

**BEFORE THE LAND USE HEARINGS EXAMINER
FOR THE CITY OF BATTLE GROUND, WASHINGTON**

Regarding an application by Joy Russell on behalf of Battle) **FINAL ORDER**
Ground Foursquare Church for a conditional use permit for a) **CU: 01-16**
170-seat church in the existing North Parkway Mall at 11 N.) **(Battle Ground**
Parkway Avenue in the City of Battle Ground, Washington) **Foursquare Church)**

A. SUMMARY

1. The applicant requests approval of a conditional use permit to establish a 5,833 square foot, 170-seat church in an existing commercial tenant space in the North Parkway Mall, located at 11 N. Parkway Avenue, Suites 105-109; also known as tax assessor parcel No. 091051-026 (the "site").

a. The applicant will utilize 4,874 square feet of existing enclosed building and enclose an additional 959 square feet of existing covered walkway on the site to create 5,833 square of enclosed building for the church.

b. The church will consist of an assembly hall, classrooms, offices, conference room, restrooms and a small café/kitchen area. The applicant will also construct one additional on-site parking space on the site.

c. The site and surrounding properties to the north, south, and east are zoned D (Downtown). Properties to the west, across N. Parkway Avenue, are zoned CC (Community Center).

d. Additional basic facts about the site and surrounding land and applicable approval standards are provided in the Staff Report to the Hearing Examiner dated November 9, 2016 (the "Staff Report," Exhibit A), incorporated herein by reference.

2. Hearings Examiner Joe Turner (the "examiner") conducted a public hearing to receive testimony and evidence regarding the application. At the hearing, City staff recommended approval based on the findings and conditions set out in the Staff Report, as modified at the hearing. The applicant accepted the findings and conditions in the Staff Report, as modified, without objections. One person testified in writing with concerns about the adequacy of off-street parking.

3. After considering the applicable law and the testimony and evidence in the record, and for the reasons given herein, the examiner approves the conditional use permit subject to conditions of approval at the end of this final order.

B. HEARING AND RECORD HIGHLIGHTS

1. The examiner received testimony at a duly noticed public hearing about this application on November 16, 2016. That testimony and evidence, including an audio recording of the public hearing and the casefile maintained by the City, are included

herein as exhibits. The exhibits are filed at the City. The following is a summary by the examiner of selected testimony and evidence offered at the hearing.

2. At the hearing, city planning supervisor Sam Crummett summarized the Staff Report. He noted that the applicant modified the layout of the site to expand the seating capacity from 130 to 170 seats. Churches are permitted as conditional uses in the D (Downtown) zone. There are no off-street parking requirements in the D zone. If this church were proposed in another zone, the Code would require 1 off-street parking space per four seats, or 43 parking spaces for the proposed 170-seat church. The existing North Parkway Mall has 42 off-street parking spaces and the applicant proposed to provide one additional parking space, for a total of 43 off-street parking spaces. The existing restaurant on the site is closed on Sundays, when the church will generate the highest demand for parking. However it may be in the applicant's best interest to enter into agreements with the owners of surrounding properties to allow shared parking for evening events.

3. Pastor Joy Russell and architect Dane Walla testified on behalf of the applicant, Battle Ground Foursquare Church.

a. Ms. Russell testified that the church is in the process of leasing additional parking on nearby commercial and school properties to allow for overflow parking if needed for Sunday and evening events at the church.

b. Mr. Walla accepted the findings and conditions in the Staff Report, as modified, without objections.

4. Karla George testified in writing, Exhibit 6. She expressed concern that the church will consume the limited amount of on street parking available in the area.

5. The examiner closed the record at the end of the hearing and announced his intention to approve the application subject to the recommended conditions of approval set out in the Staff Report, as modified at the hearing.

C. DISCUSSION

1. City staff recommended approval of the proposed development, based on affirmative findings and subject to conditions of approval in the Staff Report, as modified at the hearing. The applicant accepted the findings and recommended conditions, as modified, without exceptions.

2. The examiner concludes the affirmative findings in the Staff Report, as modified, show that the proposal does or can comply with the applicable standards of the Battle Ground Municipal Code (the "BGMC"), provided that the applicant complies with the recommended conditions of approval. The examiner adopts the affirmative findings in the Staff Report, as modified, as his own.

3. The proposed church, which is located in the D zone, is not required to provide on-site parking. BGMC 17.133.040.F. Therefore the examiner must find that this application does provide adequate parking to meet code requirements.

a. In addition, there are 42 existing parking spaces on the site and the applicant will provide one additional on-site space with the proposed development, for a total of 43 on-site parking spaces. BGMC Table 17.133-1 requires that churches located in other zones provide one on-site parking space per four seats in the main auditorium. Therefore the proposed 170-space church would require 43 off-street parking spaces. The church shares the parking lot with the existing restaurant on the site. However the restaurant is closed on Sundays when the church generates the most demand for parking. The applicant is also pursuing agreements with the owners of surrounding properties to share parking where the church's operating hours will not conflict with the operating hours of the existing uses.

E. CONCLUSION

Based on the findings and discussion above, the examiner concludes that the applicant sustained the burden of proof that the conditional use permit does or can comply with the applicable standards of the Battle Ground Municipal Code and will not be significantly detrimental to people or property in the vicinity or to the general welfare of the City, provided the applicant complies with conditions of approval necessary to ensure the use does in fact comply with the applicable law and with measures to prevent or mitigate adverse impacts of the use.

F. DECISION

The examiner hereby approves CU: 01-16 (Battle Ground Foursquare Church), subject to the following conditions:

Conditions of Approval

A. Prior to Final Site Plan Approval:

1. Provide a final site plan.
2. Submit a completed industrial pretreatment survey for review by staff.
3. Showing double check backflow prevention.

B. Prior to Building Permit Issuance:

1. Receive signed and approved Final Site Plans from the City.
2. Acquire the required Building permits as outlined in Title 15 above.
3. Show a 70-lb grease trap on the plans.

4. Pay all required impact fees and service development charges.
5. All proposed outdoor lighting shall not cast excessive glare on nearby properties.

C. Prior to Construction:

1. Temporary address signage shall be posted and shall be visible and legible from the street fronting the property.

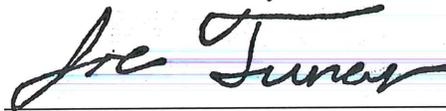
D. Prior to Occupancy Permit Issuance:

1. Complete all building permit requirements of the City.
2. Install Knox box in coordination with Fire District 3.
3. Any proposed signage will require a sign permit from the City.

E. Advisory Condition (not binding for CUP approval):

1. Enter into a parking agreement with the North Parkway Mall LLC to avoid any potential on-site parking conflicts with the Uncle D's restaurant and develop parking agreements with other nearby land owners, such as, the Battle Ground School District and the future Opdahl Chiropractor proposed on the northeast corner of NE 1st Street and North Parkway Avenue.

DATED this 17th day of November 2016.



Joe Turner, AICP
The City of Battle Ground Hearings
Examiner

