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Skagit County Auditor

10/14/2010 Page

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AFTER RECORDING RETURN TO:
SKAGIT COUNTY HEARING EXAMINER
1800 CONTINENTAL PLACE
MOUNT VERNON, WA 98273

DOCUMENT TITLE: ORDER ON SPECIAL USE PERMIT SU10-0028

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: SLAVIC GOSPEL CHURCH

ASSESSOR PARCEL NO: P24740

PROPERTY LOCATION: The project is located at 14464 SR 9, Mount Vernon, WA;
within Section 14, Township 34 North, Range 4 East, W.M., Skagit County, Washington.

PL10-0028

Permits Plus

Receipt date(s): 1/28, 2/4 and 8/6 2010

NOTICE OF DECISION

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

Applicant: Slavic Gospel Church
c/o Sergey Natekin
1500 E. College Way
Suite A, PMB 568
Mount Vernon, WA 98273

Agent: Summit Engineering & Surveyors, Inc.
% Young-Soo Kim
2218 Old Hwy 99 South Road
Mount Vernon, WA 98273

Request/File No: Special Use Permit, PL10-0028

Location: 14464 State Route 9, within a portion of Sec.14, T34N, R4E, W.M.
(Parcel #P24740)

Land Use Designation: Rural Reserve (RRv)

Summary of Proposal: To remodel and expand a 7,000 square foot agricultural building to a 12,800 square foot church building. The building will be used for church events, such as services, youth worship, weddings, meetings, birthday parties and banquets.

SEPA Compliance: Mitigated Determination of Non-Significance (MDNS) issued on March 25, 2010. The MDNS was not appealed.

Public Hearing: June 9, 2010. One member of public testified on traffic concerns. Planning and Development Services (PDS) recommended approval.

Decision: Approval, subject to conditions

Date of Decision: July 8, 2010

Reconsideration/Appeal: A Request for Reconsideration may be filed with PDS within 10 days of this decision. The decision may be appealed to the Board of County Commissioners by filing an Appeal with PDS within 14 days of the date of the decision, or decision on reconsideration if applicable.

Online Text: The entire decision can be viewed at:
[www.skagitcounty.net/hearing examiner](http://www.skagitcounty.net/hearing_examiner)



FINDINGS OF FACT

1. The Slavic Gospel Church seeks to remodel an existing 7,000 square foot agricultural building and convert it to a 12,800 square foot church building.

2. The location is 14464 State Route 9, within a portion of Sec. 14, T34N, R4E, W.M. The property is situated on the west side of the highway southwest of the intersection of SR-9 and Gunderson Road.

3. The property is about 16 acres in size, zoned Rural Reserve (RRv). The parcel number is P24740. The parcel is above flood elevation, largely cleared, and sloped to the west approximately 7 to 10 percent. There are no wetlands on the site. The surrounding property is zoned RRv and Ag-NRL and is in residential, agricultural and open space use. There are commercial uses on the highway a short distance to the south.

4. The affected area will cover about four acres, adjacent to the highway. The property was formerly used for residential and agricultural purposes, but is not currently being so used. In addition to the building to be remodeled, the site currently contains a house and a small shop. The shop will be removed.

5. The church building will be a steel framed structure measuring 160' by 180', located on the site of the present agricultural building. Both metal and brick will be used in the construction. The project will also include development of parking areas and driveways. About 10% of the property will be impervious surface when the site is fully developed. The remainder will be vegetated.

6. The new church building will be used for a wide array of activities of the congregation, including church services, youth worship, meetings, weddings, birthday parties, and banquets.

7. There are currently two accesses to the property -- one just above the north property line opposite Gunderson Road, and one on the south end of the parcel. Presently the Washington State Department of Transportation (WSDOT) is asking that the northerly access be used and that the southerly access be closed off. The northerly access is on an unopened County right-of-way which, if opened would extend Gunderson Road to west of SR-9.

8. Forty two parking stalls are proposed, as well as overflow parking areas. The applicant says the arrangement will readily accommodate anticipated crowds. Although the facility may be open seven days a week, the major trip generation will occur at non-peak traffic times, and thus will not likely have a significant effect on peak traffic volume on SR-9 or Gunderson Road.

9. One member of the public testified to concerns about being delayed in exiting Gunderson Road to SR-9 when services at church let out. He suggested leaving both present accesses open. Applicant's consultant noted that the project needs to satisfy WSDOT, but said the two access alternative will be further explored.



10. The new church will be served by septic tanks. A new drainfield (mound system) will be installed between the highway and the parking area. There is an existing well on the property, but the applicant plans to extend the nearby Public Utility District (PUD) line to the property to take advantage of the public water supply. Natural gas and electric power are available to the property.

11. Stormwater management will meet State and local standards. This may mean construction of a detention pond to control the runoff rate prior to discharge to a defined drainage course. No groundwater will be affected by the project.

12. A landscape plan has been submitted, showing the planting of trees, shrubs and ground cover around the building and parking areas. A 4' x 8' sign will be placed near the driveway entrance.

13. The notice of development for this project was published on March 25, 2010, and additional notice by posting and mailing was given as required by law. No public comment letters were received.

14. Environmental review was conducted pursuant to the State Environmental Policy Act (SEPA). After review of the environmental checklist and other available information, the County issued a Mitigated Determination of Non-Significance (MDNS) on April 27, 2010. The MDNS was not appealed. The conditions of MDNS are reflected in conditions of approval.

15. The proposed use is not contrary to the character, landscape and lifestyle of the area in which it will be located. There does not appear to be any neighborhood opposition.

16. Consulted departments and agencies had no objections to the project. Their comments are reflected in conditions of approval.

17. SCC 14.16.900(1)(b)(v) sets forth the criteria for approval of a Special Use Permit, as follows:

(A) The proposed use will be compatible with existing and planned land use and comply with the Comprehensive Plan.

(B) The proposed use complies with the Skagit County Code.

(C) The proposed use will not create undue noise, odor, heat, vibration, air and water pollution, impacts on surrounding, existing, or potential dwelling units, based on the performance standards of SCC 14.16.840.

(D) The proposed use will not generate intrusions on privacy of surrounding uses.

(E) Potential effects regarding the general public health, safety, and general welfare.

(F) For special uses in . . . Natural Resource Lands, the impacts on long-term resource management and production will be minimized.

(G) The proposed use is not in conflict with the health and safety of the community.

(H) The proposed use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding areas, or can be established to mitigate adverse impacts on such facilities.

(I) Maintains the character, landscape and lifestyle of the rural area. For new uses, proximity to existing businesses operating via special use permit shall be reviewed and considered for cumulative impacts.

18. The Staff Report analyzes the proposal in light of the above criteria and determines that, as conditioned, the project will be consistent with them. The Hearing Examiner concurs with this analysis and adopts the same. The Staff Report is by this reference incorporated herein as though fully set forth.

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

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the subject matter of this proceeding. SCC 14.06.050(1)(b)(ii).

2. The requirements of SEPA have been met.

3. The proposal is for a "church" as defined by SCC 14.04.020.

4. In the Rural Reserve (RRv) zone a church requires a Special Use Permit. SCC 14.16.320(4)(f).

5. As conditioned, the proposed development will be consistent with the criteria for Special Use Permit approval. SCC 14.16.900(1)(b)(v).

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



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CONDITIONS

1. The project shall be constructed and operated as described in the application materials, except as the same may be modified by these conditions.
2. The applicant shall obtain all other necessary permits and approvals and shall abide by the conditions of same.
3. The applicant shall submit a hydro-geo report per SCC 14.24.330(2)(a).
4. The applicant shall provide proof that public water is available to supply the proposed development.
5. The applicant shall comply with Chapter 12.05 SCC, On-Site Sewage Code.
6. The applicant shall comply with Chapter 173-60 WAC, noise.
7. The applicant shall comply with Chapters 173-201A and 173-200, surface and ground water quality.
8. The applicant shall meet all requirements of the Washington State Department of Transportation (WSDOT). Efforts shall be made to secure approval for a second access.
9. The applicant shall obtain a building permit for the proposed remodel and addition.
10. Temporary erosion/sedimentation control measures, as approved by the County Department of Public Works, shall be in place prior to the placement of any fill material. The applicant shall maintain such measures in accordance with Chapter 14.32 SCC, Drainage Ordinance. Such measures shall remain in place until completion of the project.
11. The applicant shall comply with Northwest Clean Air Agency requirements.
12. The applicant shall comply with the provisions of Chapter 14.32 SCC, Drainage Ordinance, as it relates to increased runoff resulting from additional impervious surface.
13. The applicant shall comply with Fire Code Standards.
14. An engineered soils compaction report shall be required for all structures placed on fill material.
15. The applicant shall comply with relevant provisions of Chapter 14.24 SCC, Critical Areas.
16. A Construction Stormwater General Permit may be required by the State Department of Ecology (DOE) for this project. Contact DOE.



17. The applicant shall comply with SCC 14.16.830, landscaping.
18. The applicant shall comply with SCC 14.16.820, signs.
19. The applicant shall comply with SCC 14.16.840, performance standards.
20. The applicant shall comply with SCC 14.16.800, parking.
21. The remodeled building shall meet ADA requirements.
22. The Special Use Permit shall be void if a complete building permit has not been filed within two years of permit approval.
23. A copy of this decision shall be submitted with the building permit application.
24. Failure to comply with any condition may result in permit revocation.

DECISION

The requested Special Use Permit (PL10-0028) is approved, subject to the conditions set forth above.

DONE this 8th day of July, 2010.



Wick Dufford, Hearing Examiner

Transmitted to Applicant on July 8, 2010

See Page 1, Notice of Decision, for Reconsideration and Appeal information.



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