



COUNTY COMMISSIONERS

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 Sandra Romero
 District Two
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 District Three

HEARING EXAMINER

Creating Solutions for Our Future

**BEFORE THE HEARING EXAMINER
 FOR THURSTON COUNTY**

In the Matter of the Application of)	
)	
Olympia Sarang Church)	SUPT NO. 2015102918
)	
)	
)	
For a Special Use Permit)	FINDINGS, CONCLUSIONS, AND DECISION
_____)	

SUMMARY OF DECISION

The request for approval of a special use permit to convert approximately 4,100 square feet of existing retail space into a church is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request

Olympia Sarang Church (Applicant) requested approval of a special use permit to convert approximately 4,100 square feet of existing retail space into a church.

Hearing Date

The Thurston County Hearing Examiner conducted an open record public hearing on the request on May 18, 2015.

Testimony

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

- Tony Kantas, Associate Planner, Thurston County Resource Stewardship Department
- Dawn Peebles, Thurston County Public Health, Environmental Health Division
- Reverend Kyungchul Woo, Applicant
- Kevin Christiansen

Exhibits

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

Exhibit 1 Resource Stewardship Department, Land Use and Environmental Review Section Report including the following attachments:

- A. Legal Notice
- B. Master Application, dated April 7, 2015
- C. Special Use Permit Application, dated April 7, 2015
- D. Vicinity Map & 2012 Aerial
- E. Site Plan of the Entire Property
- F. Floor Plan
- G. Notice of Application, dated April 14, 2015
- H. Thurston County Health Department Memorandum, dated April 16, 2015
- I. Thurston County Public Works Memorandum, dated April 9, 2015
- J. City of Lacey Comment Email, dated April 28, 2015

Exhibit 2 Photo of the front entrance to the commercial space subject to the application

Upon consideration of the testimony and exhibits submitted at the open record public hearing, the Hearing Examiner enters the following findings and conclusions:

FINDINGS

1. The Applicant requested a special use permit to convert approximately 4,100 square feet of existing retail space into a church. The application includes an internal remodel for the new converted use; however, aside from signage, no other external improvements are planned. *Exhibit 1, Attachments B, C, E, and F.*
2. The 3.25-acre subject property is located 7839 Martin Way East Suite A-101.¹ The proposed church would be developed within the existing 24,000 square foot commercial building. The parcel is within the Mixed Use High Density Corridor (MHDC) zoning district in the Lacey urban growth area. The existing building was required to undergo special use permit review (No. 2005100496) because it is larger than 15,000 square feet; the SUP was approved March 22, 2006. Through that process, the existing building was confirmed to be consistent with MHDC development standards for building design, setbacks, landscaping, parking, and similar requirements. *Exhibit 1; Kantas Testimony.*
3. The MHDC zone requires a special use permit for church uses. The County's special use provisions does not establish use-specific standards for churches. *Thurston County Code (TCC) 21.66.020.B.1; TCC Title 21.*
4. Surrounding parcels contain primarily commercial land uses characteristic of the MHDC zone. *Exhibit 1.*

¹ The legal description of the property containing the existing commercial space is a portion of Section 11, Township 18 North, Range 1 West, W.M.; also known as Tax Parcel No. 11811341200. *Exhibit 1.*

5. Proposed hours of operation include worship services Tuesday through Saturday from 6:00 to 7:00 am, Friday at 7:00 pm, and Sunday at 11:00 am. The weekday morning prayer service actually finishes at 6:30, but sometimes people stay to talk until approximately 7:00. Presently, about five people attend the morning services. The church provides religious education classes to child members in three groups based on age: infants, elementary, and middle/high school. Classes occur during adult worship services. Peak traffic to the church occurs during the Sunday service. Currently the church has approximately 50 members, and increased membership is not necessarily anticipated as a result of relocating as proposed. *Exhibit 1, Attachment c; Woo Testimony.*
6. Services and classes would take place inside the church; no outdoor activities are proposed. There are two ADA-accessible restrooms already in the space; the Applicant intends to add one more if the permit is approved. *Exhibit 1, Attachment C, D, and E; Woo Testimony.*
7. City of Lacey sewer and water serve the building. A City representative provided comments indicating that the building complies with City of Lacey Public Works requirements presently and that the City had no concerns about the application. *Exhibit 1; Exhibit 1, Attachment J.*
8. Thurston County Public Health and Social Services Department reviewed the project for compliance with health codes, including sewage disposal and water supply. Existing facilities within the commercial space are sufficient to serve the proposed use; no additional utility connection is required. Sewer and water service would continue to be provided by the City of Lacey. Public Health Staff recommended approval. *Exhibit 1, Attachment h; Peebles Testimony.*
9. There would be up to 70 to 80 seats in the church if approved. The County Code requires a minimum of one and allows a maximum of two parking spaces per four seats within a church. At 80 seats, the use requires 20-40 parking stalls. Other tenants in the existing commercial building include restaurants, beauty shops, a hobby store, and a dance studio. The parking lot contains at least 105 parking stalls. Because church activities occur during the opposite of peak hours for these other uses, and because parking was designed to accommodate a commercial/retail use in the proposed space, there is adequate parking on-site for the proposed church use. *Exhibit 1, Attachments C and E; Woo Testimony; Kantas Testimony.*
10. Thurston County Public Works Roads and Transportation Services Department reviewed the proposal for access, traffic, and stormwater requirements. Staff from that department indicated that the existing building and access points were reviewed for compliance with the applicable roads and drainage standards at the time the commercial building was permitted (Project No. 2005100496). No access, right-of-way, parking, or drainage improvements are required of the instant proposal. Public Works Staff recommended approval with one condition. *Exhibit 1, Attachment i.*

11. Notice of public hearing was sent to all property owners within 300 feet of the site, posted on-site, and published in The Olympian on May 8, 2015. *Exhibit 1; Exhibit 1, Attachment A.*
12. There was public comment offered at the hearing in support of the request. *Christiansen Testimony.*
13. Planning Staff submitted the position that the proposal with conditions would comply with the Thurston County Comprehensive Plan and applicable federal, state, regional, and Thurston County laws or plans. Staff recommended approval. *Kantas Testimony; Peebles Testimony; Exhibit 1.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to decide this special use permit application under Thurston County Code Sections 2.06.010 and 20.54.015 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.

Conclusions Based on Findings

1. Churches are allowed in the MHDC zone. The existing building was designed and built in compliance with the bulk dimensional and other County requirements for the zone. With conditions mandating compliance with requirements identified by the Environmental Health, Public Works, and the Resource Stewardship Departments, the proposed use at the proposed location complies with all applicable laws and plans. *Findings 2, 3, 8, 10, and 13.*
2. The proposed small church use is appropriate for placement on the commercial property. There is adequate parking on-site. County Public Works and Public Health and City of Lacey reviewed the proposal and raised no concerns. As conditioned, the proposal would result in no substantial impact to surrounding parcels or uses and would have a neutral impact on public health and safety. *Findings 2, 3, 4, 5, 6, 7, 8, and 9.*

DECISION

Based on the preceding findings and conclusions, the requested special use permit to convert approximately 4,100 square feet of existing retail space into a church is **GRANTED** subject to the following conditions:

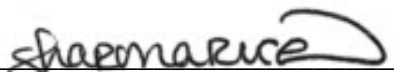
Public Works Conditions:

1. A Construction Stormwater Permit from the Washington State Department of Ecology may be required. Information about the permit and the application can be found at: [s](#). It is the applicant's responsibility to obtain this permit if required.

Resource Stewardship Conditions:

2. A building permit is required for the interior remodel and all signage.
3. All development on the site shall be in substantial compliance with the approved site plan, except as conditioned above. Any expansion or alteration of this use, beyond that initially approved by the Hearing Examiner will require approval of a new or amended Permit. The Resource Stewardship Department will determine if any proposed amendment is substantial enough to require Hearing Examiner approval.

DECIDED June 2, 2015.



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 **\$651.00** for a Request for Reconsideration or **\$866.00** 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.



Project No. _____ Appeal Sequence No.: _____

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 \$652.00 for Reconsideration or \$870.00 for Appeal. Received (check box): Initial _____ Receipt No. _____

Filed with the Resource Stewardship Department this _____ day of _____, 20___.