APPLICATION: The Good Shepherd Assembly of God Church is seeking preliminary site plan approval for the proposed construction of a 3,940 square foot church on an 8.2 acre site zoned Rural.

DECISION: Site Plan approval is granted subject to the conditions recommended by staff in the staff report.

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 February 15, 2007.

I. PRELIMINARY INFORMATION

Applicant: Good Shepherd Assembly of God

Property Location: Located along the east side of Highway 20 at 16604 SR 20, Coupeville WA, in the NW ¼ of Sec. 18, Twp. 31N., R2E. W.M. Assessor’s Parcel #R23118-320-0590 and R23118-326-0591.

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: A Determination of Non-Significance was issued by Island County on January 9, 2007.

Mailing of Notice to Applicant: January 24, 2007

Sign Posted: February 22, 2006

Mailing of Staff Report: February 5, 2007

Date of Application: February 10, 2006

Hearing Date: February 15, 2007

EXHIBIT LOG

1. Staff Report
2. Pre-Application Conference application dated 6/30/05
3. Request for comment dated 7/5/05
4. Parcel Summary Report
5. Account Summary Snapshot
6. Account Apr Summary Snapshot
7. Quarter Section Map
8. Email dated 7/6/05 from Larry Kwarsick, to Carole Croft, Island County Planning & Community Development
9. Email dated 7/15/05 from Richard Melaas, NAS Whidbey, to Island County Planning
10. Ltr dated 7/28/05 from Ryan Morrison, Island County Planning & Community Development, to Michael Coleburn
11. Ltr dated 7/28/05 from Anathalie Dawkins, Island County Health Department, to Michael Coleburn
12. Ltr dated 7/28/05 from Bill Poss, Public Works Development Coordinator, to Ryan Morrison
13. Good Shepherd Assembly of God response to Planning Department comments on PRE 926/05 dated 10/18/05
14. Ltr dated 1/3/06 from Elaine Graham, Island County Health Department, to Michael Coleburn
15. Land Development Permit Application dated 1/11/06
16. Permit to construct a sewage disposal system dated as received 1/11/06
17. Certificate of Transportation Concurrency dated as received 1/11/06
18. Statutory Warranty Deed dated as received 1/11/06
19. Site Plan dated 1/11/06
20. Environmental Checklist dated 1/11/06
21. Notice of incomplete application dated 1/19/06
22. Notice of complete application dated 2/10/06
23. Request for comment dated 2/10/06
24. Affidavit of mailing the public notice to parties of record and property owners within 300 feet of subject parcel dated 2/17/06
25. Affidavit of mailing the public notice to contact person dated 2/17/06
26. Affidavit of posting the public notice sign dated 2/22/06
27. Notice of Application with SEPA dated 2/22/06
28. Affidavit of Publication dated 2/22/06
29. Ltr dated 3/8/06 from Bill Poss, Public Works Development Coordinator, to Ryan Morrison
30. Ltr dated 3/16/06 from Elaine Graham, Island County Health Department, to Ryan Morrison
31. Ltr dated 3/17/06 from Ryan Morrison, to Michael Coleburn
32. Ltr dated as received 4/11/06 from Larry Kwarsick, Coupeville Town Planner, to Mayor and Town Council Members
33. Ltr dated 4/20/06 from Jack Coleburn, to Ryan Morrison
34. Ltr dated 4/25/06 from Bill Poss, Public Works Development Coordinator, to Ryan Morrison
35. Memo dated 4/28/06 from Elaine Graham, Island County Health Department, to Ryan Morrison
36. Access Connection Permit dated 8/18/06
37. Preliminary Landscape Plan
38. Memo dated 1/9/07 from Aneta Hupfauer, Island County Health Department, to Ryan Morrison
39. Final SEPA Threshold Determination dated 1/9/07

HEARING TESTIMONY

Ryan Morrison
Island County Planning & Community Development
PO Box 5000
Coupeville WA 98239

Michael Colburn
PO Box 1318
Coupeville WA 98239

II.

The Good Shepherd Assembly of God Church is seeking site plan approval for the construction of a 3,940 square foot church on an 8.2 acre site in the Rural zone. There was no public comment on this application. Staff presented its Findings of Fact, Conclusions and a Recommendation of approval in the staff report, Exhibit #1 in the Hearing Examiner file, a copy of which is attached hereto and incorporated herein by this reference.

The applicant’s agent indicated that the staff report was factually accurate and that the church had no objection or concerns about the conditions of approval recommended by staff.
The Findings of Fact set forth in the staff report are supported by the record as a whole and are hereby adopted, by this reference, as findings of fact herein.

No written comments were received from the public in response to the Notice of Application. No members of the public appeared at the hearing to comment on the proposal.

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.

Church’s are allowed in the Rural zone subject to site plan approval. The criteria for site plan review is set forth in ICC 16.15. Subject to the conditions of approval recommended by staff this proposal will be consistent with the site plan review criteria.

II.

The Island County Health Department, Engineering Department, and Planning and Community Development have evaluated the proposed project for compliance with the applicable Chapters of the Island County Code, have all recommended approval subject to conditions, and have all indicated that the proposal is consistent with the various applicable Titles and Chapters of the Island County Code.

III.

The Island County Hearing Examiner concludes that the proposed church should be granted site plan approval subject to conditions.

IV.

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 approves the proposed construction of a 3,940 square foot church on Assessor’s Parcel #R23118-320-0590 & R23118-326-0591, subject to the following conditions:
1. The uses on the site shall be limited to a 3,940 square foot church building with up to a 40 space parking area as shown on the site plan.

2. General Conditions:
   
a. Compliance with Island County Public Works requirements as specified in the attached comments and conditions, dated April 25 2006.
b. Compliance with Island County Public Health requirements as specified in the attached comments and conditions, dated March 16, 2006 and January 9, 2007.
c. Should further construction take place on the parcel, 50% of the site must be kept in open space as required by Island County Code.

3. The landscaping shall be provided as shown on the approved landscaping plan. Landscaping shown on the approved site plan shall be properly maintained. Dead, dying, or diseased landscaping shall be replaced immediately, or if in the winter, within the next growing season. Occupancy and final inspection of the structures will not be permitted until a final landscaping inspection by Island County representatives, at which time additional landscaping may be required to screen buildings and/or fencing.

4. 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 that will include but not be limited to a new traffic analysis and parking plan.
   
a. Should noise levels exceed the limits set forth in WAC 173-60-040 all necessary steps must be taken immediately to ensure compliance with said regulations.
b. Obtain any and all necessary building permits needed to proceed with the proposal.
c. All waste shall be disposed of in a sanitary manner as approved by Island County Public Health.

5. Future installation and extension of power to the site shall be underground.

6. Prior to installation of any signs, a detailed Sign Plan and building permit application for the sign shall be submitted for review. Colors should be made to match colors in the building. Additional lighting and signs must conform to ICC 17.03.180.R.

7. 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 for.

8. The above requirements are subject to change if any information provided by the applicant or their authorized agent proves inaccurate.

9. 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 (5) years after the effective date of this site plan approval. If the construction work is not initiated within said time and carried out 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.

Entered this 7th day of March, 2007, 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.