CITY OF OAK HARBOR
HEARING EXAMINER

RE:	Conditional Use Permit Application for	)	CUP-13-01
		)	
		)	FINDINGS OF FACT,
	Oak Harbor ***United Pentecostal Church***	)	CONCLUSIONS OF LAW,
		)	AND DECISION

SUMMARY OF APPLICATION AND DECISION

Application: The application is to consider a Conditional Use Permit for Oak Harbor United Pentecostal Church to locate in a mixed occupancy commercial complex in the C-3, Community Commercial District. Churches are conditional uses in the C-3, Community Commercial District in accordance to OHMC 19.20.350(1).

Decision: The Hearing Examiner for the City of Oak Harbor hereby grants approval for the requested Conditional Use Permit, subject to the Conditions of Approval recommended by the Development Services Department of the City of Oak Harbor.

FINDINGS OF FACT

INTRODUCTION

The following Findings of Fact and Conclusions of Law are based upon consideration of the exhibits admitted herein and evidence presented at the public hearing.

I.

Applicant: Oak Harbor United Pentecostal Church, represented by Mark Dillon

Property Owner: Bill Bulpin, PO Box 669, Oak Harbor, WA 98277

Address of Proposal: 210 SE Pioneer Way, Suite 4
Oak Harbor, WA 98277

Parcel Number: S6565-00-00037-4

Comprehensive Plan Designation: Community Commercial

Zoning Designation: C-3, Community Commercial

Application Presented for Action:
Conditional Use Permit (CUP-13-01), Review Process III

Legal Notices: Published: Notice of Public Hearing, November 30, 2013

Mailed: Notice of Application, October 29, 2013and
Notice of Public Hearing, November 26, 2013

Posted: Notice of Application, October 30, 2013 and
Public Hearing Notices, November 21, 2013

Hearing Date: December 16, 2013

Parties of Record:

Mark Dillon
PO Box 670
Oak Harbor, WA 98277

Cac Kamak, Senior Planner
Development Services Department

Exhibits:

1 Staff Report, dated December 16, 2013
2 Conditional Use Application Coversheet
2-1 Application Form, dated October 11, 2013
3 Critical Area Identification Form, dated October 11, 2013
4 Google Map showing aerial view of site location
5 Conditional Use Narrative, October 13, 2013, prepared by Pastor Mark Dillon
6 Photograph of proposed location
7 Official Zoning Map of site
8 Island County Assessor and Treasurer Property Details
9 Mailing List and Map
10 Assessor's Aerial Map of Site Location
11 Agreement to Grant Easements with Covenants and Restrictions Affecting Land, September 1, 1993
12 Certification of Posting Public Hearing Notices, November 21, 2013
13 Certification of Legal Notice of Public Hearing, November 21, and published November 30, 2013
14 Legal Notice of Public Hearing Before the Hearing Examiner

15 Certification of Mailing Notice to Adjacent Property Owners: Notice of Public Hearing, November 26, 2013
16 Notice of Public Hearing to Adjacent Property Owners
17 Affidavit of Posting: Notice of Application, October 30, 2013
18 Notice to Adjacent Property Owners: Notice of Application, October 29, 2013, with Public Hearing Information
19 Certification of Posting: Notice of Application, October 29, 2013
20 List of Adjacent Property Owners and Addresses receiving Notice
21 Certification of Mailing Notice to Adjacent Property Owners, October 29, 2013
22 Chapter 19.44 Parking, Oak Harbor Municipal Code

II.

The Development Services Department of the City of Oak Harbor recommended approval of the requested Conditional Use Permit, subject to conditions. The Findings of Fact and Conclusions of Law of the Department are set forth in a Staff Report, Exhibit #1, dated December 16, 2013, a copy of which is attached hereto and incorporated herein by this reference.

The Findings of Fact set forth by Staff in the Staff Report are supported by the record as a whole. The Applicant's representative indicated that there were no factual inaccuracies in the Staff Report. There was no written or oral public comment at the public hearing on this proposal.

III.

Any Conclusion of Law which is deemed a Finding of Fact is hereby adopted as such. Based on the foregoing Findings of Fact, now are entered the following

CONCLUSIONS OF LAW

I.

The Hearing Examiner concurs in the Conclusions of Law reached by Staff in the Staff Report and with Staff's Recommendation that the Conditional Use Permit Approval is consistent with the Conditional Use Criteria of OHMC 19.67. Subject to the Conditions of Approval attached to the granting of this permit, the proposal is consistent with the Conditional Use Criteria. A Conditional Use Permit should be granted, subject to conditions.

II.

Any Finding of Fact deemed to be a Conclusion of Law is hereby adopted as such. Based on the foregoing Findings of Fact and Conclusions of Law, now is entered the following

DECISION

The Hearing Examiner for the City of Oak Harbor hereby grants Conditional Use Permit Approval to Oak Harbor United Pentecostal Church to locate in a mixed occupancy commercial complex at 210 SE Pioneer Way, Suite 4, Oak Harbor, WA, parcel S6565-00-00037-4, subject to the following Conditions of Approval:

1. Church related gatherings and services shall be limited to off-peak business hours such as evening and Sundays.

2. Limited expansions or modifications to the area for the purposes of establishing additional accessory uses can be requested through a Type II administrative review process. Expansions and modifications to the existing area (such as additional suites within the complex) to accommodate larger gatherings for services shall be a Type III review process.

3. The Conditional Use Permit shall not be transferable to a subsequent user unless specifically authorized by the Hearing Examiner who finds it appropriate and a permit authorizing the transferability is on record with the Island County Auditor.

4. The Conditional Use Permit must be acted on within one year of the date of granting. Otherwise the Conditional Use Permit shall expire and be null and void.

5. The Conditional Use Permit applies only to the property for which the application is made.

NOTICE

This approval is subject to all of the above-stated conditions. Failure to comply with them may be cause for enforcement action pursuant to OHMC 19.100. Complaints regarding a violation of the conditions of this permit should be filed with the City of Oak Harbor Development Services Department.

NOTICE OF APPEAL PROCEDURES FROM FINAL DECISIONS OF

This decision of the Hearing Examiner for the City of Oak Harbor is final ten days after the issuance of this decision unless it is appealed to the Island County Superior Court within ten days of the issuance of this decision, pursuant to 30.70C R.C.W.

DATED this 19th day of December 2013.

Michael Bobbink

Michael Bobbink, Hearing Examiner