CITY OF OAK HARBOR
HEARING EXAMINER

RE:	Conditional Use Permit Application for	)	CUP-11-01
		)	
		)	FINDINGS OF FACT,
	Church of Jesus Christ of	)	CONCLUSIONS OF LAW,
	Latter-Day Saints	)	AND DECISION

SUMMARY OF APPLICATION AND DECISION

Application: The application is to consider a Conditional Use Permit for construction of a new roof mounted spire of 65-feet in height on the existing church. The Applicant also requests a Conditional Use Permit for the existing use of the church within the R-1 zoning district. The City of Oak Harbor recognizes that the church has existed in this zoning district since construction in the 1970s.

Decision: The Hearing Examiner for the City of Oak Harbor hereby grants approval for the proposals, 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: Church of Jesus Christ of Latter-Day Saints, represented by Gary Kienast

Property Owner: Corp Pres Bishop Church, c/o Doug Stratton, PO Box 2238, Mount Vernon, WA 98273-2238

Address of Proposal: 201 NE O'Leary Street
Oak Harbor, WA 98277

Parcel Number: R13335-114-4500

Comprehensive Plan Designation: Low Density Residential

Zoning Designation: R-1, Single Family Residential

Application Presented for Action:
Conditional Use Permit (CUP-11-01), Review Process III

SEPA: Categorically exempt from environmental review, per WAC 197.11.800.

Legal Notices: Published, July 23 and August 17, 2011
Mailed, July 20 and August 11, 2011
Posted, July 20 and August 16, 2011

Hearing Date: September 9, 2011

Parties of Record:

Gary Kenast
1303 Commercial Street, #2
Bellingham, WA 98225

Corp Pres Bishop Church
c/o Doug Stratton
PO Box 2238
Mount Vernon, WA 98273-2238

Melissa Sartorius
Associate Planner City of Oak Harbor

Exhibits:

1 Staff Report
- 1-1 Aerial Photo of Site
- 1-2 Zoning Map of Site
- 1-3 Conditional Use Applications dated 7/13/11and 8/9/11
- 1-4 Conditional Use Permit and Associated Letters, dated 1989 & 1990
- 1-5 Emails from Applicant dated July 28 and August 8, 2011
- 1-6 Public Noticing Documents
- 1-7 Site Visit Photos dated July 28, 2011

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 September 9, 2011, 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 19.28.040, 19.28.060, 19.20.115, and 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 the Church of Jesus Christ of Latter-day Saints for a new roof mounted spire of 65-feet in height on the existing church, located at 201 NE O'Leary Street, Oak Harbor, WA, parcelR13335-114-4500. In addition, the Hearing Examiner further grants Conditional Use Approval to the Church of Jesus Christ of Latter-day Saints and is hereby brought into compliance with the R-1 zoning district and the City of Oak Harbor Municipal Code, subject to the following Conditions of Approval:

1. The approval applies to the Conditional Use Permit submittal materials received on 7/13/11 and 8/9/11.

2. That all requirements for building and fire codes be met for the building improvements. A building permit is required for the new spire. The Applicant shall provide the City with structural calculations and details as well as wind loading calculations.

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 16th day of September 2011.

Michael Bobbink

Michael Bobbink, Hearing Examiner

Church of Jesus Christ of Latter-day Saints Spire Replacement
Case No. CUP-11-01
Staff Report to Hearing Examiner
September 9, 2011

APPLICATION:

There are two applications on the same property for consideration at this hearing: 1) To consider a conditional use for a new roof mounted spire of 65 feet in height on the existing church and 2) For the church to obtain a conditional use permit for the existing use of the church within the R-1 zoning district. The city recognizes that the church has existed in this zoning district since construction in the 1970's.

PRELIMINARY INFORMATION:

Applicant: Gary Kienast for the Church of Jesus Christ of Latter-day Saints, 1303 Commercial Street, #2, Bellingham, WA 98225

Property Owner: Corp Pres Bishop Church, c/o Doug Stratton, PO Box 2238, Mount Vernon, WA 98273-2238

Address of proposal: 201 NE O'Leary Street, Oak Harbor, WA 98277

Parcel Number: R13335-114-4500

Comprehensive Plan Designation: Low Density Residential

Zoning Designation: R-1, Single Family Residential

Application Presented for Action:
-Conditional Use Permit (CUP-11-01), Review Process III

Attachments:

Exhibit 1	Aerial Photo of Site
Exhibit 2	Zoning Map of Site
Exhibit 3	Conditional Use Applications dated 7/13/11 and 8/9/2011
Exhibit 4	Conditional Use Permit and Associated Letters dated 1989 & 1990
Exhibit 5	Emails from applicant dated July 28 and August 8, 2011
Exhibit 6	Public Noticing Documents
Exhibit 7	Site Visit Photos dated July 28, 2011

BACKGROUND:

On July 13, 2011, a representative for the Church of Jesus Christ of Latter-day Saints submitted materials for a Conditional Use Application for replacing the existing ground mounted spire with a new roof mounted spire (Exhibit 3). As per OHMC 19.28.040, roof structures (including

EXHIBIT
#1

steeples or similar structures) may not extend more than 10 feet above the height limit for the district (in this case 35 feet) unless approved as a conditional use by the hearing examiner.

The property is zoned R-1, Single Family Residential and in accordance with OHMC 19.20.115(4), churches and associated rectories, convents or other similar structures require a conditional use permit in the R-1 zoning district. The church was built in the late 1970's and all but the existing spire burned down sometime between then and 1989 when the city issued a permit for an addition and a remodel. In researching city files on the property for preparation of the staff report on the spire, it was discovered that the church does not have a valid conditional use permit for the property. In 1989, a conditional use permit was granted to the church by the Oak Harbor Board of Adjustment for the addition and remodel to the church with the clause that a building permit and/or occupancy permit be obtained for the property within six months from the date of the Board's decision (Exhibit 4). The Board took action on 8/3/1989 which was signed on 8/7/1989 and became effective (as stated on the permit) on 8/13/1989. In a letter to the church dated January 10, 1990, the city notified the church that the permit would expire on February 13, 1990 if a building or occupancy permit was not issued by that time. The church applied for a building permit on January 18, 1990 shortly after receiving the letter however the permit was not issued until April 10, 1990. After discussing the situation, both the city and the applicant concluded that it would be best for the church to obtain a valid conditional use permit for the use of the church itself while going through the process for the spire permit. The city received a Conditional Use Application on August 9, 2011 from the applicant to bring the church into compliance with city code.

Review Process

In accordance with OHMC Section 18.20.250(2)(b), applications for conditional uses are Review Process III actions. Such actions are subject to an open record public hearing before the Oak Harbor Hearing Examiner, followed by a final decision by the Examiner.

After due and proper notice, the public hearing to consider CUP-11-01 has been scheduled for 10:00 a.m., or as soon as possible thereafter, on September 9, 2011.

PROJECT DESCRIPTION

The applicant proposes to erect a new 65 foot roof mounted pre-fabricated spire on the church. The existing 57 foot ground mounted masonry spire that is located in front of the church will be demolished. In addition, the church is seeking to obtain a valid conditional use permit to bring the church into compliance with the R-1 zoning district and the City of Oak Harbor Municipal Code. The applicant provided operational characteristics of the church in both an email dated August 8, 2011 and the application criteria sheet dated August 9, 2011 (Exhibits 3 & 5). According to those documents, the church is busiest on Sundays with some group meetings during weekdays. Services are staggered throughout the day on Sundays to allow three different church wards to attend.

SITE GEOGRAPHY

The site is 2.15 acres in size, is developed with the church and its associated parking lot and is essentially flat. There are no critical areas present. Surrounding uses are residential (Exhibit 1).

Land uses abutting the site include the following (Exhibit 2):

	Existing Land Use	Zoning
North:	Residential	R-1, Single Family Residential
South:	Residential	R-1, Single Family Residential
East:	Residential	R-1, Single Family Residential
West:	Multi-Family Residential	R-2, Limited Multi-Family Residential

SEPA:
Minor new construction and minor land use decisions are categorically exempt from environmental review per WAC 197.11.800.

PUBLIC COMMENTS:
As of the date of this staff report, no public comments have been received on the project.

LEGAL NOTICE:
The application was determined to be complete for processing on July 15, 2011 and August 9, 2011. The City issued a combined Notice of Application and Notice of Public Hearing that was advertised in the Whidbey News Times on July 23, 2011 with a 15-day comment period that closed on August 8, 2011. Letters went out to all property owners within a 300-foot radius of the project on July 20, 2011 and notice was posted on the subject property on July 20, 2011. A combined Revised Notice of Application and Revised Notice of Public Hearing were advertised in the Whidbey News Times on August 17, 2011 with a 15-day comment period that closed on August 31, 2011. Letters went out to all property owners within a 300-foot radius of the project on August 11, 2011 and a revised notice was posted on the subject property on August 16, 2011 (Exhibit 6).

CONDITIONAL USE REVIEW FOR SPIRE
The erection of a roof structure more than 10 feet above the zoning district's height limit requires a conditional use by the hearing examiner per OHMC 19.28.040(2) 1.

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1 19.28.040 Height limits – Roof structures.
Roof structures for the housing of elevators, stairways, tanks, ventilating fans and similar equipment to operate and maintain buildings; fire and parapet walls; skylights; towers, chimneys, smokestacks, wireless masts, television antennas, steeples and similar structures may be erected above the height limits prescribed in this title so long as the following conditions are met:

(1) Such portion of building or structure above the prescribed height limit shall not be allowed or used for the purpose of providing additional floor space;

(2) Structures specified in this section may not extend more than 10 feet above the height limit of the district, whether it is attached or freestanding, unless approved as a conditional use by the hearing examiner;

(3) Freestanding structures exceeding the height limit must be more than 10 feet from the nearest property line or point thereon;

The Oak Harbor Municipal Code 19.67 Conditional Uses, states that a conditional use permit shall be granted if the following criteria are met:

1. **All special conditions for that particular use are met.**
   Per OHMC 19.28.060 conditional use permits for buildings or structures enumerated in OHMC 19.28.040 and exceeding 10 feet above the height limitation of the district may be granted so long as the following conditions are met:

   (a) It is reasonably necessary for the use of the property;
   A traditional component to a church is a steeple or spire. As this is typical of many churches and provides functions to a church such as housing bells, easy identification, etc., it is a reasonable use for a church.

   (b) It is located more than 30 feet from the nearest property line or point thereon;
   The location of the proposed spire is more than 30 feet away from the nearest adjacent property line which is approximately 80 feet to the east across O'Leary Street. Please see Exhibit 1.

   (c) It can be demonstrated to be safe;
   According to the applicant the existing masonry spire may contain some damage from the fire in the 1980's thus prompting replacement. The proposed spire will be new thereby removing a potential hazard and ensuring safety. Additionally, the height of the spire does not conflict with aviation regulations as reviewed by staff (CFR Title 14 Part 77.9.).

   (d) It does not materially impair the view of surrounding properties;
   Surrounding properties currently and historically have had views of the church and the existing spire since the 1970's when the church was constructed. Staff visited the site on July 28, 2011 to assess and evaluate potential view impacts. Properties to the north and east slope slightly uphill, while the properties to the south and west are slightly higher than the church. The church effectively sits in a slight depression from the surrounding area. Photos from staff's visit are attached as Exhibit 7. In staff's opinion, while the proposed spire is eight feet higher than the existing spire, the tapering effect of the spire as described in the applicant's narrative and shown in the building elevations combined with the topography of the adjacent land (church is lowest point in the area) should not materially impair the view of surrounding properties.

   (e) It does not materially increase fire or other safety risks for the property or surrounding area;
   The proposed spire is likely to be less of a fire and safety risk than the existing one as it would be brand new without damage. Church spires are relatively small

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(4) No sign is affixed to the structures above the height limit for the district. (Ord. 1555 § 11, 2009).

structures when compared to the primary building and thus are not anticipated to materially increase fire and safety risks for the property.

(f) It complies with OHMC 19.28.040(1), (3) and (4).

> 19.28.040
> (1) Such portion of building or structure above the prescribed height limit shall not be allowed or used for the purpose of providing additional floor space;
> *No additional floor space is proposed for this project therefore this condition is met.*
>
> (3) Freestanding structures exceeding the height limit must be more than 10 feet from the nearest property line or point thereon; *The proposed structure will not be freestanding; it is proposed to be attached to the roof therefore this condition does not apply. This condition is met.*
>
> (4) No sign is affixed to the structures above the height limit for the district. *A sign affixed to the spire is not proposed for this project. This condition is met.*

In staff's opinion, all of the special conditions listed above are met or can be met by conditioning the permit. There are no special conditions listed under the R-1 zoning district.

Per OHMC 19.28.060 (2), the hearing examiner may require reasonable conditions to be met for granting a conditional use permit to exceed the height limitations, including but not limited to specifying the location, design, lighting, construction and use.

2. **It does not have a significant, adverse environmental impact resulting in excessive noise, light and glare or soil erosion on adjacent property.**
The church spire is proposed to be mounted on the roof therefore no soil erosion will occur. Short-term noise will occur from construction equipment while demolishing the existing spire and mounting the new spire. This is will not result in excessive long-term noise on the property. Lights are not proposed for the spire therefore no light and glare impacts are anticipated.

3. **It is provided with adequate parking.**
Replacing the spire does not necessitate a review of the current parking per OHMC 19.44.050.

4. **It is served with adequate public streets, public utilities and facilities.**
The site is located along and has access from NE O'Leary Street. Public utilities are available to serve the site.

5. **It otherwise meets the purpose of the district in which it is to be placed.**
Churches are conditional uses within the R-1, Single Family Residential zoning district. The conditional use permit process for roof structures 10 feet above the district height limit is intended to ensure compatibility and safety of a roof structure with adjacent uses. Church steeples or spires are a typical part of a church. In staff's opinion, the existing church in combination with the proposed conditional use meets the purpose of the district.

6. **It meets the goals and policies of the Oak Harbor Comprehensive Plan.**
Specific goals and policies of the Oak Harbor Comprehensive Plan that the Application will meet include the following:

Land Use Element:

Goal 1 – To respect the "small town" heritage of Oak Harbor while enhancing the unique character of its neighborhoods and districts with development that is fitting with the City's future as a regional center.

Goal 2 – To retain the character and visual identity of the Oak Harbor area.
Policy: 2.b. Consider view corridors when planning for development.

Goal 4 – To preserve community character through quality design.

Goal 8 – To ensure that the location, situation, configuration, and relationship of the varied land uses within the UGA are consistent and compatible.

Goal 19 – To create and maintain a balanced community that mixes residential use and non-residential uses in a way that promotes environmental quality and community aesthetics.

CONDITIONAL USE REVIEW FOR THE USE OF THE CHURCH

The applicant proposes to use the existing church to conduct services and weekly meetings. No external alteration or modifications are proposed to the building or the site with the exception of the spire. A church located in the Single Family Residential (R-1) zoning district requires a conditional use by the hearing examiner per OHMC 19.20.115(4).

The Oak Harbor Municipal Code 19.67 Conditional Uses, states that a conditional use permit shall be granted if the following criteria are met:

1. **All special conditions for that particular use are met.**
No special conditions are established within the R-1 zoning district for churches or similar structures. The Hearing Examiner may establish conditions of approval as provided for by OHMC 19.67.050.

2. **It does not have a significant, adverse environmental impact resulting in excessive noise, light and glare or soil erosion on adjacent property.**

The conditional use requested will be accommodated within an existing structure and will not have a significant, adverse environmental impact resulting in excessive noise. The property is already developed and is mostly flat in slope so no soil erosion is anticipated. Light and glare to adjacent properties is minimal as the parking lot lighting contains downward directing light fixtures.

3. **It is provided with adequate parking.**
   Churches, auditoriums and similar enclosed places of assembly are required to provide off-street parking facilities at the rate of one parking space per four seats and/or one per 30 square feet of assembly space without fixed seats per OHMC 19.44.100. According to the applicant's response to the conditional use criteria (Exhibit 3) the chapel contains 234 fixed seats which equates to 59 parking spaces. The cultural hall (gym) is 2,784 square feet of assembly space without fixed seats which equates to 93 parking spaces. The total required parking for both spaces is 152 spaces; the parking lot currently contains 108 striped parking spaces (based on the aerial). At the time of site plan approval in 1989, the current amount of parking was approved on the basis that the two separate areas not be used at the same time; thereby reducing the demand on parking (see Exhibit 4 - letter dated July 20, 1989). O'Leary Street is classified as a local residential street with a sixty foot right-of-way that does not have formal on-street parking. It is used however for informal on-street parking by both member of the church and adjacent residents. The applicant's response also indicates that they are contemplating adding 10 additional parking spaces to the site. The city has not received an application for revising the parking on the site plan at this time. Considering the current number of striped parking spaces in conjunction with the site plan approval letter from 1989 as well as the church recognition that occasionally the parking demand exceeds the number of existing parking spaces and has future plans to increase the amount of parking, staff finds that there is adequate parking provided on site to meet the proposed use in this location without impact to surrounding properties.

4. **It is served with adequate public streets, public utilities and facilities.**
   The site is located along and has access from NE O'Leary Street. Public utilities already serve the site.

5. **It otherwise meets the purpose of the district in which it is to be placed.**
   The conditional use permit process is intended to ensure compatibility of different uses within the zoning district. The existing church is currently a non-conforming use in the R-1 zoning district. Churches typically are common in residential districts and may have been more so in the past when people walked to church rather than drove. Today, due to automobile dependence and increased activities at churches such as day care, group meetings, etc., a conditional use permit helps to evaluate the impacts of a church in a residential neighborhood. In this case, the church has existed in the neighborhood since the late 1970's. By obtaining a conditional use permit for the use of the church in this district, the

church will become a conforming use within the district and thus meet the purpose of the district.

6. **It meets the goals and policies of the Oak Harbor Comprehensive Plan.**
   Specific goals and policies of the Oak Harbor Comprehensive Plan that the Application will meet include the following:

   Land Use Element:

   Goal 6 -To develop indoor and outdoor opportunities/facilities for youths, adults and families.

   Goal 15 -To establish and maintain sufficient land within the City of Oak Harbor zoned to ensure a wide range of public and quasi public services to meet community needs.

   Goal 8 – To ensure that the location, situation, configuration, and relationship of the varied land uses within the UGA are consistent and compatible.

   Goal 19 – To create and maintain a balanced community that mixes residential use and non-residential uses in a way that promotes environmental quality and community aesthetics.

CONCLUSION AND RECOMMENDATION

Staff finds that the Conditional Use Permit applications with the conditions listed below meets the criteria as listed in OHMC 19.28.040, 19.28.060, 19.20.115 and 19.67 and recommends approval.

STAFF RECOMMENDATION

Staff recommends that the Hearing Examiner approve CUP-11-01 subject to the following conditions:

1. The approval applies to the Conditional Use Permit submittal materials received on 7/13/11 and 8/9/11.
2. That all requirements for building and fire codes be met for the building improvements. A building permit is required for the new spire. The applicant shall provide the city with structural calculations and details as well as wind loading calculations.
3. The conditional use 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.

NE 3rd Ave.
NE 2nd Ave.
NE 1st Ave
NE O'Leary St
NE Nunan Loop
E. Whidbey Ave.
Exhibit 1 - Aerial Map
Subject Site
30 Foot Buffer

EXHIBIT 1-1

EXHIBIT 1-2

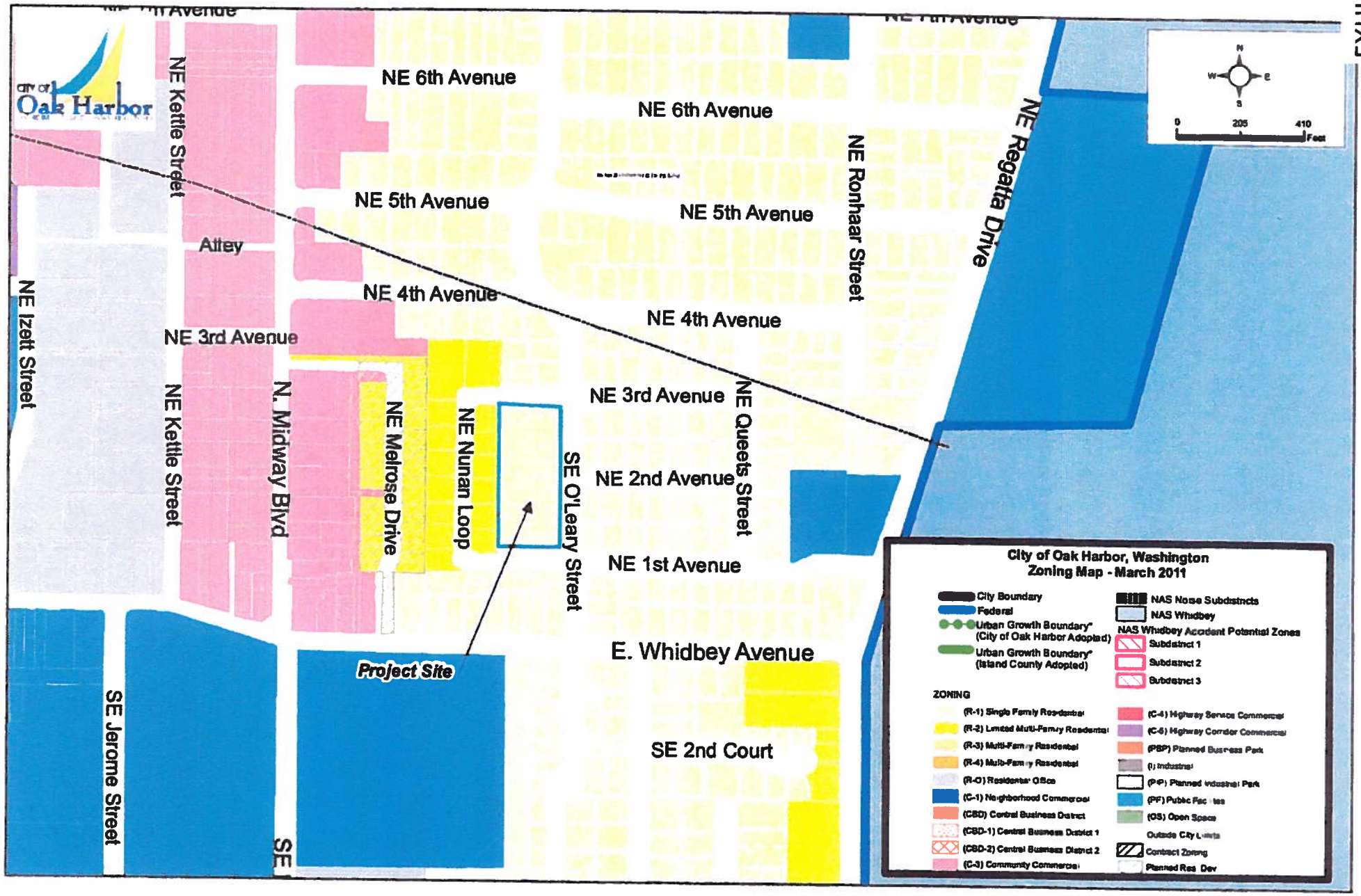


Exhibit 2 - Zoning Map

CITY OF Oak Harbor

CITY OF OAK HARBOR
Development Services Department

RECEIVED
JUL 13 2011
CITY OF OAK HARBOR
Development Services Department

Consolidated Review
Conditional Use Application Form

Project Name: LDS MEETINGHOUSE - SPIRE REPLACEMENT

Type(s) of Application: C.U.P. REVIEW, BLDG PERMIT IF APPROVED

Description of Proposal: DEMOLISH EXISTING GROUND MOUNT MASONRY SPIRE (57' HT). REPLACE W/ ROOF-MOUNTED PRE-FAB SPIRE (65' HT.)

APPLICANT NAME/CONTACT PERSON (or legal representative): GARY KIENAST HALL / KIENAST ARCHITECTS	Address: 1303 COMMERCIAL ST, #2 BELLINGHAM, WA 98225
E-mail Address: hkarchitects@earthlink.net	Phone and Fax: 360.671.1586 / FAX - 671-1587
PROPERTY OWNER NAME (list multiple owners on a separate sheet): CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS	Address: LDS - SEATTLE PROJ. MGT. OFFICE P.O. BOX 105 GRAHAM, WA 98338
E-mail Address: BendlesRA@ldschurch.org	Phone and Fax: (253) 875.5032 / FAX 253.875.7413
ENGINEER/SURVEYOR: HALL / KIENAST ARCHITECTS	Address: 1303 COMMERCIAL ST, #2 BELLINGHAM, WA 98225
E-mail Address: hkarchitects@earthlink.net	Phone and Fax: 360.671.1586 / FAX 671.1587
PROJECT SITE INFORMATION (address/location): 201 NE O'LEARY ST.	Comp. Plan Designation: "LOW DENSITY RESIDENTIAL"
Zoning: R-1	Parcel Number(s): R-13335-114-4500
Legal Description (attach separate sheet): - SEE BELOW -	Acreage of Original Parcel(s): 2.16 AC.
Section/Township/Range: T35N, R1E, SEC 35, SE 1/4, SE 1/4, TERRITORIAL ADD'N	Total Square Footage of Proposed Building or Number of Units: NO ADDITION TO EXISTING 17,943 SF CHURCH

AUTHORIZATION:
The undersigned hereby certifies that the property affected by this application is in the exclusive ownership of the applicant or that the applicant has submitted the application with the consent of all owners of the affected property. In addition, the undersigned hereby certifies that all information submitted with this application is complete and correct False statements, errors, and/or omissions may be sufficient cause for denial of the request.

I declare under penalty of the perjury laws that the information I have provided on this form/application s true, correct and complete.

Authorized Signature 7-13-11 **Date**

EXHIBIT 3
EXHIBIT 1-3

CITY OF Oak Harbor

CITY OF OAK HARBOR
Development Services Department

RECEIVED
JUL 20 2011
CITY OF OAK HARBOR
Development Services Department

Critical Area Identification Form

Project Name (if applicable): CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Associated Application(s): CONDITIONAL USE PERMIT

Brief Description of Proposal: REPLACE EXISTING GROUND-MOUNTED SPIRE WITH NEW PRE-FABRICATED ROOF-MOUNTED SPIRE. ALSO SHOWING PROPOSED TEN ADDITIONAL PARKING SPACES FOR EXISTING PARKING LOT

APPLICANT NAME/CONTACT PERSON (or legal representative): GARY KIENAST	Address: HALL/KIENAST ARCHITECTS 1303 COMMERCIAL ST, #2 BELLINGHAM, WA. 98225
E-mail Address: hkarchitects@earthlink.net	Phone and Fax: 360.671.1586 / FX-360.671.1587
PROPERTY OWNER NAME (list multiple owners on a separate sheet): CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS	Address: BOB BEADLES LDS SEATTLE PROJ. MGT. OFFICE P.O. BOX 105 GRAHAM, WA 98338
E-mail Address: BeadlesRA@ldschurch.org	Phone and Fax: 253.875.5032/253.875.7913

AUTHORIZATION:
The undersigned hereby certifies that the property affected by this application is in the exclusive ownership of the applicant or that the applicant has submitted the application with the consent of all owners of the affected property. In addition, the undersigned hereby certifies that all information submitted with this application is complete and correct. False statements, errors, and/or omissions may be sufficient cause for denial of the request.

I declare under penalty of the perjury laws that the information I have provided on this form/application is true, correct and complete.

Authorized Signature [signature] **Date** 18 July 2011

Staff use only below this line

Yes	No		Critical Area Report Needed?
☐	☐	Wetland	
☐	☐	Fish and Wildlife Habitat Conservation Area	
☐	☐	Geologically Sensitive Area	
☐	☐	Frequently Flooded Area	
☐	☐	Critical Aquifer Recharge Area	

P:\Permit Coordinator\Permit Applications\Development Services Permits & Handouts\Critical Area Identification Form doc
REV: 7/22/10

EXHIBIT 3

12 July 2011

Spire Replacement Proposal
Church of Jesus Christ of Latter-Day Saints
201 NE O'Leary Street, Oak Harbor, WA.

Conditional Use Narrative:

The propose spire replacement for the existing LDS Meetinghouse at 201 NE O'Leary Street should have minimal impact on the neighborhood and its residents. It will cause no change in types of current uses of the building. It may have slight impact on number of users for the building, because the new spire, being approximately 8 feet higher than the existing spire, may make it easier for those members unfamiliar with the area to find the building if they are visiting the area. The existing ground-mount spire will be demolished as part of this project, so there will not be an increase in building mass, since one spire replaces the other. The new spire is a roof-mounted spire, while the existing one is a ground-mount spire.

There are no lights as part of the spire construction, either inside of the spire, or up-lights on to the spire, so there should be no visual impact at all at night. The mass of the new spire is approximately the same as the current spire, so that should be about the same impact. The top of the existing spire is approximately 57' above the existing floor level of the Church. The top of the new spire is approximately 65' above the existing floor level of the Church. That extra 8' of height is approximately 3'-3" wide at the 57' level, and tapers to 1" wide at the top, so even that height increase should not be an apparent impact.

Narrative Prepared by:

Gary Kienast
Hall / Kienast Architects
1303 Commercial Street, Suite #2
Bellingham, WA. 98225

Ph: 360.671.1586
e-mail: hkarchitects@earthlink.net

RECEIVED
JUL 13 2011
CITY OF OAK HARBOR
Development Services Department

Spire Replacement Proposal
Church of Jesus Christ of Latter-Day Saints
201 O'Leary Street, Oak Harbor

Conditional Use Criteria:

1) Are all special conditions for the particular use being met by the proposal?

We could not find any special conditions that directly address spire height considerations. Spire height concerns on previous projects have been dealt with by the Conditional Use Permit process, which is what we are doing with this proposal.

2) Does the proposed use have a significant, adverse environmental impact resulting in excessive noise, light and glare, or soil erosion on adjacent property?

The proposed spire replacement will have no environmental impact resulting in excessive noise, light and glare, or soil erosion. The proposed spire will be mounted on the roof ridge of the existing meetinghouse. The existing ground-mount spire will be demolished as part of the project, so there will be less impact on the site as is currently in place. There are no lights either inside, or aimed at either the existing or proposed spire.

3) Is the proposed use provided with adequate parking?

The spires (both existing and proposed) have no impact on parking.

4) Is the proposed use served with adequate public streets, public utilities and facilities?

The existing Meetinghouse has been in use for over 30 years, and is adequately served with adequate public streets, public utilities, and facilities.

5) Does the proposed use meet the purpose and intent of the district in which it is located.

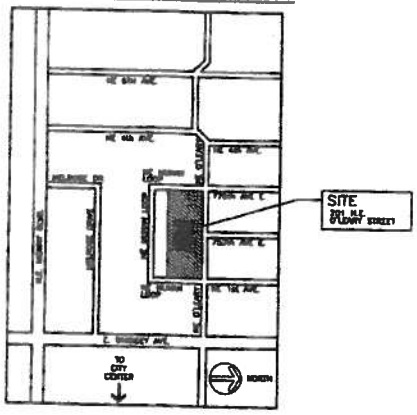
Yes. Churches of all denominations are almost always conditional uses in residential neighborhoods, and are part of the fabric of most American residential neighborhoods.

6) Does the proposed use meet goals and policies listed in the Oak Harbor Comprehensive Plan?

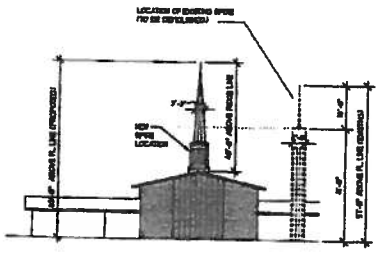
Yes. This site is R-1 (residential single) zone, and the Comprehensive Plan Designation is Low Density Residential. Churches are allowed as Conditional Uses in residential zones, and this Meetinghouse has been on this site for over 30 years.

RECEIVED
JUL 2011
CITY OF OAK HARBOR
Development Services Department

VICINITY MAP



SPIRE HEIGHT DATA:



2 / S1.1 PARTIAL FRONT ELEVATION SHOWING SPIRE HEIGHT COMPARISON
SCALE: 1" = 20'-0"

PARKING CALCULATIONS:

PARKING REQUIRED:

234 FIXED SEATS / 4 = 58 STALLS REQUIRED.

2784 S.F. OF ASSEMBLY AREA WITHOUT SEATS / 30 S.F. = 92 STALLS REQUIRED

NOTE: THESE 2 AREAS ARE NOT USED AS ASSEMBLY SPACES AT THE SAME TIME.

PARKING PROVIDED:

EXISTING PARKING = 109 STALLS REQUIRED.
ADDED PARKING PROPOSED: 10 ADDITIONAL STALLS
TOTAL PARKING = 119 STALLS REQUIRED.

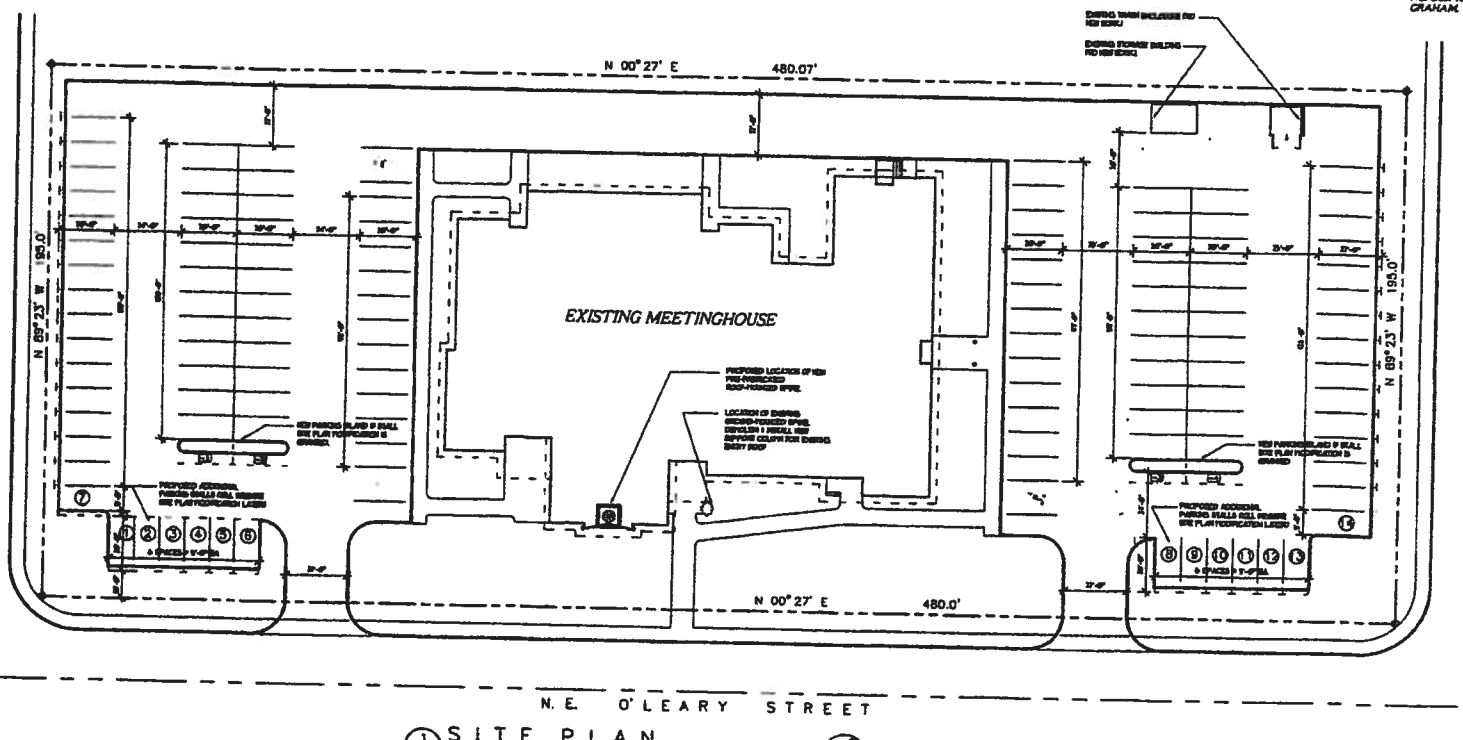
SPIRE REPLACEMENT AND PARKING LOT MODIFICATION TO:

THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

201 N.E. O'LEARY STREET
OAK HARBOR, WASHINGTON 98227

SITE INFORMATION:

SITE AREA:	93,675 SQUARE FEET (2.15 ACRES)
EXISTING BUILDING AREA:	17,943 SQUARE FEET EXISTING SINGLE STORY BUILDING
PARKING SPACES:	109 EXISTING SPACES - 4 SPACES DEDUCTED FOR DRIVE AISLES + 14 NEW SPACES PROPOSED 119 TOTAL SPACES
ZONING:	R-1 SINGLE FAMILY
TAX ACCOUNT NUMBER:	R-13333-114-4300
LEGAL DESCRIPTION:	T 33 N. R 1 E. SEC 35, SE 1/4, SE 1/4, TERRSTRA ADDITION
PROPERTY OWNER:	CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS SEATTLE PROJECT MANAGEMENT OFFICE P.O. BOX 105 GRAHAM, WASHINGTON 98338



1 / S1.1 SITE PLAN
SCALE: 1" = 20'-0"

RECEIVED
JUL 13 2011
CITY OF OAK HARBOR
Development Services Department

Hall/Klenast ARCHITECTS
1303 Commercial Street, Suite 2 Bellingham, Washington 98225
PHONE: (360) 671-1586 FAX: (360) 671-1587
E MAIL ADDRESS: hkarchitects@earthlink.net

SHEET TITLE:
COVER SHEET

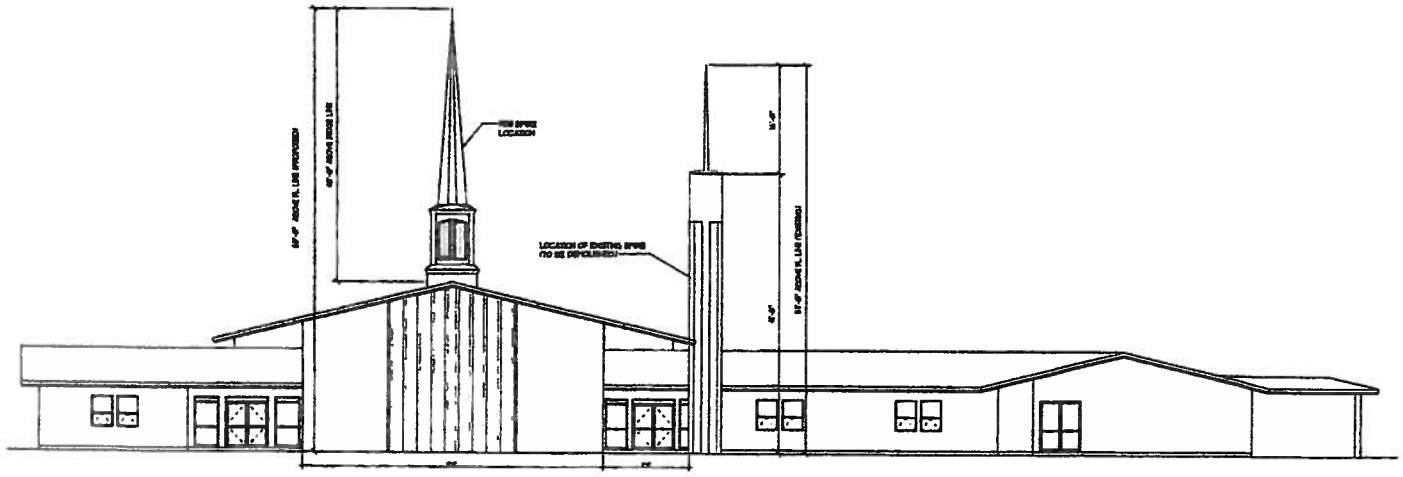
REPLACE EXISTING GROUND-MOUNT SPIRE W/ NEW ROOF-MOUNT SPIRE
LDS MEETING HOUSE - OAK HARBOR, WA.
201 N.E. O'LEARY STREET
OAK HARBOR, WASHINGTON

ISSUE DATE:	
REVISION No.	DATE
	07-07-

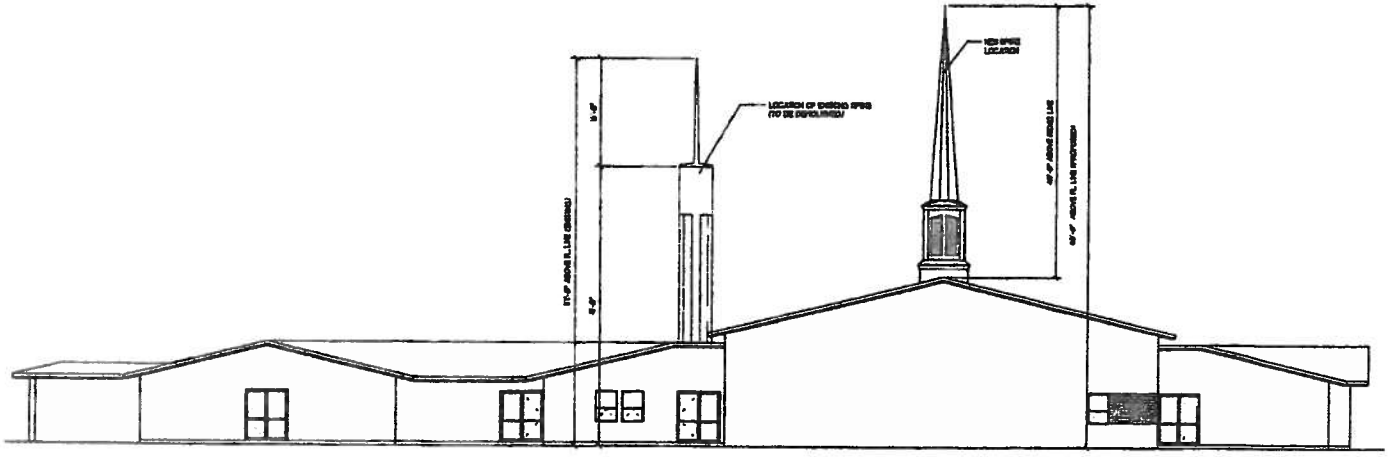
SHEET No.

EXHIBIT 3

EXHIBIT 1-3



1 EAST ELEVATION
SCALE: 1/8" = 1' - 0"



2 WEST ELEVATION
SCALE: 1/8" = 1' - 0"

RECEIVED
JUL 13 2011
City of Oak Harbor
Development Services Department

Hall/Klenast ARCHITECTS
1307 Commercial Street, Suite 2 Bellingham, Washington 98225
PHONE: (360) 671-1386 FAX: (360) 671-1387
E-MAIL ADDRESS: klenast@earthlink.net

SHEET TITLE
ELEVATIONS AND TRUSS ELEVATION

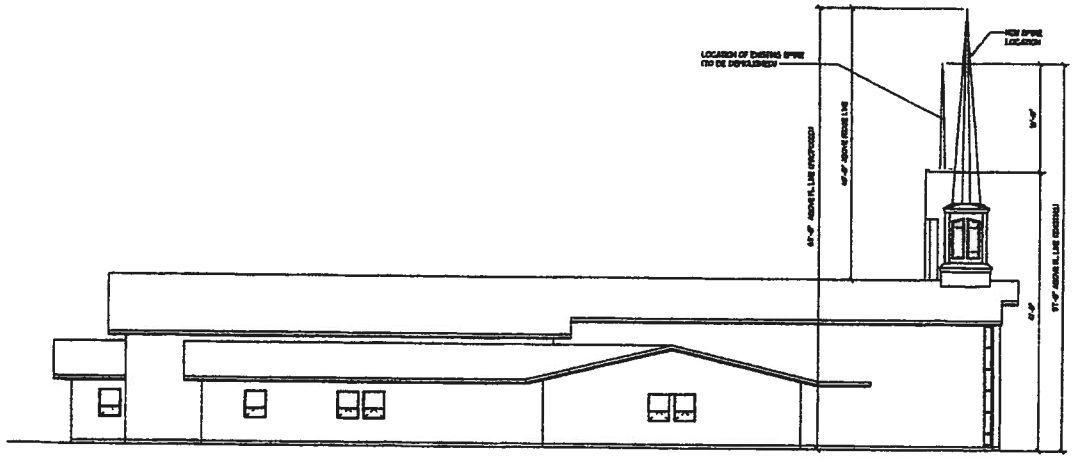
REPLACE EXISTING GROUND-MOUNT SPIRE W/ NEW ROOF-MOUNT SPIRE
LDS MEETING HOUSE - OAK HARBOR, WA.
201 N.E. OLEARY STREET
OAK HARBOR, WASHINGTON

ISSUE DATE 02-02-11
REVISION No. DATE

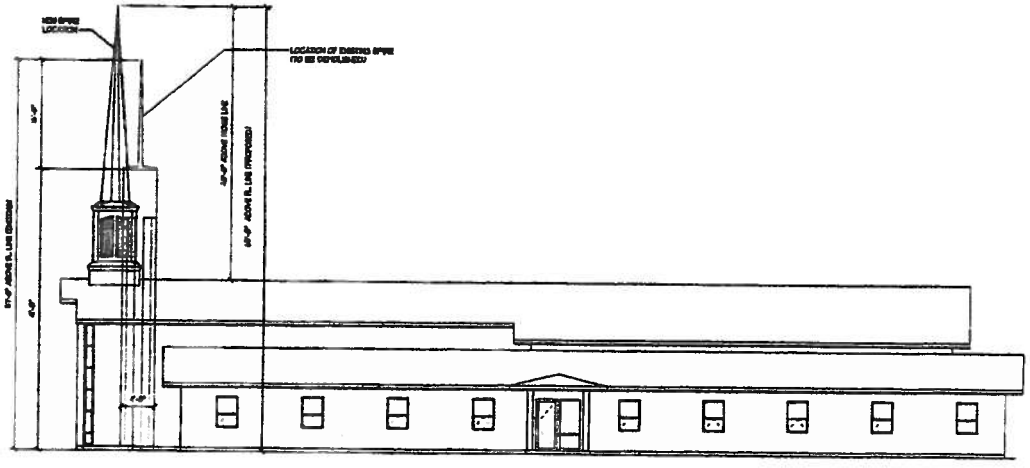
SHEET No. A2.1

EXHIBIT 3

EXHIBIT 1-3



1 SOUTH ELEVATION
SCALE: 1/8" = 1' - 0"



2 NORTH ELEVATION
SCALE: 1/8" = 1' - 0"

RECEIVED
JUL 13 2011
CITY OF OAK HARBOR
Development Services Department

Hall/Klemast
ARCHITECTS
1303 Commercial Street, Suite 2 · Bellingham, Washington 98225
PHONE: (360) 671-1586 FAX: (360) 671-1587
E MAIL ADDRESS: hkarchitects@earthlink.net

SHEET TITLE
ELEVATIONS AND TRUSS ELEVATION

REPLACE EXISTING GROUND-MOUNT SPIRE W/ NEW ROOF MOUNT SPIRE
LDS MEETING HOUSE - OAK HARBOR, WA.
201 N.E. OLEARY STREET
OAK HARBOR, WASHINGTON

ISSUE DATE: 07-07-11
REVISION No. DATE

SHEET No. A2.2

EXHIBIT 3

EXHIBIT 1-3

RECEIVED
AUG 09 2011
CITY OF OAK HARBOR
Development Services Department

CITY OF OAK HARBOR
Development Services Department

CITY OF Oak Harbor

Application Form

Project Name:
CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Type(s) of Application:
CONDITIONAL USE PERMIT

Description of Proposal:
C.U.P. FOR CHURCH IN R-1 ZONE

APPLICANT NAME/CONTACT PERSON (or legal representative): GARY KIENAST	Address: HALL / KIENAST ARCHITECTS 1303 COMMERCIAL ST., #2 BELLINGHAM, WA. 98225
E-mail Address: hkarchitects@earthlink.net	Phone and Fax: 360.671.1586 / 360.671.1587
PROPERTY OWNER NAME (list multiple owners on a separate sheet): CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS	Address: BERT BEADLES, PROJ. MGR LDS-SEATTLE PROJ. MGT. OFFICE P.O. BOX 105, GRAHAM, WA 98338
E-mail Address: BeadlesRA@ldschurch.org	Phone and Fax: 253.875.5032/253.875.7913
ENGINEER/SURVEYOR: HALL / KIENAST ARCHITECTS	Address: 1303 COMMERCIAL ST, #2 BELLINGHAM, WA 98225
E-mail Address: hkarchitects@earthlink.net	Phone and Fax: 360.671.1586/360.671.1587
PROJECT SITE INFORMATION (address/location): 201 N.E. O'LEARY ST.	Comp. Plan Designation: LOW DENSITY RESIDENTIAL
Zoning: R-1	Parcel Number(s): R-13335-114-4500
Legal Description (attach separate sheet): -SEE BELOW-	Acreage of Original Parcel(s):
Section/Township/Range: T35N, R1E, SEC 35, SE¼ SE¼, TERPESTRA ADD'N	Total Square Footage of Proposed Building or Number of Units: 17,943 S.F CHURCH

AUTHORIZATION:
The undersigned hereby certifies that this application has been made with the consent of the lawful property owner(s) and that all information submitted with this application is complete and correct. False statements, errors, and/or omissions may be sufficient cause for denial of the request.

I declare under penalty of the perjury laws that the information I have provided on this form/application is true, correct and complete.

8 AUG 2011

Authorized Signature **Date**

P:\Permit Coordinator\Permit Applications\Development Services Permits & Handouts\Simple Conditional Use Application.doc
REV: 7/23/10

EXHIBIT 2
EXHIBIT 1-3

RECEIVED
AUG 19 2011
CITY OF OAK HARBOR
Development Services Department

Chapter 19.67
CONDITIONAL USES

19.67.30 Criteria.

No conditional use shall be granted unless it meets the following criteria:

(1) Are all special conditions for the particular use being met by the proposal?

To our knowledge there are no special conditions. Churches are typically located in residential districts, and as such typically require Conditional Use Permits in most municipalities. The highest volume use day for this Meetinghouse is for approximately 8 hours on Sundays. There is no parochial school, or other similar uses for this building. There are smaller weekday meetings for Scout Troops, Seminary, Relief Society, and some similar types of uses, but those are relatively small gatherings.

(2) Does the proposed use have a significant, adverse environmental impact resulting in excessive noise, light and glare or soil erosion on adjacent property?

There are no significant, adverse environmental impacts. Parking lot lighting is primarily located close to the building itself. There are no uplights or feature lights aimed at the building or spire. The site is already fully developed, with no planned future expansions, so there are no soil erosion impacts that would impact adjacent properties.

(3) Is the proposed use provided with adequate parking?
(list the parking requirement for the proposed as per the OHMC Sec 19.44.100 and also the number of parking spaces provided on the site. Refer to OHMC Sec 19.20.320 (10) for uses in the CBD District)

The Meetinghouse parking requirements require 58 parking spaces, based on 1 space per 4 fixed seats in the Chapel (234 fixed seats). Also the Cultural Hall (gym) is 2,784 square feet, which would require 92 spaces (at 30 square ft per occupant). These 2 spaces are not utilized at capacity at the same time. During worship services the Cultural Hall is just utilized as a classroom, so would have 50 occupants at the most. The parking lot is designed for 109 spaces, but the Church is looking at adding 10 additional spaces by utilizing space that is currently lawn area between the existing parking lot and O'Leary Street.

(4) Is the proposed use served with adequate public streets, public utilities and facilities?

The meetinghouse is adequately served by public streets, and utilities.

(5) Does the proposed use meet the purpose and intent of the district in which it is to be located?

Yes it does. See item #1 about Conditional Use Permit requirement in residential zone.

(6) Does the proposed use meet goals and policies listed in the Oak Harbor Comprehensive Plan?

Yes. This site is R-1 zone, and the Comprehensive Plan is Low Density Residential. It meets the goals of both existing zoning and Comprehensive Plan.

BEFORE THE CITY OF OAK HARBOR BOARD OF ADJUSTMENT

STATE OF WASHINGTON

In Re Church of Jesus Christ of Latter Day Saints Conditional Use Permit Application #13-89	FINDINGS OF FACT CONCLUSIONS OF LAW ENTRY OF ORDER

This matter coming on regularly for hearing on the 3rd day of August, 1989 upon application of the Church of Jesus Christ of Latter Day Saints, represented by Gary Kienast, appearing in person; The Building Department of the City of Oak Harbor appearing by it's Building Inspector; and the City of Oak Harbor Board of Adjustment being advised and having considered the evidence and testimony presented now make the following:

I. FINDINGS OF FACT

1.1 Jurisdiction herein was obtained by an application for a conditional use permit to allow an addition to and remodel of the existing church facility at 4353 40 N.E. Street more particularly shown on the map attached to the application which is appended hereto as Exhibit "A" and by reference made a part hereof.

1.2 The City of Oak Harbor Board of Adjustment, after due notice of hearing, did consider the application of the Church of Jesus Christ of Latter Day Saints for a conditional use permit at a regular meeting on August 3, 1989. The relevant minutes of the City of Oak Harbor Board of Adjustment are attached hereto as Exhibit "B" and by reference made a part hereof. The hearing was recorded and a written transcript may be prepared therefrom.

1.3 The City of Oak Harbor Board of Adjustment discussed fully all matters presented thereto and concluded that:

.i The use will not endanger the public health or safety if located where proposed, and that the use will not allow conditions which will tend to generate nuisance conditions such as noise, dust, glare and vibration.

.ii The use meets all required conditions and specifications set forth in the zone where it is to be located.

.iii The use will not be injurious nor detrimental to adjacent or abutting property.

.iv The location and character of the use will be in harmony with the area in which it is to be located and in general conformity with the comprehensive plan of the development of Oak Harbor and it's environs.

.v The conditional use permit is conditioned by the following:

EXHIBIT A

EXHIBIT 1-4

a. Compliance with all items of the site plan review letter #17-89 dated July 21, 1989.

1.4 On August 3, 1989 the Oak Harbor Board of Adjustment did approve the requested conditional use permit application #13-89 with the conditions listed in paragraph .v of this document.

1.5 The Church of Jesus Christ of Latter Day Saints application for a conditional use permit #13-89 has been processed in accordance with RCW 35A.63, the City of Oak Harbor Zoning Ordinance, Title 19 and the Open Meetings Act of 1971 RCW 42.30 and the action is in accord therewith.

From the foregoing FINDINGS OF FACT, the Oak Harbor Board of Adjustment makes the following:

II. CONCLUSIONS OF LAW

2.1 The findings of fact as noted in the records of the City of Oak Harbor Building Department upon which the decision for approval of the Church of Jesus Christ of Latter Day Saints conditional use permit application #13-89 was made by the Oak Harbor Board of Adjustment are proper and have not been reached in an arbitrary or capricious manner nor without due process of law.

III. ORDER

On the basis of the foregoing Findings of Fact and Conclusions of Law, it is ordered that:

3.1 The conditional use permit to allow an addition to and remodel of the existing church facility be granted.

APPROVED AND ADOPTED THE 7th DAY OF September 1989.

BOARD OF ADJUSTMENT
CITY OF OAK HARBOR, WASHINGTON

Chairman

Attested:

Richard A. Reynolds
Building Inspector

RJS

EXHIBIT 1-4

CITY OF OAK HARBOR

3075 300 Avenue West
City Hall 679-5551

Oak Harbor, Washington 98277

July 20, 1989

Mr. Gary Kienast
Hall/Kienast Architects
119 Grand Avenue, Suite B
Bellingham, Washington 98225

Re: Site Plan Review #17-89
Church of Jesus Christ of Latter-Day Saints
4353 40 N.E. Street

Dear Mr. Kienast:

The staff has reviewed your proposal for an addition and remodel of the Church of Jesus Christ of Latter-Day Saints at the above location in accordance with Oak Harbor City Code chapter 19.48 and have the following comments:

1. Carry the sidewalk through the driveways and include handicap accessibility.

2. The wheelchair ramp installation must meet State requirements.

3. Wheelchair ramps are required at the street corners. No ramp will be allowed at mid-block.

4. 40 N.E. Street work must meet City standards.

5. Latecomer payment on utilities may be required.

6. A seven foot utility easement will be required along the street frontages prior to issuance of a building permit.

7. For determination of parking space requirements, the fixed seating area and assembly area may not be used at the same time. Should simultaneous use occur in the future, an additional thirty-seven (37) parking spaces will be required.

8. Match existing street improvements on 725 and 775 Avenues East.

EXHIBIT 4

EXHIBIT 1-4

9. Contact Jim Croft of the Solid Waste Department for dumpster location, dimensions and limitations. A dumpster over two yards must be ordered at least six weeks in advance. Dumpster location must be changed. The opening must be in the front, not on the side.

10. Utility plans including storm water retention must be approved by the Engineering Department prior to issuance of a building permit. Contours should extend at least 10 feet beyond the property line. Any work in the City street is to have an approved traffic control plan before work commences. All work in public right-of-way requires a permit.

11. If any sidewalk is cracked or damaged, notify the Building Department prior to doing any work on-site. Any damaged sidewalk not brought to our attention at this time must be repaired prior to occupancy.

12. Install an automatic fire detection system throughout the building in accordance with UFC standard 14-1 (1988 Edition). This system shall transmit all fire alarms directly to the Oak Harbor Dispatch Center per Oak Harbor City Ordinance 760.

13. Install one Knox Box for rapid emergency access into these buildings per UFC Section 10.209 (1988 Edition). Ordering information may be obtained from the Fire Department.

14. Replace the existing four (4) inch fire hydrants located to the east of this property with two (2) six inch IOWA type fire hydrants with one (1) five inch Stortz quick connect fitting and two (2) 2½ inch ports with NST threads. Provide approved reflective fire hydrant markers at locations approved by the Fire Department. Install the new fire hydrants prior to occupancy. UFC Section 10.301 (1988 Edition).

15. Maintain Fire Department access on the west side of the building with approved identifications. UFC Section 10.207(1) (1988 Edition).

16. Work hours shall be limited to 7 a.m. to 9 p.m.

17. The street and sidewalk is to be kept clean of all construction materials, mud and rocks during the construction phase.

18. Any damage to public streets, alleys or other public property must be repaired to City standards and inspected prior to occupancy.

19. Provisions shall be made to control dust at all times during construction.

20. This site plan review is binding for one year from the date of mailing. If no building permit is issued by that date, the site plan review is void and must be reviewed again before a permit will be issued.

21. As more information is made available through site and building plans, other revisions may be necessary in order to conform with City ordinance and policy.

22. You may request, as a part of the site plan process, a review of these requirements with the site plan committee. Notify the Building Department if you are interested in this review, and a time to meet will be arranged.

23. Any changes to the site plan drawings requires resubmittal, review and approval by the City prior to the work being performed.

24. Absolutely no occupancy or use will be allowed until an occupancy permit is issued by the Building Department. Any use of the site before issuance of this permit may result in interruption of water service.

25. If you concur with the above conditions please submit revised plans and sign and return this letter. Upon compliance with the above conditions and City approval of the revised plans the site plan becomes final and you may apply for building and other required permits.

Sincerely,

Pat Nevins
City Supervisor

PN:RG:RS

GARY KIENAST
HAKE / KIENAST ARCHITECTS

EXHIBIT 1-4

CITY OF OAK HARBOR

3075 300 Avenue West
City Hall 679-5551

Oak Harbor, Washington 98277

August 7, 1989

Gary Kienast
Hall/Kienast Architects
119 Grand Avenue, Suite B
Bellingham, Washington 98225

Re: Conditional Use Permit #13-89

Dear Mr. Kienast:

At the August 3 meeting of the Oak Harbor Board of Adjustment, it was the decision of the Board to grant your application for a conditional use permit for an addition to and remodel of the existing Church of Jesus Christ of Latter-Day Saints at 4353 40 N.E. Street.

If a building permit and/or occupancy permit is not obtained for the subject property within six (6) months from the date of the Board's decision, the conditional use permit shall be canceled and automatically become null and void.

A copy of the conditional use permit listing the conditions of approval and indicating the effective date, which is 10 days from the date of approval is enclosed for your records.

If you have any questions, please call.

Sincerely yours,

Roberta J. Shelton

Roberta J. Shelton,
Administrative Secretary
Engineering and Inspections

RJS

enc.

EXHIBIT 4

EXHIBIT 1-4

CITY OF OAK HARBOR

3075 300 Avenue West
City Hall 679-5551

Oak Harbor, Washington 98277

January 10, 1990

Gary Kienast
Hall/Kienast Architects
119 Grand Avenue, Suite B
Bellingham, Washington 98225

Re: Church of Jesus Christ of Latter-Day Saints
Conditional Use Permit #13-89

Dear Mr. Kienast:

According to our records, your conditional use permit #13-89 will expire on February 13, 1990 if we have not issued a building permit or an occupancy permit for the requested use.

You may request an extension of six months if there are extenuating circumstances to prevent you from submitting plans for a building permit prior to February 13. A time extension is an administrative decision by the Board and does not require a public hearing.

Please let us know your intentions prior to the next Board of Adjustment meeting on February 1, 1990.

Sincerely,

Roberta J. Shelton

Roberta J. Shelton,
Administrative Secretary
Engineering and Inspections

RJS

EXHIBIT 4

EXHIBIT 1-4

Melissa Sartorius

From: Gary Kienast [hkarchitects@earthlink.net]
Sent: Thursday, July 28, 2011 4:42 PM
To: Melissa Sartorius
Subject: Re: Conditional use permit

Hi Melissa:

Drawings for original church were dated 1976, so I assume it was built in 1977. It burned down and was rebuilt some time between then, and 1989 when we did an addition and remodel to it.

There are no bells, lights, speakers, or anything else in the spire. There are no uplights on it either.

The existing spire was about the only thing standing when the original church burned down. It has soot on it, and the covered entry walkway roof that was attached to it burned down, so I suspect that there was some amount of heat adjacent to the spire. Masonry survives fires pretty well, but excessive heat does have the potential to damage mortar joints, etc. I would not feel comfortable saying that it is as strong as when it was built. Even a slight decrease in strength would not be a good think in the event of an earthquake, since the church is in the radius of its height in case it ever did collapse. The Church is constantly assessing and upgrading their buildings, so removing the ground-mounted spire has moved up on their action list, so it was funded this year.

Hopefully this helps with your questions. If I can be of further assistance, please contact me, and I will try to provide any information I can gather.

With best regards,

Gary Kienast
360.671.1586

On 7/28/2011 10:51 AM, Melissa Sartorius wrote:
Hi Gary, I have been working on the staff report for this project and a few questions have come up.

Do you know the year that the church was originally built?

Will there be bells in the spire?

I recall discussing the existing spire on the phone with you in a prior conversation and did I understand correctly that the existing spire has structural damage? If so, could you elaborate on that a little more.

Thank you for your time, Melissa

Melissa Sartorius
Associate Planner
City of Oak Harbor
Development Services Division
Office (360) -279-4521

EXHIBIT 5
EXHIBIT 1–5

Melissa Sartorius

From: Gary Kienast [hkarchitects@earthlink.net]
Sent: Monday, August 08, 2011 2:05 PM
To: Melissa Sartorius
Subject: Re: Criteria list
Attachments: Criteria for Conditional uses (3) (For Church itself).rtf

Hi Melissa:

Attached is the Criteria Sheet filled out for CUP for the Church itself. I tried to structure it as if the Meetinghouse itself was the proposed project, but to answer some of the questions I did have to explain it in such a way that it referred to what the Church currently has, and how it complies. Please let me know if you think I have to do any modifications to this form so that it presents itself properly for your use.

The operational characteristics of the existing Meetinghouse are as follows:

Highest volume use for the Oak Harbor Meetinghouse is on Sunday mornings and afternoons for worship services. There are also some small group meetings, typically during weekday mornings and evenings. There is also a Family History Center, for genealogy research, that is open for 3 to 4 hours on 4 days per week (3 weekdays, and Saturday).

The Oak Harbor Meetinghouse is where three Wards meet, with staggered meeting times on Sunday. Services start at 9:00 AM for the Oak Harbor 1st Ward. Penn Cove Ward starts at 11:00 AM, and Oak Harbor 2nd Ward starts at 1:00. Services, Sunday School, etc., last for approximately 3 hours. The Meetinghouse also has a Family History Center, for both the Church members and the public, where genealogy research can be done. There are various small group meetings for groups like Scouts, Seminary, and Relief Society, that occur on weekdays and evenings. These have small attendance.

Hopefully this is what you were looking for for operational characteristics. If not, please let me know, and I will try to find out more.

With best regards,
Gary Kienast

On 8/8/2011 12:07 PM, Melissa Sartorius wrote:
Gary, attached is our criteria sheet for conditional uses. Please fill out regarding the use of the church itself as we discussed today over the phone. Also, please describe the operational characteristics of the church in an email. Returning it to us by email is fine. Thanks so much! Melissa

Melissa Sartorius
Associate Planner
City of Oak Harbor
Development Services Division
Office (360) -279-4521

CERTIFICATION OF POSTING
NOTICE OF APPLICATION

Office of the City Administrator
865 SE Barrington Drive
Oak Harbor, WA 98277

I, Lisa Bebee, hereby certify under penalty of perjury under the laws of the State of Washington, that the following is true and correct:

That on the 20th day of July 2011, I did post 3 notices (a copy of which is attached hereto and by reference made a part hereof) at the following locations:

1&2) Oak Harbor City Hall
865 SE Barrington Drive
Oak Harbor, WA 98277

3) City Library
1000 E Regatta Drive
Oak Harbor, WA 98277

advertising a Notice of Application CUP-11-00001

Executed this 20th day of July, 2011 in Oak Harbor, Washington.

Lisa Bebee

(Signature of person posting)

EXHIBIT 1-6

CERTIFICATION OF MAILING
NOTICE TO ADJACENT PROPERTY OWNERS

I, Lisa Bebee, certify under penalty of perjury under the laws of the State of Washington, that the following is true and correct:

That on the 20th day of July, 2011, I deposited in the U.S. mail, postage prepaid, a copy of the Notice to Adjacent Property Owners for Conditional Use CUP-11-00001 a copy of which is attached hereto and by reference made a part hereof) to the following property owners:

(see attached)

Executed this 20th day of July, 2011 in Oak Harbor, Washington.

Lisa Bebee

(Signature of person mailing)

EXHIBIT 1–6

AFFIDAVIT OF POSTING

City of Oak Harbor
865 SE Barrington Drive
Oak Harbor, WA 98277

I, David Miller, hereby certify that I did, on the 22 day of July, 2011 post 1 notice(s), a copy of which is hereunto attached, marked "Exhibit", and by the reference made a part thereof, at the following location(s):

1. 201 NE O'Leary St, R13335-114-4500

advertising a Notice of Application for Conditional Use Application (CUP-11-00001).

(Signature of person posting)

SIGNED AND ATTESTED to before me this 22 day of July, 2011 by David Miller.

Notary Public
State of Washington
LISA K. BEBEE
My Appointment Expires Jan. 19, 2012

Notary Public
Print Name Lisa Bebee
Notary Public in and for the State of Washington, Oak Harbor City/County
Commission expires Jan 19, 2012

EXHIBIT 6

EXHIBIT 1–6

NOTICE OF APPLICATION
&
NOTICE OF PUBLIC HEARING OAK HARBOR HEARING EXAMINER

APPLICATION: Conditional Use CUP-11-01
Church of Jesus Christ of Latter-Day Saints Spire Replacement Project

PROJECT LOCATION: Application CUP-11-01 is located at 201 NE O'Leary Street, Oak Harbor, WA 98277, parcel R13335-114-4500.

PROJECT PROPOSAL: Application CUP-11-01 is for the proposal to demolish the existing ground mounted masonry spire (57 feet in height) to be replaced by a roof mounted pre-fabricated spire (65 feet in height).

DETERMINATION OF COMPLETENESS: Application CUP-11-01 submitted on July 13, 2011 by Mr. Gary Kienast with Hall, Kienast Architects for the Church of Jesus Christ of Latter-Day Saints was determined complete for processing on July 15, 2011.

PUBLIC COMMENT PERIOD: The plans have been circulated to City staff for review and comments. Plans for the proposal are available for review at the City of Oak Harbor's Development Services Department, located downstairs in City Hall.

To make written comments on this proposal, please mail or hand deliver specific comments to: City of Oak Harbor, Development Services Department, 865 SE Barrington Drive, Oak Harbor, WA 98277, no later than 5:00 p.m. on August 8, 2011. If you have questions regarding this proposal, please contact the Development Services Department at (360) 279-4510, between 8:00 a.m. and 5:00 p.m.

ENVIRONMENTAL DOCUMENTS AND/OR STUDIES APPLICABLE TO THIS PROJECT: N/A.

PUBLIC HEARING REQUIRED: Notice is hereby given that a public hearing will be held before the City of Oak Harbor Hearing Examiner in the Council Chambers at City Hall, 865 SE Barrington Drive, on **Friday, August 19th at 1:00 p.m.**, or as soon thereafter as possible.

Anyone wishing to comment on this project or provide other relevant information may do so in writing or appear in person before the Hearing Examiner at the time and place of said public hearing. After obtaining public input and considering the matter, the Hearing Examiner may approve or deny the proposed application. As part of the approval, conditions or limitations may be imposed.

All meetings of the Hearing Examiner are open to the public.

To receive notification of the decision on this proposal, please send a self-addressed, stamped envelope and request a Notification of Decision for application CUP-11-01 from the City of Oak Harbor, Development Services Department, 865 SE Barrington Drive, Oak Harbor, WA 98277

Lisa Bebee
Permit Coordinator

Published: Whidbey News Times
Date: July 23, 2011

EXHIBIT 6

CITY OF
Oak Harbor

July 22, 2011

NOTICE TO ADJACENT PROPERTY OWNERS

The Church of Jesus Christ of Latter-Day Saints has submitted a conditional use permit application for the proposal to demolish the existing ground mounted masonry spire (57 feet in height) to be replaced by a roof mounted pre-fabricated spire (65 feet in height). The location is 201 NE O'Leary Street, parcel R13335-114-4500.

The plans have been circulated to City staff for review and comments. Plans for the proposal are available for review at the City of Oak Harbor's Development Services Department, located in City Hall. For more information, please call (360) 279-4510.

NOTICE OF APPLICATION
&
NOTICE OF PUBLIC HEARING OAK HARBOR HEARING EXAMINER HE #08-19-11
APPLICATION: Conditional Use CUP-11-01 – LDS Spire Replacement

PROJECT LOCATION: Application CUP-11-01 is located at 201 NE O'Leary Street, Oak Harbor, WA, parcel R13335-114-4500.

PROJECT PROPOSAL: Application CUP-11-01 is for the proposal to demolish the existing ground mounted masonry spire (57 feet in height) to be replace by a roof mounted pre-fabricated spire (65 feet in height).

DETERMINATION OF COMPLETENESS: Conditional Use CUP-11-01, submitted on July 13, 2011
by Mr. Gary Kienast with Hall, Kienast Architects for Church of Jesus Christ of Latter-Day Saints was determined complete for the purpose of processing on July 15, 2011.

PUBLIC COMMENT PERIOD: To make written comments on this proposal, please mail or hand deliver specific comments to: City of Oak Harbor, Development Services Department, 865 SE Barrington Drive, Oak Harbor, WA 98277, no later than 5.00 p.m. on August 8, 2011. If you have questions regarding this proposal, please contact the Development Services Department at (360) 279-4510, between 8:00 a.m. and 5.00 p.m.

ENVIRONMENTAL DOCUMENTS AND/OR STUDIES APPLICABLE TO THIS PROJECT:
N/A

To receive notification of the decision on this proposal, please send a self-addressed stamped envelope and request a Notification of Decision for application CUP-11-01 from the City of Oak Harbor Development Services Department, 865 SE Barrington Drive Oak Harbor, WA 98277

SEE REVERSE SIDE FOR PUBLIC HEARING INFORMATION

NOTICE OF PUBLIC HEARING OAK HARBOR HEARING EXAMINER HE #08-19-11

PUBLIC HEARING REQUIRED: Notice is hereby given that a public hearing will be held before the City of Oak Harbor Hearing Examiner in the Council Chambers at City Hall, 865 SE Barrington Drive, on **Friday, August 19th at 1:00 p.m.**, or as soon thereafter as possible, to consider the following item:

The Hearing Examiner will consider a Conditional Use permit for the Church of Jesus Christ of Latter-Day Saints to demolish the existing ground mounted masonry spire (57 feet in height) to be replaced by a roof mounted pre-fabricated spire (65 feet in height). The location is 201 NE *O'Leary Street, parcel R13335-114-4500.*

Anyone wishing to comment on this project or provide other relevant information may do so in writing or appear in person before the Hearing Examiner at the time and place of said public hearing. After obtaining public input and considering the matter, the Hearing Examiner may approve or deny the proposed application. As part of the approval, conditions or limitations may be imposed.

For additional information, you may contact the City Department of Development Services at City Hall, or call (360) 279-4521.

All meetings of the Hearing Examiner are open to the public.

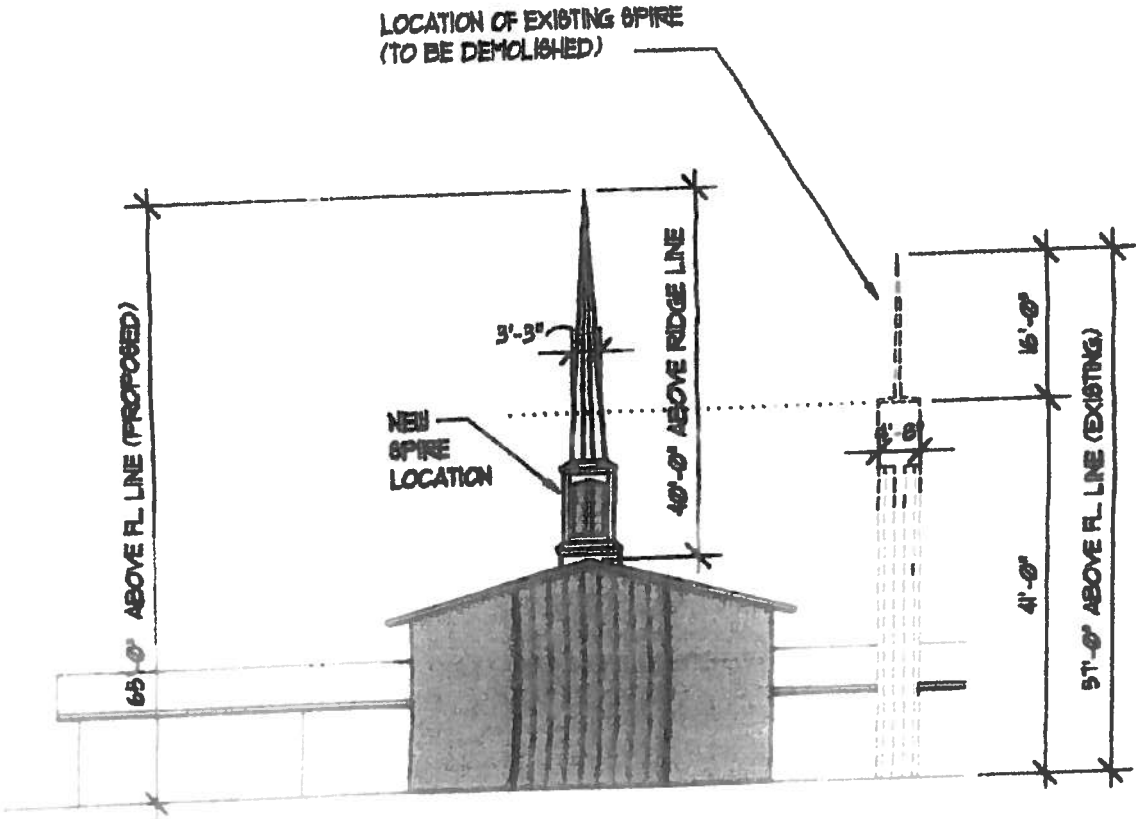


EXHIBIT 6

EXHIBIT 1–6

CITY OF
Oak Harbor
WHIDBEY ISLAND, WASHINGTON

August 12, 2011

REVISED NOTICE TO ADJACENT PROPERTY OWNERS
&
REVISED NOTICE OF PUBLIC HEARING OAK HARBOR HEARING EXAMINER

The revised notice is for the proposal for the Church of Jesus Christ of Latter-Day to obtain a conditional use permit for the existing use of the church within the R-1 zoning district. This application recognizes that the church has existed in this zoning district since construction in the 1970's. This proposal will be combined with the spire replacement proposal as previously noticed and both items will be heard by the Oak Harbor Hearing Examiner at a combined public hearing on a new date; Friday, September 9th at 10:00 a.m., or as soon thereafter as possible.

PROJECT LOCATION: Application CUP-11-01 is located at 201 NE O'Leary Street, Oak Harbor, WA, parcel R13335-114-4500.

DETERMINATION OF COMPLETENESS: Application CUP-11-01 submitted on July 13 and August 9, 2011 by Mr. Gary Kienast with Hall, Kienast Architects for the Church of Jesus Christ of Latter-Day Saints was determined complete for processing on July 15 and August 9, 2011.

PUBLIC COMMENT PERIOD: To make written comments on this proposal, please mail or hand deliver specific comments to: City of Oak Harbor, Development Services Department, 865 SE Barrington Drive, Oak Harbor, WA 98277, no later than 5:00 p.m. on August 31, 2011. If you have questions regarding this proposal, please contact the Development Services Department at (360) 279-4510, between 8:00 a.m. and 5:00 p.m.

ENVIRONMENTAL DOCUMENTS AND/OR STUDIES APPLICABLE TO THIS PROJECT: N/A

PUBLIC HEARING REQUIRED: Notice is hereby given that a public hearing will be held before the City of Oak Harbor Hearing Examiner in the Council Chambers at City Hall, 865 SE Barrington Drive, on **Friday, September 9th at 10:00 a.m.**, or as soon thereafter as possible.

Anyone wishing to comment on this project or provide other relevant information may do so in writing or appear in person before the Hearing Examiner at the time and place of said public hearing. After obtaining public input and considering the matter, the Hearing Examiner may approve or deny the proposed application. As part of the approval, conditions or limitations may be imposed.

All meetings of the Hearing Examiner are open to the public.

To receive notification of the decision on this proposal, please send a self-addressed, stamped envelope and request a Notification of Decision for application CUP-11-01 from the City of Oak Harbor, Development Services Department, 865 SE Barrington Drive, Oak Harbor, WA 98277

CERTIFICATION OF MAILING
NOTICE TO ADJACENT PROPERTY OWNERS

I, Lisa Bebee, certify under penalty of perjury under the laws of the State of Washington, that the following is true and correct:

That on the 11th day of August, 2011, I deposited in the U.S. mail, postage prepaid, a copy of the Revised Notice to Adjacent Property Owners for Conditional Use CUP-11-00001 a copy of which is attached hereto and by reference made a part hereof) to the following property owners:

(see attached)

Executed this 11th day of August, 2011 in Oak Harbor, Washington.

Lisa Bebee

(Signature of person mailing)

EXHIBIT 6

EXHIBIT 1–6

CERTIFICATION OF POSTING
NOTICE OF APPLICATION

Office of the City Administrator
865 SE Barrington Drive
Oak Harbor, WA 98277

I, Lisa Bebee, hereby certify under penalty of perjury under the laws of the State of Washington, that the following is true and correct:

That on the 11th day of August 2011, I did post 3 notices (a copy of which is attached hereto and by reference made a part hereof) at the following locations:

1&2) Oak Harbor City Hall
865 SE Barrington Drive
Oak Harbor, WA 98277

3) City Library
1000 E Regatta Drive
Oak Harbor, WA 98277

advertising a Revised Notice of Application CUP-11-00001

Executed this 11th day of August, 2011 in Oak Harbor, Washington.

Lisa Bebee
(Signature of person posting)

EXHIBIT 6
EXHIBIT 1–6

REVISED NOTICE OF APPLICATION
&
REVISED NOTICE OF PUBLIC HEARING OAK HARBOR HEARING EXAMINER

APPLICATION: Conditional Use CUP-11-01
Church of Jesus Christ of Latter-Day Saints Spire Replacement Project

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ENVIRONMENTAL DOCUMENTS AND/OR STUDIES APPLICABLE TO THIS PROJECT: N/A.

PUBLIC HEARING REQUIRED: Notice is hereby given that a public hearing will be held before the City of Oak Harbor Hearing Examiner in the Council Chambers at City Hall, 865 SE Barrington Drive, on **Friday, September 9th at 10:00 a.m.**, or as soon thereafter as possible.

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All meetings of the Hearing Examiner are open to the public.

To receive notification of the decision on this proposal, please send a self-addressed, stamped envelope and request a Notification of Decision for application CUP-11-01 from the City of Oak Harbor, Development Services Department, 865 SE Barrington Drive, Oak Harbor, WA 98277

Lisa Bebee
Permit Coordinator

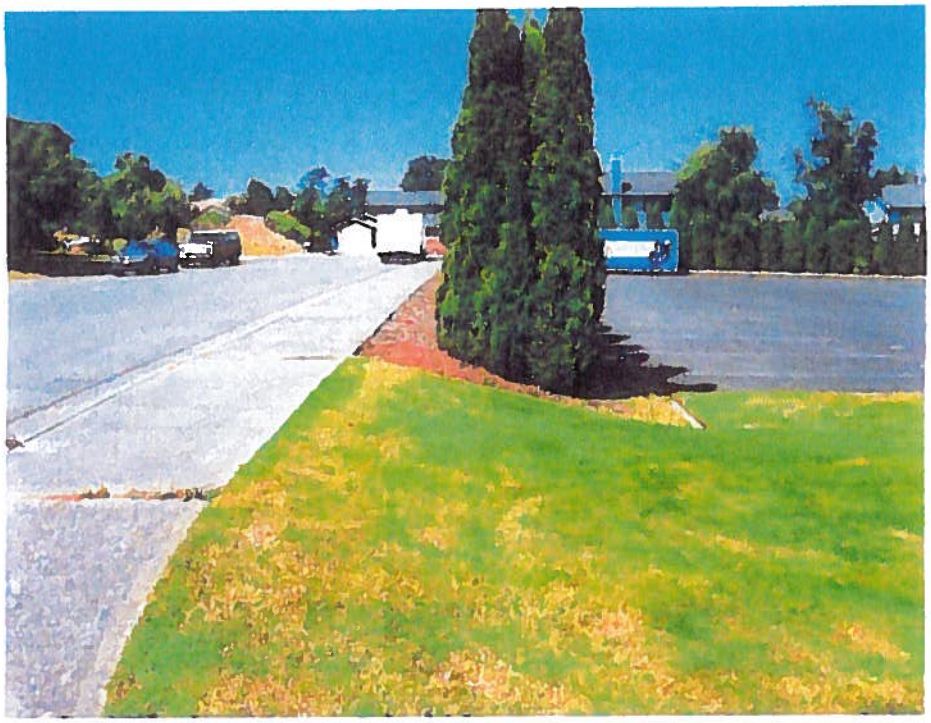
Published: Whidbey News Times
Date: August 17, 2011

EXHIBIT 6
EXHIBIT 1–6

Site Visit - July 28, 2011

Church and spire.

Looking towards southeastern corner of property.



Side yard slope.

Looking north down O'Leary Street.

Looking west towards church down NE 2nd Ave.

Looking south down O'Leary Street.