



COUNTY COMMISSIONERS

Cathy Wolfe
 District One
 Sandra Romero
 District Two
 Karen Valenzuela
 District Three

HEARING EXAMINER

Creating Solutions for Our Future

**BEFORE THE HEARING EXAMINER
 FOR THURSTON COUNTY**

| | | |
|-------------------------------------|---|--|
| In the Matter of the Application of |) | |
| |) | |
| |) | SUPT NO. 2013101058 |
| |) | |
| Crossroads Foursquare Church |) | |
| |) | |
| |) | |
| For a Special Use Permit |) | FINDINGS, CONCLUSIONS, AND DECISION |
| |) | |
| _____ |) | |

SUMMARY OF DECISION

The request for approval of a special use permit to add 817 square feet to the existing Crossroads Foursquare Church building in Rochester, Washington is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request

Crossroads Foursquare Church (Applicant) requested approval of a special use permit to add a 817 square feet to its existing church building.

Hearing Date

The Thurston County Hearing Examiner conducted an open record public hearing on the request on February 3, 2014.

Testimony

At the open record public hearing, the following individuals presented testimony under oath:

- Robert Smith, Resource Stewardship Department
- Arthur Saint, P.E., Public Works Department
- Sara Brallier, Environmental Health Department
- Erik Ainsworth, Applicant Representative
- Terry Fisher, Applicant

Exhibits

At the open record public hearing, the following exhibits were admitted in the record:

- EXHIBIT 1 Resource Stewardship Planning & Environmental Section Report including the following attachments:
- Attachment a Notice of Public Hearing
 - Attachment b Vicinity/Site Map
 - Attachment c Master Application, received March 28, 2013
 - Attachment d Special Use Permit Application, received March 28, 2013
 - Attachment e Project Narrative, dated March 27, 2013
 - Attachment f Site Plan, dated March 27, 2013
 - Attachment g Memorandum from Kevin Chambers, Thurston County Public Works Department, dated April 23, 2013
 - Attachment h Memorandum from Brad Sangston, Public Health and Social Services Department, dated October 8, 2013
 - Attachment i Comment Letter from the Washington State Department of Ecology, dated May 24, 2013
 - Attachment j Thurston County Hearing Examiner Decision on Special Use Permit File No. SUP-92-021, dated December 24, 1992
 - Attachment k Thurston County Development Services approval letter for an Administrative Special Use Permit, Project No. 2003100429, dated September 26, 2003
- EXHIBIT 2 Color copy of photograph of posted notice of hearing
- EXHIBIT 3 Full size plan set, including:
- Sheet C1 Site Plan
 - Sheet A1 Notes and Details
 - Sheet A2 Sections and Foundation Plan
 - Sheet A3 Floor Plan

Sheet A4 Elevations

Sheet A5 Existing elevations

Based upon the record developed at hearing, the Examiner enters the following findings and conclusions.

FINDINGS

1. The Applicant requests approval of a special use permit to add 817 square feet to the existing Crossroads Foursquare Church building, located at 9231 - 183rd Avenue SW in Rochester, Washington.¹ *Exhibit 1, pages 1-2; Exhibit 1, Attachments d and e.*
2. The site was developed with a church following the 1992 approval of a special use permit (SUP-92-021) . In 2003, an administrative special use permit amendment (file 2003100429) approved enlargement of the primary church structure and addition of a portable building for classroom use. *Exhibit 1, Attachments k and j.*
3. The roughly triangular 1.65-acre subject property abuts 183rd Avenue SW to the north and east and the Burlington Northern Railroad right-of-way to the southwest. Highway 12 is beyond the railroad. Surrounding parcels to the north and east are developed with single-family residences on lots of varying sizes. *Exhibit 1, page 2; Exhibit 1, Attachment B.*
4. Topographically, the site is relatively flat. It is developed with the existing 4,832 square foot church building, the 1,792 square foot portable structure, septic and domestic water infrastructure, and 53 parking spaces in several graveled and asphalt parking areas. Portions of the property not covered with buildings or parking/maneuvering areas contain mowed grass. A hedge runs along the property boundary shared with the railroad right-of-way. *Exhibit 3, Sheet C1; Exhibit 1, page 2.*
5. The proposal would add 817 square feet to front of the existing church building to enclose an existing outdoor walkway and add an entry foyer. The addition would be made to the north side of the structure, between the outer front wall and an asphalt parking lot. Two dormer style gables would added to the front elevation of the church. A four-foot sidewalk would be added in front of the addition to provide pedestrian access. The improvements would provide additional security and protection from the elements for attendees moving between different parts of the building. The project would not change church operations, days or times of services, or hours of operation. *Exhibit 1, page 2; Exhibit 1, Attachments d, e, and f; Exhibit 3; Ainsworth Testimony.*
6. The subject property has a Residential LAMIRD – One Dwelling Unit Per Acre (RL-1/1) zoning designation. *Exhibit 1, page 3.* Churches are allowed in the RL-1/1 zone subject to special use permit approval. *Thurston County Code (TCC) 20.54, Table 1.* The RL-

¹ The legal description of the subject property is: Lot 1 and a portion of Lot 2 of Short Subdivision, Case Number SS-0153; known as Tax Parcel Numbers 13505110101 and 13505110102 . *Exhibit 1, page 1.*

- 1/1 zone requires minimum setbacks of 25 feet from the front property line, six feet from side lot lines, and 10 feet from rear lot lines. Maximum lot coverage by building is 60%, and the maximum building height allowed is 35 feet. *TCC 20.11A.040*. The plans demonstrate compliance with all applicable zoning standards except that the height of the addition is not stated. Compliance with all development standards would be reviewed through the building permit process. *Exhibit 1, pages 3, 5; Exhibit 3, Sheet C1*.
7. The site is situated within an aquifer sensitive area regulated by the County's critical areas ordinance (CAO). The site is mapped to contain soil types that are known to provide potential habitat for protected prairie species including the Mazama pocket gopher. However, the location of the proposed addition is currently a concrete and asphalt area that does not support native prairie species. Additional development of the paved area would not impact the regulated aquifer. *Exhibit 1, page 2; Smith Testimony*.
 8. The church is served by the Rochester Water Association public water system and on-site septic. No change to these improvements is proposed. *Exhibit 1, page 2*.
 9. Access to the church is from 183rd Avenue SW. No change to site access is proposed. The County Code establishes minimum off-street parking requirements in TCC Chapter 20.44. Churches with fixed seating require one space for every three seats or every six feet of bench. Without fixed seating, minimum off-street parking is one space per 150 square feet of gross floor area. *TCC 20.44.030(1)(b)*. The proposal would expand the main church building to 5,649 square feet, requiring 38 parking spaces. Presently, the property provides 53 off-street parking spaces. While the proposed improvements may require reconfiguration of one or two parking stalls, the project would retain 53 off-street spaces. *Exhibit 1, page 3; Exhibit 3*.
 10. No dwellings are proposed. *Exhibit 1, page 5; Exhibit 1, Attachments c and d; Exhibit 3, Sheet C1*.
 11. The application was routed to various public agencies for review and comment. The Washington State Department of Ecology submitted comments regarding the correct procedures in the event that any soil contamination is discovered during construction, as well as erosion control requirements. *Exhibit 1, Attachment i*.
 12. Thurston County Public Works Development Review Section reviewed the site plan and waived the requirement for a drainage and erosion control plan and grading plan, consistent with the authority provided at TCC 17.15.603. Public Works Staff recommended project approval. *Exhibit 1, Attachment g; Saint Testimony*.
 13. County Environmental Health Staff reviewed the application materials and recommended approval, noting that the proposal would not change the number of people expected to use the building. Environmental Health Staff determined that the project would not impact existing water or septic service and that approval would not result in public health concerns. *Exhibit 1, Attachment h*.

14. Pursuant to TCC 17.09.055, minor building additions of less than 8,000 square feet are exempt from State Environmental Policy Act review. *TCC 17.09.055; Exhibit 1, page 2.*
15. Written notice of the public hearing was sent to all parties of record and owners of property within 500 feet of the site on January 17, 2014. Notice of hearing was published in The Olympian and posted on-site on January 24, 2014. *Exhibit 1, Attachment a; Exhibit 1, page 2; Exhibit 2.* The County received no public comment on the application. *Smith Testimony.*
16. Planning Staff submitted the opinion that, as conditioned, the application would comply with the Comprehensive Plan and all applicable Thurston County regulations. *Smith Testimony; Exhibit 1, page 4.* The Applicant concurred with Staff's recommended conditions of approval. *Ainsworth Testimony; Fisher Testimony.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to decide this special use permit application under Sections 2.06.010 and 23.48.020 of the Thurston County Code, and Section 36.70.970 of the Revised Code of Washington.

Jurisdiction

The Hearing Examiner has jurisdiction to decide this special use permit application under Sections 2.06.010 and 20.54.015 of the Thurston County Code, and Section 36.70.970 of the Revised Code of Washington.

Special Use Permit Criteria for Review

The Hearing Examiner may approve an application for a special use permit only if the following general standards set forth in TCC 20.54. 040 are satisfied:

- A. Plans, Regulations, Laws. 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. Underlying Zoning District. The proposed use shall comply with the general purposes and intent of the applicable zoning district regulations and subarea 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 this chapter.
- C. Location. 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, or services existing or planned to serve the area.

Use Specific Standards for Churches

Pursuant to TCC 20.54.070(7), the following use specific standards apply to churches:

- a. The height limitations of the pertinent use district need not be observed; however, if the height limitation of such use district is exceeded, then each side yard shall be at least equal in width to the height of the building, spires and towers excluded.
- b. Any dwelling located in conjunction with a church shall comply with the provisions governing residential uses of the use district in which it is located.
- c. There shall be suitable landscape screening on any church parking lot adjacent to a public right-of-way. A sight-obscuring landscape screen or aesthetically pleasing high solid fence shall be provided between the church parking lot and any abutting residential use.
- d. Church-sponsored uses requiring special use approval may be reviewed under the original special use application for the church, or as an amendment to an approved special use.

Conclusions Based on Findings

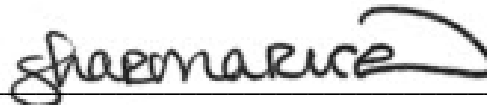
1. Churches are allowed by special use permit in the RL-1/1 zone. Approval would allow minor expansion of a church previously approved through special use review. No change in use is proposed. As conditioned, the proposal would comply with the Thurston County Comprehensive Plan and the development standards of the underlying zone. *Findings 2, 5, 6, 9, and 16.*
2. The proposed minor expansion of the existing church on-site would not increase traffic, attendance, or demand for water and septic service. Off-street parking exceeds minimum requirements. The proposed addition would not affect existing perimeter landscaping. No impacts to adjacent properties or to public services are anticipated. *Findings 4, 5, 8, 9, 12, and 13.*
3. The proposal is consistent with the use-specific special use permit standards applicable to churches approved by special use permit. The proposal would be reviewed for compliance with zoning standards, including height, at time of building permit issuance. No dwellings and no new parking are proposed. *Findings 4, 6, 9, and 10.*

DECISION

Based on the preceding findings and conclusions, the requested special use permit to add 817 square feet to the existing Crossroads Foursquare Church in Rochester, Washington is **GRANTED** subject to the following conditions:

- A. Prior to or in conjunction with the issuance of any building permit, all applicable regulations and requirements of the Thurston County Public Health and Social Services Department, Public Works Department, Fire Marshal and Thurston County Resource Stewardship Department shall be met.
- B. All additional permits required for this project will need to meet the applicable edition of the Thurston County Road Standards and the Drainage Design and Erosion Control Manual at the time of application.
- C. If contamination is currently known or suspected during construction, testing of potentially contaminated media must be conducted. If contamination of soil or groundwater is readily visible, or is revealed by testing, The Washington State Department of Ecology must be notified. [Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300.]
- D. All previous conditions from the original Special Use Permit, SUP-92-021 and Administrative Special Use Permit, project 2003100429, remain in effect.
- E. All development on the site shall be in substantial compliance with the approved site plan. Any expansion or alteration of this use beyond that presently approved by the Hearing Examiner will require approval of a new or amended Special Use Permit. The Resource Stewardship Department will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.

DECIDED February 17, 2014.



Sharon A. Rice
Thurston County Hearing Examiner

THURSTON COUNTY
PROCEDURE FOR RECONSIDERATION AND APPEAL
OF HEARING EXAMINER DECISION TO THE BOARD

NOTE: THERE MAY BE NO EX PARTE (ONE-SIDED) CONTACT OUTSIDE A PUBLIC HEARING WITH EITHER THE HEARING EXAMINER OR WITH THE BOARD OF THURSTON COUNTY COMMISSIONERS ON APPEALS (Thurston County Code, Section 2.06.030).

If you do not agree with the decision of the Hearing Examiner, there are two (2) ways to seek review of the decision. They are described in A and B below. Unless reconsidered or appealed, decisions of the Hearing Examiner become final on the 15th day after the date of the decision.* The Hearing Examiner renders decisions within five (5) working days following a Request for Reconsideration unless a longer period is mutually agreed to by the Hearing Examiner, applicant, and requester.

The decision of the Hearing Examiner on an appeal of a SEPA threshold determination for a project action is final. The Hearing Examiner shall not entertain motions for reconsideration for such decisions. The decision of the Hearing Examiner regarding a SEPA threshold determination may only be appealed to Superior Court in conjunction with an appeal of the underlying action in accordance with RCW 43.21C.075 and TCC 17.09.160. TCC 17.09.160(K).

A. RECONSIDERATION BY THE HEARING EXAMINER (Not permitted for a decision on a SEPA threshold determination)

1. Any aggrieved person or agency that disagrees with the decision of the Examiner may request Reconsideration. All Reconsideration requests must include a legal citation and reason for the request. The Examiner shall have the discretion to either deny the motion without comment or to provide additional Findings and Conclusions based on the record.
2. Written Request for Reconsideration and the appropriate fee must be filed with the Resource Stewardship Department **within ten (10) days of the written decision**. The form is provided for this purpose on the opposite side of this notification.

B. APPEAL TO THE BOARD OF THURSTON COUNTY COMMISSIONERS (Not permitted for a decision on a SEPA threshold determination for a project action)

1. Appeals may be filed by any aggrieved person or agency directly affected by the Examiner's decision. The form is provided for this purpose on the opposite side of this notification.
2. Written notice of Appeal and the appropriate fee must be filed with the Resource Stewardship Department **within fourteen (14) days of the date of the Examiner's written decision**. The form is provided for this purpose on the opposite side of this notification.
3. An Appeal filed within the specified time period will stay the effective date of the Examiner's decision until it is adjudicated by the Board of Thurston County Commissioners or is withdrawn.
4. The notice of Appeal shall concisely specify the error or issue which the Board is asked to consider on Appeal, and shall cite by reference to section, paragraph and page, the provisions of law which are alleged to have been violated. The Board need not consider issues, which are not so identified. A written memorandum that the appellant may wish considered by the Board may accompany the notice. The memorandum shall not include the presentation of new evidence and shall be based only upon facts presented to the Examiner.
5. Notices of the Appeal hearing will be mailed to all parties of record who legibly provided a mailing address. This would include all persons who (a) gave oral or written comments to the Examiner or (b) listed their name as a person wishing to receive a copy of the decision on a sign-up sheet made available during the Examiner's hearing.
6. Unless all parties of record are given notice of a trip by the Board of Thurston County Commissioners to view the subject site, no one other than County staff may accompany the Board members during the site visit.

C. STANDING All Reconsideration and Appeal requests must clearly state why the appellant is an "aggrieved" party and demonstrate that standing in the Reconsideration or Appeal should be granted.

D. FILING FEES AND DEADLINE If you wish to file a Request for Reconsideration or Appeal of this determination, please do so in writing on the back of this form, accompanied by a nonrefundable fee of **\$638.00** for a Request for Reconsideration or **\$846.00** an Appeal. Any Request for Reconsideration or Appeal must be **received** in the Permit Assistance Center on the second floor of Building #1 in the Thurston County Courthouse complex no later than 4:00 p.m. per the requirements specified in A2 and B2 above. **Postmarks are not acceptable.** If your application fee and completed application form is not timely filed, you will be unable to request Reconsideration or Appeal this determination. The deadline will not be extended.

* Shoreline Permit decisions are not final until a 21-day appeal period to the state has elapsed following the date the County decision becomes final.



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| Project No. _____ Appeal Sequence No.: _____ |
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Check here for: RECONSIDERATION OF HEARING EXAMINER DECISION

THE APPELLANT, after review of the terms and conditions of the Hearing Examiner's decision hereby requests that the Hearing Examiner take the following information into consideration and further review under the provisions of Chapter 2.06.060 of the Thurston County Code:

(If more space is required, please attach additional sheet.)

Check here for: APPEAL OF HEARING EXAMINER DECISION

TO THE BOARD OF THURSTON COUNTY COMMISSIONERS COMES NOW _____
 on this _____ day of _____, 20___, as an APPELLANT in the matter of a Hearing Examiner's decision rendered on _____, 20___, by _____ relating to _____

THE APPELLANT, after review and consideration of the reasons given by the Hearing Examiner for his decision, does now, under the provisions of Chapter 2.06.070 of the Thurston County Code, give written notice of APPEAL to the Board of Thurston County Commissioners of said decision and alleges the following errors in said Hearing Examiner decision:

Specific section, paragraph and page of regulation allegedly interpreted erroneously by Hearing Examiner:

1. Zoning Ordinance _____
2. Platting and Subdivision Ordinance _____
3. Comprehensive Plan _____
4. Critical Areas Ordinance _____
5. Shoreline Master Program _____
6. Other: _____

(If more space is required, please attach additional sheet.)

AND FURTHERMORE, requests that the Board of Thurston County Commissioners, having responsibility for final review of such decisions will upon review of the record of the matters and the allegations contained in this appeal, find in favor of the appellant and reverse the Hearing Examiner decision.

STANDING

On a separate sheet, explain why the appellant should be considered an aggrieved party and why standing should be granted to the appellant. This is required for both Reconsiderations and Appeals.

Signature required for both Reconsideration and Appeal Requests

 APPELLANT NAME PRINTED

 SIGNATURE OF APPELLANT

Address _____

 Phone _____

Please do not write below - for Staff Use Only:

Fee of \$638.00 for Reconsideration or \$846.00 for Appeal. Received (check box): Initial _____ Receipt No. _____
 Filed with the Resource Stewardship Department this _____ day of _____, 20___.