CITY OF WENATCHEE
LAND USE HEARING EXAMINER

IN THE MATTER OF	)	**FINDINGS OF FACT,**
	)	**CONCLUSIONS OF LAW AND,**
CUP-15-04	)	**DECISION AND**
Lighthouse Christian Ministries	)	**CONDITIONS OF APPROVAL**

THIS MATTER having come on for hearing in front of the City of Wenatchee Hearing Examiner on February 23, 2016, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. An application was submitted by Ryan Kelso, Complete Design Inc. on behalf of Robert J. Rogers, Lighthouse Christian Ministries on November 17, 2015 for a Conditional Use Permit: Humanitarian Service and Shelter Facility.
2. The application is for the purpose of remodeling an existing warehouse building to provide humanitarian services with a medical/dental office, soup kitchen, religious services and food storage (canned and dried food) for distribution.
3. The applicant has not applied for overnight lodging or accommodations.
4. The applicant has not applied for and the application was not reviewed for the use category of auditoriums/places of public assembly, and places of worship.
5. The application has been processed as a Type III quasi-judicial review for conditional use permits pursuant to WCC 13.09.050. A public hearing is required for the application.
6. A pre-application meeting was held on August 20, 2015.
7. The subject property is located within the Industrial (I) zoning district.
8. The Wenatchee Urban Area Comprehensive Plan land use designation is Industrial.
9. The proposed action is located at 410 S. Columbia Street and is identified by Assessor's Parcel No.: 22-20-10-815-280.
10. The subject property is approximately 0.75 acres in size.
11. The owner is Robert J. Rogers, Lighthouse Christian Ministries, 2121 Valley View Boulevard, East Wenatchee, WA 98802.
12. Access to the subject property is from S. Columbia Street. The street frontage at this location has not been improved with curb, gutter, and sidewalk at this location. The site is approximately 0.75 acres and is relatively flat, developed with an existing warehouse building and gravel parking lot.
13. The property is surrounded by industrial and commercial uses including BNSF Railway buildings located to the east on the opposite side of S. Columbia Street, an automobile repair

shop is located to the north of the site, and a parking lot is located to the south adjacent to Spokane Street. On the opposite side of Spokane Street to the south is the GOUSA Building which has been converted from a warehouse building in to an office building with multiple tenants zoned South Wenatchee Business District (SWBD). A neighborhood grocery store within the SWBD is adjacent to the subject property on west side. Additionally, within the vicinity is the is the Link Transit transfer station located on the next block north less than 500 feet from the subject property.

14. A Humanitarian Service and Shelter Facility is permitted as a Conditional Use in the I zoning district.
15. Wenatchee City Code (WCC) Section 10.08.075, defines "Humanitarian Service and Shelter Facility" as the use of a structure for the provision of relief to disadvantaged persons, whether for compensation or not, of a spiritual, material, or medical nature. Such services may include any or all of the following: emergency care, including lodging, meals, and other temporal items; religious services; professional counseling; rehabilitation of trade skills; food storage and dispensing; and medical assistance.
16. As conditioned, the proposal is consistent with the provisions of Title 10 Zoning.
17. A SEPA checklist was prepared on November 9, 2015 was noticed using the optional Determination of Non-Significance (DNS) process in WAC 197-11-355. A DNS was issued on February 12, 2016.
18. The proposal is consistent with the goals and policies of the Wenatchee Urban Area Comprehensive Plan.
19. Agency comments were received from the City of Wenatchee Development Review Engineer in a report dated December 28, 2015 identifying that there are no recommended conditions of approval from engineering.
20. A Public comment was received from Brett Hamilton, Hamilton Investment Group, LLC.
21. The Wenatchee Hearing Examiner conducted an open record public hearing on February 23, 2016.
22. The entire Planning Staff file was admitted into the record at the public hearing.
23. The City of Wenatchee Department of Community Development recommended approval of the requested permit, subject to the recommended conditions of approval.
24. Appearing and testifying on behalf of the applicant was Ryan Kelso. Mr. Kelso testified that he was an agent authorized to appear and speak on behalf of the property owner and applicant. Mr. Kelso primarily testified regarding questions surrounding what is a "religious service" as allowed in a humanitarian facility, as opposed to a "place of worship" as set forth in the code. It's understood by the City and the applicant that the applicant will be allowed to provide and hold religious services at the facility, for its clientele. However, it was also understood that as the use progresses, the nature of the use may evolve into a "place of worship" as opposed to an accessory use in a humanitarian facility. Mr. Kelso was very clear that they would not rent space within the facility to any other entities for any other purpose.
24. Testifying from the public was Bruce Phillips, Transit Planner for LINK Transportation. While LINK Transportation is generally in support of the project, they do worry about loitering on LINK property by clients of the applicant. They wished to work with the applicant and the City when developing a plan to disperse the applicant's clients when the applicant's facility is closed.

25. The application is proposing to remodel an existing warehouse building to provide humanitarian services. The demographic that will be served by this site will either be transient or have limited access to a personal vehicle. Applicable goals and policies under the transportation element of the comprehensive plan point towards providing a mix of transportation options that better meet the needs of Wenatchee residents giving priority consideration to access to transit. This includes managing the parking supply to balance perceived needs with land constraints and promote alternative transportation modes. Supporting policies state to promote off-street parking reductions for new developments with transit access and to appropriate type of project siting affordable housing as an example.

26. The applicant has proposed to provide 27 off-street parking spaces stating that the majority of persons accessing the site will be either pedestrian or utilize public transit. As part of the proposal the applicant would be providing 5 feet of sidewalk along the front of the subject property. A 5 foot wide walk zone would be striped beginning at the end of the ramp terminating the new sidewalk edge as shown on the site plan and continuing north along the right-of-way to the existing curb ramp and sidewalk with an ADA crossing that leads to the public transit facility. These improvements would ensure a safe walking route for those who will be using the proposed facilities. This is further supported in the comprehensive plan by the relevant goal and policy of the community design element for walkable communities by providing an amenity of the walking path and reducing parking for the new use.

27. To ensure consistency with Policies 4 and 6 of Dark Sky Design staff recommended as a conditional of approval that all lighting installed on the exterior of the building in a manner to not trespass on to surrounding properties as stated in the applicant's response letter dated February 8, 2016.

28. Lighthouse Christian Ministries seeks to improve the quality of life and health for the poor and needy by providing soup kitchen and food distribution services, medical and dental services, and religious services. Under the public facilities and services element of the comprehensive plan the city services goal and related policy states to cooperate with non-profit groups to enhance and promote services that enhance the quality of life and protect public safety in Wenatchee. The services that will be provided at this site will enhance the quality of life by providing nourishment and basic medical care to a group that would otherwise have limited access to these services.

29. The general criteria for conditional use permits requires that the proposal is compatible with adjacent uses and will protect the character of the surrounding area, will not result in the creation of nuisances to the public and/or nearby properties and existing uses, and will not result in undue adverse impacts affecting the public health, safety, and welfare. The proposal must also be consistent and compatible with the comprehensive plan and any implementing regulation.

30. The proposal is to remodel the interior of an existing warehouse building to provide humanitarian services with only minimal changes to the exterior on Columbia Street by removing the existing wooden staircase and replacing with concrete stairs and adding a guardrail to existing stairwell leading to lower level. The site would be enhance through the addition of landscaping along Columbia Street and internally on the site. The existing gravel parking lot will be paved and striped.

31. The current Lighthouse Christian Ministries soup kitchen is located nearby the proposed site at 526 S. Wenatchee Avenue. At this location the applicant states that they have diligently worked to be a good neighbor by cleaning up trash, shovel sidewalks, and pressure washing buildings

for neighboring businesses. They also state that they have provided the director's phone number to neighboring businesses to call at any time in circumstances when clients may be causing problems. Another mitigation measure that they have applied to their current location is limiting the hours of some services. Still there have been expressed concerns about having social services located on the avenue and the applicant is interested in moving to the proposed location and believe it will be a better location for all parties involved.

32. The use of the building as a humanitarian service is permitted within the zoning district with an approved conditional use permit. As part of the review of this application the applicant was asked to identify how impacts to surrounding properties would be mitigated and to provide a study on how the move would affect the neighborhood and a plan on how this facility would have a positive impact on the neighborhood. The applicant responded in a letter date February 5, 2016 that lighting fixtures will be provided on-site to illuminate the parking and walkway areas. Additionally, a six foot chain link fence will be installed around the parking area with a traffic gate installed at the entrance. Further the applicant has stated that security cameras that would be available to the staff and City of Wenatchee Police Department. Pursuant to WCC Section 10.65.030(5), staff recommended as a condition of approval that a management plan for the property be provided to the city prior to the issuance of the building permit that identifies how off-site impacts from the facility will be prevented or complaints from neighbors addressed.

33. The typical hours of operation for the facility would be 7:00 AM to 6:00 PM Monday through Saturday. The clinic and soup kitchen will operate on the main floor and will share restrooms. The soup kitchen serves meals at the following times: breakfast is served from 8:30 to 9:30 AM; lunch is served from 11:30 AM to 12:30 PM; dinner is served from 5:00 to 5:30 PM; and brunch is served Sunday starting at 11:00 AM. Food is distributed by volunteers in their own vehicles. Food storage of dry and canned goods will occur in the basement of the building. Bible study is held from 6:00 to 9:00 PM on Mondays and Fridays. The top (third) floor of the building will be utilized for religious and humanitarian services including bible study. It was clarified by the applicant in a letter dated February 8, 2016 that the third floor would not be rented to the general public for assembly purposes.

34. In addition to the security measures identified above, the project would include the addition of sidewalk along the front of the property and continue off-site with a stripped walkaway to improve pedestrian access and safety from the site to the nearby Link transit center.

35. The specific criteria for humanitarian services includes standards for use of existing buildings within the Residential High (RH) zoning district and states all required setbacks must be observed. The proposed use would occur within an existing warehouse building within the I zoning district. The I zoning district has zero foot setbacks from all property lines; no new structures are proposed as part of this project.

36. The parking needs are to be evaluated by the hearing examiner consistent with Chapter 10.60, Off-Street Parking. This chapter does not identify a specific number of parking spaces that would be required for humanitarian services. The applicant has identified 27 parking spaces and two loading/unloading berths on the site plan date stamped November 17, 2015. The supporting narrative states that approximately 95 percent of the future users of the facilities do not own or have access to a vehicle and will either access the site by foot or public transportation. The facilities require 1 – 3 employees to operate and volunteers are generally a couple families at a time.

37. **Off-Street Parking WCC Chapter 10.60:**

Vehicle parking is required to be to the rear or side of buildings. The parking area is existing to the south side of the building and the site plan shows that 27 stalls would be provided. The parking area will be required to be developed consistent general requirement for off-street parking provided in Section 10.60.030 WCC.

38. The applicant has provide a landscape plan showing the proposed landscape area to include deciduous and evergreen trees, and groundcover. The areas to be landscaped include a continue strip of landscaping along the street frontage, except at the access points to the property that is no less than six feet in width. A perimeter landscaping buffer is required along property lines that abut a commercial district. The west property line abuts the South Wenatchee Business District. While the landscape plan does not show landscaping will be provided along this property line it does appear that there is space to provide the required ten foot buffer. Lastly, interior landscape requirements for parking areas requires that landscape island/area are placed at the end of each parking row which is not shown on the landscape plan. Based on the landscape plan submitted it appears that sufficient area is provided for landscaping; however, a landscape plan meeting all the requirements of this chapter is required to be submitted for approval at the time of commercial building permit application. An alternative landscape plan may be submitted if the applicable criteria can be met.

39. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.

40. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.

41. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.

42. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The City of Wenatchee Hearing Examiner has been granted the authority to render this decision pursuant to WCC 11.04.08.
2. As conditioned, the proposal is consistent with the intent, purposes, and regulations of the Wenatchee City Code and Comprehensive Plan.
3. As conditioned, this proposal meets the general and specific conditional use criteria for WCC 10.65.080 "Humanitarian Service and Shelter Facility".
4. The conditional use permit will run with the land.
5. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
6. Comments from the reviewing agencies and public have been considered and addressed where appropriate.
7. As conditioned, the proposal will not be significantly detrimental to the public health, safety and welfare; diminish the value of nearby property or improvements; or disturb persons in the use of property unless the conditional use is a public necessity.

8. As conditioned, the proposal has been designed to minimize adverse effects on neighboring properties, to include at minimum the effects of lighting, transportation, noise, odor, dust, and appearance.
9. The conditions of approval are the minimum necessary to ensure the proposal will comply with all applicable laws and regulations.
10. All conditions place upon the proposed use are conditions that are measurable and can be enforced and monitored.
11. Public use and interests will be served by approval of this proposal.
12. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, Application CUP-15-04 is hereby **APPROVED/** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.
2. The project shall proceed in substantial conformance with the plans and application materials on file except as amended by the conditions herein.
3. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.
4. Any lighting associated with the completed project shall not be installed to shine on adjoining properties.
5. Verification of compliance of the applicable standards and the recommended conditions of approval within the City of Wenatchee Development Review Engineer's report prepared by Donald Nelson, dated December 28, 2015 prior to the issuance of final occupancies for the building.
6. Any work or improvements in the public right-of-way shall require review and approval by the City of Wenatchee Public Works department.
7. The conditional use permit only applies to 410 S. Columbia Street; and identified by Assessor's Parcel No.: 22-20-10-815-280.
8. Lighthouse Christian Ministries shall maintain compliance with the standards of WCC Title 10 Zoning and conditions of the conditional use permit at all times. Violation of the terms of the permit and/or requirements of the WCC not expressly modified by the permit shall be processed as a violation pursuant to WCC Chapter 13.13 Enforcement and Penalties.
9. An application for an amendment to the conditional use permit will be required to provide overnight lodging or accommodations that would be classified as a shelter facility.

10. An application for an amendment to the conditional use permit will be required if the use of the top (third) floor is to be used for any type of public assembly or worship not directly related to the humanitarian services identified in the application.
11. A landscape plan or alternative landscape plan meeting all applicable requirements of WCC 10.62 shall be submitted for review and approval for the completion of the commercial building permit process for this proposal.
12. Hours of operation shall be maintained as identified in the application materials.
13. A management plan identifying potential off-site impacts from the facility, specific prevention measures to be implemented, and steps to address complaints from neighbors shall be submitted to the City of Wenatchee Community and Economic Development staff for review and approval prior to the issuance of a commercial building permit for the subject property. The management plan must specifically address WCC Sections 10.65.060(5) and (6). A LINK Representative will be allowed to participate in this process, but ultimately it is an agreement whose terms will be decided by the City and the applicant.
14. A substantial increase in documented nuisance complaints that are not resolved by the applicant's management plan, from the public and/or nearby properties in or adjacent to the block on S. Columbia Street and S. Wenatchee Avenue containing the subject property will be reviewed for compliance with WCC Section 10.65.050 and Title 16.

Dated this 29th day of February, 2016.

CITY OF WENATCHEE HEARING EXAMINER

Andrew L. Kottkamp

Action of the Hearing Examiner is final unless, within twenty one (21) days of the issuance of the Notice of Final Decision, an appeal is filed in the Chelan County Superior Court as provided for in the Wenatchee City Code, Title 13, Chapter 13.11, and RCW 36.70C.040(3)(4)(a).