

ISLAND COUNTY HEARING EXAMINER

RE: Site Plan Review)	File No. SPR 328/09
Applicant: Good Shepherd)	FINDINGS OF FACT
Assembly of God)	CONCLUSIONS OF LAW
)	AND DECISION
)	

SUMMARY OF APPLICATION AND DECISION

APPLICATION: The Good Shepherd Assembly of God Church seeks approval of an application to amend the Conditions of Approval associated with Island County Hearing Examiner’s Decision, SPR #014/06, granting Preliminary Site Plan Review Approval for the construction of a 3,940-square foot church, located at 16604 SR 20, Coupeville, Washington.

DECISION: The Island County Hearing Examiner hereby grants to Good Shepherd Assembly of God Church the requested revision to its Preliminary Site Plan Review, SPR #014/06, subject to Staff’s recommended Condition of Approval.

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 July 15, 2010.

I.

PRELIMINARY INFORMATION

Applicant: Good Shepherd Assembly of God / Michael Coleburn, Pastor

Property Location: 16604 SR 20, Coupeville

Applicable Ordinances, Statutes and Regulations: Chapter 17.03, Zoning Ordinance; 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 197-11-800, this project is exempt from SEPA (State Environmental Policy Act) threshold determination requirements.

Publication: June 30, 2010

Mailing of Notice to Applicant: June 24, 2010

Sign Posted: April 26, 2010

Mailing of Staff Report: June 29, 2010

Date of Application: April 16, 2010

Hearing Date: July 15, 2010

Exhibit Log:

1. Staff Report
2. Summary of Application and Decision for SPR 014/06; dated 3/7/07
3. 24x36 Approved Preliminary Landscape Plan L-1; 8/06
4. Email with color photo from Andrew Hicks to Bobak Talebi; 2/3/09
5. Email from Bobak Talebi to coleburnmp@mukilteo.wednet.edu, cc: Keith Higman; RE: Status of submittal; date sent 3/31/09
6. Letter from Bobak Talebi to Mike Coleburn, RE: Review Comments; dated 5/11/09
7. Letter with attached email dated 7/16/09 & copy of Initial Enforcement Order from Andrew Hicks to Michael Coleburn, RE: Initial Enforcement Order; dated 7/9/09
8. Email to & from Bobak Talebi and Jon & Kathy Vidoni; dates sent 6/24/09 & 7/13/09
9. Email from Bobak Talebi to Andrew Hicks, RE: Center Point Site Plan 014/06; date sent 7/16/09
10. Initial Enforcement Order COV 194/09; dated 7/23/09
11. Email with attached after meeting memo dated 8/6/09 from Bobak Talebi to Keith Higman; Andy Griffin, RE: Center Point Church; date sent 8/5/09
12. Memo from Bobak Talebi to Angie Homola, RE: Center Point Church Timeline; dated 9/16/09
13. Email from Bobak Talebi to Angie Homola, RE: Contact Info.; date received 10/22/09
14. Email with 2 attachments from Bobak Talebi to Bob Pederson, cc: Andrew Hicks; RE: Center Point Church Meeting; date sent 11/10/09
15. Email from Bobak Talebi to Bob Pederson, RE: Meetings; date sent 12/22/09
16. Master Land Development Permit Application #328/09; date received 12/29/09
17. Applicant Authorization Form; date received 12/29/09
18. Application Checklist; no date
19. Field Indicator Worksheet; date received 12/29/09

20. Form C Application for Site Plan Review; date received 12/29/09
21. 24x36 Approved Preliminary Landscape Plan L-1—SEE FRONT OF BINDER; dated 8/06
22. Request for Comment; date received 12/29/09
23. Account Summary Snapshot for R23118-320-0590; date printed 1/7/10
24. Account Summary Snapshot for R23118-304-0960; date printed 1/7/10
25. Zoning & Critical Areas printout for R23118-304-0960; no date
26. Quarter section map; no date
27. Comments from Bill Poss to Brandon Sweeza; dated 4/29/10
28. Public comments from Jon Vidoni to Brandon Sweeza; date received 6/4/10
29. Letter of Notice of Incomplete Application from Andreana Richardson for Bobak Talebi to Michael Coleburn; dated 1/22/10
30. Return to Sender envelope for PO Bo 1318, Coupeville; date mailed 4/16/10
31. Letter of Notice of Complete Application from Andreana Richardson for Bobak Talebi to Michael Coleburn; dated 4/16/10
32. Affidavit of Mailing the Public Notice to attached list of names and addresses; dated 4/23/10
33. Letter of Formal Notice of Complete Application from Andreana Richardson for Brandon Sweeza to Michael Coleburn; dated 4/23/10
34. Affidavit of Mailing the Public Notice to Michael Coleburn; dated 4/23/10
35. Affidavit of Posting the Public Notice Sign; dated 4/26/10
36. Notice of Application; dated 4/28/10
37. Affidavit of Publication in the Whidbey News-Times/South Whidbey Record; date received 5/12/10
38. Hearing Notice letter from Paula Bradshaw to Michael Coleburn, dated 6/24/10
39. Affidavit of Mailing hearing notice letter, dated 6/24/10
40. Email from Bobak Talebi to Andrew Hicks, cc: Bob Pederson, Andy Griffin, Kyla Walters; RE: Center Point Church; date sent 2/11/10
41. Emails to & from Bobak Talebi, Bob Pederson, Andy Griffin, Kyla Walters, RE: Center Point Church; dates sent 2/11/10 & 2/16/10
42. Email from Bobak Talebi to Bob Pederson, cc: Andrew Hicks, Brandon Sweeza; RE: Meeting with Center Point Church; date sent 2/24/10
43. Center Point Timeline Memo from Bobak Talebi to Robert Pederson; dated 2/24/10
44. Email from Kyla Walters to Bobak Talebi, Andrew Hicks; RE: Center Point Church; date sent 3/2/10
45. Article in the 3/3/10 edition of the South Whidbey Record regarding Tea Party to meet at Center Point Church
46. Letter from Paula Bradshaw to Michael Coleburn, dated 6/29/10 with attached Staff Report (Exhibit No. 1)
47. Affidavit of Mailing Staff Report, dated 6/29/10
48. Affidavit of Publication, date 7/2/10

HEARING TESTIMONY

Robert Pederson, Director
Island County Planning and Community Development
PO Box 5000
Coupeville, WA 98239

Michael Coleburn, Pastor
16604 SR 20
Coupeville, WA 98239

John Vidoni
16606 SR 20
Coupeville, WA 98239

II.

The Applicant, Good Shepherd Assembly of God Church, is requesting modification to the Conditions of Approval associated with Island County Hearing Examiner's Site Plan Review Decision, dated March 7, 2007, granting approval for the construction of a 3,940-square foot church on 8.2 acres in the Rural zone.

The Island County Planning and Community Development Staff have recommended approval of the requested Application for a Site Plan Review Revision, subject to one Condition of Approval. The Findings of Fact and Conclusions of Law of Staff are set forth in a Staff Report, Exhibit #1 in the Hearing Examiner's file, a copy of which is attached hereto and incorporated herein by this reference.

The Applicant indicated there were no factual inaccuracies in the Staff Report. The Applicant indicated no objection to the Condition of Approval requested by Staff.

The only public comment at the public hearing on this proposed amendment was from Jon Vidoni, a neighboring property owner, who acknowledged that his issues with the Applicant were regarding easement rights. However, he understands that the Hearing Examiner has no jurisdiction over this matter.

III.

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 Island County Hearing Examiner concludes that the Applicant's amendments to the original Site Plan Review Approval for Good Shepherd Assembly of God Church are generally consistent with the Island County Code and the intent of the original Site Plan Review Approval.

Subject to the Condition of Approval requested by Staff, the Hearing Examiner should grant the revised Site Plan Review Approval.

II.

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

An amendment to Site Plan Review, 014/06, is hereby granted, approving revisions to the parking layout, landscaping, and placement of Good Shepherd Assembly of God Church, located on Assessor's Parcel Nos. R23118-320-0590 and R23118-326-0591, at 16604 SR 20, Coupeville, Washington, subject to the following Condition of Approval:

1. All construction, development, development activities, and land uses occurring on the subject parcel shall comply the conditions of approval identified in Island County Land Use Decision 014/06 SPR as approved by the Island County Hearings Examiner on March 07, 2007, *except that* the building location, parking areas, and landscaping may be modified as shown on the revised site plan dated December 29, 2009.

Entered this 20th day of July 2010, 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.