

NOTICE OF DECISION

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

- Applicant:** Slavic Gospel Church
c/o Sergey Natekin
P. O. Box 2595
Mount Vernon, WA 98273
- Agent:** Summit Engineers & Surveyors, Inc.
% Young-Soo Kim
2218 Old Highway 99 S. Road
Mount Vernon, WA 98273
- Request/File No:** Special Use Permit, PL10-0348
- 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 24,000 square foot church building. The building will be used for church events, such as services, youth worship, weddings, meetings, birthday parties and banquets. (This expands and basically replaces the Special Use Permit approved in PL10-0028 for a 12,800 square foot church building.)
- SEPA Compliance:** Mitigated Determination of Non-Significance (MDNS) issued on November 18, 2010. The MDNS was not appealed.
- Public Hearing:** January 26, 2011. No public testimony. Planning and Development Services (PDS) recommended approval.
- Decision:** Approval, subject to conditions
- Date of Decision:** February 4, 2011
- 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 to convert it to a 24,000 square foot church building.

2. The property is Parcel P24740 located along the west side of SR-9 just south of the intersection of SR-9 and Gunderson Road. The address is 14464 State Route 9. The site is within a portion of Sec. 14, T34N, R4E, W.M. The property is about 16 acres in size and zoned Rural Reserve (RRv). The land is above flood elevation, largely cleared and sloped moderately to the west. The surrounding property is zoned RRv and Ag-NRL and is in residential, agricultural and open space use. There are commercial uses along the highway a short distance to the south.

3. The remodeling and conversion of the subject building to a 12,800 square foot church building was approved in June of 2010 (PL10-0028). Before commencing the remodeling the church leaders decided to seek to expand the church to what is likely to be its full growth capacity and filed this application for a 24,000 square foot building. Such a building would accommodate 400 plus church members. This level of usage will probably not be reached for some time.

4. Other than size, the new project differs from the old in just one significant way. The access has been changed. Previously the idea was that access would be on unopened county right-of-way opposite the point where Gunderson Road enters State Route 9. Some concerns were expressed about how this arrangement would affect traffic trying to get onto SR-9 from Gunderson Road. The present proposal eliminates any such problem.

5. The present proposal is for access to the site off of SR-9 from a point that is south of Gunderson Road. The northerly access that would extend Gunderson Road will be removed. The Washington State Department of Transportation sees this change as an improvement of the access plan. A State access permit will be obtained.

6. The larger church is not considered likely to adversely affect traffic on SR-9 in a significant way. The project's peak hour volume addition onto SR-9 may be less than 20 due to church operations occurring at off peak times.

7. Church services will be held mostly on weekends. Other events, such as weddings, retreats, youth gatherings, may be held on week days, but such use will be only occasional.

8. There is more than adequate space for parking. 80 on-site parking stalls are proposed with substantial overflow parking available.

9. There will be two phases associated with the project. Phase 1 will consist of building the 24,000 square foot shell and finishing half of the inside. Phase 1 is planned to begin in the spring of 2011 and end in the spring of 2012. Phase 2 will likely start in the spring of 2015 and end in the spring of 2016. The second phase will consist of finishing the remaining interior.

10. The applicant has stated that a 4-foot by 8-foot sign will be placed 20 feet west of SR-9 near the access point. Landscaping complying with the County Code will be provided. More trees than required may be planted to screen the facility. Areas not devoted to driveways, utilities, buildings and parking areas will be re-vegetated with shrubs, grass and lawn.

11. Stormwater management will be designed to meet State and local standards. Stormwater runoff will be routed to a detention pond and discharged to the defined drainage course at pre-project rates. No ground water will be affected.

12. The new church will be served by a septic tank and drainfield sewage disposal system. A mound system of approximately 3,500 square feet will be installed between the highway and the parking area. Potable water will be provided by extending the nearby PUD line to the property. The building will be equipped with sprinklers and the detention pond will provide additional fire flow. Other utilities are available to the site.

13. The large building proposed will not be an aesthetic affront in this predominantly agricultural setting where sizable structures are expectable. The structure will be built of wood and metal siding. To a degree, vegetation will obscure the structure from view from the highway.

14. On October 12, 2010, the applicant submitted a wetland site assessment showing that no wetlands are located within 300 feet of the project area. The Critical Areas staff approved the proposed project location.

15. County departments were asked for comments. Their comments are reflected in conditions of approval.

16. Environmental review pursuant to the State Environmental Policy Act (SEPA) was conducted for the expanded project. A new MDNS was issued on November 18, 2010. No appeals were filed. The conditions of the MDNS have been incorporated into the conditions of approval below.

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, base 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 Resources 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 evaluates the project in light of these criteria and determines that, as conditioned, it will comply with them. The Hearing Examiner concurs with this analysis and adopts the same. The Staff Report is by this reference incorporated herein.

19. The Notice of Development was posted on the property, mailed to neighboring owners, and published on October 28, 2010. No public comment letters were received. The public hearing was held on due notice. No public testimony was given.

20. 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 RRv zone, a church is allowed as a Special use. SCC 14.16.320(4)(f).

5. There are no separate criteria for the modification of a Special Use Permit. This application was evaluated under the criteria for a new Special Use Permit.

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

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

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 comply with all conditions of the MDNS issued on November 18, 2010, to wit:

(1) Temporary erosion/sedimentation control measures, as approved by the Skagit County Department of Public Works, shall be in place prior to the placement of any fill material. The applicant shall maintain all temporary erosion/sedimentation control measures in accordance with the Skagit County Drainage Ordinance. Said measures shall remain in place until completion of the project.

(2) The applicant shall comply with Northwest Clean Air Agency requirements.

(3) The applicant shall comply with the provisions of Chapter 14.32 of the Skagit County Code, the Skagit County Drainage Ordinance, as it relates to increased runoff resulting from additional impervious surfaces.

(4) The applicant shall comply with Fire Code Standards.

(5) An engineered soils compaction report shall be required for all structures placed on fill material.

(6) The applicant shall comply with all relevant provisions of 14.24 of the Skagit County Code (Skagit County Critical Areas Ordinance).

(7) A Construction Stormwater General Permit (NPDES) may be required by the Department of Ecology (WSDOE) for this project. Contact the WSDOE Bellingham Field Office at (360) 715-5200 to determine if an NPDES permit is required.

(8) The applicant shall comply with Skagit County Code 14.16.830 Landscaping requirements.

(9) The applicant shall comply with Skagit County Code 14.16.820 Signage requirements.

(10) The applicant shall comply with Skagit County Code 14.16.840, Performance standards requirements.

(11) The applicant shall comply with Skagit County Code 14.16.800 Parking requirements.

4. A building permit shall be applied for and obtained for the proposed remodel/addition.
5. The applicant shall comply with all relevant provisions of chapter 14.16 SCC, the Zoning Ordinance.
6. The applicant shall meet all requirements of the Skagit County Public Health Department for public water approval. Applicant shall submit written approval from the PUD for installation approval of the PUD connection installed per PUD requirements.
7. Before the building permit is issued, the applicant shall submit to PDS copies of the well decommissioning paperwork submitted to the State Department of Ecology
8. Low flow mitigation shall be provided before the building permit is issued.
9. The applicant shall comply with chapters 12.48 SCC (water) and 12.05 SCC (septic).
10. The applicant shall comply with chapter 173-60 WAC (noise) and SCC 14.16.840 (noise, vibration, light). Ventilation shall not be addressed by open doors or windows.
11. Applicant shall comply with chapters 173-201A WAC (surface water quality) and 173-200 (groundwater).
12. Applicant shall meet all requirements of the State Department of Transportation.
13. As proposed, the building will be required to be sprinklered. Two full-sized sets of sprinkler plans shall be submitted to the Fire Marshal's office for review.
14. Fire flow is required.
15. If onsite storage is proposed, engineered plans for storage facilities and a hydrant system shall be required.
16. In addition to those regulations explicitly called out above, the applicant shall comply with all applicable State and local regulations.
17. The church shall meet ADA requirements.
18. The Special Use Permit shall be void if an initial building permit application has not been filed within two years of Special Use Permit approval. The application shall be construed as a phasing plan extending through the year 2016. If the applicant determines that more time is needed, an extended phasing plan shall be submitted to PDS for consideration.

19. A copy of this decision shall be submitted with the building permit application.
20. Failure to comply with any condition may result in permit revocation.

DECISION

The requested Special Use Permit (PL10-0348) is approved, subject to the conditions set forth above.

DONE this 4th day of February, 2011



Wick Dufford, Hearing Examiner

Transmitted to Applicant on February 4, 2011

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