

**BEFORE THE HEARING EXAMINER
OF THURSTON COUNTY**

In re the Matter of the Application)	
)	NO. SUPT-98-1047
of)	
)	FINDINGS OF FACT,
Grace Community Covenant Church for a)	CONCLUSIONS OF LAW
Special Property Use Permit.)	AND DECISION
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Summary of Decision

The Hearing Examiner APPROVES, with conditions, a Special Use Permit to allow expansion of a church facility at 5501 Wiggins Road SE, Olympia, Washington.

Introduction

The Grace Community Covenant Church (Applicant) requested approval of a Special Property Use Permit (SUPT) to expand the church facility (the Grace Community Covenant Church) located at 5501 Wiggins Avenue SE, Thurston County, Washington. Tax Parcel Numbers 83750023000 and 09330003001. It is the intent of the Applicant to expand the facility by adding 17,000 square feet to an existing 13,857 square foot structure. Additional parking will also be provided. The hearing on the request was held before the Hearing Examiner of Thurston County on July 19, 1999.

At the hearing the following presented testimony and evidence:

1. Robert Smith, Thurston County Development Services
2. Scot Davis, Thurston County Roads & Transportation Services
3. John Manuel
4. Bob Connolly

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

- Exhibit 1 Development Services Report
- Attachment a Notice of Hearing
- Attachment b Site/Zoning Map
- Attachment c Site Plan

- Attachment d Special Use Permit Application, Case SUPT-98-1047
- Attachment e Impervious Area Calculation
- Attachment f June 3, 1999 Mitigated Determination of NonSignificance (MDNS)
- Attachment g May 12, 1999 Comment Letter from Environmental Health Department
- Attachment h January 21, 1999 Comment Memorandum from Roads & Transportation Services Department
- Attachment i May 3, 1999 Comment Memorandum from Roads & Transportation Services Department
- Attachment j June 7, 1999 Letter from Roads & Transportation Services Department to John Manuel
- Attachment k July 7, 1999 Comment Memorandum from Roads & Transportation Services Department
- Attachment l May 12, 1999 Letter from John Manuel to Scott Davis
- Attachment m Landscape Plan

Upon consideration of the testimony and exhibits submitted at the open record public hearing, the following Findings of Fact and Conclusions of Law are entered by the Hearing Examiner:

Findings of Fact

1. The Applicant requested approval of a SUPT for the expansion of an existing church facility on property located 5501 Wiggins Road SE, Olympia, Washington. It is the intent of the Applicant to expand the existing 13,857 square foot structure with a 17,000 square foot addition. The resulting structure on site will be 30,857 square feet. The buildings will provide use for church and educational purposes for a private academic Christian school. *Exhibit 1, Staff Report.*
2. The church will have a 490-seat sanctuary, administrative offices and meeting rooms. Classrooms will be provided to accommodate 264 students. In addition the Applicant proposes a 125-foot parking lot. *Manuel Testimony.*
3. The subject property, which is located within the Olympia Urban Growth Area, is zoned on two zoning districts. The western portion of the property (1.94 acres) is zoned Residential Multi-

Family (RM-18). The eastern portion of the property (2.9 acres) is zoned Residential 4-8 Dwelling Units Per Acre (R4-8). A church is a permitted use in each of these zones but is subject to a special use permit. *Smith Testimony*.

4. The surrounding properties consist of varied land uses. Single-family homes and undeveloped lands are to the north; single family-homes are developed to the east; to the south is a used car lot, single-family homes and agricultural uses; and to the west is multi-family zoned property. *Staff Report, Exhibit 1*.

5. The church facility is located on the eastern portion of the parcel. Attached hereto and admitted as Exhibit 1, Attachment c is a reduced copy of the master site plan for the proposed facility.

6. The property has frontage on three public roads: Landview Drive to the west; Wiggins Road to the east; and, Yelm Highway to the south. Access to this site is off Yelm Highway road and Wiggins Road. With the proposed development access will be off Wiggins Road, and the Yelm access will be eliminated. There will be a new driveway access established off Landview Drive to the north.

7. As depicted on the master site plan, the structures will be generally developed in the center portion of the site. The parking is projected to occur in the northern half of the site. There will be open space and recreational areas throughout the site and especially in the northeast and northwest of the site. *Exhibit 1, Attachment c*.

8. The Thurston County-Olympia Joint Comprehensive Plan designates the land as residential. Although the plan does not specifically identify or discuss churches, the Development Services Department of Thurston County determined that churches are not contrary to the Comprehensive Plan. To support its discretionary decision the Development Services Department concluded that the use of the property over a period of time has been for church purposes and is compatible with other properties. *Smith Testimony and Exhibit 1*.

9. In an R4-8 zone there is a requirement that churches be located either within 300 feet of an arterial, major collector or access point of a highway, or within 300 feet of a school or park. (*TCC 23.04.060(21)(a)*) The property boundary is a major arterial highway, and is within 300 feet. *Exhibit 1, Staff Report*.

10. The minimum lot size for churches in Thurston County is 22,000 square feet (*TCC 23.04.060(21)(c)*). The subject property is 4.84 acres and easily satisfies this requirement. *Exhibit 1, Attachment c*.

11. For churches within a RM-18 zone there is requirement that at least 30 percent of the site be open spaces. Although the County and the Applicant have not calculated the open space, the 30,000 square feet is a minor portion of the overall site, and the site easily exceeds this requirement. *Smith Testimony*.

12. In an RM-18 zone setbacks are established: front – 20 feet minimum and 25 feet maximum; side – 5 feet, except 10 feet along a flanking street (Yelm Highway); rear – 20 feet in the R4-8 zone and 10 feet in the RM-18 zone. The proposed development satisfies the setback requirements. *Smith Testimony.*

13. The proposed building coverage for the project is within the 25 percent maximum allowed for an R4-8, zone, and the RM-18 limit of 35 feet will not be exceeded in either zone, and the coverages are below the average maximum. *Staff Report, Smith Testimony.*

14. The proposed development will not result in a substantial adverse impact on adjacent properties, the neighborhood character or the natural environment. It will be a continuation of the historical use of the subject property. *Exhibit 1, Staff Report.*

15. Parking will not be impacted. The traffic that will be generated from the site will be generated usually on Sundays and during off peak hours in the evening. The traffic that is generated onto Yelm Highway will cause impacts. The County has identified the impacts and the Applicant has agreed to street frontage improvements and mitigation fees for Yelm Highway improvements. *Exhibit 1, Attachments I and k.*

16. The Applicant conducted a traffic study that was submitted to the County. Based on the study the projected increase in traffic from the expansion will not necessitate any additional traffic mitigation other than the Yelm Highway improvements.

17. Sanitary sewer service is provided by the City of Olympia, as is domestic water service. *Exhibit 1, Staff Report.*

18. The Applicant proposes to preserve existing trees along the Yelm Highway frontage and provide mature fir trees throughout the site. New plantings would be made around the site and along the perimeter of the property. Landscaping will be provided to screen the church from surrounding residences. The County indicated that the landscaping plan submitted by the Applicant is adequate and complies with the standards. The Applicant has not submitted any details with regard to the signage of the site. The County staff indicated that compliance with the signage code is required. *Smith Testimony.*

19. *TCC Chapter 23.38* and *Table 38.01* of this ordinance establish the calculations required for parking. A strict interpretation of this indicates that 147 spaces are required. This calculation was based on dual use of school and church. However school use will incur a different kind from the church use. As a result, the Development Service Department indicated that the number of spaces needed for church is 122. This three less than proposed by the Applicant. It appears that parking is available. *Exhibit 1, Staff Report.*

20. Pursuant to the State Environmental Policy Act (SEPA) Thurston County was designated as the lead agency for identification of environmental impacts resulting from the proposed

project. On June 3, 1999 a Mitigated Determination of NonSignificance was issued. No appeal was filed.

Conclusions
Jurisdiction

The Hearing Examiner is granted the authority to hear and decide this application pursuant to Chapter 36.70 of the Revised Code of Washington and Chapter 20.54 of the Thurston County Code. Chapter 36.70 RCW authorizes the Hearing Examiner to hear and decide cases in the manner determined by county ordinances and consistent with state law. The Thurston County Board of Commissioners requires the Hearing Examiner to conduct a public hearing and render a decision based on the record within ten (10) working days of the close of the hearing. Authority to approve permits of this type is granted to the Hearing Examiner under TCC 23.04.040.

Criteria
Criteria for Review

Standards for Special Use Permits:

Pursuant to the Thurston County Municipal Code 20.54.040, a Special Use Permit must be consistent with the following criteria:

- A. The proposed use at the specified location shall comply with the Thurston County Comprehensive Plan and all applicable Federal, State, Regional, and Thurston County laws or plans.
- B. The proposed use shall comply with the general purpose and intent of the applicable zoning district regulations and sub-area plans. Open space, lot, setback, and bulk requirements shall be no less than that specified for the zoning district in which the proposed use is located unless specifically provided otherwise in the chapter.
- C. No application for a Special Use shall be approved unless a specific finding is made that the proposed special use is appropriate in the location for which it is proposed. This finding shall be based on the following criteria:
 - 1. Impact. The proposed use shall not result in substantial or undue adverse effects on adjacent property, neighborhood character, natural environment, traffic conditions, parking, public property or facilities or other matters affecting the public health, safety, and welfare. However, if the proposed use is a public facility or utility deemed to be of overriding public benefit, and if measures are taken and conditions imposed to mitigate adverse effects to the extent reasonably possible, the permit may be granted even though said adverse effects may occur.
 - 2. Services. The use will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities existing or planned to serve the area.

Conclusions

1. The Applicant requested approval of a special use permit for the expansion of an existing church facility on property located 5501 Wiggins Road SE, Olympia, Washington. The property is located in Thurston County. It is the intent of the Applicant to expand the existing 13,857 square foot facility with an additional 17,000 square foot structure. The total resulting structure on site will be one of 30,857 square feet. The buildings will provide a use for church purposes and educational purposes for private academic Christian school. The church will have a 490-seat sanctuary, administrative offices and meeting rooms. Classrooms will be provided for up to 264 students. In addition the Applicant is proposing a 125-foot parking lot. *Manuel Testimony*. The subject property, which is located within the Olympia Urban Growth Area, is zoned within two zoning districts. The western portion of the property (1.94 acres) is zoned Residential Multi-Family (RM-18). The eastern portion of the property (2.9 acres) is zoned Residential 4-8 Dwelling Units Per Acre (R4-8). A church is a permitted use in each of these zones subject to a special use permit. *Smith Testimony*. The surrounding properties consist of varied land uses. Single-family homes and undeveloped lands are to the north; single family-homes are developed to the east; to the south is a used car lot, single-family homes and agricultural uses; and to the west is multi-family zoned property. *Findings of Fact No. 1*.

2. In order for a Special Use Permit to be granted the criteria of *TCC 23.04.040* must be satisfied. Those criteria satisfied. *Findings of Fact 8-20*

3. The church and the proposed expansion at 5501 Wiggins Avenue Road SE, Olympia, Washington comply with the Thurston County/Olympia Joint Comprehensive Plan and all applicable federal, state, regional and Thurston County laws or plans. The site is large enough to accommodate the expansion of the church, which has been an historical use on site. With the expansion the church will not impact other properties. *Findings of Fact 3, 4, 8, & 14*

4. The proposed expansion of the church complies with the general purpose and intent of the R4-8 zone and the RM-18 zone. It satisfies all developmental standards and bulk requirements and open space restrictions. *Findings of Fact 11, 12, & 13*

5. There will be no adverse effects on adjacent property, neighborhood character, and the natural environment. Traffic conditions, parking, public property or facilities or other matters affecting the public health, safety and welfare will not be impacted. The proposal will not impose an undue burden on any improvements, facilities, utilities, existing or planned, in the area.

6. Adequate provisions have been made for landscaping, lighting and signage.

7. Adequate parking is available. The 125 spaces provided will satisfy the needs for the church and school purposes.

Decision

Based on the foregoing Findings of Fact and Conclusions, the testimony and evidence submitted at the public hearing, and upon the impression of the Hearings Examiner upon a site view, it is hereby

ORDERED that the Hearing Examiner approves Special Use Permit 981047 to allow expansion of a church facility at 5501 Wiggins Road SE, Olympia, Washington. The permit granted is for the expansion as requested by the Applicant. It is subject to the following conditions:

A. DEPARTMENT APPROVALS:

Prior to, or in conjunction with the issuance of any permits, all requirements of the Thurston County Environmental Health Department, Thurston County Roads and Transportation Department and Thurston County Development Services Department shall be met. All mitigating measures of the Determination of NonSignificance must be met.

B. SIGNAGE:

All signs shall comply with standards for in Chapter 23.42 of the Thurston County Olympia Urban Area Zoning Ordinance.

C. DEVELOPMENT STANDARDS:

This project shall comply with all development standards identified in TCC 23.04.080.

D. LANDSCAPING:

All plants and features identified in the landscape plan shall be installed prior to the Certificate of Occupancy permit and before the church is put into use. This is to include all plantings around the structure, the perimeter of the site, within the parking lot and any irrigation systems.

E. LIGHTING:

Lighting shall be designed and shall function in a manner which shields direct light from adjoining streets and properties. Lighting is allowed only when the church is in use. Motion detectors shall be used for security lighting.

F. DESIGN REVIEW

Prior to or in conjunction with the building permit application the applicant shall make application for Design Review approval.

G. COMPLIANCE:

All development on the site shall be in substantial compliance with the approved site plan as approved by the Hearing Examiner. Any expansion or alteration of this use or the addition of other uses beyond that initially approved by the Hearing Examiner will require approval of a new or amended Special Use Permit. The Development Services Department will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.

Dated this 5th day of August, 1999

James M. Driscoll
Thurston County Hearing Examiner

Property owners affected by this decision may request a change in valuation for property tax purposes from the Thurston County Assessor.

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