04.060.T.

11 Findings Relating to Historic Preservation.

12 58. Cultural resources must be protected during all development activities.

13 59. The Staff Report, at page 7, explains that the park's development is being funded
14 through the Washington Recreation and Conservation Office (RCO) and is therefore subject to
15 historic and cultural resource preservation requirements imposed by the State.

16 60. The City is requiring an Inadvertent Discovery Plan during all construction
17 activities.

18 61. As noted in earlier Findings, the Nisqually Tribe has expressed concern over
19 culturally modified trees located onsite. The City is aware of these trees and shares in the Tribe's
20 concern for their protection.

21 62. The Park's Department will be required to undertake the required historic and
22 cultural resource preservation consultation outlined by the Governor's Order 21-02. The project
23 is conditioned on requiring this survey with the engineering permit application, and completing
24 the consultation process prior to permit approval. Additional historic and cultural resource
25 protection may be required as a result of the survey. Staff finds that as conditioned, the project

1 complies with all requirements for historic preservation imposed by Chapter 18.12 OMC. The
2 Hearing Examiner concurs.

3 Findings Relating to Critical Areas, Chapter 18.32 OMC.

4 63. Pursuant to Chapter 18.32 OMC, the Applicant must demonstrate that the project
5 will either avoid any impact to critical areas and buffers or show how any impacts are
6 minimized, rectified, reduced and compensated for.

7 64. As note in earlier Findings, the project site contains a number of critical areas
8 including three streams, three wetlands and associated buffers, and several landslide hazard
9 areas. The site also contains a wellhead protection area in the northwest corner associated with
10 Allison Springs. The location of these various critical areas is identified on the Critical Areas
11 Map included in the City's PowerPoint presentation (Exhibit 24).

12 65. The wellhead protection area associated with Allison Springs will not be impacted
13 by the project as the Applicant does not propose any activities in the wellhead protection area
14 that pose a risk to groundwater.

15 66. The three seasonal streams located on the site have been mapped by SCJ Alliance
16 and confirmed onsite, and then later reassessed by PSOMAS (Exhibit 10) as part of its revised
17 Critical Areas Report and Mitigation Plan issued in March 2026 (the "Critical Areas Report").

18 67. The Critical Areas Report, commencing at page 8, explains that the three
19 unnamed streams on the site are seasonal in nature. Stream 1 is located in the southern half of
20 the site and eventually flows to the Black Lake ditch. Stream 2 is located in the central portion
21 of the site and flows into Stream 1 before leaving the site. Stream 3 is located in the southeast
22 quarter of the site and again flows into Stream 1 before leaving the project site. All three streams
23 are Typed "Ns Without High Mass Wasting". Based upon this stream type, the required buffer
24 width is 150 feet for each stream.

1 68. The project does not propose any new stream crossings across any of the three
2 streams.

3 69. The project does, however, propose to maintain existing trails crossing Streams 1
4 and 3: the current stream crossing of Stream 1 is an existing gravel paved access road
5 historically used as a driveway for one of the earlier single-family homes onsite. The stream is
6 conveyed beneath this crossing through a 20 inch culvert.

7 70. The current stream crossing of Stream 3 is by way of an unpaved existing
8 informal trail.

9 71. The Applicant evaluated three alternatives for a crossing of Stream 3: (1)
10 retaining the current trail crossing; (2) abandoning the existing trail and building a new trail
11 parallel to the stream buffer; and (3) abandoning the existing trail and constructing a new trail
12 longer to the east outside of the stream buffer. These three alternatives were carefully considered
13 and it was ultimately concluded that retaining the existing informal crossing was found to have
14 less impact on the stream functions than the impacts of either proposed new trail. In addition, it
15 was concluded that, even if trail was relocated, many riders would seek to use the old trail.

16 72. City Staff concurs with the Applicant that retention of the existing trail crossing
17 of Stream 3 is the preferred alternative to any proposed new trail. The Hearing Examiner
18 concurs.

19 73. As previously noted, there are three wetlands onsite: Wetland A is located near
20 the southeast corner of the site, covers 0.68 acres, has a wetland rating of III, Habitat Score of 6
21 and a required buffer width of 180 feet. Wetland B is located near the center of the project site,
22 covers 0.06 acres, has a wetland rating of II, Habitat Score of 6 and a required buffer width of
23 180 feet. Wetland C is located in the center west portion of the site and is included in Wetland
24 B.

25 74. No development is proposed within the boundaries of any of the three wetlands.

1 75. The project does, however, propose impacts to wetland buffers. The project's
2 required stormwater pond is proposed to be located within the existing buffer of Wetland A. To
3 mitigate for this impact, the Applicant proposes to use buffer averaging in the outer 25% of the
4 Wetland A buffer and substitute higher quality new buffer in mitigation of the buffer impacted
5 by the stormwater pond. Wetland B's buffer will be impacted by ongoing maintenance and
6 future use of the existing trails. Similarly, Wetland C's buffer will be impacted by future
7 maintenance and use of existing trails. Staff finds that use of existing trails is essential in order
8 to provide connections between all northern and southern trails, and also notes that these impacts
9 will be in the form of existing gravel access ways with no new trail being constructed within
10 buffers. Staff therefore finds that, as conditioned, the project has made adequate provision for
11 the protection of all wetlands and their buffers. The Hearing Examiner concurs.

12 76. The Staff Report, at page 9, contains a detailed discussion of the site's landslide
13 hazard areas. The report notes that the site has many steep slopes and several Landslide Hazard
14 Areas (LHA's). The Applicant proposes a slight encroachment into LHA by the stormwater
15 infiltration pond. Staff notes that stormwater facilities are allowed in the outer half of an LHA
16 buffer at the toe of the slope if mitigation sequencing and all criteria of OMC 18.332.620 have
17 been met. The Applicant has provided a narrative describing how the pond design meets these
18 criteria (Exhibit 11). Staff concurs with the Applicant's findings. The Hearing Examiner further
19 concurs with the Applicant and the City Staff and agrees that the pond design meets all criteria
20 imposed by OMC 18.32.135 and OMC 18.32.620.

21 77. The Staff Report, at page 9, notes that the Hearing Examiner may grant relief
22 from critical areas regulations when all of the criteria set forth in OMC 18.32.112 have been
23 satisfied. Staff finds that the project, as conditioned, satisfies all of these criteria and should be
24 granted relief from critical areas regulation. In particular, Staff finds that all criteria are met for
25 the required stream crossings, wetland buffer encroachments, and stormwater pond location.

1 Using existing informal trails in their current location has the least impact on critical areas, as
2 relocating them would result in greater impacts and/or restrict the site from being used in its
3 intended manner. Staff further finds that there are no unreasonable threats to health, safety or
4 welfare and that critical areas are expected to experience the minimum functional impacts from
5 development. The Hearing Examiner has carefully considered these Findings and adopts them as
6 his own.

7 78. Staff further finds that the Applicant has complied with all requirements for
8 wetland buffering averaging pursuant to OMC 18.32.535.F in order to allow the stormwater pond
9 to be located in the existing Wetland A buffer. The Hearing Examiner again concurs.

10 79. Staff also finds that the Applicant has met all mitigation sequencing requirements
11 to allow the stormwater pond to be located in a Landslide Hazard Area. The Hearing Examiner
12 again concurs.

13 80. Staff concludes that the project is properly conditioned to require the mitigation
14 and monitoring recommended by the Critical Areas Report to ensure that unintended impacts do
15 not occur in the future. Staff therefore finds that, as conditioned, the project complies with all
16 requirements of Chapter 18.32 for the protection of critical areas. The Hearing Examiner
17 concurs.

18 Findings Relating to Compliance with Landscaping Requirements, Chapter 18.36 OMC.

19 81. Like other projects, the proposed park must provide landscaping as required by
20 Chapter 18.36 OMC.

21 82. The project will be required to provide parking lot landscaping. This landscaping
22 must include primarily native, or nonnative but drought tolerant, species and achieve 80%
23 coverage within three years.

24 83. The Applicant has submitted a Conceptual Landscaping Plan. Staff finds that the
25 Conceptual Plan shows adequate space in planting areas to meet all requirements of Chapter

1 18.36 OMC. The Applicant will be required to submit a Final Landscaping Plan at time of
2 engineering permit application. The Hearing Examiner finds that all requirements of Chapter
3 OMC 18.36 are therefore met

4 Findings Relating to Vehicle and Bicycle Parking Standards, Chapter 18.38 OMC.

5 84. Parks are not required to have a set amount of vehicular parking and must instead
6 provide parking based upon likely need. In addition, bicycle parking is also required, with the
7 amount dependent upon the number of vehicle parking stalls.

8 85. The Applicant has submitted a Parking Narrative (Exhibit 13) which concludes
9 that most parks average 3.25 vehicular stalls per mile of trail, with a minimum of 20 parking
10 stalls. The Applicant proposed to provide parking lot with 25 vehicle stalls and therefore satisfies
11 the required amount of parking, including an accessible stall.

12 86. The amount of proposed parking will require 5 covered bicycle racks. These
13 racks have been provided for in the final Site Plan.

14 87. The location of the parking lot is within the right-of-way for a future Kaiser Road
15 to Black Lake Blvd. connecting street. Construction of this road is not envisioned in the near
16 future but may occur at a later date. The Applicant understand that future development of the
17 public road will require relocation of the parking lot, and that a new parking lot with at least 20
18 vehicular stalls must be constructed elsewhere on the site. Staff finds that, as conditioned, the
19 proposal meets all requirements for parking set forth in Chapter 18.38 OMC. The Hearing
20 Examiner concurs.

21 Findings Relating to Compliance with the Engineering Design and Development
22 Standards (EDDS).

23 88. The Staff Report, commencing at page 10, undertakes an analysis of the project's
24 compliance with the various Engineering Design and Development Standards for transportation,
25 water, sewer, solid waste, and storm drainage. As noted earlier:

*Findings of Fact, Conclusions of Law
and Decision - 29*

CITY OF OLYMPIA HEARING EXAMINER
299 N.W. CENTER ST. / P.O. BOX 939
CHEHALIS, WASHINGTON 98532
Phone: 360-748-3386/Fax: 748-3387

1 ● The Applicant will satisfy all the transportation requirements set forth in Chapter
2 4 of the EDDS by providing a new connection to Black Lake Blvd. at a site located in the City of
3 Tumwater. This new location will be subject to Tumwater's engineering permit approval and
4 frontage improvements requirements. As conditioned, the project complies with Chapter 4 of the
5 EDDS.

6 ● The Applicant will provide a water service line to the restroom and project site.
7 Staff finds that the project therefore satisfies all water requirements found in Chapter 6 of the
8 EDDS.

9 ● Community parks are not required to provide restrooms but the Applicant is
10 proposing a single restroom utilizing a holding tank toilet. The toilet will be permitted by
11 Thurston County. Staff finds that, as conditioned, the project satisfies all sewer requirements set
12 forth in Chapter 7 of the EDDS.

13 ● All solid waste generated by use of the park will be collected in containers located
14 through the park and brought to a central location for pickup. As conditioned, the project will
15 comply with all solid waste requirements of Chapter 8 of the EDDS.

16 ● A stormwater system will be required for the parking lot and other site
17 improvements. The Applicant has prepared a Preliminary Drainage Report that complies with
18 the most recent Drainage Design and Erosion Control Manual (Exhibit 15). The Applicant will
19 be required to obtain an easement or maintenance agreement with Puget Sound Energy for
20 maintenance of existing culverts located on PSE property that will be utilized as part of the
21 stormwater system. Staff finds that, as conditioned, the project complies with all storm drainage
22 requirements imposed by Chapter 5 of the EDDS.

23 89. The Hearing Examiner concurs with all of these Findings and agrees that, as
24 conditioned, the project complies with the EDDS.

1 Findings Relating to Conditions of Project Approval.

2 90. City Staff recommends approval of the requested Conditional Use Permit subject
3 to the six conditions set forth on pages 12 and 13 of the Staff Report.

4 91. The Applicant does not object to the proposed conditions of project approval.

5 92. The Hearing Examiner finds that, in order to conclude that the project will not
6 have a significant adverse effect on the immediate neighborhood as required by OMC
7 18.04.060.T, two additional conditions must be imposed:

8 "7. Hours of park use shall be limited to dawn to dusk.

9 8. The Applicant shall install signage at an appropriate location at the
10 intersection of Black Lake Blvd. and Park Drive notifying the public that the public
11 entrance and parking area to the park is located further south along Black Lake Blvd.
12 The form, language and location of this signage shall be as agreed upon by the City
13 Planning and Public Works Departments."

14 Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

15 **CONCLUSIONS OF LAW**

16 1. The Hearing Examiner has jurisdiction over the parties and the subject matter.

17 2. Any Conclusions of Law contained in the foregoing Background, Public Hearing,
18 or Analysis Sections or contained in the foregoing Findings of Fact are hereby incorporated by
19 reference and adopted by the Hearing Examiner as his Conclusions of Law.

20 3. All requirements of SEPA have been met.

21 4. All notice requirements have been met.

22 5. The Conditional Use Permit is required for the proposed use at this site.

23 6. The project, as conditioned, is consistent with the City Comprehensive Plan.

CONDITIONS

1. Development shall be substantially similar to site plan C0.2 dated March 31, 2026, as modified by the conditions of approval herein, and as modified by the Hearing Examiner.

2. The engineering permit shall comply with the Engineering Design and Development Standards (EDDS) and the Drainage Design and Erosion Control Manual (DDECM) in effect at the time of application submittal. The following shall be addressed as part of the engineering permit application:

a. The civil engineering plan set is to clearly show and delineate elements within Tumwater jurisdiction. Prior to City of Olympia civil engineering permit issuance, the applicant will need to provide approved plans with formal written approval from the City of Tumwater. The applicant is responsible for submitting the appropriate permits with City of Tumwater for review and approval.

b. Trees removed on the site shall comply with the recommendations of the Soil and Vegetation Report including cutting Western red cedars as close to the ground as possible for bark collection and cutting all other trees to 10' ft or less in height to provide wildlife habitat.

c. Include all recommended tree protection standards of the Soil and Vegetation Report in civil plans.

d. Cultural resource and historic preservation consultation must be executed per Governor's Order 21-02 and Section 106 of the National Historic Preservation Act. The project must demonstrate compliance with recommended mitigation measures from the Cultural Resource consultant, interested Tribes, and other reviewing agencies as part of these processes. A memo documenting the reviews and recommended mitigation measures and how the project complies must be submitted with the engineering permit application.

e. An Inadvertent Discovery Plan must be submitted with the engineering permit application and kept onsite during all ground-disturbing activity.

f. The Cultural Resources Survey Report must be submitted with the engineering permit application and uploaded to the Department of Archaeology and Historic Preservation's archaeology database WISAARD.

g. The applicant must obtain an easement or maintenance agreement to use pipes for pond discharge. This must be provided prior to the issuance of the City of Olympia civil engineering permit.

1 3. The proposed holding tank toilet for the restroom will be permitted by Thurston
2 County Environmental Health.

3 4. At least twenty parking stalls are required for park use. If the parking lot is
4 removed in the future, these spaces must be provided elsewhere onsite or in adjacent ROW.

5 5. Existing trails within critical areas and buffers must be monitored biannually for 3
6 years, once in the spring and once in the fall. Follow the protocol included in the Psomas report
7 and submit results to the Department. If monitoring results show significant increases in
8 unvegetated tread width or depth, or ongoing sediment issues affecting downstream water
9 quality, additional mitigation may be required.

10 6. Any noxious weeds found onsite shall be removed and disposed of per Thurston
11 County Noxious Weed Board protocol.

12 7. Hours of park use shall be limited to dawn to dusk.

13 8. The Applicant shall install signage at an appropriate location at the intersection of
14 Black Lake Blvd. and Park Drive notifying the public that the public entrance and parking area
15 to the park is located further south along Black Lake Blvd. The form, language and location of
16 this signage shall be as agreed upon by the City Planning and Public Works Departments.

17 DATED this 8 day of July, 2026.

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19
20
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22
23
24
25


Mark C. Scheibmeir
City of Olympia Hearing Examiner



NO.	DATE	REVISION		
		1	2	3
1	11/26/2024	REVISED PER CPAD SUBSTANTIVE REVIEW COMMENTS		
2	4/23/2025	REVISED PER CPAD SUBSTANTIVE REVIEW COMMENTS		
3	3/31/2026	REVISED PER CPAD SUBSTANTIVE REVIEW COMMENTS		
DATE:		6/6/2023		
SCALE:		DU/NG		
DESIGNED:		DU/NG		
DRAWN:		DU/NG		
CHECKED:				
PROJECT #:		1857H		

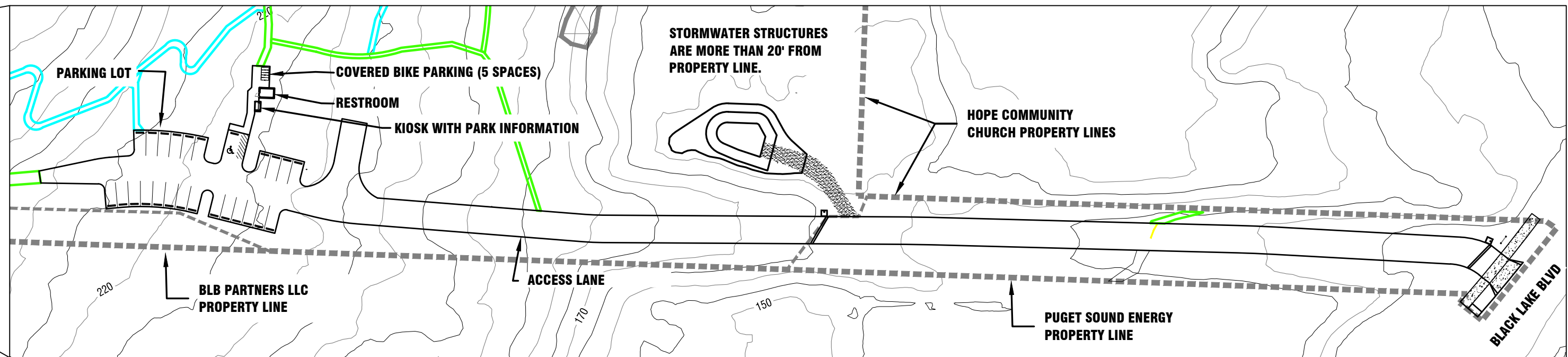
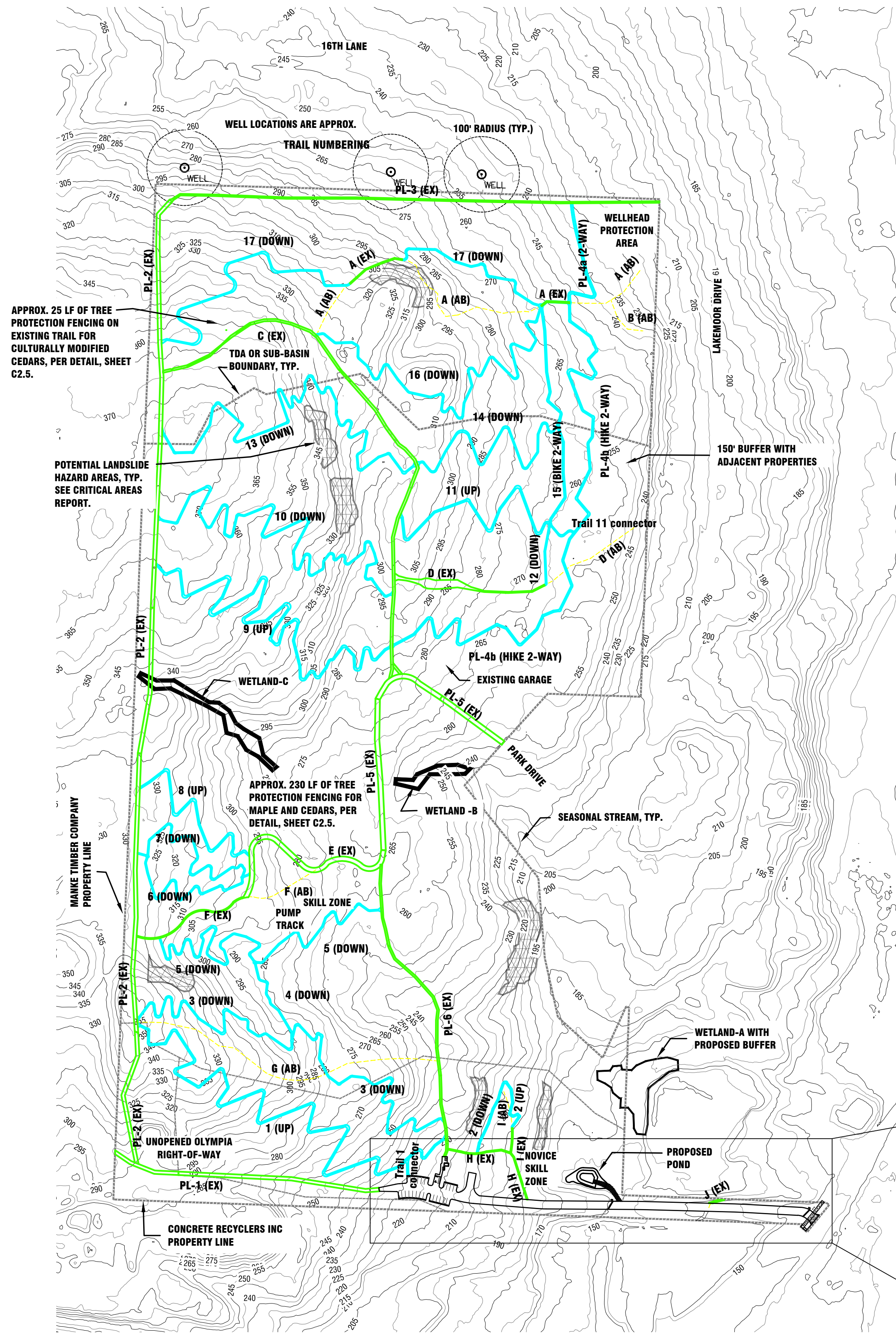
**PRELIMINARY DESIGN
NOT FOR CONSTRUCTION**

Trail Designation	TDA or sub-basin	Bike or Hike	Ex Length (LF)	Prop Length (LF)	Ex Width (FT)	Prop Width	Ex Imp. Area (SF)	Prop Imp. Area
Trail ex PL1-1 TDA 2-B (Tum)	TDA 2-B	Hike & bike	181	181	9	9	1,632	1,632
Trail ex PL1-2 TDA 2-C (Tum)	TDA 2-C	Hike & bike	534	534	9	9	4,814	4,814
Trail ex PL2-1 TDA 1	TDA 1	Hike & bike	656	656	9	9	5,908	5,908
Trail ex PL2-2 TDA 2-A	TDA 2-A	Hike & bike	434	434	9	9	3,912	3,912
Trail ex PL2-3 TDA 2-A Crit Area	TDA 2-A	Hike & bike	388	388	9	9	3,499	3,499
Trail ex PL2-4 TDA 2-A	TDA 2-A	Hike & bike	740	740	9	9	6,645	6,645
Trail ex PL2-5 TDA 2-B	TDA 2-B	Hike & bike	363	363	9	9	3,219	3,219
Trail ex PL3	TDA 1	Hike & bike	1299	1299	4	4	5,205	5,205
Trail PL 4a 2-way	TDA 1	Hike & bike		347		5		1,762
Trail PL 4b TDA 1	TDA 1	Hike		490		4		2,068
Trail PL 4b TDA 2-A	TDA 2-A	Hike		1198		4		4,976
Trail ex PL5-1 12-foot Crit Area	TDA 2-A	Hike & bike	203	203	12	12	2,438	2,438
Trail ex PL5-2 12-foot	TDA 2-A	Hike & bike	213	213	12	12	2,562	2,562
Trail ex PL5-3 12-foot Crit Area	TDA 2-A	Hike & bike	400	400	12	12	4,789	4,789
Trail ex PL6-1 TDA 2-A 5-foot	TDA 2-A	Hike & bike	217	217	5	5	1,080	1,080
Trail ex PL6-2 TDA 2-A 5-foot Crit Area	TDA 2-A	Hike & bike	392	392	5	5	1,957	1,957
Trail ex PL6-3 TDA 2-C	TDA 2-C	Hike & bike	217	217	5	5	1,087	1,087
Trail ex A-1 (ab)	TDA 1	N/A	168		3		504	
Trail ex A-2	TDA 1	Bike	158	158	3	3	470	470
Trail ex A-3 (ab)	TDA 1	N/A	225		3		646	
Trail ex A-4	TDA 1	Bike	234	234	3	3	700	700
Trail ex A-5 4-foot	TDA 1	Bike	79	79	3	4	237	316
Trail ex A-6 (ab)	TDA 1	N/A	224		3		672	
Trail ex B (ab)	TDA 1	N/A	130		3		389	
Trail ex C-1 TDA 1	TDA 1	Hike & bike	562	562	5.5	5.5	2,967	2,967
Trail ex C-2 TDA 2-A	TDA 2-A	Hike & bike	912	912	6	6	5,379	5,379
Trail ex C-3 TDA 2-A	TDA 2-A	Hike & bike	45	45	6	6	194	194
Trail ex D-1	TDA 2-A	Bike	413	413	8	8	3,366	3,366
Trail ex D-2 (ab)	TDA 2-A	N/A	273		3		820	
Trail ex E	TDA 2-A	Hike & bike	573	573	12	12	6,877	6,877
Trail ex F-1	TDA 2-A	Bike	386	386	3	3	1,158	1,158
Trail ex F-2 (ab)	TDA 2-A	N/A	205		3		615	
Trail ex G (ab)	TDA 2-A	N/A	854		3		2,562	
Trail ex H	TDA 2-C	Hike	304	304	3	3	905	905
Trail ex I-1 maint	TDA 2-C	Hike	95	95	3	3	285	285
Trail ex I-2 (ab)	TDA 2-C	N/A	71		3		213	
Trail ex J - gravel TDA 2-D (Tum)	TDA 2-D	Hike	28	28	5	5	142	142
Trail 1 Connector	TDA 2-C	Hike & bike		46		4		207
Trail 1 TDA 2-A Up	TDA 2-A	Hike & bike		269		4		1,159
Trail 1 TDA 2-B Up	TDA 2-B	Hike & bike		70		4		280
Trail 1 TDA 2-C Up	TDA 2-C	Hike & bike		1364		4		5,864
Trail 2 down	TDA 2-C	Hike & bike		295		4		1,357
Trail 2 up	TDA 2-C	Hike & bike		244		4		1,062
Trail 3 TDA 2-A	TDA 2-A	Bike		1100		3		3,712
Trail 3 TDA 2-C	TDA 2-C	Bike		441		3		1,487
Trail 4	TDA 2-A	Bike		245		3		734
Trail 5	TDA 2-A	Bike		1203		3		4,045
Trail 6	TDA 2-A	Bike		453		3		1,597
Trail 7	TDA 2-A	Bike		602		3		1,947
Trail 8 up	TDA 2-A	Hike & bike		604		4		2,608
Trail 9 up	TDA 2-A	Hike & bike		1624		4		7,164
Trail 10	TDA 2-A	Bike		1571		3		5,318
Trail 11 connector	TDA 2-A	Hike		83		3		301
Trail 11 up	TDA 2-A	Hike & bike		690		4		2,944
Trail 12	TDA 2-A	Bike		168		3		498
Trail 13 Black	TDA 2-A	Bike		1440		3		4,802
Trail 14 Blue	TDA 2-A	Bike		739		3		2,476
Trail 15 TDA 1	TDA 1	Bike		322		4		1,292
Trail 15 TDA 2-A	TDA 2-A	Bike		283		4		1,158
Trail 16	TDA 1	Bike		1193		3		3,843
Trail 17 part 1	TDA 1	Bike		842		3		3,097
Trail 17 part 2	TDA 1	Bike		460		3		1,520
Totals:			12,176	28,412			77,848	140,784

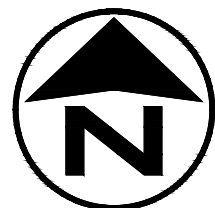
- LEGEND**
-  WETLAND BOUNDARY
 -  POTENTIAL LANDSLIDE AREA
 -  SITE, TDA AND SUB-BASIN BOUNDARY, SEE SHEET C0.3
 -  CRITICAL AREA BUFFER
 -  PARCEL BOUNDARY
 -  EXISTING POWER POLES AND OVERHEAD POWER LINES
 -  NEW TRAIL, FULL DISPERSION
 -  EXISTING TRAIL, TO BE MAINTAINED, NOT ALTERED
 -  EXISTING TRAIL, TO BE ABANDONED

IMPERVIOUS AREA OF PUMP TRACK AND SKILLS ZONES:
BEGINNER: 1,000 SF
INTERMEDIATE: 2,400 SF

PROPOSED IMPERVIOUS COVERAGE:
IN OLYMPIA: 3.6 ACRES (4.8%)
IN TUMWATER: 0.83 ACRES (32.2%)



SCALE: 1"=200 FEET
0 100 200 400



SCALE: 1"=80 FEET
0 40 80 160

