

March 31, 2000

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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**REVISED DECISION ON APPEALS OF SEPA THRESHOLD DETERMINATION
AND CONDITIONAL USE PERMIT**

SUBJECT: Department of Development & Environmental Services File No. **L96AC022**

TIMBERLAKE CHRISTIAN FELLOWSHIP

Appeals of
Conditional Use Permit Decision and SEPA Threshold Determination

Location: West side of 236th Avenue NE, between NE 41st Street and NE 47th Street
(if both streets were extended)

Applicant: TimberLake Christian Fellowship, *represented by*
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SUMMARY OF DECISION:

Department's Preliminary:	Deny Appeals
Department's Final:	Modify CUP Conditions
Examiner:	Deny SEPA Appeal, Remand CUP to DDES

Remand:

Department's Preliminary:	Deny CUP Appeals; modify CUP conditions
Department's Final:	Deny CUP Appeals; modify CUP conditions
Examiner:	Deny CUP Appeals; modify CUP conditions

PRELIMINARY MATTERS:

Application Filed:	September 27, 1996
Date Completed:	April 10, 1997
Appeals Received by Examiner:	March 10, 1998
Remanded by Superior Court:	November 29, 1999

EXAMINER PROCEEDINGS:

Pre-Hearing Conference:	April 9, 1998
Hearing Opened:	May 21, 1998
Hearing Continued:	July 15, 16, 17 and 20, 1998
Record Closed:	July 27, 1998

Remand:

Pre-Hearing Conference:	December 30, 1999
Hearing Reopened:	February 28, 2000
Hearing Continued:	February 29, March 1, 2 and 3, 2000
Hearing Closed Administratively:	March 14, 2000

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- Imposition of a 180-foot radius buffer from red-tailed hawk nest.
- Required conservation easement of two acres for every one cleared.
- Preparation and execution of conservation easement.
- Uses of outdoor areas.
- Requirement for CUP of possible future subdivision.

- Restrictions on church size and number of parking stalls.
- Buffer width along 236th NE frontage.
- Date of vesting for future development permit applications consistent with conditional use permit application.
- Noise impact of the proposed development.
- Adequacy of water supply.
- Compatibility of proposed development with adjacent and nearby existing and authorized development in the Rural Area, including size, proposed uses, area to be served and traffic volume generated.
- Visual impacts, including light and glare.

SUMMARY:

The Applicant's appeal of the SEPA MDNS is granted substantially as requested, and its appeal of the CUP decision is denied. CRRAD's SEPA and CUP appeals are both denied.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

A. Procedural Background

1. TimberLake Christian Fellowship ("TimberLake"), a congregation of the Free Methodist denomination, proposes to build an 80,000 square-foot church building at its undeveloped site on the west side of 236th Avenue N.E. between N.E. 41st and N.E. 47th Streets in two phases; Phase 1 was originally proposed at 52,300 square feet, with the remainder to be added in Phase 2. The site is zoned RA-5 and comprises approximately 63 forested acres that slope generally from northeast to southwest, with at least one area of steep slopes. Evans Creek, a Class 2 stream, runs along the western boundary of the property, and a tributary stream extends from the northeast boundary toward the southwest where it joins with Evans Creek. Wetlands lie in the southeastern quadrant of the site.
2. The site plan shows that development is proposed to be limited to the part of the site lying east and south of the tributary stream. Approximately 12 acres to the west and north of the stream are designated for future subdivision. The proposed development would require clearing of about eighteen acres (or 29 percent) of the site for the building envelope, parking lots, drainfield and roadways. Thirty-three acres would remain permanent, undeveloped open space. The record shows that generally about one half acre is cleared for single family development in the area. If the northwesterly portion were subdivided, an additional acre could be cleared, bringing the total cleared area to about 30 percent. The Bear Creek Community Plan limits clearing of land to not more than 60 percent.

3. Church uses are defined at KCC 21A.06.185. KCC 21A.08.050 allows a church as a conditional use in the Rural Area (RA) subject to the specific condition that it not require or result in an expansion of sewer service outside the Urban Growth Area and upon compliance with the general conditional use criteria stated in KCC 21A.44.040.
4. Application was made for the conditional use permit ("CUP") in September, 1996; the application was determined to be complete in April, 1997, after a certificate of water availability was obtained and submitted. Additional information on wildlife, streams and wetlands was required, and a revised site plan was submitted. The site plan continued to evolve even during the time of the hearing itself. The Department's SEPA determination and CUP decision were based on the site plan (Exhibit 12) dated September 27, 1996.
5. On February 17, 1998 DDES granted TimberLake Fellowship's conditional use permit application and contemporaneously therewith issued a mitigated determination of nonsignificance under SEPA. The CUP decision limited the maximum gross floor area of the church facilities to 48,500 square feet and the number of onsite parking spaces to 400 stalls, figures which approximately corresponded to the church's Phase 1 proposal. The SEPA MDNS imposed restrictions on site development in the vicinity of an identified hawk nest and required the Applicant to dedicate a conservation easement.
6. Both TimberLake Christian Fellowship and a neighborhood group, Citizens for Responsible Rural Area Development (CRRAD), filed appeals challenging the conditional use permit decision and the MDNS. After a lengthy hearing process, Hearing Examiner *Pro Tempore* Margaret Klockars issued a SEPA appeal decision upholding TimberLake's challenge to certain of the MDNS nest protection provisions and denying CRRAD's appeal in its entirety. With respect to the conditional use permit, the Hearing Examiner *Pro Tempore* ruled that DDES' decision restricting the size of the facility constituted an illegal burden on the church's free exercise of religion, remanded the application to DDES for further analysis as to whether the visual impacts of the church proposal would render it incompatible with the character of the neighborhood, and otherwise concluded that the remainder of the conditional use permit requirements had been met by the Applicant.
7. After issuance of the Hearing Examiner *Pro Tempore*'s August 6, 1998 decision, the review of the TimberLake application split into two tracks. On the one hand, pursuant to the administrative remand order, DDES undertook a detailed analysis of the proposed church's visual impacts. On the other hand, TimberLake Christian Fellowship, CRRAD and the County all filed land use appeals in Superior Court challenging the August 6, 1998 decision. Following the administrative track, on March 19, 1999 DDES issued a supplemental conditional use permit decision based on its findings of visual compatibility consistent with the requirements of KCC 21A.44.040.A. This supplemental decision was appealed by CRRAD and went to hearing before the current Examiner, who issued a decision on July 2, 1999 denying CRRAD's appeal.
8. Meanwhile, the Superior Court had segregated the constitutional aspects of the Hearing Examiner *Pro Tempore*'s August 6, 1998 decision for preliminary consideration. On November 29, 1999 Judge Phillip Hubbard executed an order concluding that "the King County Hearing Examiner erred in finding that King County was precluded by the Washington State Constitution from limiting the size of TimberLake's proposed church building". The order

remanded the CUP back to the Hearing Examiner for further proceedings with respect to DDES' original February 7, 1998 CUP decision.

9. A pre-hearing conference was held by the King County Hearing Examiner's Office on the remanded CUP application on December 30, 1999, and a pre-hearing order issued thereon on January 28, 2000. The pre-hearing order limited the remand hearing to issues bearing upon the compatibility test stated at KCC 21A.44.040.A and excluded from review "all consideration of the constitutional issues raised by the Applicant, further review of issues raised within the SEPA appeal (which are by their terms outside the stated scope of the Court's remand order), and criteria 'B' through 'G' of KCC 21A.44.040." The Hearing Examiner's supplemental conditional use permit decision, dated July 2, 1999, was deemed vacated by the Superior Court remand order, which had the effect of invalidating one of its essential premises. The instant decision also supersedes the original report issued by the Hearing Examiner *Pro Tempore* on August 6, 1998.

B. Current and Proposed Uses

10. Timberlake currently conducts its religious programs in several rented locations in the Redmond area and in private homes. Services are held at Evergreen Junior High, youth programs at Happy Valley Grange, its administrative offices are in Redmond, and various meetings are held in private homes. Special activities are held in varying locations such as Marymoor Park. The rented space totals about 48,000 square feet, but this figure provides a somewhat inaccurate yardstick of TimberLake's current space needs due to inefficiencies in the rented space use. For example, the Grange is needed only because the junior high school is unavailable during mid-week evenings, and the school foyer is probably larger than necessary. Accordingly, the current church floor space usage within a non-duplicative and efficient utilization is approximately 44,000 square feet. According to Ray Berry, the church's performing arts director who also oversees the new site development project, a Phase 1 proposal sized at 48,500 square feet of floor space will accommodate the church's present needs, as well as providing sufficient room for two to four years of future growth based on current projections. Phase 1 will allow the church to add another 1000 square feet to its office administration facilities, but will prevent full scale adult ministry and youth programs to operate concurrently.
11. TimberLake was founded in 1989 and had grown from a few families to an attendance peak of approximately 1,100 persons participating in Sunday services at about the time of the 1998 appeal hearings. Based on that experience, TimberLake reported a growth rate of between 10% and 20% per year, and projected continued growth in the range of 15% to 20% per year. More recent figures indicate that TimberLake's attendance has leveled off and may even have experienced a slight decline. A February 10, 2000 memo from Ray Berry and Becky Pearsall of the church staff reported a Sunday morning average attendance of 967 persons spread over two services and divided nearly equally between adults and children. In addition, the memo reported a Thursday night service average attendance of 182, again split between children and adults, and a full church membership of 296. A breakdown for year

2000 of regular attendees by zip code was based upon a household survey population of 477, as compared with 495 in 1998.

The new TimberLake church site is located nearly at the center of the 98053 zip code area, where 42% of the regular attendees lives. Another 13% lives in the 98052 zip code area, which includes most of incorporated Redmond. Significant numbers of regular attendees are also drawn from Bellevue, Woodinville and the Sammamish plateau. As pointed out by CRRAD, areas to the west of the new church site are largely within the County's Urban Growth Area, with less than 40% of the church's attendees drawn from the County's Rural Area.

12. The programming described in Exhibit No. 21 was relied upon by the Department in making its 1998 SEPA determination and CUP decision. In general TimberLake's programs can be categorized as worship, Christian education for adults, youth and children, fellowship, and outreach to the community. Specifically included under those categories are activities for youth, a 35-child daycare center, collecting of clothing and other goods for the needy, a studio for producing audio and videotapes of services, and a library/bookstore. TimberLake expects to have five formal worship services in the sanctuary per week: one Saturday evening, two Sunday morning, one Sunday evening and one Wednesday evening. Based on its growth estimates, the activities are projected to eventually involve some 5,500 to 6,000 adults and children per week. Varying estimates of staffing appeared in different documents, but 20-25 appears to be the most likely number for the short term.
13. The Reverend Rick Snodgrass, founder and senior pastor of TimberLake, has emphasized that it is a tenet of faith of the Free Methodist denomination that the church is an organism. For the church to survive it must grow and change in order to carry out its mission to make more and better disciples. The church leadership expects, therefore, that programs and activities may change to suit the needs of the congregation and the church community.

The uncertain nature of the church's future needs and its resultant site programs and uses was summarized by Reverend Snodgrass in the following manner at the May 21, 1998 hearing:

“So the whole idea of the church growing is not our idea. We don't have goals for the church to grow. It's one reason why we chose a piece of property that would allow us to figure out what God might want. We started in my home with seven families, and out of response to the community and the needs, the felt needs, of the community, the people continued to grow and to come, and as they come, we find more need to respond to. That's why we can't say to you exactly what our ministry goals are. They are dreams, they are ministry dreams.”

14. In November 1997, during the period when administrative review of the conditional use permit application was underway at DDES, the church appears to have orchestrated a letter writing campaign on behalf of its approval. While there is a certain inevitable pattern to these letters, each is individually formulated, and they collectively provide an insight into the congregation's expectations for the new facility. One couple provided the following description of their perspective on the church:

“The mission of this church and its people include some fantastic opportunities to give back to the community. For example, the people of this congregation are very big on community service and giving assistance to those people who may

not be able to afford various basic needs. If the new church facilities were large enough, a shop area will be established for people of limited means to bring their vehicles in and have them worked on by volunteer mechanics, and people who need simple medical and dental care could come into an out-patient wings staffed by volunteer nurses and doctors. The average age of the congregation is very young, which leads to a strong involvement in recreation. If the building were able to have a gymnasium, work-out room, and equipment storage areas, there would be a wide variety of outreach leagues and open play, which really helps people who are looking for friends and guidance. The site will hopefully accommodate a baseball field and outdoor gardens which will be big enough to hold afternoon picnics and community outreach programs. Right now, the church has to meet at Marymoor Park whenever it wants to put on a picnic, et cetera.”

In addition to outlining various specific areas of potential activity, a number of parishioners related the church’s function to a broader social and political context. The following comment is typical of a number of letters:

“With the restructuring of the nation’s welfare system, cutting funding and changing from federal mandates to local control, TimberLake’s proposed church facility is exactly what King County should be supporting and encouraging. By allowing TimberLake to construct an adequately sized facility at the proposed site, the church will be able to help in its small but vital way with weathering the welfare transition. This, in turn, will relieve King County government (and its supporting taxpayers) with a portion of the County’s financial and moral responsibility for helping those in need.”

15. Not surprisingly, this expansive talk of repairing old automobiles for single mothers, providing medical services to the indigent, and burgeoning recreational opportunities for one and all has elicited a strong response in opposition to the church proposal from neighborhood residents. Much of CRRAD’s militancy and skepticism would appear to derive from the open-ended use definitions offered by the church and its members during the early stages of this proceeding. And although the proposal has more recently undergone considerable limitation and refinement, within the neighborhood the suspicion remains strong that once permits have been issued and the site constructed, the expansive nature of the church’s enterprise will again emerge.
16. The current articulation of TimberLake’s proposal is contained within Exhibit No. 145, a January 10, 2000 memorandum from Linda Stalzer, the church’s land development consultant, who describes a Phase 1 development totaling 48,500 square feet, with Phase 2 bringing the project up to 80,000 square feet and a maximum of 630 parking spaces. In the context of the foregoing discussion, much of Ms. Stalzer’s memo is devoted to what the church will not be:

“Kitchen facilities in the building will be limited to residential level facilities and will be non-commercial in size and type. There will be no public or private school requiring certification by the Superintendent of Public Instruction on the site. There will also be no automobile repair facilities located on the site. In

terms of outdoor activities, TimberLake will use the church grounds for informal games, picnics, and concerts. In addition, the northwest corner of the site may be used for passive recreation such as nature walks and small picnics. In regard to formal events, TimberLake will hold no more than six organized events per calendar year on the site. . . . No permanent exterior public address systems will be installed on the site, although temporary public address systems will be used. Such systems will be within the limits set for sound levels.”

17. Most of the uses mentioned within Ms. Stalzer’s memo are consistent with the definition of a church contained at KCC 21A.06.185 and its incorporated SIC reference. This definition excludes from the core set of uses such operations as schools, hospitals, social services, secondhand stores, and media production. Daycare programs are regarded as separate uses within the Zoning Code, but liberally accommodated provided that certain performance standards are met. On the other hand, amplified outdoor concerts are beyond the scope of the Zoning Code definition of a church use, as exemplified by the fact that an “outdoor performance center” is subject to separate approval as a conditional or special use. Our view is that approval for amplified outdoor music performances will require a separate conditional use permit review.

C. Traffic and Parking

18. The site is served by 236th Avenue NE, a collector arterial 24 feet wide with one lane in each direction. It has a 6-foot paved shoulder on the east side and 6-foot gravel shoulder on the west side. Three points of access to the site are proposed. TimberLake has agreed to add northbound left turn lanes at the two most southerly-proposed access driveways. A 5-foot wide sidewalk would be constructed across the frontage of the site.

A traffic report was prepared using trip generation calculations derived from standard ITE figures based on floor area. During the Sunday peak hour (with attendees leaving the first service and arriving for the second) the church is expected to generate 750 trips (285 coming in and 465 going out.) Traffic volumes on 236th Avenue NE during the Sunday peak hour without the church traffic would be 75 vehicles northbound and 111 southbound. Assuming all traffic uses one access point, the Levels of Service would be A for the northbound left turn from 236th NE, B for the eastbound right turn and C for the eastbound left turn out of the site. The Level of Service at the intersection of 236th NE with SR 202 would remain unchanged at B with the project for both Sunday morning and weekday peaks.

19. A shortcoming of the 1997 traffic study done for the application is its failure to describe Level of Service impacts at intersections along SR 202 west of the site. The next major intersection lying west of 236th Avenue NE along SR 202 is Sahalee Way Northeast, which is the primary arterial feeding into the central Sammamish Plateau and operates at a notoriously poor Level of Service F during both the AM and PM peak hours. The project traffic study predicts that the site will generate on weekdays 59 AM and 58 PM peak hour trips, with 55% of such trips

distributed west of the site along SR 202. This translates into an assignment of 32 trips to the intersection at SR 202/Sahalee Way during both the AM and PM peak hours, which figures exceed the County Intersection Standards threshold for determining a significant adverse traffic impact. Although this issue appears not to have been addressed in any meaningful way at the 1998 conditional use permit appeal hearing, the Applicant’s traffic study supports the

conclusion that the levels of weekday traffic predicted for the TimberLake site will make a significant contribution to an already unacceptable level of service condition at the SR 202/Sahalee Way intersection.

It also needs to be understood that the traffic generation figures for the TimberLake project have low level of reliability. They are derived from a handful of studies cited within the ITE manual based on gross floor area. In view of the wide range of potential activities that have been associated at one time or another with the TimberLake Church, and noting the fact that most large churches are in urban areas served by transit, the ITE trip generation figures may provide little more than an educated guess. Also, the zip code analysis of church membership performed by CRRAD suggests that the 55% distribution westward on SR 202 may be somewhat low, in which case the trips assigned to the SR 202 westward corridor at any level of generation would be proportionately higher.

20. Level of Service computations are used to determine the adequacy of existing road capacity and the resultant inconvenience to drivers who are forced to use congested roads at peak hours. Level of Service is not a descriptor of neighborhood impacts. Thus, while the bulk of vehicle trips generated by the TimberLake Church site may occur during regional off-peak hours and avoid increasing Level of Service impacts, the intrusion of new traffic during Sundays and evenings that are normally quiet times for neighborhood residents may result in a substantial lifestyle impact. The 750 peak hour trips that the church is projected to generate on 236th Avenue NE on Sundays at midmorning represents more than 80% of the 936 total trips that will use the roadway. Therefore, while these 750 additional trips may not generate a Level of Service problem, they may be enough to transform an otherwise quiet Sunday roadway into a relatively busier and noisier street.
21. A queuing analysis was conducted assuming all traffic would enter and exit the site from one access point. With an average arrival rate of one vehicle every 2.4 minutes for the weekday PM peak and one vehicle every 15 seconds during the Sunday peak hour, the analysis concluded that there would be no vehicles queuing.
22. The most southerly access roadway now serves the Shifton property as well. It will be widened to 20 feet, which is sufficient for emergency vehicle access. If, for some reason, traffic on that roadway prevents emergency access, the other two roadways could be used to reach the Shifton property.
23. TimberLake now proposes to provide parking for 630 vehicles onsite, revised downward from an initial request for 677. The parking would be divided between two lots, one adjacent to 236th Avenue Northeast in the northerly part of the development, and the other southwest of the church. KCC 21A.18.030(A) requires 240 parking spaces for 1,200 fixed seats. If instead one uses ITE standards for church parking, based on an average of .43 spaces needed per person (the range provided is from .12 to .63), 516 spaces would be needed for 1,200 attendees. The Zoning Code also provides for a parking need calculation based on the gross floor area of the church assembly space. Using that criterion, the church would require 266 parking stalls for an assembly area of 13,300 square feet. Finally, CRRAD member Keith Logan attended a church service at TimberLake's current location at Evergreen Junior High School on a June Sunday in 1998 and counted 188 cars parked in the lot at 11:00 a.m.

The church's parking demand could be greater on special religious holidays or for other special services, but no estimate of that need was provided. The consequence of underestimating onsite parking demand would be an adverse effect from overflow parking in the neighborhood along 236th Avenue NE.

D. Noise

24. A noise study was prepared to assess the effect of the proposed development on surrounding residential properties. The highest noise levels are expected to be generated by traffic and parking on Sunday mornings. CCRAD's expert also did long term monitoring to determine ambient levels, and her results were reasonably comparable to the levels used in the study. The noise study predicted future levels based upon church traffic volume of 510 vehicles during the peak hour and predicted a 4.5 dBA increase based on that level. If there are the 750 trips as projected in the traffic impact analysis, the increase could be 6 dBA. Under normal conditions it takes a change of at least 3 dBA for humans to perceive a difference in noise level, so the difference between an increase of 6 and an increase of 4.5 dBA should not be noticed. The bigger concern of Citizens' expert is the possibility of noise from outdoor amplified events. County regulations do not set specific sound level limits for such activities; they are regulated only by public disturbance standards. The study predicts a 20 dBA reduction in sound resulting from the 300-foot distance from a parking lot to the nearest residential use, but if the drainfield is used instead for outdoor concerts or other activities, the distance could be as small as 50 feet and a serious noise impact could result. Restrictions on the sound level of outdoor events would be appropriate.
25. The conclusion of the Health Department based on the noise study was that noise levels produced by church activities would be less than King County's maximum permissible sound levels at all times. Though the report assumed the wrong zoning, the County standard should not be exceeded using the correct land use assumptions.

E. Water-Related Issues

26. The record supports CRAAD's contention that available water resources to support new development are currently constrained within the Bear Creek Basin. The TimberLake Church's initial application for a certificate of water availability from the Union Hill Water Association was denied in October, 1996, based on an estimated usage of 32 to 35 equivalent residential units. The church responded by producing a more frugal estimate of water usage, in response to which UHWA issued a certificate of availability on March 19, 1997 for 12 equivalent residential units (ERU) of water based on the current zoning capacity of the 63 acre site to accommodate 12 single family lots. An ERU is the amount of water that one single family residence consumes in one month, or 1,200 cubic feet. TimberLake based its estimate on water usage by three other churches with programs similar to those it proposes, which was not shown to be an unreasonable means of estimating potential usage. TimberLake proposes to drill a well for its irrigation needs, though the UHWA certificate allows unused ERU water to supplement the well water. The UHWA certificate also provides that punitive water rates may be imposed for use above the twelve ERU maximum, or water service may be interrupted. CRRAD contends that UHWA is unlikely to cut off water to the church but did not dispute that punitive rates could be effective.

27. A replacement water certificate was issued by Union Hill on January 14, 1999 and has been supplemented by a water service agreement dated February 24, 2000. Both of these more recent documents limit the UHWA commitment to Phase 1 of church development, with Phase 2 approval to be subject to review based on the performance of the Phase 1 facility.
28. Both water certificates identify the TimberLake site as lying within the moderate recharge area for the Union Hill source aquifer, and due to the large areas of impervious surface that church construction will entail, require infiltration of site runoff. Although the scale of the Comprehensive Plan map is small, the portions of the site adjacent to Evans Creek appear to lie within a designated Critical Aquifer Recharge Area. Comprehensive Plan Policy NE-336 urges protection of ground water within the Rural Area by “preferring land uses that retain a high ratio of permeable to impermeable surface area and that maintain or augment the infiltration capacity of the natural soil.”
29. TimberLake proposes to infiltrate its surface water drainage, but the feasibility of this strategy is complicated by its proximity to Evans Creek and the nature of the site soils. The geotechnical studies done for this site establish that the upper soils layer on the southern portion of the property consists of highly permeable outwash terrace deposits at depths of 15 to 25 feet lying above a relatively impermeable till layer. The consequence of this soil structure is to create within the outwash above the till layer a shallow aquifer that discharges to Evans Creek. If the rate of upper layer percolation is too rapid, infiltration facilities either may not be permitted on the site, or if permitted, may entail the risk that pollutants will enter Evans Creek. This risk encompasses both polluted stormwater runoff from the parking and fertilized landscaping areas, as well as possible fecal contamination from the large drainfield proposed at the south end of the site. The potential harm resulting from infiltrating runoff from high intensity uses was specifically identified as a concern within Policy CW-5 of the Bear Creek Basin Plan, which in its original version sought to preclude infiltration facilities altogether for high density uses within the planning area and to require detention ponds to be sealed with impermeable liners. Similar concerns are expressed at Policy BC-32 within the Bear Creek Community Plan.

F. Wildlife

30. The Wildlife Study Report done for the project found no endangered, threatened or priority wildlife species listed in the Washington Department of Wildlife Nongame Heritage data and Priority Habitats and Species data nor in the field survey of the site. The survey, done in 1997, did find an active red-tailed hawk nest which was not used in 1998. Red-tailed hawks may maintain alternate nests using one or more and may not return to the same nest every year but may return after several years. Red-tailed hawks are one of the most widespread and commonly observed raptors in North America. The County’s biologist saw evidence that pileated woodpeckers may utilize the site for foraging and believes that it also could be habitat for the black-tailed deer, both of which are candidate or priority species. He estimated that some 60 to 80 species of wildlife may utilize the site. He opined that the 2:1 ratio of conservation easement to cleared acre is needed to protect the two candidate species and all priority species.
31. Comprehensive Plan Policy NE-604 provides that King County shall designate and protect Fish and Wildlife Habitat Conservation Areas including habitat for the red-tailed hawk. It

also requires protection of habitat for “candidate” priority species including the pileated woodpecker. Police NE-608 allows stream and wetland buffer requirements to be increased to protect endangered, threatened and priority wildlife species and their habitats. This policy was not identified in the MDNS as a source of authority for any conditions. The State Department of Fish and Wildlife recommended a 320 foot buffer for the hawk nest and that any clearing, grading and construction activity be prohibited within a 650 foot radius during February to July; however, regarding nests on other properties, DDES has recently agreed to a 180 foot radius instead of the 200 feet recommended. TimberLake proposes a buffer with a 100 foot radius on the east side. The record does not show that there is a scientifically based minimum required buffer.

32. The Department reviewed the environmental checklist submitted with the application, the various studies and additional information submitted, and issued a Determination of Nonsignificance (Mitigated) (“MDNS”) as its threshold determination pursuant to the State Environmental Policy Act (SEPA). It found that the proposed project’s negative impact on the red-tailed hawk habitat would be significant but that the impact could be reduced to a level of nonsignificance through the series of conditions, including a 180 foot radius buffer of the nest site, imposed pursuant to Comprehensive Plan Policies NE-601 and NE-604, adopted as substantive SEPA policies. A condition was also imposed pursuant to the same SEPA authority requiring that two acres for every acre to be cleared be placed in a conservation easement.

NE-601 provides:

The County shall strive to maintain the existing diversity of species and habitats in the County. In the Urban Growth Area, King County should strive to maintain a quality environment which includes fish and wildlife habitats that support the greatest diversity of native species consistent with the density objectives. The County should maximize wildlife diversity in the Rural Area.

NE-604, in pertinent part, provides:

King County shall designate and protect the following Fish and Wildlife Habitat Conservation Areas found in King County:

- c. Habitat for Raptors and Herons of Local Importance: red-tailed hawk, osprey, black-crowned night heron, and great blue heron.

King County shall also protect the habitat for “candidate” priority species as listed by the Washington Department of Fish and Wildlife and found in King County outside of the Urban Growth Area.

“Candidate” Priority Species of Local Importance are:…pileated woodpecker.

33. Comprehensive Plan sections not cited in the MDNS such as NE-605 provide for protection of the Columbia black-tailed deer, and NE-608 allows stream and wetland buffer requirements to be increased to protect Priority wildlife species.

G. Visual Impacts

34. The visual impacts of the TimberLake church proposal on the surrounding neighborhood has been a topic of major concern, both for the members of Appellant CRRAD and for County staff. These impacts separate into two principal types: the potentially inharmonious impacts of locating a large institutional use within a rural residential neighborhood, and impacts to the nighttime environment resulting from the introduction of new light sources.
35. Darkness at night is an element of rural character, and this portion of the Rural Area is very dark, allowing residents to enjoy the night skies. Because of controls imposed on the properties located at the SR 202/236th Avenue NE neighborhood business area, the neighbors see no light from those businesses. Any lighting of the site that is not properly controlled would change this cherished characteristic of the neighborhood. KCC 21A.12.220.G requires that building illumination and any lighted signs be designed to assure that direct rays of light are not projected into neighboring residences or onto the street right-of-way. The applicant proposes conditions to accomplish that requirement. Lights from cars leaving the site after dusk may play across houses across 236th and from the parking lot across the Shifton property. The applicant proposes to offer to plant additional vegetation on neighboring properties to minimize this effect. Building and parking lot lighting may diffuse into the night sky, but a condition requiring that lights be turned off can mitigate this effect.
36. Another new light source that will be introduced into the neighborhood nighttime environment as a consequence of the construction of the TimberLake Church will be approximately 2,000 feet of street lighting along 236th Avenue NE at the two church entrance driveways where new turn lanes will need to be constructed. Although these lights can be shielded downward, they will add cumulatively to the nighttime glow in the neighborhood, and unlike the church lighting, the street lights will be illuminated seven days a week during the entire nighttime period.
37. On administrative remand, the Applicant submitted to DDES on December 17, 1998, a "Landscape Buffering and Visual Impact Analysis" performed by the Weisman Design Group, a landscape architecture and planning firm (Exhibit R-5). This document contains a visual analysis of the proposal and has become the focal point for further discussion and debate concerning the proposal's visual impacts. Based on the Weisman analysis, the church proposal has been modified to include additional perimeter plantings, a rockery along the west side of the 236th Avenue Northeast frontage near the proposed sanctuary, elimination of an easterly parking area, realignment of the proposed northern site driveway, and an increase in the width of the southern boundary buffer from 20 to 25 feet.
38. Even though the Applicant's site plan envisions church development to be concentrated within 18 acres on the eastern half of the property, potential visual impacts have been evaluated as they relate to offsite locations on all sides of the parcel. The Weisman visual impact analysis characterizes residential development in the area in the following manner:

"The residences that surround the property can be separated into three groups, each with a different relationship to the site. To the west are 16 neighbors who view the church property through their back yards. Approximately 300 to 900 feet of vegetated open space, including Evans Creek and in some cases the tributary stream, are located between the development area of the church and these properties. To the southwest are three lots with two homes, one of which will soon be torn down and replaced by a new home. These properties are accessed by an easement across the church property. To the east are eight residences that view the property from across 236th Avenue Northeast. Additional existing development to the south of the TimberLake property consists of a supermarket, a gas station, and a public storage facility located along Redmond-Fall City Road."

39. A primary concern of the visual impact analysis has been the properties located along 236th Avenue Northeast adjacent to and east of the site. The eight residences analyzed in the Weisman report may be grouped into three categories. Farthest north are the four properties—Mills, Ashok, Dickinson and Baskett—that are located on Northeast 45th Place. NE 45th Place lies directly east of the north parking lot main entrance, with the church building to the southwest. At the south end of the 236th Avenue Northeast frontage are the Capelouto and Dennis residences located generally opposite the existing southern driveway entry. South of the Dennis residence is the Olsen property, which was not analyzed in the Weisman report. Finally, in the central portion of the 236th Avenue Northeast frontage is the Fox residence directly opposite the main church building, with the Stoner residence some 400 feet to its south.
40. The four northernmost residences on Northeast 45th Place will have a direct view of the church's north parking lot driveway. Views of the two parking lots accessed by this driveway are capable of being obscured by the Applicant's proposed 50-foot buffer along 236th Avenue Northeast, which will be retained in its natural vegetative state and supplemented with infill evergreen plantings at heights between 12 and 20 feet. The infill plantings could be relatively effective upon installation at blocking parking lot views inasmuch as the topography slopes downward to the west. Thus, only low level plantings are required for screening effectiveness. These screening and topographical features, plus existing vegetation on the parcels lying east of 236th Avenue Northeast, in time should also effectively block views of the main church building lying at a distance of approximately 400 feet from the nearer residences and at a maximum height of between 45 and 50 feet above finished grade. The worst-case scenario for these four properties is that initially the Ashok residence may have a filtered view of the upper portion of the main church building during a 3 to 5 year period when trees within the planted screen south of the entrance driveway are maturing.
41. All observers agree that the property along 236th Avenue Northeast with the greatest potential risk for view impacts is the Fox residence located directly opposite the main church building. The distance from the Fox house to the easternmost façade of the main church building will be about 300 feet. The Fox residence features a clear view west through its driveway cut as well as relatively sparse onsite vegetation. In response to DDES concerns about view impacts to the Fox residence, the Applicant developed its Option 2 approach which entails construction of a berm between two elevated rockery walls running parallel to 236th Avenue

Northeast within the adjacent onsite buffer. This berm would allow the finished grade within the buffer opposite the Fox residence to be raised so that nursery stock evergreens could be planted to create a visual screen. As described by the Applicant's project manager within Exhibit No. R-18, "the rockery, berm and landscaping would be constructed and planted to a height that would completely block any view of the church from the Fox property."

42. The view of the church building from the residence on the Stoner property at 9070 NE 43rd Street is likely to be minimal even without additional buffer plantings due to intervening vegetation both on the adjacent property to its north and on the church property within the wetland tract. A person standing at the entrance to the Stoner driveway on 236th Avenue Northeast, however, will probably obtain a filtered view of the church building.
43. The view of the church building from the Capelouto residence would be similar to that experienced at the bottom of the Stoner driveway, except that it would be another 250 feet further removed for a total distance of approximately 700 feet. The expanded buffer width afforded by the wetland tract ought to provide the Capelouto residence with reasonable view protection, subject to the qualification that during winter there may be areas of deciduous dominance where glimpses of the church building may be obtained. Further south the views from the Dennis and Olsen residences would be of the southern access driveway only, with the full width of the wetland tract intervening between these offsite locations and the proposed church building.
44. Due to the location of Evans Creek and its tributary stream in the western and northwestern portions of the site, no credible showing has been made that church development will have adverse visual impacts on the Canterbury neighborhood to its west. The nearest residence will be about 350 feet from the edge of the south parking lot and about 650 feet from the building structure. The creek system with its required natural vegetation buffers will provide an effective visual screen between the church and the neighborhood to the west. In like manner, a large expanse of woodlands lies between the proposed development portion of the church property and offsite parcels to the north, the nearest of which are currently undeveloped. Any attempt to ascribe visual impacts based on future offsite development scenarios to the north would be purely speculative.
45. The analysis performed by the Weisman Design Group also considered the visual impacts of church development as experienced by traffic traversing 236th Avenue Northeast along the eastern boundary of the site. The study concluded that the natural slope of the terrain downward from north to south implies that if all site vegetation were removed, the church building would be more visible to traffic approaching from the south than from the north due to the topographical factor. As analyzed by Weisman, the higher risk of view exposure of the proposed church building from the south will not be actualized because of the massive expanse of intervening forested vegetation provided by the wetland and its buffer. Conversely, for traffic approaching from the north, most site development will lie below existing road grade.
46. The Applicant's consultants were required to revise their initial analysis, however, for that portion of 236th Avenue Northeast directly east of the proposed church, which lies at approximately the same elevation. The rockery walls proposed in this location will require the removal of a 20-foot strip of existing vegetation and will expose passing traffic to filtered views of the church building over about a 100-foot stretch during at least the initial years of

site development. In this regard Exhibit No. R-11, which embodies a revision to Exhibit No. R-5, concluded that "a person driving south on 236th Avenue Northeast would have a very limited view of the proposed church building, parking lots, and onsite roads directly after construction and during the initial growing period of the newly planted trees." Relevant to review of this portion of the analysis is a video submitted by the Appellants that demonstrates that a moving vehicle passing by a permeable vegetated screen will have a more clear view of structures behind the screen than from a stationary viewpoint. Accordingly, as long as a filtered view remains along this 100-foot stretch, the element of vehicular motion will increase the visual impact rather than decrease it.

47. Appellant Keith Logan also lives on the east side of 236th Avenue Northeast, but further up the hillside at a distance of nearly 2000 feet from the church property. Mr. Logan has submitted exhibits and supporting testimony designed to demonstrate the existence of view impacts from church development on his property, but in general they lack the precision necessary to support affirmative findings. Although Mr. Logan lives above the church property, the actual elevation difference cannot be reliably ascertained from this record. In addition, aerial photographs of the area show an unbroken belt of forested vegetation lying between Mr. Logan's residence and the church property. Mr. Logan's analysis has made no attempt to account for the effect of this intervening vegetation on screening church development.
48. In contrast with Mr. Logan, the three lots owned by Appellant Steve Shifton are directly adjacent to the southwest corner of the TimberLake property, being bounded by the Applicant's site on two sides and accessed through the TimberLake property over a 60-foot easement. The easternmost 500 feet of the access easement currently serving the Shifton residences will be paved by the Applicant to also provide access to the church's south parking lot. There are currently two houses on the Shifton parcels, with two more planned.
49. The southwestern extension of the proposed church building will lie at a distance of approximately 800 feet from the Shifton parcels at a 50-foot higher ground elevation. Along the sight line between the proposed church structure and the Shifton parcels also lie Phase 1 and 2 parking lots totaling approximately 300 parking stalls, a biofiltration swale, a reserve drainfield area, and a 50-foot vegetated buffer bordering the Shifton easement line. If the drainfield reserve is not cleared for development use, it and the adjacent buffer will provide about a 350-foot width of forested vegetation lying between the Shifton houses and the southern edge of the parking lot, a vegetated mass that should entirely screen both the parking lot and the church buildings.
50. Future visual impact issues may arise with Phase 2 church development if expansion of the septic system requires use of the drainfield reserve area. At that time, depending on their actual location, future houses on Lots 1 and 3 of the Shifton property could have direct views of the church facilities that would be screened only by the 50-foot buffer provided by the Applicant near the southwest corner. While the new conifer plantings proposed to be installed at that time by the Applicant to augment the buffer would probably be effective to screen the parking lots, due to elevation differences between the two sites the new plantings initially would not screen the upper levels of the church structures. The tallest portions of the church sanctuary are planned to be more than 90 feet higher than ground level on the Shifton parcels and likely would be visible through the thinner portions of the 50-foot native vegetation buffer from second story windows of the new Shifton houses. It is also true, as

alleged by Mr. Shifton, that residents on his parcels will be able to see the church's drainage facilities, parking lots and buildings from various locations on the easement driveway while walking and driving to and from 236th Avenue Northeast.

51. Underlying the entire analysis of the buffering of site visual impacts is the question of buffer effectiveness. The Applicant's consultants have taken a predictably optimistic view of the process, postulating that the installation of evergreen plantings within key visual corridors in a 3-to-5 year time frame will achieve a visual buffer whereby the large institutional nature of the church facility will be not readily apparent to offsite observers. As expected, CRRAD's consultant, Architect Lane Williams, has taken a more skeptical position, arguing that the Applicant's landscaping screen will take somewhere in the range of 10 years or more to reach sufficient maturity to be an effective visual buffer. He argues that even the largest of the nursery trees will be thin with little interior bulk, providing little screening effectiveness during the first years after their installation. Another variable that plays into this analysis is the fact that the Applicant may have limited onsite water sources with which to irrigate the new landscaping plantings during the early stages of their development. The Applicant's landscaping plan presupposes the existence of an onsite well dedicated to irrigation purposes, but the feasibility of that well has yet to be established.
52. Mr. Williams' 1999 visual study contained a number of photographs of a blue tarp taken at various distances inside the TimberLake buffer along 236th Avenue Northeast to demonstrate the relative ineffectiveness of the current site vegetation to provide an adequate screen. Mr. Williams' point is largely substantiated by Exhibit No. 148, a set of three composite photographs taken in early February, 2000 by the Applicant's consultants, which show the current state of the buffer along 236th Avenue Northeast. About 5 acres in the vicinity of the proposed church footprint were cleared by the Applicant during the summer of 1999, leaving standing along 236th Avenue Northeast only the 50-foot natural buffer. As these photographs demonstrate, the actual occurrence of large evergreens within the buffer area is relatively infrequent, and for most of the taller trees the bulk of the leafy vegetation occurs above the visual corridor that encompasses the views of the proposed church building and its adjacent parking lots.
53. Finally, design features such as color, height, and variation in surfaces and forms affect the visual impact of the structure on offsite observers. Use of muted earth colors tends to reduce offsite impacts, as do design modulations that counteract the apparent massiveness of the structural form. Zoning Code height limitations apply to the project in the absence of specific adverse impacts associated with structural heights in identified locations that require a more restrictive standard.
54. Some sense of the manner in which landscaping and modulation can reduce the massive institutional visual impact of a large church facility can be derived from the photographs within Exhibit No. 119. If one compares the photographs of the Redmond Assembly of God with those provided for St. Jude's Catholic Church, one finds that the former presents a boxy, institutional appearance similar to an unimaginatively designed school or office park, while St. Jude's has a much more lush natural appearance that is integrated well into the surrounding environment. Yet according to the accompanying data, St. Jude's at 32,048 square feet contains almost twice as much floor space as the Redmond Assembly of God.

H. Rural Character

55. With the adoption in 1990 of the Growth Management Act, a fundamental goal of State land use policy has become the containment of urban sprawl and the preservation of rural and resource lands. To that end, considerable effort has gone into defining the factors that distinguish rural from urban uses, so that in the process of land use regulation and review questions of what constitutes appropriate rural growth can be satisfactorily answered. In pursuit of this goal, RCW 36.70A.030(14) contains a definition of “rural character” that attempts to elucidate its essential content. One finds among the seven characteristics listed the maintenance of the natural environment both visually and in reality; fostering traditional rural lifestyles and economic activity; preferring uses that are compatible with fish and wildlife habitat preservation; and limitations on infrastructure and other development factors that impel conversion of undeveloped land into urban sprawl.
56. The 1994 King County Comprehensive Plan seeks to implement the Growth Management Act policies on a local level. Policy R-101 states that it is “a fundamental objective of the King County Comprehensive Plan to maintain the character of its designated Rural Area”. County regulations and standards should protect and enhance environmental quality, traditional resource-based economic activities, a community small town atmosphere, and foster a variety of low-density residential choices compatible with nearby resource industries within neighborhoods maintaining clearly-defined identities. Policy R-202 provides that within residential portions of the Rural Area densities should be maintained at a low level so that they may be adequately served by minimal infrastructure improvements and not contribute to a cumulative demand for urban levels of services.
57. With respect to predominantly residential portions of the Rural Area, Policy R-208 provides that accessory and residential uses should be limited to those that support natural resource based industries, require location in a Rural Area or “provide convenient local services for nearby residents.” Policy R-208 also states that these non-residential uses “should be sited and designed to assure protection or enhancement of rural character and the components of the Rural Area listed in Policy R-101.” Policy R-209 states that churches shall be permitted in the Rural Area as a conditional use except in zones with a lower density than RA-10. Policy R-211 encourages churches to locate in rural cities or unincorporated rural towns and mandates that when reviewing proposals for siting churches outside of such areas the County “should assure that any approved project will not stimulate local demand for urban level services.”
58. In addition to the foregoing Comprehensive Plan Policies that appear by their terms to be directly applicable to the TimberLake proposal, one can also obtain some insight into the definition of rural character from other policy provisions that are focused on other development issues. For example, both Policy R-213 and R-216 speak to the need to limit impervious surfaces and extensive paved areas, with R-213 also seeking to avoid through the subdivision process the creation of neighborhoods containing landscaping, abrupt grade changes and other design features “typical of urban or suburban residential development.” In a similar vein, policy R-311 dealing with commercial development standards for rural neighborhoods, encourages standards that minimize impervious surface increases and inappropriate “urban level parking, landscaping and street improvement standards.”

59. Much of the controversy that has been generated within the appeal hearing for the TimberLake Church proposal has been articulated in terms of the facility's size. The most contentious element of the 1998 DDES conditional use permit decision was its restriction of the size of the church facility to 48,500 gross square feet and parking lot capacity to 400 stalls. The Applicant has argued that any-sized facility can be permitted in the Rural Area so long as its impacts on neighboring properties are adequately mitigated. CRRAD has contended, on the other hand, that some development structures are so large and so intrinsically urban in nature that they do not belong in a Rural Area regardless of the mitigations proposed.
60. Both DDES and CRRAD depend in varying degrees upon photographic evidence for their conclusion that an 80,000 square foot facility as proposed by TimberLake is too large for this rural residential location. The DDES 1998 windshield survey and its supporting photographs (Exhibits 68 and 69), as well as the more extensive photographic survey submitted by CRRAD as Exhibit No. 119, indicate that traditionally churches serving King County's rural population have been housed in facilities having a gross floor area of 10,000 square feet or less. The larger facilities depicted in the surveys are of more recent vintage and typically have been constructed in more densely populated suburban areas.

In terms of visual impact, the photographs demonstrate that the issue of massive institutional appearance does not arise for facilities under 10,000 square feet, but becomes problematic above that level unless the facility abandons the simple box design. We already have alluded to the Redmond Assembly of God Church that has an institutional urban appearance at just under 17,000 square feet, and a similar point could be made with reference to the LDS church on Woodinville-Duvall Road at 16,200 square feet. Both are plain rectangular structures surrounding by uninterrupted asphalt parking on all sides, creating an urban institutional effect characterized visually by unrelieved impervious surfaces.

61. In terms of avoiding urban levels of visual impact, the problems created by large parking lots are probably more difficult to resolve than the issues presented by the church structures themselves, if only because the modulation and style of the building design offers a much greater potential for creative treatment. The panoramic picture of the Washington Cathedral contained Exhibit No. 119 is instructive in this regard. This facility has a parking lot of approximately 100 stalls, all located on one side of the church. Based on this photograph, one can reasonably conclude that a 100-stall lot is about the maximum that can be provided within a single parking area consistent with the maintenance of a rural visual character without

significant screening, articulation or interior landscaping. Unless mitigated, a single parking area greater than this size would be an urban-scale facility in appearance.

62. The traditional prevalence in the Rural Area of churches under 10,000 square feet in floor area and under 100 stalls in parking capacity suggests that at 80,000 square feet TimberLake expects to draw upon a regional service area. Although more than half of the TimberLake congregation households live within Redmond zip code areas, the church's traffic study defines over 60% of existing church households as "located outside the local area of the church." If a new, larger facility is constructed, the percentage of local attendees can be predicted to drop further, and indeed that looks to be the church's expectation as evidenced by its aggressive cable television advertising program.

63. Due to its size and intensity, the TimberLake Church project constitutes a proposal for “urban growth” as such is defined under the Growth Management Act. According to RCW 36.70A.030(17), “urban growth” refers to development that “makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands...” The essential characteristic of urban growth is the intensive use of land in such a manner that it is irreversibly committed to a non-rural function. This is in itself an impact to rural character because it permanently diminishes the quantity of land suitable for the continuation of rural uses within the Rural Area. While intensive urban uses perhaps can be adequately buffered from surrounding properties by their placement on a very large parcel, the potential for this kind of neighborhood mitigation does not alter the essentially urban nature of the use. What remains intrinsically urban about the TimberLake proposal is the intensity and concentration of uses on the 18 acre development site, a characteristic that is ultimately unrelated to whether the area of such intense use is a small or large percentage of the parent parcel.
64. Notwithstanding the existence of a 10-acre shopping center to its south adjacent to the SR 202 arterial, the neighborhood in which the TimberLake Church property lies is predominantly rural residential in character. Evans Creek with its 150 feet of required wooded buffers on each side provides an effective separation between this neighborhood and the 1-acre lots within Canterbury to the west. Of the other properties that obtain primary access to 236th Avenue Northeast, most are between 2 and 5 acres in size, and except for the 4 lots along the Northeast 45th Place cul-de-sac, retain a heavily wooded rural appearance with a minimum amount of formal landscaping and manicured lawns. Looking at the aerial photographs of the area along 236th Avenue Northeast, the predominant impression visually is that of a wooded area dominated by tall evergreens occasionally punctuated by small clearings for residential development.
65. If constructed for rural residential use as provided by the current RA-5 zoning, the TimberLake parcel could be subdivided into 12 five-acre lots. Using a 12-lot rural residential subdivision as a benchmark for permitted uses with the zone, the following comparisons emerge:
- A. The church proposes to clear 18 acres for development, while 12 rural residential lots plus access roads would result in clearing of 6 to 8 acres if developed in a manner comparable to existing parcels. Under rural residential development, such clearing would be more widely dispersed over the entire 63-acre site, while the church proposal concentrates clearing into a central development area. Concentrating development means that within the constructed area all wildlife habitat values will be lost, vast amounts of impervious surfaces will be created, and within the affected area the intensity of development impacts will be on a urban scale. This also entails creation of a large drainfield and the necessity for urban scale drainage control and treatment. Being more dispersed, rural residential development would not result in a similar intensity of development in any single location.

- B. In order to construct urban-scale parking lots, the church proposes to excavate and redistribute some 350,000 cubic yards of soil for the upper lot, and another 40,000 cubic yards for the lower lot, according to Mr. Shifton's estimates. Rural residential development, on the other hand, would adapt to the existing topography rather than extensively reshape it, and the total quantity of earth movement required for a 12-lot rural residential subdivision would be probably less than 1,000 cubic yards. In addition to reshaping the topography for urban type uses, the adjacency of the graded area to Evans Creek will necessarily result in an increase of sedimentation from this site, even with the use of erosion control procedures.
- C. Even if one indulges in the questionable assumption that peak hour Level of Service impacts can be avoided by the church proposal, the total traffic volumes introduced to 236th Avenue Northeast by the church will be 8 or 9 times that normally associated with a 12-lot residential subdivision. More critically, one-half or more of the new trips generated by the church will occur during weekend hours that are currently quiet due to an existing low traffic load. The lifestyle impacts to the neighborhood resulting from making 236th Avenue Northeast a much busier street during evening and weekend hours are significant.

While the new driveway cuts required for vehicle access to the church site are generally comparable in number and appearance to the local access roads needed to construct a rural residential subdivision on the property, the church will require a more intensive level of facilities construction. Turning movements for traffic accessing a 12-lot subdivision would require neither new turn lanes nor street lighting, whereas the construction of both will be the consequence of developing the church as proposed.

- D. Due to concentration of impacts, the intensive level of site development (including large areas of impervious surfaces) necessitated by construction of the 18-acre church facility creates water quality risks and groundwater recharge requirements that would not exist with a 12-lot residential plat. In addition, during the early years of landscaping installation there is an element of uncertainty as to whether the 12 equivalent residential units assigned to the

project by the Union Hill Water Association will be adequate to the church's level of demand. In view of the fact that the Union Hill Water Association is experiencing a water shortage condition, the introduction of urban development into its service area constitutes additional pressure for the creation of urban level services.

- E. Notwithstanding the future success or failure of the Applicant's buffering plan, construction of institutional scale facilities on an 18-acre portion of the property constitutes a permanent conversion of that acreage to urban development. In contrast, a 12-lot rural residential subdivision would result in no conversion of the Rural Area to urban development.

66. The foregoing urbanizing impacts of church development, which exceed the level of impacts attributable to the rural residential development permitted under current zoning, are offset to

some degree by the existing and anticipated urban level impacts from other sources that affect this neighborhood. These include the urban scale and quality of existing development in the 10-acre shopping center south of the church site, with its large parking lot and 48,500 square foot supermarket. Similarly, the function of SR 202 as a regional corridor affects this neighborhood to the extent that 236th Avenue Northeast operates as a feeder arterial to the regional system. Traffic volumes on 236th Avenue NE will increase as the Novelty Hill Urban Planned Developments to the north build out. During the later stages of UPD development, 236th Avenue Northeast will begin to serve as a back door to the UPD project area, at which time it will undergo a substantial increase in traffic. Thus, in the next ten years or so, with or without the existence of TimberLake Church, 236th Avenue Northeast can be expected to further lose its quiet country road status.

CONCLUSIONS

SEPA Threshold Determination Appeals

1. The threshold determination made by the Department of Development and Environmental Services is entitled to substantial weight on review. Though substantial weight is not accorded to conclusions of law (see Rules of Procedure of the King County Hearing Examiner, II.B.9) the Examiner will accept, for the purpose of this appeal because no party objected, the Department's interpretation of WAC 197-11-350 that the Department may impose conditions, not agreed to by the Applicant, to reduce what would otherwise be a significant adverse impact to a level that is not significant, and issue an MDNS. The burden is on the SEPA appellant to demonstrate that the MDNS is clearly erroneous.
2. Citizens alleged that the probable impacts from noise, traffic, water usage and light and glare are significant. Because the evidence adduced shows that with the proposed conditions none of these impacts would have more than a moderate effect on the environment, CRRAD did not sustain its burden, and the MDNS must be affirmed.

In TimberLake's challenge to the SEPA conditions, it was required to show, under the Department's interpretation of the rule, that the conditions imposed were not necessary, i.e.,

that even without those conditions, or with less restrictive conditions, the impacts would not be significant.

3. Condition No. 1 required a 180-foot radius buffer from the nest site to be set aside. Appellant's showing that there is no agreement about the appropriate buffer and that the hawk can rely on alternate nests was sufficient to establish that, whether or not a 100-foot buffer would be adequate, the impact should not be more than moderate. As to Condition 6, TimberLake showed that the Department relied upon an opinion of the DNR expert that a higher ratio of undisturbed to cleared property was needed based upon assumptions not shown to be factual. For instance, the expert's testimony was that there may be 60-80 species on the site, but the ratio was based upon 100 species. Condition No. 9, also challenged, has no relationship to the degree of environmental impact, so is not essential to the MDNS. If TimberLake's appeal of these conditions as CUP conditions is successful, and the conditions were removed or modified, the threshold determination would not have to be changed to a determination of significance.

Conditional Use Permit Appeals

4. KCC 21A.44.040 provides that a conditional use permit shall be granted only if the applicant demonstrates that:
 - A. The conditional use is designed in a manner which is compatible with the character and appearance of the existing, or proposed development in the vicinity of the subject property;
 - B. The location, size and height of the buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
 - C. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
 - D. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
 - E. The conditional use is not in conflict with the health and safety of the community;
 - F. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
 - G. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.
5. To obtain a conditional use permit the Applicant must demonstrate that the criteria in KCC 21A.44.040 have been met. That burden stays with the Applicant when appealing the CUP decision of the Department. In like manner, the burden of proving that the criteria have not been met for the intensity and size of use approved in the Department's decision rests on CRRAD. With respect to standards D through G stated at KCC 21A.44.040, the record supports the conclusion that Phase 1 development, as approved by DDES within its February 17, 1998 conditional use permit decision, meets the applicable criteria. The remaining discussion will focus upon the question of whether the church proposal complies with the compatibility criteria stated at KCC 21A.44.040.A.
6. Due to the open-ended nature of the church's visioning process, many of the uses assigned to Phase 2 development are speculative in nature, intensity and timing. Accordingly, the impacts associated with Phase 2 development cannot be presently quantified with any degree of precision. Among the unknown variables associated with Phase 2 development are the level of water service demand, water availability and the septic requirements for the project (all of which may potentially impact the amount of additional site clearing, the visual impacts, and the level of traffic use anticipated in the southwestern portion of the site); the

volumes, distribution and timing of site-generated traffic; the ultimate parking requirements for the church facility; potential water quality impacts to Evans Creek resulting from both infiltration of impervious surface drainage and septic drainfield development within the highly permeable soils above the creek; and the ability of the church's ambitious landscaping plan to quickly create a visual buffer that adequately screens the rural neighborhood from the visual impacts of urban-scale development.

7. TimberLake contends that the Department improperly considered the size of its proposed facility in assessing the application's conformance to CUP criterion A, arguing that since size is explicitly a factor in criterion B, it cannot be inferred as a factor of design in A. The use of size in B, along with location and height, in considering whether the building hinders circulation or discourages other development or use of other properties, does not mean that size cannot also be reviewed for the other ways it may affect the appropriateness of the proposal. As the architect, Lane Williams explained, size is an element of design. Moreover, as used within KCC 21A.44.040.A, the term "design" appears as a verb and not as a noun, a usage that carries with it the broader connotation of assemblage or articulation. Therefore, the Department correctly interpreted criterion A. when it treated the size of the building as part of its design compatibility review.
8. TimberLake contends that RCW 36.70B.030 prohibits the use of the Comprehensive Plan in project-level review where development regulations have been adopted, arguing that the Department erred in considering these policies. The intent of the statutory provision is to prohibit revisiting at the project review level those decisions about use and density made in adopting the Comprehensive Plan or the development regulations. It is not intended to prevent the County from designating in its regulations governing discretionary use permits review pursuant to whatever criteria or policies it deems appropriate for such consideration. In this regard, the County has specified in Comprehensive Plan Policy I-408 that development approvals are to be consistent with the Comprehensive Plan, zoning, community, subarea and neighborhood plans. Had the Department refused altogether to consider the application for the church use because it interpreted the Comprehensive Plan provisions to categorically prohibit churches in this zone (even though the regulations allow churches as conditional uses if they meet the stated criteria), TimberLake's arguments would be well taken. But the County has not "revisited" that decision about the scope of permitted uses. Rather, the County scheme requires each policy to be examined in the specific context of the proposal submitted to determine whether it has applicability to the particular approval requested.

This interpretation of the permit approval process is also consistent with the provision of KCC 20.24.080.B that directs Hearing Examiner review generally to consider the proposal's compatibility with the environment and the policies of the Comprehensive Plan, which section also contains a provision describing how conflicts between the Comprehensive Plan and a Community Plan are to be resolved. KCC 20.24.080.B demonstrates the County Council's intent that the Comprehensive Plan should perform a regulatory function within the discretionary permit review process.

9. Site construction on the 18 acres subject to development under the TimberLake church proposal constitutes "urban growth" within the meaning of RCW 36.78.030(17). This is due to the size and intensity of the development, its quantity of clearing, grading and impervious surfaces, and the level of traffic generated. As such it will effect the irreversible conversion

of the 18 acre development portion of the parcel to urban growth and away from rural character and uses.

10. Neither the King County Zoning Ordinance nor the policies of the Comprehensive Plan specifically precludes urban growth proposals from being approved within the Rural Area. Although a preference for smaller sized churches is implied, neither the Zoning Code nor the Comprehensive Plan unequivocally prohibits large scale urban churches to be constructed in the Rural Area.
11. Comprehensive Plan policy R-208 applies to the church project because the neighborhood within which it lies is a predominantly residential portion of the Rural Area, and the policy by its terms relates to the siting and designing of uses. Since it is clear that the proposed church does not require a rural location, nor does it support natural resource-based industries, compliance by the TimberLake proposal with Policy R-208 mandates a finding that the church will “provide convenient local services for nearby residents”.

In order for this policy requirement to make sense, it must be read to mean that the proposal will primarily provide convenient local services for nearby residents. If it is read to include the provision of convenient services to nearby residents and to everyone else, then it becomes a meaningless standard. An 800,000 square foot shopping mall would provide convenient services to local residents, but would draw thousands of people from distant locations as well.

12. The term “nearby residents” as used in policy R-208 should not be limited to residents of the Rural Area. The church location is close to the County’s Urban Growth Boundary, and some nearby residents live on the Urban side of the line. It is not a disqualification under policy R-208 that some of these individuals may attend TimberLake Church. Over 40 percent of regular church attendees live within the 98053 zip code area, and this is a sufficient connection to the local area to meet the Policy R-208 nexus requirements for Phase 1 development.

It is not obvious, on the other hand, that the proposed Phase 2 church development can continue to meet this local service nexus requirement. Such a conclusion is supported neither by population figures in the immediate vicinity, nor by the church’s commitment to a television advertising campaign to attract new members.

13. Although the 63-acre parcel size enables the church to devise mitigations to shield most direct off-site impacts from adjacent properties, its ability to comply with Comprehensive Plan policies supporting preservation of rural character is at best marginal. As previously noted, 18 acres of the site will be irrevocably committed to urban development. Whether the church can be seen as acceptably consistent with the maintenance of the character of the Rural Area ultimately depends upon the degree to which it functions as a local facility rather than a regional attraction. If it becomes a regional attraction, not only will it have traffic and lifestyle impacts of an extensive and largely urban nature, but it will operate to undermine Rural policies supporting a community small town atmosphere, neighborhoods with clearly defined identities compatible with adjacent rural resource uses, and discouraging the creation of a future expectation of urban levels of service. Policy R-208, the broad definition of rural

character contained in Policy R-101, and the statutory definition of rural character provided at RCW 36.70A.030 (14) all emphasize as critically important that Rural Area institutions bear a close and supportive relationship to the Rural Area community. To the extent that TimberLake Church can function as a locally-focused, albeit rather large, community institution, it can meet these Rural nexus requirements. If it pursues a strategy to become a regional magnet drawing people from all over the Puget Sound area, it will not be able to maintain the vital connection to the local community necessary to comply with Rural policies.

14. Each Appellant is under a burden of proof to establish by a preponderance of the evidence that the DDES conditional use permit decision dated February 17, 1998 was issued in error. For the reasons specified above, the Applicant has failed to meet its burden of proof for development beyond Phase 1. The church's Phase 1 proposal is grounded in its present operations, plus a reasonable provision for additional growth. Since a substantial portion of its current attendance is locally based and the impacts of current levels of usage can be reasonably quantified, approval of Phase 1 development can be adequately supported by the factual record.
15. Phase 2 is simply a speculative collection of possibilities that literally has changed from week to week. The record provides no basis for realistically identifying the impacts from Phase 2 development, let alone quantifying them. While the church is entitled to its vision, what the County regulatory process provides is a use permit, not a dream permit. It is not unreasonable to require that the church apply for Phase 2 development at an appropriate time when its scope can be more accurately identified, the actual extent of Phase 1 impacts can be determined, and the success of the mitigation program assessed.

Notwithstanding its discussion of absolute size limitations, the DDES decision at bottom constitutes a cautious recognition that only the Phase 1 proposal has enough form and definition to it to be capable of meaningful present analysis. The requirement of Comprehensive Plan policies that Rural Area development bear some integral relationship to the rural lifestyle requires a skeptical approach to speculative visions based on predictions of meteoric growth. In the light of myriad uncertainties attending future church expansion, the DDES decision embodies an eminently prudent stance, and TimberLake has failed to sustain its burden of proof to demonstrate otherwise.

16. CRRAD's appeal must also be rejected, though from an abstract view its arguments may appear compelling. There can be no serious doubt that traditional Rural Area churches exclusively focused on serving the local community generally do not exceed 10,000 square feet in floor area and require fewer than 100 parking spaces. In the last few years, creeping suburbanism has resulted in the emergence of larger semi-rural churches with floor space in excess of 20,000 square feet and parking stalls in the 200 to 300 range. Looking at this pattern, one may infer that churches in excess of 30,000 square feet can only be supported through the implementation of an ambitious regional marketing program.
17. If this neighborhood possessed an entirely pristine and bucolic rural setting, it would be difficult to justify approving a church larger than about 20,000 square feet. But, as TimberLake has emphasized, this neighborhood has already experienced its share of urban incursions, with more on the way. The 10-acre Albertson's shopping center is adjacent to the

south, and SR 202 is a rural arterial in name only. As pointed out by DDES, the Albertson's store provides a local precedent for a 48,500 square foot facility, and the eventual connection of 236th Avenue NE into the Novelty Hill UPD assures that this roadway will become a busy thoroughfare. Within this context, and in view of the size of the parent parcel and its capacity for visual buffering, DDES's decision to approve Phase 1 development at 48,500 square feet and 400 parking stalls is reasonable under the circumstances. Accordingly, we conclude that CRRAD has not met its burden of proof to demonstrate by a preponderance of the evidence that the DDES decision was an improper one.

18. Phase 1 of the TimberLake Church proposal is designed in a manner that is compatible with the character and appearance of existing and proposed development within the rural residential neighborhood in which the property is located, as such character is defined within the Rural Area policies of the King County Comprehensive Plan and its underlying statutory framework. Phase 2, on the other hand, cannot presently meet the requirements of KCC 21A.44.040.A because of its speculative nature and the fact that the church's proposed size and urban character preclude merely assuming neighborhood compatibility. A separate Phase 2 conditional use permit application will be required after Phase 1 has been implemented, its impacts more clearly described, and the nature of Phase 2 uses more precisely defined.

DECISION:

The SEPA and conditional use permit appeals of the Citizens for Responsible Rural Area Development are DENIED. The conditional use permit appeal of TimberLake Christian Fellowship is DENIED, and the SEPA appeal seeking revision of the MDNS conditions is GRANTED substantially as requested.

ORDER:

A conditional use permit for Phase 1 development of TimberLake Christian Fellowship is GRANTED, subject to the following conditions:

1. The maximum total gross floor area of the Phase 1 church facilities shall not exceed 48,500 square feet, and the maximum permanent seating shall not exceed 800 seats. Any future expansions that would exceed these limitations shall require CUP approval to authorize such expansion, which approval shall not be granted by DDES prior to four years after occupancy of Phase 1.
2. The approximately 12.5 acre area for future subdivision on Exhibit No. 93 may be approved for subdivision provided that no other terms and conditions of the approved CUP specified herein shall be reduced or violated as a result of any such subdivision; except that one access road meeting then-applicable King County Road Standards may be constructed through the required buffer along 236th Avenue NE at the northerly end of the site to provide access to any such future subdivision.

3. The church facility, accessory driveways and accessory parking areas shall be constructed in the general locations shown on the Applicant's revised site plan (Exhibit No. 138), unless otherwise modified by the conditions of approval specified herein.
4. The church facility shall be constructed consistent with the preliminary elevation drawings dated February 4, 1999 (Exhibit No. R-9). Minor changes to the elevations and height of the building may be allowed. Under no circumstance shall the maximum height of the church facility exceed 45 feet, as measured pursuant to the Zoning Code [KCC 21A.12.050.C]. The exterior façade of the church facility shall use a combination of different building materials and colors that are compatible with rural residential construction. This condition does not preclude the use of concrete block or similar materials on portions of the exterior façade.
5. Use of the church facilities shall be consistent with the definition of "church" as stated in KCC 21A.06.185 and the uses described in Exhibit No. 145, except as further restricted in these conditions.
6. The maximum number of parking stalls shall not exceed 400 stalls for Phase 1 development. Any future expansion of impervious surfaces to accommodate additional onsite parking shall require CUP approval and shall be subject to the four-year time limit stated in Condition No. 1. Approved Phase 1 parking development shall not include the "future parking" stalls shown on the site plan parallel to 236th Avenue NE.
7. The Applicant shall be responsible for providing the vegetative screening buffers on the site, as follows:
 - a. The Applicant shall provide a vegetative buffer onsite and along the 236th Avenue NE frontage which is consistent with the December 17, 1998, Landscape Buffering and Visual Impact Analysis (Exhibit No. R-5), as modified by Exhibit Nos. R-8 through R-12, R-19 and R-27.
 - b. In order to provide visual buffering along 236th Avenue NE and from the Fox property (Parcel No. 1525069019), the Applicant shall install and implement Option No. 2 as specified in the Applicant's March 3, 1999, submittal (Exhibit Nos. R-18 and R-19).
 - c. The drainfield reserve area identified on the Applicant's site plan contained in Exhibit No. R-5 shall not be cleared unless required by the Seattle-King County Health Department. If this area is required to be cleared, the Applicant shall retain as many existing tall trees adjacent to the internal roadway as possible in order to screen the church facilities from being viewed from the Shifton properties looking towards the northeast.

As shown on Exhibit No. R-27, the supplemental plantings adjacent to the northeast corner of the Shifton parcels shall be installed if either of the following occurs:

- i. The drainfield reserve area is cleared, or
- ii. The Union Hill Water Association increases the water allocation to the church development above 12 ERU (unless the Health Department states in writing that such increase will not require construction of the reserve drainfield).

- d. Prior to the issuance of a clearing and grading permit and/or building permit, whichever comes first, the Applicant shall submit to DDES a final landscaping plan prepared by a qualified landscape architect. DDES must review and approve the final landscaping plan before any clearing and grading and/or building permit may be issued for the proposed church facility. Use of the 236th Avenue NE right-of-way for buffer plantings and rockery construction shall be reviewed and approved by the King County Traffic Engineering Section.

DDES may require the Applicant to flag or mark any existing significant vegetation which must be retained, and may also required field delineation of the on site clearing limits pursuant to the approved landscaping plan. Before issuance of a building permit for the church facility, the Applicant must also post a performance bond with DDES for all its landscaping obligations. Any supplemental plantings required or permitted shall harmonize with native growth and shall be installed by the Applicant during the appropriate planting season within one year after issuance of a building permit for the church facility. After planting, all supplemental plants on the Applicant's property shall be regularly irrigated by the Applicant during dry weather for at least two growing seasons, in order to establish plant growth. Plantings necessary to maintain the visual screen shall be installed or replaced by the Applicant at the next planting season for the life of the facility.

- e. Prior to issuance of either a clearing and grading or building permit, the Applicant shall submit to DDES an irrigation water budget meeting the requirements of KCC 21A.16.300 et seq. The Applicant shall identify the method of irrigation to be employed and the sources of irrigation water. If any Union Hill Water Association water is to be used for irrigation, written consent to such use by the Association shall be provided.
8. The Applicant shall comply with the terms and conditions of the Voluntary Settlement Agreement with WSDOT, signed by the Applicant on October 21, 1997 (Exhibit No. 39) to mitigate impacts to SR 202.
 9. The Applicant shall be responsible for the following road improvements along 236th Avenue NE:
 - a. Construct Rural Minor Arterial standard improvements along the frontage of the site. Frontage improvements may require additional pavement to transition to the commercial frontage improvements to the south.
 - b. Construct northbound left turn lanes at the two most southerly proposed accesses. Channelization and illumination plans for the left turn lanes shall be reviewed and approved by King County Traffic Engineering Section prior to issuance of a building permit. Street illumination shall be directed downward to avoid impacts to residential properties located to the east.
 10. There shall be no access road constructed on the subject property that connects to NE 44th Street and the residential neighborhood known as Canterbury Woods.

11. Exterior Lighting

All onsite exterior lighting used to illuminate the building, parking areas and walkways shall be shielded to avoid glare impacts on adjacent residentially zoned properties. Church identification signage permitted by the Zoning Code along the 236th Avenue NE frontage shall not be internally lit. Ground level spot lighting may be used to illuminate the face of the sign only. No outdoor decorative lighting shall be used to illuminate the exterior architectural features of the building. Light levels shall meet the standards of the adjacent Albertson's grocery store, as verified by a photometric study submitted to DDES. All onsite exterior lighting required or permitted by this condition shall be shown on a lighting plan submitted by the Applicant to DDES, and DDES must review and approve such lighting and the required photometric study before any building permit may be issued for the proposed church facility. Any future changes to exterior lighting shall require photometric verification for compliance with the Albertson's standard. Parking lot lighting shall be limited to 25 feet in height to limit off-property impacts. Driveways and parking lot lighting shall be turned on only from dusk to 10:30 p.m.

Interior Lighting

In order to reduce light and glare emanating from the interior of the building to the outdoors, the following conditions shall apply to interior lighting of areas of the church facility with

exterior facing windows: only tinted glass shall be used with a maximum transmittance rating of 59% or less; canopies shall be constructed above entries as shown on the elevation drawings, dated February 4, 1999 (Exhibit No. R-9); and all interior room lighting shall be designed to focus downward on the interior space.

12. The Applicant shall comply with the SEPA mitigation conditions below. See Condition Nos. 26 through 34.
13. The development of this project is subject to all applicable rules, regulations, standards and codes in effect on April 10, 1997, that are not specifically modified by this CUP. Compliance with applicable drainage standards, health standards, fire and building code standards and other applicable development standards shall be reviewed at the time of building permit application. Compliance with all applicable sensitive area regulations shall also be reviewed at the time of building permit application including, but not limited to Notice on Title, approval of a mitigation plan for filling Wetland C, and provision for required buffers and building setbacks as stated in KCC 21A.24.
14. The Applicant shall submit a site plan, landscape plan, and elevation drawings for review and approval by LUSD staff to ensure compliance with the CUP conditions cited above. The Applicant may submit these plans to LUSD concurrently with a clearing and grading permit and/or a building permit application; or, the Applicant may request LUSD to review and approve such plans as part of a pre-application review prior to submitting permit applications.

15. This approval shall become null and void if a building permit(s) for this project is not issued within four years from the effective date of this decision. Pursuant to KCC 21A.42.090(E), this four-year period may be extended by the Director of DDES for one additional year.
16. Kitchen facilities in the church building shall be limited to ordinary residential level facilities and shall be non-commercial in size and type.
17. No public or private school requiring certification by the Superintendent of Public Instruction shall be operated on site. This limitation shall not apply to daycare activities or to incidental "Sunday school" type religious instruction throughout the week.
18. No automobile repair facilities shall be located on site.
19. Not more than six organized outdoor events per calendar year (including, but not limited to, picnics, concerts, fairs, and other formal gatherings or celebrations) shall be permitted on the site. This limitation shall not apply to informal recreational activities, including hiking and informal sports events associated with the church. The Applicant shall maintain an annual list of the six organized outdoor events, and such list shall be available to DDES upon request.
20. Sound levels during, and emanating from, any event on site shall not exceed 49 dBA anywhere on any residential properties abutting the site on the west, southwest, or north. On adjacent residential properties abutting the east side of 236th Avenue NE, such sound levels shall not exceed 49 dBA or the then-existing ambient Leq, whichever level is greater, in order to take into account other noise sources then existing.
21. Outdoor amplification of sound shall be prohibited unless the Applicant obtains CUP approval for an outdoor performance center.
22. Informal recreational use of the subject property is permitted. No permanent equipment or structures for ball fields or other sports events (e.g., grandstands, baseball fields or backstops, soccer fields or goals, or the like) shall be placed on the subject property; provided, however, that tot-lot equipment associated with daycare activities of the church shall be permitted in close proximity to the church building. No sports events involving participants in organized sports leagues shall be permitted on site. The foregoing limitations shall not apply to the approximately 12.5 acre area identified for future subdivision on the Exhibit No. 93, if a subdivision of such area is approved.
23. Commercial deliveries, garbage pickup and parking lot sweeping shall be prohibited between the hours of 9:00 p.m. and 7 a.m. on weekdays and Saturdays and shall be prohibited on Sundays.
24. The site shall not be used for park and ride or commuter parking, except informally when related to church sponsored activities.
25. Construction hours for the church facility, parking lots, and related facilities shown on the Applicant's revised site plan (Exhibit No. 138) are restricted to between 7 a.m. and 7 p.m. on weekdays, between 9 a.m. and 7 p.m. on Saturdays, and are prohibited on Sundays.

MDNS Conditions

26. A natural-vegetation buffer shall be set aside for protection of the hawk nest. On the east side of the nest the buffer shall be a half circle with a minimum radius of 100 feet, and on the west side of the nest, the buffer shall be a half circle with a minimum radius of 180 feet. The hawk nest buffer shall be added to the sensitive area buffer as shown on the revised site plan and shall be subject to the notice on title per KCC 21A.24.170. No clearing or grading shall occur within this buffer except for management activities to benefit the hawk and other wildlife species. The King County Department of Natural Resources or its successor agency shall review and approve the Site Wildlife Management Plan. The hawk nest buffer shall be shown on all building and construction plans.
27. Conifers may be planted within the hawk buffer to provide screening of the nest from the parking facilities, provided they are planted outside of the nesting season (February 1 to July 31). The planting restriction may be altered upon certification that the nesting period has ceased or that the nest is inactive during a particular year.
28. Construction activity shall be restricted within 300 feet of the hawk nest during the nesting season (February 1 to July 31). This restriction may be altered upon certification that the nesting period has ceased or that the nest is inactive during a particular year.
29. No heavy construction activity shall occur within 650 feet of the nest tree during the red-tailed hawk nesting season (February 1 to July 31). Heavy construction is defined as land clearing, tree falling, excavation, grading, road paving, or installing utility infrastructure. This restriction may be altered upon certification that the nesting period has ceased or that the nest is inactive during a particular year.
30. All parking and building lights shall be shielded and directed away from the nesting area.
31. For every acre proposed to be cleared under this permit, 1.8 acres shall be placed in a Conservation Easement to be held and monitored by King County. Sensitive Areas and their buffers protected by Code shall be included as part of this calculation and in the Conservation Easement area. The area placed in this easement shall be clustered around the sensitive areas and the hawk nest buffer to form a continuous polygon. No clearing or grading shall occur within this easement except to implement a Site Wildlife Management Plan approved by King County DNR. The easement goals are:
 - a. To preserve and maintain habitat for the many wildlife species using the site;
 - b. To accomplish goals and objectives of the Bear Creek Basin Plan; and
 - c. To protect the functions and values of streams and wetlands.
32. The legal description for the easement area shall be surveyed and clearly marked.
33. The costs of producing the easement document shall be paid by the Applicant. Costs include, but are not limited to, a Level 1 environmental assessment (to determine if the

easement area contains hazardous materials), title search, escrow, other closing costs, recording fees, and preparation of a wildlife management plan.

34. The Conservation Easement shall be executed by the property owner as grantor, in favor of King County as grantee, in a recordable form acceptable to the King County Prosecuting Attorney's Office. After execution and delivery to DDES, the Conservation Easement shall be filed for recording with the King County Office of Records and Elections.

ORDERED this 31st day of March, 2000.

Stafford L. Smith, Deputy
King County Hearing Examiner

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Richard Wilson Attorney At Law 1221 Second Avenue #500 Seattle WA 98101	Linda & Wesley Witt 21326 NE 103rd Court Redmond WA 98053	Ron Worman 1728 W Beaver Lake Dr SE Issaquah WA 98029
Michael Yantis Associates Inc 1809 Seventh Avenue #1609 Seattle WA 98101-1313	Kenneth & Lilian Yates 4408 - 232nd Avenue NE Redmond WA 98053	Kim Yates 13301 NE 75th Street Redmond WA 98052
Tom Beavers Department of Natural Resources Resource Lands & Open Space MS CEN-NR 0350	Greg Borba DDES/LUSD Site Plan Review Section MS OAK-DE-0100	Darren Carnell King County PAO – Civil Division KCC PA 0554
Fereshteh Dehkordi DDES/LUSD Current Planning MS OAK-DE-0100	Barbara Heavey DDES/LUSD Current Planning OAK-DE-0100	Curt Horner Seattle-KC Public Health MS 1B FIC
Aileen McManus DDES/LUSD Site Development/Roads OAK-DE-0100	Councilperson Louise Miller Metro King County Council MS 12-C King County	Karen Wolf Regional Policy and Planning King County Budget Office MS ADM-EX-0402

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding conditional use permit application appeals. The Examiner's decision shall be final and conclusive unless proceedings for

review of the decision are properly commenced in Superior Court within twenty-one (21) days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

MINUTES OF THE MAY 21, JULY 15, JULY 16, JULY 17, AND JULY 20, 1998 PUBLIC HEARINGS ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L96AC022 – TIMBERLAKE CHRISTIAN FELLOWSHIP CONDITIONAL USE PERMIT APPEALS AND APPEAL OF THRESHOLD DETERMINATION:

The public hearing on these appeals was opened by Hearing Examiner James N. O'Connor. On May 22, 1998 Examiner O'Connor recused himself from further participation in these proceedings. Margaret Klockars reopened the public hearing on July 15, 1998 as Hearing Examiner *pro tem* in this proceeding. Participating at the hearing were Greg Borba, Fereshteh Dehkordi, Tom Beavers, Curt Horner, Barbara Heavey, Richard Wilson, Linda Stalzer, Richard Aramburu, Bruce Buckles, Ray Berry, Bill Dennis, Steve Hammer, Richard Snodgrass, John Altmann, Steve Shifton, Ronald Greenlee, John T. Olson, Sam Capelouto, Gary Norris, Keith Logan, Jim Szabo, Lane Williams, Randy Edwards, Ioana Park, Jim Ferguson, Michael Yantis, Jeff Clayton, and Sharon Tobin.

The following exhibits were offered and entered into the hearing record May 21, 1998:

- | | |
|----------------|---|
| Exhibit No. 1 | Department of Development of Environmental Services, Land Use Services Division, Report to the Hearing Examiner |
| Exhibit No. 2 | Mitigated Determination of Nonsignificance (MDNS) issued February 17, 1998 |
| Exhibit No. 3 | Environmental Checklist dated September 24, 1996 |
| Exhibit No. 4 | Appeal of MDNS received by the Applicant on March 10, 1998 |
| Exhibit No. 5 | Appeal of MDNS received by the "Citizens" on March 10, 1998 |
| Exhibit No. 6 | Pre-Hearing Order issued April 9, 1998 |
| Exhibit No. 7 | SEPA file |
| Exhibit No. 8 | Conditional Use Permit Report and Decision, dated February 17, 1998 |
| Exhibit No. 9 | Application for Conditional Use Permit, received September 27, 1996 |
| Exhibit No. 10 | Site plan and project plans, received September 27, 1996 |
| Exhibit No. 11 | Revised site plan, received August 8, 1997 |
| Exhibit No. 12 | Revised site plan, received November 3, 1997 |
| Exhibit No. 13 | King County Assessor maps |
| Exhibit No. 14 | Notice of Application, mailed April 10, 1997 |
| Exhibit No. 15 | Notice of Decision, mailed February 17, 1998 |
| Exhibit No. 16 | Letter from Stalzer to Carey, dated January 5, 1998 re Comprehensive Plan compliance |
| Exhibit No. 17 | Letter from Wilson to Carey, December 11, 1997 re legal issues regarding church as permitted use |
| Exhibit No. 18 | Memo from Stalzer to Borba, dated November 18, 1997 re compliance with KCC 21A and Comprehensive Plan |
| Exhibit No. 19 | Cover memo from Stalzer to Borba, October 31, 1997, re attached revised site plan |
| Exhibit No. 20 | Memo from Stalzer to Borba, October 27, 1997, re revised site plan issues |
| Exhibit No. 21 | Memo from Stalzer to Borba, October 17, 1997, re church programming |
| Exhibit No. 22 | Letter from Borba to Stalzer, October 17, 1997, re need for additional site information |
| Exhibit No. 23 | Letter from Stalzer to Borba, October 2, 1997, re response to Shifton and Yates letters |
| Exhibit No. 24 | Letter from Bowles to Stalzer, October 2, 1997, re SAO classifications of streams and wetlands |

- Exhibit No. 25 Letter from Borba to Stalzer, October 1, 1997, re access through Canterbury Woods
- Exhibit No. 26 Cover letter from Stalzer to Borba, August 8, 1997, re new report and revised site plan
- Exhibit No. 27 Letter from Cox to Stalzer, July 30, 1997, re 120-day processing
- Exhibit No. 28 Cover letter from Stalzer to Borba, July 26, 1997, re Health Dept (septic) UHWA letters and transportation concurrency
- Exhibit No. 29 Letter from Stalzer to Borba, June 30, 1997, re update on project
- Exhibit No. 30 Letter from Borba to Stalzer, June 6, 1997 re need for additional information
- Exhibit No. 31 Cover letter from Stalzer to Borba, May 20, 1997, re traffic information
- Exhibit No. 32 Letter from Borba to Stalzer, April 10, 1997, re determination of complete application
- Exhibit No. 33 Cover letter from Stalzer to Borba, March 27, 1997, re Certificate of Water Availability
- Exhibit No. 34 Letter from Borba to Stalzer, February 25, 1997, re time extension granted to April 11, 1997
- Exhibit No. 35 Letter from Stalzer to Borba, February 18, 1997, re requesting time extension
- Exhibit No. 36 Letter from Borba to CNA, October 25, 1996, re determination of incomplete application
- Exhibit No. 37 Letter from CNA to Carey, October 24, 1996, re waiver for sewer/septic submittal requirement
- Exhibit No. 38 Letter from WSDOT to Borba January 27, 1998, re right turn lane on SR202/236th Avenue NE
- Exhibit No. 39 Memo from Stalzer to Borba,, October 22, 1997, re attached October 21, 1997, WSDOT agreement with Timberlake Church
- Exhibit No. 40 Letter from WSDOT to Dehkordi, September 5, 1997, re comments on proposal
- Exhibit No. 41 Memo from Popp to Norman, August 8, 1997, re reconsideration of KC requirements
- Exhibit No. 42 Letter from Popp to WSDOT, August 1, 1997, re response to WSDOT traffic issues
- Exhibit No. 43 Revised transportation concurrency, July 23, 1997, re 80,000 square foot building
- Exhibit No. 44 Memo from Norman to Borba, July 16, 1997, re recommendations for traffic requirements
- Exhibit No. 45 Letter from WSDOT to Dehkordi, June 25, 1997, re comments on proposal
- Exhibit No. 46 Traffic report by Popp & Associates, April 25, 1997
- Exhibit No. 47 Certificate of Water Availability with attached conditions, March 19, 1997
- Exhibit No. 48 Letter from Timberlake to UHWA, February 3, 1997, re water usage
- Exhibit No. 49 Letter from CAN to UHWA, December 10, 1996, re water usage
- Exhibit No. 50 Letter from UHWA to CAN, October 24, 1996, re water availability
- Exhibit No. 51 Letter from KC Health to Concept Engineering, July 16, 1997, re attached July 16, 1997 preliminary approval
- Exhibit No. 52 Letter from CNA to Borba, November 20, 1996, re septic requirements
- Exhibit No. 53 Memo from Pederson to Dehkordi, February 6, 1998, re comments on forester's report
- Exhibit No. 54 Memo to Stalzer to Borba, October 20, 1997, re attached October 11, 1997 forester's report
- Exhibit No. 55 Memo from Stalzer to Borba, October 26, 1997, re attached October 24, 1997, supplemental noise report by Yantis
- Exhibit No. 56 Memo from KC Health to Karen Scharer, June 19, 1997, re agreement with September 1996, Noise Study
- Exhibit No. 57 Noise Report by Michael Yantis, September 1996
- Exhibit No. 58 Memo from Beavers to Dehkordi, November 14, 1997, re revised recommendations
- Exhibit No. 59 Memo from Beavers to Dehkordi, October 8, 1997, re recommendations
- Exhibit No. 60 Wildlife Report by Talasaea, August 11, 1997
- Exhibit No. 61 Revised Sensitive Areas Report by Talasaea, August 8, 1997
- Exhibit No. 62 Stream survey report by Talasaea, July 31, 1997
- Exhibit No. 63 Hydrologic Assessment of Wetland B by Pentac, July 21, 1997
- Exhibit No. 64 Sensitive Areas Report by Talasaea, September 27, 1996
- Exhibit No. 65 Geotechnical Report by GeoEngineers, September 27, 1996
- Exhibit No. 66 Flooding Potential Study by GeoEngineers, September 27, 1996
- Exhibit No. 67 Well Study by GeoEngineers, September 21, 1996

- Exhibit No. 68 Notes from windshield survey and related research by Greg Borba, January 15, 1998
Exhibit No. 69 Photographs of other church facilities taken by Greg Borba, January 15, 1998
Exhibit No. 70 DDES FileL97AC022
Exhibit No. 71 Schematic Design – Final Draft
Exhibit No. 72 Vicinity map
Exhibit No. 73 Photographs mounted on board of commercial area
Exhibit No. 74 Master Floor Plan dated April 15, 1998, notation “Approved by the board April 22, 1998”

Exhibit No. 75 Preliminary site plan dated April 15, 1998
Exhibit No. 76 Phase I Floor Plan dated April 15, 1998
Exhibit No. 77 Master Plan Elevations dated April 15, 1998
Exhibit No. 78 Building Sections dated April 15, 1998
Exhibit No. 79 Withdrawn
Exhibit No. 80 Timberlake Christian Fellowship web page
Exhibit No. 81 Schematic Design Final Draft, response to Appellant’s Interrogatory #2 – April 27, 1998
Exhibit No. 82 Hard copy of current Timberlake Christian Fellowship web page
Exhibit No. 83 The Free Methodist Church of North America “The Book of Discipline 1995”
Exhibit No. 84 Timberlake Christian Fellowship Preliminary Design Program – Phase I (outline)
Exhibit No. 85 A. Phase I Floor Plan Main Building dated April 15, 1998
B. Building Sections dated April 15, 1998

Exhibit No. 86 Resume of John J. Altmann
Exhibit No. 87 Department of Fish and Wildlife letter dated May 19, 1998, recommendations for site
Exhibit No. 88 Excerpt from Birds of North America relating to red-tailed hawks
- The following exhibits were offered and entered into the hearing record July 15, 1998:
- Exhibit No. 89 Transcript of April 9, 1998, Pre-Hearing Conference
Exhibit No. 90 Transcript of May 21, 1998, public hearing
Exhibit No. 91 Transcript of May 22, 1998, public hearing
- Exhibit No. 92 Timberlake Christian Fellowship’s proposed revised conditions
Exhibit No. 93 Site plan dated July 10, 1998
Exhibit No. 94 Video taken by Greenlee of Timberlake Christian traffic on Easter
Exhibit No. 95 Color coded site plan prepared and submitted by Keith Logan depicting uses with orange indicating areas of concern
- Exhibit No. 96 Traffic counts on 236th NE at 4024 May 17, 1998, and June 14, 1998, taken by Bill Dennis
Exhibit No. 97 Stipulated Order Modifying DNS and Dismissing Appeal dated September 17, 1993, issued by James N. O’Connor, King County Hearing Examiner
- Exhibit No. 98 Photographs (20) taken and submitted by John T. Olson
Exhibit No. 99 99.A-C NOT ADMITTED
A. Photograph taken by Kingdome south parking lot
B. Photograph of Home Depot parking lot
C. Wilberton Park’n Ride just off Highway 405/108 parking stalls
- Exhibit No. 100 Addendum to DNS for Guardwell Mini Storage
Exhibit No. 101 Excerpts of Redmond Community Development Guide: 20D.170 Special Uses, 20C.30 Residential Zones
- Exhibit No. 102 Overlake Christian Church Transportation Management Program (TMP)
Exhibit No. 103 Final schematic dated April 23, 1998, showing whole site plan – Master Plan Parking
Exhibit No. 104 Plan catalog dated 6/23/98..a complete listing of the pre-designed building plans, estimated costs, and floor plan square footage offered in Plans Catalog of Churches and Related Buildings (found at: <http://www.churchconstruction.com/cdc/plans.htm>)
- Exhibit No. 105 Evangelism and Church Growth Strategies (from <http://www.nazarene.org/cg/strategy.html>)
Exhibit No. 106 Chart showing name, address, city, zip, building square footage, parking spaces, membership and worship seating of churches (primarily in Redmond area)

Exhibit No. 107 Photographs (3) taken of Shifton driveway

- Exhibit No. 108 Timberlake Christian Fellowship: use by quantity of people chart, including sources
Exhibit No. 109 Video taken by and submitted by Shifton showing traffic, darkness, impacts off headlights, and other impacts on rural nature of area

The following exhibits were offered and entered into the hearing record July 16, 1998:

- Exhibit No. 110 Excerpts from LDS Kent Ward Meeting House FEIS
Exhibit No. 111 Guide to Exhibit 110 indicating page and sections relevant to instant matter
Exhibit No. 112 Excerpt from Churches and Church Membership in the United States in 1990 – An Enumeration by Region, State and County Based on Data Reported for 133 Church Groupings, cover sheet and pp 411-412
Exhibit No. 113 1990 Reporter Demos – 1 Mile radius around 5035 236th Avenue NE (Scan/US, Inc. July 15, 1998)
Exhibit No. 114 Letter dated March 11, 1997, from Chris Searcy (Concept Engineering, Inc.) to John Phillips (Union Hill Water Association)
Exhibit No. 115 Water consumption by University Presbyterian and Timberlake’s equivalent ERU (domestic water)
Exhibit No. 116 Photographs (2) of proposed site taken from two locations on 236th with subject 50 feet away
Exhibit No. 117 Resume of Michael R. Yantis, P.E., President of Michael R. Yantis Associates, Inc., P.S.
Exhibit No. 118 Yearly water consumption charts for Northshore Baptist, Overlake Christian and Eastside Foursquare (3 sheets)
Exhibit No. 119 Three-ring binder with photographs of churches in Redmond area taken and submitted Sharon Tobin (Tabs 1, 4, 5, 6, 9, 11,13,14 15, 16, 17, 18,19,20, 22, and 26
Exhibit No. 120 Exhibit No. 119 photographs NOT ADMITTED
Exhibit No. 121 Evergreen Title Company search by zip codes of eastside churches
Exhibit No. 122 Tabular compilation of Evergreen Title Company report (Exhibit No. 121)
Exhibit No. 123 List of eastside churches (Exhibit No. 122) showing number of parking spaces for each

Exhibit No. 124 Map showing distribution of churches by number of parking spaces for each
Exhibit No. 125 Chart defining dot sizes for Exhibits 124-128 as to building size of churches and churches by number of parking spaces
Exhibit No. 126 Map showing distribution of churches by building size
Exhibit No. 127 Map showing distribution of members of Timberlake Christian Fellowship
Exhibit No. 128 Aerial photograph of area showing building footprint, parking area footprint, and drainfield footprint
Exhibit No. 129 Map showing parcel boundary lines (based on Exhibit No. 95)
Exhibit No. 130 Aerial photograph taken from site:
A. Looking north
B. Looking west toward Redmond
C. Looking east
Exhibit No. 131 Aerial photograph of City of Redmond (taken July 27, 1997)
Exhibit No. 132 May 21, 1998, Timberlake Christian newsletter taken from Timberlake website (last page missing) submitted by Keith Logan

The following exhibits were offered and entered into the hearing record July 17, 1998:

- Exhibit No. 133 Resume of Gary Norris, PE
Exhibit No. 134 Anticipated Daily Attendance Table (people in building)
Exhibit No. 135 Zip Code Report of Current Attenders of Timberlake prepared by Applicant
Exhibit No. 136 Letter dated June 27, 1997, from Linda Stalzer/Ray Berry to Bill Heaton, Seattle-King County Health Department
Exhibit No. 137 July 1998 Timberlake newsletter from Timberlake website

MINUTES OF THE FEBRUARY 28 AND 29, AND MARCH 1, 2, AND 3, 2000 PUBLIC HEARINGS
ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L96AC022
– TIMBERLAKE CHRISTIAN FELLOWSHIP:

Stafford L. Smith was the Hearing Examiner in the remand proceeding. Participating at this hearing were Greg Borba, representing the County; Karen Wolf, Richard Aramburu, Steve Shifton, Richard Wilson, Linda Stalzer, Ray Berry, Mark Weisman, Nick Hagan, Lane Williams, Keith Logan, and Aileen McManus.

The following exhibits were offered and entered into the hearing record February 28, 2000:

- Exhibit No. 138 November 17, 1999 revised site plan
- Exhibit No. 139 Detail drawings – multiple sheets
- Exhibit No. 140 Occupant load summary
- Exhibit No. 141 Revised staff report dated February 14, 2000
- Exhibit No. 142 Floor plans for three facilities currently used by TimberLake Christian Fellowship: Office space in Redmond, Evergreen Junior High School, and Grange meeting room
- Exhibit No. 143 Memorandum dated February 10, 2000, from Ray Berry and Beck Pearsall, to Linda Stalzer, re: attendance/membership figures for 1999
- Exhibit No. 144 Agreement executed February 24, 2000, between TimberLake Christian Fellowship and Union Hill Water Association
- Exhibit No. 145 Narrative description dated January 10, 2000 of proposal prepared by Linda Stalzer
- Exhibit No. 146 Memorandum dated February 12, 2000, from Linda Stalzer, to hearing Examiner, providing additional argument in opposition to staff's recommendation re: size
- Exhibit No. 147 Recommended changes to Condition 11.a, Feb. 14, 2000, staff report submitted by staff

The following exhibits (from the vacated June 7, 1999 supplemental conditional use permit appeal hearing) were offered and re-entered into the hearing record February 29, 2000:

- Exhibit No. R-2 Letter dated October 21, 1998, from Linda Stalzer (Stalzer/Spranger) to neighbors
- Exhibit No. R-3 Letter dated November 15, 1998, from Steve Shifton to Linda Stalzer
- Exhibit No. R-4 Letter dated November 19, 1998, from Linda Stalzer to Steve Shifton
- Exhibit No. R-5 Landscape Buffering and Visual Impact Analysis submitted by Linda Stalzer on behalf of TimberLake Christian Fellowship on December 17, 1998
- Exhibit No. R-6 Letter dated January 22, 1999, from Greg Borba (DDES) to Linda Stalzer
- Exhibit No. R-8 Letter dated February 1, 1999, from Linda Stalzer to Greg Borba
- Exhibit No. R-9 Building elevation drawings, received February 4, 1999
- Exhibit No. R-10 Rockery section drawings, received February 4, 1999
- Exhibit No. R-11 Additional viewshed analysis, southbound along 236th Avenue Northeast, received February 4, 1999
- Exhibit No. R-12 Letter (with attached landscaping plans) dated February 1, 1999, from Linda Stalzer to Mr. and Mrs. Fox
- Exhibit No. R-18 Letter dated March 2, 1999, from Linda Stalzer to Greg Borba
- Exhibit No. R-19 Schematic Landscape Buffer - Option #2, submitted by Linda Stalzer on March 3, 1999
- Exhibit No. R-22 Additional viewshed analysis of Option #2 (from Ashok residence), submitted by Mark Weisman on March 15, 1999
- Exhibit No. R-23 Memorandum dated March 16, 1999, from Linda Stalzer to Greg Borba
- Exhibit No. R-27 Preliminary Planting Plan (Scale: 1" = 60'-0")
- Exhibit No. R-47 Landscaping plans (8 sheets) at scale 1"= 20'
- Exhibit No. R-48 Resume of Mark Weisman
- Exhibit No. R-49 (2) Photographs of Ashok rockery
- Exhibit No. R-51 Nick Hagen notes

The following exhibits were offered and entered into the hearing record February 29, 2000:

- Exhibit No. 148 Three digital composite photographs submitted by Applicant showing view of most open areas as seen from street

- Exhibit No. 149 Hearing transcript of 1998 SEPA and CUP hearings
Exhibit No. 150 Printout of TimberLake Christian Fellowship web page, printed February 28, 2000

The following exhibits were offered and entered into the hearing record March 1, 2000:

- Exhibit No. 151 Memorandum dated February 25, 2000, re: rural and urban traffic and attendance, TimberLake Christian Fellowship, according to zip codes prepared by Carol Cohoe (office of Richard Aramburu)
Exhibit No. 152 Photograph (taken late 1996/early 1997) of area north of Shifton/TimberLake driveway intersection

The following exhibits (from the vacated June 7, 1999 supplemental conditional use permit appeal hearing) were offered and re-entered into the hearing record March 1, 2000:

- Exhibit No. R-13 Letter dated February 22, 1999, from Lane Williams with enclosed visual analysis and comments to Applicant's proposal
Exhibit No. R-17 Video tape with attached written narrative, submitted by Keith Logan on February 22, 1999
Exhibit No. R-35 (2) Photographs taken and submitted by Keith Logan
 a Daytime view north toward Microsoft Building 27 through 150-foot buffer of natural vegetation and supplemental plantings
 b Nighttime view north toward Microsoft Building 27 through 150-foot buffer of natural vegetation and supplemental plantings
Exhibit No. R-36 (5) Photographs taken and submitted by Keith Logan
 a Daytime view toward Microsoft Building 44 through 83-foot buffer of natural vegetation and supplemental plantings
 b Nighttime photograph of buffer
 c Daytime view south southwest toward Microsoft Building 44 through 90-foot buffer of natural vegetation and supplemental plantings
 d Nighttime view south southwest toward Microsoft Building 44 through 90-foot buffer of natural vegetation and supplemental plantings
 e Nighttime view south southwest toward Microsoft Building 44, on far side of landscape buffer (buffer behind photographer)
Exhibit No. R-56 (15) Photographs of Albertson's buffer submitted by Keith Logan
 a Day photograph of view through 25-foot buffer and Albertson's landscaping-obliquely
 b Nighttime view through 25-foot buffer and Albertson's landscaping-obliquely
 c Another nighttime view through 25-foot buffer and Albertson's landscaping-obliquely
 d Daytime view through 25-foot buffer and Albertson's landscaping perpendicular to property line
 e Nighttime view through 25-foot buffer and Albertson's landscaping perpendicular to property line
 f Nighttime view through Albertson's landscaping obliquely toward Albertson's
 g Daytime view through Albertson's landscaping
 h Nighttime view through Albertson's landscaping
 i Albertson's and parking lot at night

The following exhibits were offered and entered into the hearing record March 2, 2000:

- Exhibit No. 153 Trip general calculations prepared by Aileen McManus (March 2, 2000)
Exhibit No. 154 DDES staff report and decision re: CUP application L98AV003
Exhibit No. 155 Hearing Examiner's report and decision re: CUP application for church on Vashon Island
Exhibit No. 156 Excerpt from Webster's New Collegiate Dictionary with definition of word "design"
Exhibit No. 157 Photocopy of Kroll map section showing downtown Seattle, Bank Of California vicinity
Exhibit No. 158 Excerpts of Comprehensive Plan policies 1994-1997 regarding churches
Exhibit No. 159 Excerpt from King County Code Title 21A, printout of STC page and STC classification page for word "church"

The following exhibit (from the vacated June 7, 1999 supplemental conditional use permit appeal hearing) was offered and re-entered into the hearing record March 2, 2000:

Exhibit No. R-24 Supplemental CUP Report and Decision in Response to Hearing Examiner's Remand Order, transmitted by DDES on March 19, 1999

The following exhibits were offered and entered into the hearing record March 3, 2000:

Exhibit No. 160 Excerpt from Puget Sound Business Journal Seattle Building Directory 1998-1999
Exhibit No. 161 DDES staff final recommended conditions for CUP approval

The following exhibits (from the vacated June 7, 1999 supplemental conditional use permit appeal hearing) were offered and re-entered into the hearing record March 3, 2000:

Exhibit No. R-7 Comment letter dated January 25, 1999, from Helen Stoner
Exhibit No. R-20 Comment later dated January 20, 1999, from B. Ashok

The following exhibits were entered on March 14, 2000 pursuant to administrative continuance:

Exhibit No. 162 Letter, dated March 9, 2000, from Greg Borba, to Stafford I. Smith, with attachments
Exhibit No. 163 Letter, dated March 14, 2000, from J. Richard Aramburu, to Stafford L. Smith, with attachment