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BEFORE THE HEARING EXAMINER FOR OAK HARBOR

Phil Olbrechts, Hearing Examiner

RE: Bright Haven Child Care Center Conditional Use File No. 2409-0055	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION.
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INTRODUCTION

Glaiza Price has applied for a conditional use permit for the use of an existing commercial space and adjacent outdoor play area for a child day care facility to be located at 890 SE Bayshore Drive, Suite 2 (indoor space) and 888 SE Bayshore Drive (outdoor play area). The application is approved subject to conditions.

ORAL TESTIMONY

A computer-generated transcript of the hearing has been prepared to provide an overview of the hearing testimony. The transcript is provided for informational purposes only as Appendix A.

EXHIBITS

The four exhibits identified on the first page of the staff report and the staff report itself were admitted into the record during the January 27, 2025 hearing.

FINDINGS OF FACT

Procedural:

1. Applicant. Glaiza Price, 2425 SE Navigator Loop, Oak Harbor, WA 98277.
2. Hearing. The Hearing Examiner conducted a virtual hearing on the application at 2:00 pm on January 27, 2025.

1 **Substantive:**

2 3. Site/Proposal Description. Glaiza Price has applied for a conditional use
3 permit for the use of an existing commercial space and adjacent outdoor play area for
4 a child day care facility to be located at 890 SE Bayshore Drive, Suite 2 (indoor space)
and 888 SE Bayshore Drive (outdoor play area).

5 The project site consists of existing commercial development within the downtown
6 core. The proposed indoor space is 1700 square feet in area and located in the lower
7 level of a multi-unit commercial building with access from the south side of the
8 property off SE Bayshore Drive. The outdoor play area will be 1250 square feet in area
and will be located across a public walkway adjacent to a nearby building.

9 As noted on the application, the capacity of the proposed center is 13 children, which
10 requires the outdoor space to be the minimum size of 1250 square feet, based on the
11 1000 square foot minimum for 8 children, plus 50 square feet for each additional child.
12 This standard is above the requirement set forth by the State of Washington and staff
is currently working on a code amendment to bring the Oak Harbor Municipal Code
into line with state requirements.

13 4. Characteristics of the Area. The project area is surrounded by retail and
14 office uses zoned CBD with some condominiums located to the south.

15 5. Adverse Impacts. No adverse impacts are anticipated from the proposal.
Specific impacts are addressed as follows:

16 A. Noise. As proposed, the only potentially significant noise impacts would
17 be from the outdoor play area of up to 13 children. The Applicant testified that play
18 times would be Monday through Friday, usually not starting until 10 am for morning
19 play and 20 to 30 minutes for afternoon play. The president of the condominium
association for the condominiums located to the south expressed concern about the
20 outdoor noise in Ex. 5. A condition of approval limits play hours to 8 am through 9
pm.

21 B. Light. It doesn't appear that any changes will be made to exterior lighting.
A condition of approval requires that any lighting fixtures be designed to minimize
22 light spillage onto adjoining properties.

23 C. Parking. The City's parking standards do not require a set number of
parking spaces for day care centers. A condition of approval requires the Applicant to
24 present and acquire staff approval of a parking plan that establishes a sufficient number
of parking spaces to accommodate anticipated parking demand.

25 E. Traffic. Since the proposal is for an existing commercial building that has
already been approved, it is found that the modest amount of traffic generated by the
proposal has already been addressed and adequately mitigated. One area of concern is
potential traffic queuing impacts generated during pick-up and drop-off times. The
applicant has proposed a staggered drop-off schedule to reduce congestion in the

1 adjacent shared parking area. The nature of the location in a downtown urban area
2 creates opportunities for alternative drop off locations as well – for instance, ample
3 street parking exists on both SE Pioneer Way and SE Bayshore Drive. A condition of
4 approval requires that the Applicant present a queuing plan for staff approval that
5 establishes that queuing will not interfere with adjoining traffic patterns.

6 F. Utilities. The staff report identifies that the proposal will be served by
7 adequate utilities. Given that the proposal is for an existing commercial building in a
8 fully developed area and staff’s findings on the issue it is found that the proposal will
9 be served by adequate utilities.

10 G. Compatibility. The small project is found to be readily compatible with
11 surrounding uses, which are almost all commercial as well. There are condominiums
12 located to the south of the proposed play area. Impacts to the condominium are
13 sufficiently minimized by the conditions of approval, in particular those limiting hours
14 of play to reduce noise impacts. As testified by staff, a fence will be installed to
15 separate the children from the parking lot to the condominium development. Concern
16 in Ex. 5 was raised about playground sawdust flying into the parking lot. There is
17 nothing to suggest that the “sawdust” would be prone to flying onto adjoining
18 properties. If it does the would be addressed by nuisance laws as a private matter
19 between the adjoining properties.

20 H. Erosion. According to the staff report, there will be very little in the way of
21 physical changes to the site. The staff report is unclear about what exterior changes, if
22 any, will be made for the proposal. The City’s erosion control standards should be
23 sufficient to address any potential erosion control problems created by the proposal.

24 CONCLUSIONS OF LAW

25 Procedural:

1. Authority of Hearing Examiner. OHMC 19.67.030 authorizes the hearing
examiner to issue decisions on applications for conditional use permits.

Substantive:

2. Zoning Designation. The property is currently zoned CBD, Central
Business District.

3. Review Criteria. Private day care not conducted as a home occupation
requires a conditional use permit in the CBD zone per OHMC 19.20.1050. OHMC
19.67.03 sets the criteria for conditional use permit applications. Pertinent criteria are
quoted below and applied via corresponding conclusions of law.

OHMC 19.67.030: *No conditional use shall be granted unless it meets the following
criteria:*

(1) All special conditions for the particular use are met;

1 4. Criterion met. The criterion is met. No special conditions apply to the proposal.

2 **OHMC 19.67.030(2):** *It does not have a significant, adverse environmental impact*
3 *resulting in excessive noise, light and glare or soil erosion on adjacent property;*

4 5. Criterion met. The criterion is met. The proposal will not create any significant
5 adverse noise, light or erosion impacts as determined in Finding of Fact No. 5A, B and
6 H.

6 **OHMC 19.67.030(3):** *It is provided with adequate parking;*

7 6. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.
8 5D.

9 **OHMC 19.67.030(4):** *It is served with adequate public streets, public utilities and*
10 *facilities;*

11 7. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.
12 5E and 5F.

13 **OHMC 19.67.030(5):** *It otherwise meets the purpose of the district in which it is to be*
14 *placed;*

14 4. Criterion met. The criterion is met. The designated purpose of the CBD district
15 is to create and foster a traditional center of social, cultural and retail activity. Day care
16 services help support those objectives. Standards and design guidelines are adopted to
17 enhance and maintain a pedestrian-friendly environment.

17 **OHMC 19.67.030(6):** It meets the goals and policies of the Oak Harbor comprehensive
18 plan.

19 4. Criterion met. The criterion is met for the reasons identified at page 3 of the staff
20 report.

21 **DECISION**

22 Based upon the conclusions of law above, the conditional use permit application is
23 approved subject to the following conditions:

24 1. The child day care center be limited to the number of children allowed by OHMC and
25 state standards. 13 children based on the size of the outdoor play area, unless the
standards by which the formula for square footage is changed by OHMC or State
requirements, in which case the applicant shall notify city staff of any expansion to the
facility.

- 1 2. That all requirements for building and fire codes be met for the building prior to
2 occupancy. Any proposed exterior light fixtures shall be designed to minimize light
3 spillage onto adjoining properties by the use of cut-offs and other design features
4 reasonably available to mitigate lighting impacts.
- 5 3. That all State licensing requirements be met prior to commencement of the day care
6 facility.
- 7 4. The conditional use permit applies only to the property for which the application is made.
- 8 5. Prior to occupancy the Applicant shall acquire City staff approval of parking and
9 queuing plans that establish that the proposal will accommodate anticipated parking
10 demand and that queuing impacts during pick up and drop off shall not materially disrupt
11 adjoining traffic.
- 12 6. Outdoor playtime hours shall be limited to 8 am to 9 pm.

13 Dated this 7th day of February, 2025.

14 Phil Olbrechts
15 Phil Olbrechts,
16 Oak Harbor Hearing Examiner

17 **Appeal Right and Valuation Notices**

18 Pursuant to OHMC 19.67.060, this conditional use permit decision is a final land use
19 decision of Oak Harbor and may be appealed to superior court within 21 days as
20 governed by the Washington State Land Use Petition Act, Chapter 36.70C RCW.

21 Affected property owners may request a change in valuation for property tax purposes
22 notwithstanding any program of revaluation.
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Appendix A

January 27, 2025 Hearing Transcript

Bright Haven Child Care Center – 2409-0055

Note: This is a computer generated transcript provided for informational purposes only. The reader should not take this document as 100% accurate or take offense at errors created by the limitations of the programming in transcribing speech. A recording of the hearing is available from the planning department should anyone need an accurate rendition of the hearing testimony.

Examiner Olbrechts ([00:01](#)):

Alright, for the record, it's January 27th, 2025, 2:00 PM I'm Phil Alre, hearing Examiner for the City of Oak Harbor. I have a couple conditional use permit application hearings today. The first one on the agenda is for the BrightHaven Child Care Center. So the hearing format is, we'll start off with a presentation from staff. Ms. Heller will give us an overview of the project once she's done, we'll move on to the applicants if they want to make any. They don't have to, but they'll have that opportunity. And after applicant comments in, we'll move on to public comments. The purpose of the hearing today, if there are any members of the public out there who want to comment, we'll make sure you get that chance. After public comment, we go back to Ms. Heller to answer any questions the public had raised and also give her an opportunity to provide any rebuttal evidence she finds necessary.

([00:48](#)):

Then applicant gets final word and I get 10 business days to issue a decision. So I said we've got two permanent applications today. The first one will be that we'll consider is a BrightHaven Childcare Center. That's case number 24 0 9 dash 55. By state law, I'm not allowed to consider any evidence except the information that's put in the record today. That way everyone who's participating in the hearing knows what information is considered for that final decision. And Ms. Heller, to that end, has put together a staff report which outlines what the project is about and how it meets code criteria. And she includes a list of exhibits with that documents that she also wants to be put in the record. And those exhibits are composed of application materials, the zoning and vicinity map, the noticing documents that were involved, and then finally public comment. So at this point I just wanted to ask if anyone needs to see any of these documents or has any objections to their entry in the record If it looks like, well we've got one person of the public maybe who's participating virtually and Ms. Heller, actually this is Teams I'm more familiar with. Zoom and Teams. You can press on a virtual hand at the bottom of your screen if you want to be recognized. Do you know how teams works for this kind of thing?

Speaker 2 ([02:08](#)):

At this point there's only myself, you and our cameras here in the council chamber, so we don't have any remote attendees.

Examiner Olbrechts ([02:18](#)):

Oh, I see Tim Shelley who's participating virtually.

Speaker 3 ([02:22](#)):

Oh yes, that is our audio visual.

Examiner Olbrechts (02:25):

Okay, well that makes it easier then. Okay. Does anyone in the meeting room then need to see any of these documents or have any objection? They're entering the record and it looks like none. So I'll go ahead and admit the staff report along with exhibits two through five. Ms. Heller, at this point, let me swear you in and then I'll let you go ahead and talk about the project. Just raise your right hand. Do you swear affirm to tell the truth, nothing but the truth in this proceeding?

Speaker 2 (02:49):

I'm actually going to defer to Ray Lindenberg. He's the senior planner who wrote up the staff

Examiner Olbrechts (02:53):

Reports.

Speaker 2 (02:54):

I'm going to be reporting for the record, so I'll let him do the swearing in today.

Examiner Olbrechts (02:58):

Okay. Mr. Lindberger, are you there?

Planner Lindenburg (03:01):

I

Speaker 2 (03:01):

Am.

Examiner Olbrechts (03:02):

Okay, lemme swear you in there. Do you swear affirm to tell the truth, nothing about the truth in this proceeding?

Planner Lindenburg (03:07):

I do.

Examiner Olbrechts (03:07):

Okay, great. Go ahead.

Planner Lindenburg (03:10):

Okay, so we have an application for conditional use. As you mentioned, it's the BrightHaven daycare or childcare center. We call it childcare center. Based on what our code says in the definitions section, it is a conditional use in the central business district zone district, which is where it's located. There are two aspects to this application. One is the indoor classroom area and the other is the outdoor play area. And I just wanted to have a couple of clarifications on our staff report here. First of all, the address of the applicant was mistyped. It should be 2 4 1 5 Southwest Navigator Loop instead 2 4 2 5. So there's that.

And then just as I go through this, I will bring up the other clarification that I wanted to have on there based on email I got from the applicant.

Examiner Olbrechts (03:59):

So Mr. Limber, you said one clarification of what you just said because on the staff report, the navigator loop addresses the address of the applicant, not the address of the project site. Correct. Is that what you meant? So you were correcting the address of the applicant then? Okay.

Planner Lindenburg (04:15):

Correct.

Examiner Olbrechts (04:15):

Okay, gotcha. Alright, great, thanks.

Planner Lindenburg (04:18):

So what we have, like I said, is there's an indoor classroom area and that is the square footage of those is determined by the state per student enrollment for these schools. The outdoor play area. And the measurements for that is based on what our code, the Old Carbon municipal code says. And there is a formula that we use that is a little bit more restrictive than the state formula. When this application came in, we discussed that and how much space they would need. And we made an interpretation here as staff, the development services director made the interpretation that the play area could be measured based on the number of kids that were at playing essentially in that play area at the same time rather than the total number enrolled at the school. And so that is an interpretation that we've made, but also at the same time concurrently, I'm going to the city council tomorrow with a revision to our code that would say essentially that we defer the square footage requirement to the state requirements as we feel number one, that that's a lot more consistent.

(05:27):

Number two, they're the experts in that field and not us. So what we're going to do, I did want to make a minor correction or possible change to the conditions of approval and that's the first condition there where we say the child daycare center be limited to 13 children based on the size of the outdoor play area unless the standards by which the formula for square footage is changed by the Oak Harbor Municipal Code. And that's the reference I'm talking about because that might take a little while, maybe a month or two to come into effect. I would suggest that that condition of approval just be changed to that the daycare center be limited to the number of, let's see, I'm sorry, the child daycare center be limited based on the size of the outdoor play area.

(06:20):

I'm sorry, I thought I had this written down but I don't. That will essentially be in compliance with the Oak Carver Municipal Code and state requirements rather than putting a number on that specifically. And I can get that typed up real quick if you need to have that, but that would be my recommendation that we actually change that slightly so that there's not a specific number on there that it include the number of kids that are playing at a given time and not the total number of kids that are enrolled at the school. So that is essentially the only change we have. Staff recommends approval on this. We feel like the daycare center in that location is an appropriate use. It's not a particularly good retail space or restaurant space or anything like that. Our downtown area is kind of short of those types of uses. So we feel that it's probably an appropriate use for that location and recommend approval to it.

Examiner Olbrechts (07:13):

Okay. And there was a fairly detailed comment letter from the adjoining condominium association. They were concerned about, well they were asking whether a separate fence was going to be put up and they were also concerned about some proposed, I guess you'd call it sawdust or chip wood chips flying into their parking lot. Do you have any response to any of those concerns?

Planner Lindenburg (07:39):

There will be a fence constructed, yes. And that fence should easily be able to create a barrier so that children won't be able to damage vehicles honestly, in order to damage vehicles in that parking lot, a child would have to throw something significant over a, I believe minimum four foot fence. So that I think is fairly unlikely. There are insurance I think for things like that if that does happen. With regards to wood chips, that is standard practice. I believe in most parks and playgrounds there is potential for injury, but there's potential for injury just from running around and playing outside. So I don't think that that's a particular concern. As I mentioned, the state has requirements and they do inspections and they have their standards and we would prefer to defer to them as they are more expert in the field of childcare than our planning staff is.

Examiner Olbrechts (08:36):

Okay. And then I guess the other concern was noise. I mean has it been proposed for specific hours of operation or I don't think it was, but do you know,

Planner Lindenburg (08:51):

I'm looking right now, sorry.

Examiner Olbrechts (08:55):

And we can have the applicant answer that if

Planner Lindenburg (08:58):

We probably could and to be perfectly honest, I think it would be reasonable to state that their outdoor play times be between certain hours. It's not going to be 6:00 AM or 10:00 PM or anything like that.

Speaker 3 (09:10):

So yeah, that

Planner Lindenburg (09:11):

Would sense. Like I said, I think it's a complementary use in that area and I don't sense that there would be too significant of an impact on neighboring properties.

Examiner Olbrechts (09:19):

Okay. Sounds good. Alright, well at this point we can move on to the applicant if the applicants want to say anything. And I will say at this point as well, anyone who testifies in the hearing will have to go up to the podium right there and tell us how to spell your last name and I'll swear you in and then you can go ahead and make your comments. At this point, it's just the applicant's turn if they want to say anything, move on up to the podium there.

Speaker 2 ([09:42](#)):

Hello?

Examiner Olbrechts ([09:43](#)):

Hi. And what's your name ma'am?

Speaker 2 ([09:45](#)):

My name is Glisa Price.

Examiner Olbrechts ([09:47](#)):

Okay, and I guess P-R-I-C-E, is that right?

Speaker 2 ([09:50](#)):

Correct.

Examiner Olbrechts ([09:51](#)):

Okay. That part's pretty easy. Let me swear you in Ms. Price, you raise your right hand. Do you swear Affirm to tell the truth, nothing but the truth in this proceeding?

Speaker 2 ([09:59](#)):

I do.

Examiner Olbrechts ([09:59](#)):

Okay, great. Go ahead.

Speaker 2 ([10:02](#)):

We just kind of had a statement to say Good afternoon, members of the hearing examiners, city staff and community members. My name Isa Price and I'm here with my husband Patrick Price. Together we represent BrightHaven Childcare Center. We are requesting approval for a conditional use permit to operate a childcare facility at eight 90 Southeast Bay Shore Drive with an outdoor play area located on the adjacent lot. Over the past several months, we have collaborated with city staff to ensure that this project meets all local and state requirements. The outdoor play area is designed to meet wax safety standards and city codes with cedar play chips, a privacy fence and staggered use by no more than 11 children at any given time. We were inspired to transition from our successful at-home daycare to a commercial childcare center after learning about Washington state's childcare crisis. As highlighted in a recent study as longtime residents of Oak Harbor since 2005, we are committed to providing families with a much needed service while contributing positively to the central business district by transforming underutilized land into a secure maintained space. We are excited about this opportunity to help address the childcare shortage while fulfilling our passion for teaching and managing a business. We're happy to address any questions or concerns and appreciate your time and consideration.

Examiner Olbrechts ([11:28](#)):

Thank you, Ms. Price. Yeah. One question was what are your contemplated hours of operation? When are you going to have kids in the play area you think? Usually?

Speaker 2 ([11:36](#)):

Yeah, so our times that we will be open will be Monday through Friday, seven to five and usually play times won't happen until probably 10 o'clock for morning play and then 20 to half an hour, 20 to 30 minutes in the afternoon for afternoon play.

Examiner Olbrechts ([11:56](#)):

Okay, sounds good. All right, great. Thank you Ms. Price, appreciate your testimony. Perfect. Yeah, yeah, very useful. Thank you. Thank you. Okay. At this point then it's a chance for public comment if any members of the public want to say anything. I think Ms. Heller probably has. Ms. Heller, do you have a sign-in sheet for people who want to speak on this application?

Speaker 2 ([12:17](#)):

We have nobody signed up today. Is there anyone here in the group that would like to speak? We have no takers.

Examiner Olbrechts ([12:24](#)):

Okay. Alright then back to Mr. Lindberger. Any final comments?

Planner Lindenburg ([12:29](#)):

Yes, I was able to revise that condition. Number one to just state the child daycare center, be limited to the number of children allowed by Oak Harbor Municipal Code and State standards.

Examiner Olbrechts ([12:41](#)):

Okay. Pretty straightforward. Yeah, and if you could email that to me, that'd be great too. And then the applicants, I take it you don't have anything more you want to say, right? Just wave your head. No, and Ms. Heller will let me know. Okay. Alright. Ms. Heller, I take it they're not opting to add anything more.

Speaker 5 ([12:59](#)):

They do not.

Examiner Olbrechts ([13:00](#)):

Okay. Yeah, that makes sense. Okay, I'll go ahead and close the hearing and yeah, I think well as the applicant said this is a needed facility and the impact seem pretty marginal, I probably will add a condition, limiting hours, business hours or something of that nature for use of the play area. I mean even 7:00 AM is probably okay, but I'll try to make that consistent with the city's noise ordinance. Beyond that, I mean I think it's a pretty straightforward approval and we'll get that approval out within the next 10 business days. That's usually a couple of weeks. So just want to thank the prices for coming in today, appreciate your comments and we'll get that decision out to you in the next couple of weeks.

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BEFORE THE HEARING EXAMINER FOR OAK HARBOR

Phil Olbrechts, Hearing Examiner

RE: Connection Christian Center Conditional Use File No. 2410-0060	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION.
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INTRODUCTION

Joshua Keck has applied for a conditional use permit for the use of an existing commercial space for a church to be located at 31640 SR 20, Unit 1. The application is approved subject to conditions.

ORAL TESTIMONY

A computer-generated transcript of the hearing has been prepared to provide an overview of the hearing testimony. The transcript is provided for informational purposes only as Appendix A.

EXHIBITS

The three exhibits identified on the first page of the staff report and the staff report itself were admitted into the record during the January 27, 2025 hearing.

FINDINGS OF FACT

Procedural:

1. Applicant. Joshua Keck, 31640 SR 20, Unit 1, Oak Harbor, WA 98277.
2. Hearing. The Hearing Examiner conducted a virtual hearing on the application at 2:00 pm on January 27, 2025.

Substantive:

1 3. Site/Proposal Description. Joshua Keck has applied for a conditional use
2 permit for the use of an existing commercial space for a church to be located at 31640
SR 20, Unit 1.

3 The project site consists of an existing commercial site within a larger highway
4 commercial strip. The proposed church is located at the rear of a multi-tenant
5 commercial plaza consisting of three buildings and shared parking and driveway
6 access. The church will take up two floors and will be 2968 square feet in area. The
7 first floor is proposed to be remodeled to accommodate the congregation, which will
be up to 80 people per the applicant's request. The site is generally flat and does not
include any sensitive areas.

8 No changes to the exterior of the building is proposed, including any landscaping or
9 site changes.

10 4. Characteristics of the Area. The project area is surrounded by commercial
uses zoned C-3.

11 5. Adverse Impacts. No adverse impacts are anticipated from the proposal.
12 Specific impacts are addressed as follows:

13 A. Noise. Primary anticipated noise would be limited to vehicular noise,
14 which would not be out of character with surrounding commercial activity. The
proposal will not create any significant noise impacts.

15 B. Light. No exterior alterations are proposed so there will be no lighting
impacts.

16 C. Parking. The proposal conforms to the City's parking standards so is found
17 to have no significant parking impacts. Per the minimum standards listed in OHMC
18 19.44.100, churches are required to have a minimum of one parking space per four
seats and/or one per 30 square feet of assembly space without fixed seats. The applicant
19 has shown parking served in an existing paved parking lot shared with other uses in the
center. At a ratio of one parking space per 4 seats, 20 parking spaces will be required
20 as a minimum. 35 parking spaces are shown on an aerial photo submitted by the
applicant. City staff determined this shared parking to be adequate because the church
21 will operate at times that other uses for the shared parking do not. The proposal is
conditioned to have operating hours limited to Wednesday evenings and Sundays to
22 assure that the parking remains sufficient.

23 E. Traffic. Since the proposal is for an existing commercial building that has
already been approved, it is found that surrounding streets can adequately
24 accommodate the trips generated by the proposal given the off-peak hours the church
is in use.

25 F. Utilities. The staff report identifies that the proposal will be served by
adequate utilities. Given that the proposal is for an existing commercial building in a
fully developed area and staff's findings on the issue it is found that the proposal will
be served by adequate utilities.

1 G. Compatibility. The project is found to be readily compatible with
2 surrounding uses, which are all commercial as well. As identified in the other
subsections of Finding of Fact 5 herein, the proposal will not generate any significant
adverse impacts to surrounding uses and is not out of character with those uses.

3 H. Erosion. According to the staff report, the proposal involves no exterior
alterations and thus will not create any adverse erosion impacts.

4 CONCLUSIONS OF LAW

5 **Procedural:**

6
7 1. Authority of Hearing Examiner. OHMC 19.67.030 authorizes the hearing
8 examiner to issue decisions on applications for conditional use permits.

9 **Substantive:**

10 2. Zoning Designation. The property is currently zoned C-3.

11 3. Review Criteria. Churches require a conditional use permit in the C-3 zone
12 per OHMC 19.20.1050. OHMC 19.67.03 sets the criteria for conditional use permit
13 applications. Pertinent criteria are quoted below and applied via corresponding
conclusions of law.

14 **OHMC 19.67.030:** *No conditional use shall be granted unless it meets the following*
15 *criteria:*

16 (1) *All special conditions for the particular use are met;*

17 4. Criterion met. The criterion is met. No special conditions apply to the proposal
18 except those imposed by this decision, which the City can enforce through its code
enforcement process.

19 **OHMC 19.67.030(2):** *It does not have a significant, adverse environmental impact*
20 *resulting in excessive noise, light and glare or soil erosion on adjacent property;*

21 5. Criterion met. The criterion is met. The proposal will not create any significant
22 adverse noise, light or erosion impacts as determined in Finding of Fact No. 5A, B and
23 H.

24 **OHMC 19.67.030(3):** *It is provided with adequate parking;*

25 6. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.
5D.

1 **OHMC 19.67.030(4):** *It is served with adequate public streets, public utilities and*
2 *facilities;*

3 7. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.
4 5E and 5F.

5 **OHMC 19.67.030(5):** *It otherwise meets the purpose of the district in which it is to be*
6 *placed;*

7 4. Criterion met. The criterion is met. As outlined in OHMC 1920.335, the C-3
8 community commercial district is intended to provide for those types of retail,
9 wholesale, transportation, and service uses which, because of traffic and other
10 requirements, depend upon particular locations to serve the needs of the community
11 and its trading area. As a community service that provides important services to the
12 entire Oak Harbor community, the proposed location within a centralized location of
13 the City meets the intent of the C-3 zone.

14 **OHMC 19.67.030(6):** It meets the goals and policies of the Oak Harbor comprehensive
15 plan.

16 4. Criterion met. The criterion is met for the reasons identified at page 3 of the staff
17 report.

18 **DECISION**

19 Based upon the conclusions of law above, the conditional use permit application is
20 approved subject to the following conditions:

- 21 1. The attendance for church services be limited to 80 people.
- 22 2. Use of the site for church services be limited to Wednesday evenings and Sundays
23 only. Additional use of the space for small groups and office hours should be
24 limited to not create parking impacts for businesses on the same site who operate
25 during the weekday daytime hours.
- 26 3. Parking for the church is limited to the paved parking areas on site, or public
27 parking on paved surfaces with the consent of the property owner. No parking is
28 allowed on dirt, gravel or similar non-improved lots.
- 29 4. That any future development on the site comply with the applicable standards of
30 the OHMC, including OHMC 19.08.676.
- 31 5. That all requirements for building and fire codes be met for the building prior to
32 occupancy.

1 6. The conditional use permit applies only to the property for which the application
2 is made.

3 Dated this 7th day of February, 2025.

4 *Phil Olbrechts*

5 _____
6 Phil Olbrechts,
7 Oak Harbor Hearing Examiner

8 **Appeal Right and Valuation Notices**

9 Pursuant to OHMC 19.67.060, this conditional use permit decision is a final land use
10 decision of Oak Harbor and may be appealed to superior court within 21 days as
11 governed by the Washington State Land Use Petition Act, Chapter 36.70C RCW.

12 Affected property owners may request a change in valuation for property tax purposes
13 notwithstanding any program of revaluation.
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Appendix A

January 27, 2025 Hearing Transcript

Connection Christian Center – 2410-0060

Note: This is a computer generated transcript provided for informational purposes only. The reader should not take this document as 100% accurate or take offense at errors created by the limitations of the programming in transcribing speech. A recording of the hearing is available from the planning department should anyone need an accurate rendition of the hearing testimony.

Examiner Olbrechts ([00:01](#)):

Alright, for the record, it's January 27th, 2025, 2:00 PM I'm Phil Alre, hearing Examiner for the City of Oak Harbor. I have a couple conditional use permit application hearings today. The first one on the agenda is for the BrightHaven Child Care Center. So the hearing format is, we'll start off with a presentation from staff. Ms. Heller will give us an overview of the project once she's done, we'll move on to the applicants if they want to make any. They don't have to, but they'll have that opportunity. And after applicant comments in, we'll move on to public comments. The purpose of the hearing today, if there are any members of the public out there who want to comment, we'll make sure you get that chance. After public comment, we go back to Ms. Heller to answer any questions the public had raised and also give her an opportunity to provide any rebuttal evidence she finds necessary.

([00:48](#)):

Then applicant gets final word and I get 10 business days to issue a decision. So I said we've got two permanent applications today. The first one will be that we'll consider is a BrightHaven Childcare Center. That's case number 24 0 9 dash 55. By state law, I'm not allowed to consider any evidence except the information that's put in the record today. That way everyone who's participating in the hearing knows what information is considered for that final decision. And Ms. Heller, to that end, has put together a staff report which outlines what the project is about and how it meets code criteria. And she includes a list of exhibits with that documents that she also wants to be put in the record. And those exhibits are composed of application materials, the zoning and vicinity map, the noticing documents that were involved, and then finally public comment. So at this point I just wanted to ask if anyone needs to see any of these documents or has any objections to their entry in the record If it looks like, well we've got one person of the public maybe who's participating virtually and Ms. Heller, actually this is Teams I'm more familiar with. Zoom and Teams. You can press on a virtual hand at the bottom of your screen if you want to be recognized. Do you know how teams works for this kind of thing?

....

Examiner Olbrechts ([14:36](#)):

Okay, so the next item on the agenda today, the final item is a conditional use permit application for the connection Christian Center case number 24 10 dash six via hearing the same as the last one, which is staff will be first, applicant second, then we'll move on to public comments, then back to staff to answer questions, provide rebuttal evidence, applicant gets final word. I get 10 business days to issue a decision and like the last application as well, the Mr. Berger has put together a staff report and also has included

exhibits which are comprised of the staff report, application materials, the zoning map for the area and public noticing documents. So at this point, just want to ask if anyone out there needs to see any of those documents or objects to its entry, the record. Hold on a sec. Okay. Seeing, hearing no objections, we'll go ahead and admit the staff report in exhibits two through four. Mr. Lindberger, let me swear in you just raise your right hand. Do you swear affirm to tell the truth nothing but the truth in this proceeding?

Planner Lindenburg ([15:47](#)):

I do.

Examiner Olbrechts ([15:49](#)):

Okay, go ahead.

Planner Lindenburg ([15:51](#)):

Okay. This is a conditional use application for a proposed church use. The current zoning for the property is C3, which again does require conditional use permit for that particular use. In the zone district, the applicant is proposing a renovation to an existing commercial space to allow for up to 80 people to attend church services. It is a location that's in an existing commercial building that includes a restaurant and some other commercial uses within a complex that has a shared parking lot and three separate buildings. The applicant has stated that they have parking available on the site that is paved striped parking. That should be sufficient for what we require for a church, which is one parking space per three seat, or excuse me, four seats. Generally we don't have too much concern with this type of use being that it's usually on a Sunday morning or it's kind of random evening hours, which is outside generally what restaurant and office uses have. So we're okay with that. The application did state that they had overflow parking available in a dirt lot that was on an adjacent parcel. I wanted to make note that that is not permitted and should not be allowed by the church for use of its members because we do require paved parking for all uses. We cannot permit that. So that's just a note on there.

([17:26](#)):

I believe that the building official and the fire marshal have been out to the site and determined that it will be a safe space for these folks to be able to utilize for the church services. So we recommend approval based on the conditions that we have listed there, primary amongst them that the church services be limited to 80 people total. That's to say the service itself, not necessarily the total membership of the church that the use of the site be for Wednesday evenings as they noted in their application and Sundays only if they want to make additional use of this space for small groups and office hours. We don't sense that there will be an issue for that. But for actual church services and those larger groups of people that there might be parking issues that might intrude on the other commercial users of that site.

([18:17](#)):

We want to make sure that those are limited. And again, the parking for the church itself is limited to the paved parking area on site, not dirt parking on any adjacent areas. They can use street parking if necessary, but there's not honestly a lot around there. So we're going to stick to the idea that they're going to utilize the parking on the site in their parking lot and of course all building and fire codes need to be met. They're going to go through a building permit process to do their construction. So that's what we have.

Examiner Olbrechts ([18:47](#)):

Okay. Well just kind of a worst case scenario, I mean, so they've got 20 parking spaces, the lot Accommodates 35 mean in terms of applying current parking standards to the other commercial uses at the project site. Are they under the 15 total or are you really counting on the fact that the other uses won't be operating at the times this use will be operating? Or how does that work out?

Planner Lindenburg ([19:15](#)):

So the restaurant that's existing there is not a large restaurant. I presume that 15 parking spaces left over would work for them on a Wednesday night. I don't believe that they're going to be open during the hours that they're proposing that the church is proposing for Sunday services. So we don't see that there's going to be a conflict there. The other uses in that center are more office type and are very limited on their parking needs. And again, just the hours that you would have church services doesn't seem like it's going to be a conflict. Also, the property owner has to essentially sign off on that. So it sounds like they're okay with that to go ahead and sign off on it. So I think we're going to be alright.

Examiner Olbrechts ([19:55](#)):

Okay. Alright. Sounds good. Alright, we'll move on to applicants then. If the applicant's want to say anything. Again, you don't have to, but now is your chance. And yeah, just come up to the podium there. Let me know how you spell your last name and then I'll swear you in.

Speaker 6 ([20:10](#)):

Last name is Keck, spelled KECK.

Examiner Olbrechts ([20:12](#)):

Okay. Mr. Keck, let me swear in. Do you swear affirm to tell the truth, nothing but the truth this proceeding?

Speaker 6 ([20:17](#)):

I do.

Examiner Olbrechts ([20:18](#)):

Great. Go ahead.

Speaker 6 ([20:20](#)):

I'm Lieutenant JG Keck. I am in the Navy active duty, but I'm also the pastor Bishop of the Connection Christian Center, which connection? Christian Center is a extension of Freedom Outreach International, which is formerly known as ministry to the military. If anyone has heard of this affiliation, freedom Outreach is a missional branch of the Church of God in Cleveland, Tennessee and is specifically formed to provide services like we provide for military members. And the slogan of Ministry of the military is connecting families, military, veterans, and their communities with a missional Christian family, which even that attests to. The reason why we originally opened this center in Oak Harbor, specifically for Naval Air Station would be initially Freedom Outreach started out as establishing centers outside of US military bases overseas. However, over the past decade we've realized that people are still away from home, even if they're at a different either Naval Air Station or Army Station or pick your branch.

([21:22](#)):

So we wanted to provide a church away from home basically for men, women, and their children to have a Homestyle center that's stateside, that can be a place where they can praise God and become part of a family. The need for our center has been represented both in our attendance and our success and our outreach events. One specifically, which brings myself to mind is our Thanksgiving event where we have fed over 1,300 military members and their families over the past three Thanksgivings. You already know our location. So that's all I have to say about where we're planning on opening up. And I thank you all for your time and even the preparation. Thank the entire city for everything you guys have offered us so far. Thank you again.

Examiner Olbrechts ([22:03](#)):

Okay, thank you sir. Alright. Okay, at this point we'll move on to public comments and Ms. Heller, anyone signed up for this one?

Speaker 5 ([22:14](#)):

We don't have anyone signed up. Is there anyone in the group that would like to comment Mr. Marrow

Examiner Olbrechts ([22:22](#)):

And like last time? Mr. Morrow, just how to spell your name and then I'll swear you in.

Speaker 5 ([22:27](#)):

Fairly well known James p Marrow speaking as a private citizen, a retired chief warrant officer, James P, and then M-A-R-R-O-W.

Examiner Olbrechts ([22:37](#)):

Okay. Mr. Morrow, just I have some

Speaker 5 ([22:38](#)):

Involvement

Examiner Olbrechts ([22:39](#)):

In, oh, Mr. Morrow need you to swear you in. Oh yeah, yeah. There we go. Do you swear affirm to tell the truth? Nothing about the truth in this proceeding?

Speaker 5 ([22:46](#)):

I do.

Examiner Olbrechts ([22:46](#)):

Okay, great. Thank you. Go ahead.

Speaker 5 ([22:50](#)):

I had some involvement with regard to this request and I've done some individual examination of it and I wanted to be, as a matter of record, to be strongly supporting this because I think it brings merit to that particular area. And in practical truth, I think it just helps bring life to that particular site that otherwise would not be there. That's simply an endorsement and I have nothing else to say.

Examiner Olbrechts ([23:16](#)):

Okay. Thank you sir. Alright. Okay. Anyone else out there, Ms. Heller? Nobody else, right?

Speaker 2 ([23:24](#)):

No more comments.

Examiner Olbrechts ([23:25](#)):

Thank you. Okay, thank you everyone. Alright, Ms. Lindberger, any final comments?

Planner Lindenburg ([23:31](#)):

I do not.

Examiner Olbrechts ([23:31](#)):

Okay. I guess I can close the hearing on this one as well and it sounds like a great use. I guess I'm in the right frame of mind for it. I just finished episode eight of Band of Brothers and it's great to see such a great facility for the military there and what a great addition to the city of Oak Harbor. So yeah, it looks pretty straightforward approval and we'll get that out in the next couple weeks as well. So thank you everybody for participating today. Have a great rest of the afternoon and we're adjourned for now.