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Kathy Hill, Skagit County Auditor  
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AFTER RECORDING RETURN TO:  
SKAGIT COUNTY HEARING EXAMINER  
302 SOUTH FIRST STREET  
MOUNT VERNON, WA 98273

DOCUMENT TITLE: ORDER ON SPECIAL USE SU 99 0455

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: DUANE JOHNSON & SONS CONSTRUCTION (KINGDOM HALL)

ASSESSOR PARCEL NO: P62426

ABBREVIATED LEGAL DESCRIPTION: located at 20257 Lafayette Road, Burlington, WA;  
within the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 33, Township 35 North, Range 04 East, W.M.,  
Skagit County, Washington.

**SKAGIT COUNTY HEARING EXAMINER**  
**STATE OF WASHINGTON**

In the Matter of the Application of	)	
<b>DUANE JOHNSON &amp; SONS</b>	)	SU99-0455
<b>CONSTRUCTION</b>	)	
<b>(KINGDOM HALL)</b>	)	Findings of Fact,
	)	Conclusions of Law,
For a Special Use Permit to Build	)	And Decision
a Church at 20257 (1819) Lafayette	)	
Road within the Urban Growth Area	)	
of Burlington	)	

THIS MATTER, a Special Use Permit request, came on for hearing on February 9, 2000, after due notice. The Skagit County Planning and Permit Center was represented by Marge Swint. Randy Johnson and Marianne Manville-Aillès represented the applicant. Several members of the public testified.

Twenty exhibits were admitted to the record. On the basis of the testimony, exhibits and argument, the following is entered:

**FINDINGS OF FACT**

1. Duane Johnson and Sons Construction, Inc., seeks to build a new church building (Kingdom Hall) on behalf of the congregation. The address is 20257 (1819) Lafayette Road within the Urban Growth Area of Burlington. The property is within a portion of the SE1/4 NW1/4, Sec. 33, T35N, R4E, WM.
2. The property measures about 640 feet by 130 feet and occupies approximately 1.8 acres of land. Currently there is a single-family residence, shed and barn in the front third of the property. The zoning is Residential.
3. A private septic system will serve the proposed project. Water will be provided by the PUD. The applicant has recorded an agreement to connect to the public sanitary sewer whenever such becomes available and to contribute a fair share to any project for the construction of a sewer to serve the site.
4. The surrounding properties to the east and north are developed with single-family residences. The adjacent property to the west is a Methodist Church. Property directly to the south is vacant farmland except for one single-family residence. The subject lot is within 300 feet of an area designated as natural resource land.

5. The proposed church building will be about 3,960 square feet in size, built for an occupant load of 238 people. There will be an auditorium, library, conference room, restrooms, and a dining area. The building will be about 55 feet from the north (rear) property line and approximately 27 feet from each side property line. Access will be from Lafayette Road on the south.

6. The building will be used on Sunday, Tuesday and Thursday for services, talks and studies. The Burlington congregation now has around 128 active members. The average attendance on Sunday is expected to be about 110, on Tuesday about 100, on Thursday around 23. Every morning a few members (about 8) will meet at the church in order to carpool for evangelizing work. The building will be used on occasion for weddings. The applicant is proposing a 61-space asphalt parking lot located in the middle of the property.

7. There are no critical areas on the site. Environmental review produced a Mitigated Determination of Non-Significance (MDNS) issued on September 22, 1999. The MDNS was not appealed.

8. The building has been designed to fit into the residential environment. The exterior will be of wood, brick veneer and hardiplank siding. The roofline will mimic that of surrounding homes. The height will be about the same as neighboring residences.

9. The developer of a nearby residential plat objected to the project, expressing concerns about the potential for intrusive light, noise and evening activity which would be incompatible with the residential character of the area.

10. Two public comment letters were received. One supported the project. The other asserted that the new church would "crowd the Methodist Church" and does not have enough parking area. No objections were received from the Methodist Church.

11. Nine members of the congregation testified, providing assurances that the church will be neatly maintained, that the activities conducted there are quiet ones, that the church is unlikely to be sold to another organization and that the emphasis is on being good neighbors. They also expressed the hope that the new facility will be allowed so that they will have a building of their own and will no longer have to drive to Sedro Woolley for church.

12. The City of Burlington initially identified an issue of sewer service for the site, but this problem has been resolved by the recorded agreement to connect and participate in a future sewer project. For the interim the development has an approved septic system permit.

13. Burlington also expressed some concerns regarding the impact of the proposal on residential privacy, the adequacy of parking, traffic impacts and stormwater management. These matters have been satisfactorily dealt with. Additional information has demonstrated the adequacy of parking. Appropriate conditions for stormwater management will be imposed. Residential privacy will be protected by fencing and landscaping requirements.



14. The preponderance of evidence is that traffic impacts will be minimal. Internal circulation for the project is appropriately laid out. The streets primarily affected have adequate capacity. Peak trips will be on Sunday mornings and Tuesday evenings, times which do not coincide with the peak hours for other traffic on the surrounding streets. During these times one-way trips generated by this project will average 29 to 38. Also, the meeting times of the Kingdom Hall are different from those of the neighboring church.

15. Other public agency comments can all be met by conditions of approval.

16. Having evaluated the exhibits and testimony, the Examiner is persuaded that the proposed church building and its use will be compatible with its setting. If developed residentially, the 1.8 acres would accommodate six or seven homes with daily traffic, noise and less open space. The impacts of the proposed use will not be appreciably greater, nor substantially different in kind. The proposed use is appropriate for a residentially zoned neighborhood in an Urban Growth Area.

17. The Staff Report accurately describes the proposal, the setting and the requirements for approval. The Report is by this reference incorporated herein as though fully set forth.

18. Skagit County Code (SCC) 14.04.150 requires that proposals for Special Use Permits be reviewed for the following:

- A. Conformity to the Comprehensive Plan in respect to compatibility with existing and future land use and circulation.
- B. The zoning of the subject property and surrounding properties and the conformance of the application with the Zoning Ordinance.
- C. Automobile and truck traffic and parking and its effect on the surrounding community.
- D. Noise, odors, heat, vibration, air and water pollution potential of the proposed use.
- E. Intrusion of privacy.
- F. Design of site and structures as to possible effects on the neighborhood.
- G. In addition to the possible effects on the neighborhood in which the use is to be located, the potential effects on the region shall be considered.
- H. Potential effects regarding the general public health, safety, and general welfare.

19. The Staff analysis of how this proposal accords with the above criteria is set forth at pages 5 through 7 of the Staff Report. The Examiner concurs in this analysis and adopts it.

20. Any conclusion herein which may be deemed a finding is hereby adopted as such.



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## CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the subject matter of this proceeding.
2. The requirements of the State Environmental Policy Act have been met.
3. Ordinance # 17375 enacted March 22, 1999, adopted the Burlington municipal codes for the regulation of development within the unincorporated portion of the Burlington Urban Growth Area. The City's zoning districts and various substantive standards were adopted.
4. Burlington has designated the subject area an R-1 Land Use District. Religious institutions may be permitted as conditional uses in such districts under Burlington Municipal Code 17.15.040(e). The County does not appear to have explicitly adopted Burlington's conditional use criteria, but its own Special Use Criteria are closely analogous. The Examiner concludes that Special Use approval would meet the intent of the Urban Growth Area development ordinance.
5. The findings support a conclusion that the proposal is consistent with the Special Use Criteria of SCC 14.04.150, if the following conditions are imposed and complied with:
  - (1) The applicant shall obtain all necessary land use approvals (e.g., building permit, on-site septic, public water, floodplain.)
  - (2) The applicant shall comply with all conditions set forth in the MDNS, namely: (a) The applicant shall comply with all Northwest Air Pollution Authority Requirements; (b) The storm drainage must comply with the State Department of Ecology Manual for both quantity and quality of runoff. (c) Prior to issuance of the building permit, A Waiver of No Protest for a ULID for sewer expansion must be signed and recorded; (d) All applicable Burlington City Codes shall apply.
  - (3) The project shall meet Burlington's standards for fire flow, hydrant spacing and access requirements. The building shall meet UFC Table IIIA requirements.
  - (4) Prior to construction, the application shall obtain a fill and grade permit and receive approval for a temporary erosion control plan.
  - (5) The applicant must meet the requirements of the PUD#1 letter of 12/23/98 for waterlines and easements.
  - (6) PUD water line installation is to be completed or appropriately bonded by framing inspection.
  - (7) The \$50 public water review fee shall be paid with the building permit application.
  - (8) If outside lighting is used it shall be designed to minimize direct illumination of abutting properties and adjacent streets.
  - (9) The applicant shall pay all planning review fees prior to issuance of the building permit.



(10) The applicant shall comply with the provisions of SCC 14.04.190(15)(a)(i), Notification of Development Activities on or Adjacent to Designated Natural Resource Lands.

(11) A landscaping plan meeting the requirements of Burlington Municipal Code Chapter 17.50 shall be submitted with the building permit application. The plan shall be finalized before occupancy is allowed.

(12) The Special Use Permit shall be void if not started within one year of the date of this Order.

6. Any finding herein which may be deemed a conclusion is hereby adopted as such.

### DECISION

The requested Special Use Permit is approved, subject to the conditions set forth in Conclusion 5 above.

*Wick Dufford*

Wick Dufford, Hearing Examiner

Date of Action: March 21, 2000

Copy Transmitted Applicant: March 21, 2000

### RECONSIDERATION/APPEAL

This decision shall become final unless a request for reconsideration or appeal is filed. A request for reconsideration shall be filed with the Hearing Examiner within ten (10) days from the date of this decision. An appeal shall be filed with the Board of County Commissioners within fourteen (14) days from the date of this decision, or if reconsideration has been requested, within fourteen (14) days from the decision after reconsideration.



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