

ISLAND COUNTY HEARING EXAMINER

RE: SPR 089/09)	File No. SPR 089/09
Applicant: St. Augustine Church)	FINDINGS OF FACT
)	CONCLUSIONS OF LAW
)	AND DECISION
)	

SUMMARY OF APPLICATION AND DECISION

APPLICATION: Proposal is for a 9,412 square foot expansion of an existing 5,640 square foot Church located on three parcels that total 4.06 acres zoned Rural Residential within the Freeland Residential Areas of More Intensive Rural Development. The two story addition will include a new entry, fellowship hall, staff offices, lounge, restrooms, kitchen, facility equipment storage, mechanical room, and excess unfurnished area for future facilities. As part of the proposal, an existing 2,200 square foot office and education building will be demolished.

DECISION: Site plan review is approved subject to conditions.

FINDINGS OF FACT

INTRODUCTION

The following Findings of Fact and Conclusions of Law are based upon consideration of the exhibits admitted herein and evidence presented at the public hearing on September 3, 2009.

I.

PRELIMINARY INFORMATION

Applicant: St. Augustine Church

Property Location: 5217 Honeymoon Bay Rd.

Applicable Ordinances, Statutes and Regulations: Chapter 17.03, Zoning Ordinance; Chapter 17.02, Critical Areas, Chapter 16.15, Site Plan Review Ordinance; Chapter 16.19, Land Use Review Process, and Chapter 16.14C, County Environmental Policy.

SEPA: Pursuant to WAC 197-11-355 a notice that a SEPA threshold determination of non-significance would likely be issued for the proposal accompanied the notice of application. A final SEPA threshold determination of non-significance (DNS) was issued on July 15, 2009 which had a 14 day appeal period, no appeal were submitted. No probable significant adverse impacts have been identified. An Environmental Impact Statement is not required under RCW 43.21C.030.C.

Publication: August 19, 2009

Mailing of Notice to Applicant: August 14, 2009

Sign Posted: April 29, 2009

Mailing of Staff Report: August 21, 2009

Date of Application: April 17, 2009

Hearing Date: September 3, 2009

Exhibit Log:

1. Staff Report
 - a. Final SEPA Threshold Determination, dated 6/15/2009
 - b. Agency Comments:
 - i. Memorandum from Bill Poss, dated 6/20/2009
 - ii. Memorandum from Aneta Hupfauer, dated 5/6/2009
 - iii. Memorandum from Tamera Patterson, dated 4/28/2009
 - iv. Critical Areas Request for Interpretation or Site Visit from Justin Craven, dated 4/21/2009
 - c. Site Plan Map, approved 8/17/2009
 - d. Landscaping Plan, approved 8/17/2009
2. Master Land Development Permit Application, received 4/10/2009
3. Application for Site Plan Review, received 4/10/2009
4. St. Augustine's in-the-Woods project description, received 4/10/2009
5. Zoning map of subject parcel, received 4/10/2009
6. Legal description of Propose parcels, received 4/10/2009
7. Off-Site Drainfield Easement and Operation and Maintenance Agreement, no dates
8. Water Availability Verification Form, received 4/10/2009
9. Memorandum from Erik Davido to Freeland Water & Sewer District, received 4/10/2009
10. Solid Waste Management Plan, received 4/10/2009
11. Accurate Plot Plan Drawn to Scale, received 4/10/2009
12. Septic System As-Built Certification, received 4/10/2009
13. Certificate of Transportation Concurrency, received 4/10/2009
14. Application for Access to County Road Right of Way, received 4/10/2009
15. Drainage Narrative, received 4/10/2009
16. Environmental Checklist, received 4/10/2009
17. New information submitted, Memorandum from Bobak Talebi to Aneta Hupfauer
18. New information submitted, Letter from Stig Carlson to Bobak Talebi, received 7/9/2009

19. New information submitted, Drainage Narrative, received 7/9/2009
20. New information submitted, Letter in regards to review comments from Quin Clements to Bill Poss, dated 7/10/2009
21. Site Data, dated 4/17/2009
22. Letter of Notice of Complete Application to Stig Carlson Architecture from Andrea Richardson, dated 4/17/2009
23. Letter to Bobak Talebi from Bill Poss, dated 5/27/2009
24. Affidavit of Mailing to property owners within 300 ft of parcel, dated 4/24/2009
25. Affidavit of Mailing to contact person, Stig Carlson Architecture, dated 4/24/2009
26. Island County Notice of Application with SEPA, dated 4/29/2009
27. Affidavit of Posting the Public Notice Sign, received 4/30/2009
28. Affidavit of Publication of Notice, received 5/13/2009
29. Letter of scheduled hearing from Paula Bradshaw to Stig Carlson, dated 8/14/2009
30. Notice of publication for hearing, dated 9/3/2009
31. Email for pre-application follow up meeting from Bobak Talebi to Quin Clements, dated 1/8/2009
32. Email from Bobak Talebi to Quin Clements, dated 1/8/2009
33. Email from Larry Kwarsick to Bobak Talebi, dated 4/22/2009
34. Email from Larry Kwarsick to Bobak Talebi, dated 4/25/2009
35. Email from Larry Kwarsick to Bobak Talebi, dated 4/29/2009
36. Email from Bobak Talebi to Keith Higman, dated 5/27/2009
37. Email from Kyla Walters to Paula Bradshaw, dated 6/18/2009
38. Email from Kyla Walters to Stig Carlson, dated 6/19/2009
39. Email from Bobak Talebi to Stig Carlson and Quin Clements, dated 8/6/2009
40. Affidavit of Publication of Island County Hearing Examiner Public Hearing, received 8/20/2009
41. Letter of mailing Staff Report from Paula Bradshaw to Stig Carlson, dated 8/21/2009
42. Affidavit of Mailing letter to Stig Carlson, St. Augustine's Church and Larry Kwarsick, dated 8/21/2009

HEARING TESTIMONY

Bobak Talebi
Island County Planning & Community Development
P.O. Box 5000
Coupeville, WA 98239

Bill Poss
Island County Public Works
P.O. Box 5000
Coupeville, WA 98239

Stig Carlson
1053 N.E. Summit Loop
Coupeville, WA 98239

II.

Island County Planning and Community Development has recommended Site Plan Approval of SPR 089/09 for a 9,412 square foot expansion of an existing 5,640 square foot Church located on three parcels that total 4.06 acres zoned Rural Residential within the Freeland Residential Areas of More Intensive Rural Development.

There was no public comment at the public hearing on this matter. The Hearing Examiner has reviewed the file herein and concludes that the Findings of Fact reached by staff are supported by the record as a whole and these findings are hereby adopted by the Hearing Examiner, by this reference.

Any Conclusion of Law which is deemed a Finding of Fact is hereby adopted as such. Based on the foregoing Findings of Fact, now are entered the following:

CONCLUSIONS OF LAW

I.

The Hearing Examiner hereby incorporates the conclusions of law set forth in the staff report, Exhibit No.1, a copy of which has been attached hereto and incorporated herein by this reference, as conclusions of law herein.

Subject to the conditions of approval set forth in this decision the proposal is consistent with the applicable Island County ordinances and Comprehensive Plan.

The Hearing Examiner should grant Site Plan Approval to SPR 089/09 subject to conditions.

Any Finding of Fact deemed to be a Conclusion of Law is hereby adopted as such. Based on the foregoing Findings of Fact and Conclusions of Law, now is entered the following:

DECISION

The Island County Hearing Examiner hereby grants Preliminary Site Plan Approval to SPR 089/09, a proposal to expand an existing 5,640 square foot Church, subject to the following conditions:

1. The uses on the site shall be limited to those shown on the site plan.
2. All development shall be in conformance with the approved Site Plan Review and conditions of approval unless they are amended in conformance with Section 16.15.130 ICC. Any changes or expansions to the use of the building or site shall require the review of a site plan amendment.

3. Compliance with all conditions of Island County Public Works as specified in the memorandum dated July 20, 2009, from Bill Poss.
4. Compliance with all conditions of the Island County Public Health as specified in the memorandums dated May 6, 2009, from Aneta Hupfauer.
5. Compliance with all conditions of the Island County Building Division as specified in the memorandum dated April 28, 2009, from Tamra Patterson.
6. Additional landscaping may be required prior to final occupancy to further screen the parking areas if they can be seen from Honeymoon Bay Road pursuant to Chapter 17.03.180 ICC. Prior to final occupancy a landscaping inspection shall be completed by a County Planner.
7. Prior to any clearing, filling, excavating, or grading in any quantities on steep slopes, and any accumulative filling and/or excavation exceeding five hundred (500) cubic yards, the applicant shall obtain a Clearing and Grading Permit from Island County. Prior to any timber harvest or removal, the applicant shall obtain any required Forest Practices permit from Washington Department of Natural Resources.
8. Future installation and extension of power to the site shall be underground.
9. Prior to occupancy of the building and Final Inspection, all site and off-site improvements required as a condition of SPR approval shall be completed, OR, at the discretion of the Board of County Commissioners by recommendation of the Planning Director and County Engineer shall be bonded.
10. The above requirements are subject to change if any other information provided by the applicant or their authorized representative proves inaccurate.
11. Comply with the requirements of the agencies unless revised in writing by those agencies.

Upon site plan approval, the use of the property in question shall immediately conform to the conditions of approval herein. Furthermore, any building permits obtained pursuant to this site plan approval shall be utilized within five years after the effective date of this site plan approval. If the construction work is not initiated within said time and carried on diligently in accordance with the conditions contained herein, this site plan shall become null and

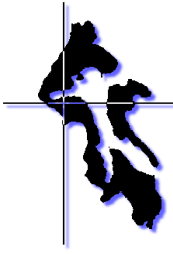
Entered this 23rd day of September, 2009, pursuant to authority granted under the laws of the State of Washington and Island County.

MICHAEL BOBBINK
Island County Hearing Examiner

APPEAL PROCESS:

SPR

This decision of the Hearing Examiner shall be a final and conclusive decision unless within fourteen (14) days following the mailing of such decision a written statement of appeal is filed with the Island County Board of Commissioners by the applicant, a Department of the County, or Party of Record, who is also an Aggrieved Person. Said statement shall set forth any alleged errors and/or the basis for appeal and shall be accompanied by a fee pursuant to the fee schedule adopted by the Board; provided that such appeal fee shall not be charged to a department of the County or to other than the first appellant ICC 16.13.100.b; ICC 16.19.190.



ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

Robert H. Pederson, AICP
Director

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Site Plan Review Staff Report and Recommendation St. Augustine's Church

Application No: SPR 089/09

Applicant: St. Augustine's Church

Assessor's Parcel Number: **S8290-00-00026-3, S8290-00-00027-3**

& R22903-003-3000

Proposal

The subject proposal is for Site Plan Approval of a 9,412 square foot expansion of an existing 5,640 square foot Church located on three parcels that total 4.06 acres zoned Rural Residential within the Freeland (RFR) Residential Areas of More Intensive Rural Development (RAID). The two story addition will include a new entry, fellowship hall, staff offices, lounge, restrooms, kitchen, facility equipment storage, mechanical room, and excess unfurnished area for future facilities. As part of the proposal, an existing 2,200 square foot office and education building will be demolished.

Findings and Analysis

1. Project and Parcel History. Parcel S8290-00-00027-3 was modified under Boundary Line Adjustment Application 253/03 recorded under Auditor's File Number 4070703. Per ICC 17.03.100.B.2.b, a community meeting is required for Church facilities in the Rural Residential Zone which exceed 150 persons. The community meeting was held September 30, 2008 and a Pre-Application conference was held January 8, 2009. The application for Site Plan Review was submitted on April 10, 2009 and determined to be complete on April 17, 2009.
2. Party of Record. There was one public comment received during fourteen day comment period. The comments opposed the Site Plan Review process and felt the Certificate of Zoning Compliance (CZC) was the appropriate process for the proposed expansion.

After receiving the public comment, the applicants further questioned the review of the Site Plan process rather than the CZC process, staff provided an analysis of the determination.

After review of the analysis, the applicants did not challenge the determination and requested that the application proceed with Site Plan process.

3. Site Description.

- a. Location. The subject parcels are located at 5217 Honeymoon Bay Rd, within the Northwest quarter of Section 10 and East Part of the South half of Section 3, Township 29 North, Range 2 East, Willamette Meridian.
- b. Size and Condition. The subject parcel is 4.06 acres in size and extends east approximately 670 feet from Honeymoon Bay Road. The site currently has an existing 5,640 square foot church which is surrounded by vegetation buffer. The site slopes east down hill from Honeymoon Bay Road with the access easement bordering the North portion of the property. The site is heavily vegetated with a mixture of Doug Fir, Alder and Madrona.
- c. Zoning/Type of Land Use Permitted: The subject parcel is zoned Rural Residential within the Freeland (RFR) Residential Areas of More Intensive Rural Development (RAID). Type III Conditional Uses in the Rural Residential zone include Churches. The Parcels are also regulated under Interim Ordinance C-51-09, regulations for the Freeland Non Municipal Urban Growth Area (NMUGA), which lists Churches as a Type III Conditional Use in the Rural Residential and Low Density zoning designations.
- d. Access. The subject proposal gains access onto Honeymoon Bay Road, which is a County collector bordering the western lot lines.
- e. Surrounding Zoning and Development. The subject parcel is bordered on all sides by properties zoned Rural Residential and Rural across Honeymoon Bay Road.
- f. Natural Features. There are no known wetlands, streams or other critical areas located onsite. No endangered plants or animals were found or are known to exist on the subject site. According to the USDA Soil Survey for Island County - 1958, the predominant soil type found on this parcel is Whidbey gravelly sandy loam (Wb) with 5 to 15% slopes and Whidbey gravelly sandy loam (Wc) with 15 to 30% slopes. The FEMA flood zone designation is X (Areas of Minimal Flooding). The subject parcel does not contain prime agricultural soils.
- g. Accident Potential and/or Noise Zone. The parcel is not within an AICUZ Accident Potential or Noise Zone.
- h. Shoreline: The project does not lie within shoreline jurisdiction.
- i. Archaeological Sites. According to maps provided by the State Office of Archaeology and Historic Preservation, the project is not located within the vicinity of cultural resources.
- j. Historic Sites. The project is not within the boundaries of a Historic District.

4. Land Use Controls

- a. Chapter 17.03 Island County Code.

- i) Section 17.03.070, Rural Zone. The subject site and all surrounding parcels are zoned Rural Residential (RR) within the Freeland (RFR) Residential Areas of More Intensive Rural Development (RAID) and subject to the regulations listed in ICC 17.03.070. The Parcels are also regulated under Interim Ordinance C-51-09, regulations for the Freeland Non Municipal Urban Growth Area (NMUGA), which lists the property as Rural Residential and Low Density zoning designations.
- ii) ICC Section 17.03.180. Land Use Standards.
 - L. Subsection 17.03.180, Standards for Institutional Uses.
 - a. The proposed Parcel is at least two and one-half (2.5) acres in size.
 - b. Churches in the RR Zone must be located adjacent to a Mixed Use Rural Center RAID or Non-municipal UGA.
 - c. Churches that are limited to a seating capacity of no more than one-hundred-fifty (150) or fewer persons or a two-thousand (2,000) square foot assembly area are not subject to the community meeting requirements of ICC 16.19.
 - d. A Site Plan is approved pursuant to Chapter 16.15 ICC.
 - e. Churches shall comply with the Non-Residential Rural design, landscape, open space, screening, buffering, signage, parking, and lighting standards set forth in this section.
 - f. All Churches shall take primary access, in order of priority, off a County arterial, County Collector Road Highway, or State Highway.
 - g. One single family dwelling located in conjunction with a church shall be considered an accessory structure and comply with the provisions governing residential uses of the zone in which it is located.
 - h. The facilities, including parking and accessory structures, shall not be located on lands identified prime agricultural soils.
 - P. Subsection 17.03.180, Standards for Non-Residential Design, Landscape, and Screening Guidelines. Uses in the Rural Residential zone are subject to specific standards for Building Design, Landscaping and Screening;
 - ◆ All buildings meet the maximum 35-foot height requirement for Rural Residential zones.
 - ◆ All structures meet design and color requirements. The existing church fits in with the surrounding vegetation and promotes rural character.
 - ◆ There are undisturbed treed areas around the perimeter of the entire parcel that will screen the Use from view of adjacent parcels.
 - ◆ The applicants are not required to provide additional screening or vegetation because the new addition meets the building design standards; however, they are proposing multiple areas of new plantings which will further enhance the native vegetation.

Q. Subsection 17.03.180.Q, Parking. Pursuant to ICC 17.03.180.Q.c, churches are required to have one (1) space for each six (6) seats in the chapel or nave. The applicants are providing 71 spaces which exceed the required 25 spaces. Parking details are listed on the site plan map.

R. Subsection 17.03.180.R, Signs and Lighting.

- a. Signs. A sign has not been proposed as part of this application. Any signs that may be added to the site at a later date must meet the signage requirements of ICC 17.03.180.R.
- b. Lighting. All outdoor lighting must meet the Lighting Standards set forth in ICC 17.03.180.R.

S. Subsection 17.03.180.S, Site Coverage and Setbacks.

- a. Site Coverage. There are no site coverage requirements listed for the Rural Residential zone in subsection 17.03.180.S
- b. Setbacks. The setbacks for the Rural Residential zone are detailed in the table below. All proposed structures meet setback requirements. Any future structures must adhere to all setback requirements.

	Front (Honeymoon Bay)	Side	Rear
Rural Residential	30 feet	5 feet	5 feet

iii) ICC Chapter 17.02, Critical Areas. No critical areas were observed on the subject parcel.

iv) ICC Chapter 16.15, Site Plan Review. A site plan for a Conditional Use in the Rural zone must meet the following criteria listed in ICC Section 16.15.080 and discussed in the following list:

b. Subsection 16.15.060, Conditions of Approval for NR Uses in the R, RR, RA, RF, and CA Zones.

- (1) The proposed use shall not result in significant adverse environmental impact that cannot be mitigated by reasonable mitigation measures.
- (2) The use will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, or services existing or planned to serve the area.
- (3) The proposed use is one conditionally permitted within the subject zone and complies with all of the applicable provisions of the Ordinance and all other applicable regulations, including prescribed development/performance standards and all applicable development standards and design guidelines;
- (4) The subject site is physically suitable for the type, density and intensity of the use being proposed;
- (5) The location, size, design and operating characteristics of the proposed use would not be detrimental to the neighborhood, nor be detrimental to the public interest,

health, safety, or welfare of the County in conformance with the standards of this Chapter, Chapter 17.02 ICC, and Chapter 17.03 ICC.

(6) The proposed use and its design fulfill the definition of rural character as defined in Chapter 17.03 ICC.

(7) Proposals within the Rural Agriculture or Commercial Agriculture Zones shall not be located on prime agricultural soils or interfere with agricultural use of the land.

c. Subsection 16.15.080, Criteria for Approval.

(1) Open Space. Pursuant to ICC 17.03.180.S, there is no Open Space requirements.

(2) Site Lay-Out. The location of the development and landscape screening and buffers meets the requirements of Chapter 17.03.

(3) Lighting. All lighting must meet the requirements of ICC 17.03.180.R.

(4) Building Design. As proposed, all structures included in this proposal meet the requirements of Building Design per ICC 17.03.180.P.

(5) Surface Water Drainage. The Engineering Division of Public Works has accepted the drainage information as satisfactory to meet requirements for approval.

(6) Utility Services. Any new utility services are should be placed underground when feasible.

(7) Advertising Features. A sign has not been proposed as part of this application. All signs shall meet the requirements of ICC 17.03.180.R, and will require building permits.

(8) Traffic and Circulation. The proposal complies with the traffic and circulation requirements of Chapter 17.03 ICC.

5. Shoreline Designation. Not applicable to this parcel.

6. SEPA Environmental Policy, ICC 16.14C (Exhibit A). Pursuant to WAC 197-11-355 a notice that a SEPA threshold determination of non-significance would likely be issued for the proposal accompanied the notice of application. A final SEPA threshold determination of non-significance (DNS) was issues on July 15, 2009 which had a 14 day appeal period, no appeal were submitted. No probable significant adverse impacts have been identified. An Environmental Impact Statement is not required under RCW 43.21C.030.C.

7. Agency Comments (Exhibit B).

c. Island County Public Health. Public Health has no objection to site plan approval as stated in the attached memorandums from Aneta Hupfauer dated May 6, 2009.

d. Island County Public Works. Public Works has no objection to site plan approval per the conditions in the attached memorandum from Bill Poss dated July 20, 2009.

e. Island County Building Division. The Building Division has no objection to site plan approval per the condition in the attached memorandum from Tamra Patterson dated April 21, 2009.

- f. Island County Critical Areas. Critical Areas has no objection to site plan approval in the memorandum dated April 21, 2009.

Conclusions

1. The staffs of Island County Health, Engineering, and Community Development evaluated the proposed project for compliance with Titles 11, 8, 13, and 17 and with Chapters 16.15, 16.14C, and 16.19 of the Island County Code according to the Type III Decision Process. Other county and/or state agencies were consulted as appropriate. Each agency issued Determinations of Consistency according to ICC 16.19.120. The use that was evaluated was limited to a Church facility on a 4.06 acre site zoned Rural Residential. No other uses or possible future expansions were evaluated for consistency with Island County Codes, plans or policies.
2. The proposed Site Plan will be consistent with the criteria for approval listed in ICC 17.02 (Critical Areas), ICC 17.03 (Zoning), and ICC 16.15 (Site Plan Review) if the recommendations described below are adopted as conditions of approval.
3. Compliance with the conditions of Public Health, Public Works, and the Building Division should be made conditions of approval.

Recommendation

Based on the foregoing Findings, Analysis and Conclusions, the Community Development Division recommends that Site Plan Review application number SPR 089/09, submitted by Augustine's Church on Parcel S8290-00-00026-3, S8290-00-00027-3 & R22903-003-3000, be approved with the following conditions:

12. The uses on the site shall be limited to those shown on the site plan.
13. All development shall be in conformance with the approved Site Plan Review and conditions of approval unless they are amended in conformance with Section 16.15.130 ICC. Any changes or expansions to the use of the building or site shall require the review of a site plan amendment.
14. Compliance with all conditions of Island County Public Works as specified in the memorandum dated July 20, 2009, from Bill Poss.
15. Compliance with all conditions of the Island County Public Health as specified in the memorandums dated May 6, 2009, from Aneta Hupfauer.
16. Compliance with all conditions of the Island County Building Division as specified in the memorandum dated April 28, 2009, from Tamra Patterson.
17. Additional landscaping may be required prior to final occupancy to further screen the parking areas if they can be seen from Honeymoon Bay Road pursuant to Chapter 17.03.180 ICC. Prior to final occupancy a landscaping inspection shall be completed by a County Planner.
18. Prior to any clearing, filling, excavating, or grading in any quantities on steep slopes, and any accumulative filling and/or excavation exceeding five hundred (500) cubic yards, the

applicant shall obtain a Clearing and Grading Permit from Island County. Prior to any timber harvest or removal, the applicant shall obtain any required Forest Practices permit from Washington Department of Natural Resources.

19. Future installation and extension of power to the site shall be underground.
20. Prior to occupancy of the building and Final Inspection, all site and off-site improvements required as a condition of SPR approval shall be completed, OR, at the discretion of the Board of County Commissioners by recommendation of the Planning Director and County Engineer shall be bonded.
21. The above requirements are subject to change if any other information provided by the applicant or their authorized representative proves inaccurate.
22. Upon site plan approval, the use of the property in question shall immediately conform to the conditions of approval herein. Furthermore, any building permits obtained pursuant to this site plan approval shall be utilized within five years after the effective date of this site plan approval. If the construction work is not initiated within said time and carried on diligently in accordance with the conditions contained herein, this site plan shall become null and void, and any approval, permit, or conditions granted hereby shall be deemed to have lapsed.

This Staff Report and Recommendation was prepared by:

Bobak Talebi, Planner

August 17, 2009

Enclosures:

- Exhibit A – SEPA Threshold Determination
- Exhibit B – Agency’s Comments
- Memorandum from Public Works dated July 20, 2009
 - Memorandum from Public Health dated May 6, 2009
 - Memorandum from Building dated April 28, 2009
 - Memorandum from Critical Areas dated April 21, 2009
- Exhibit C – Approved Site Plan Map A1.0
- Exhibit D – Approved Landscaping Plan Map L-1