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**BEFORE THE HEARING EXAMINER
FOR THE CITY OF MERCER ISLAND**

Phil Olbrechts, Hearing Examiner

RE: Encounter Church Improvement Project Design DSR25-013 and CUP26-001 Review and CUP	FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL DECISION
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INTRODUCTION

Encounter Eastside Church requests approval of design review and a conditional use permit application for the expansion and remodel of the Encounter Church located at 3200 78th Ave SE. The proposal includes expansion of the existing Narthex, interior remodel and exterior renovation. The applications are approved subject to conditions.

ORAL TESTIMONY

A computer-generated transcript of the hearing has been prepared to provide an overview of the hearing testimony. The transcript is available for informational purposes only as Appendix A. No assurances are made as to accuracy of the transcript. Those needing an accurate transcription will have to purchase a copy of the recording from the City.

EXHIBITS

The 18 exhibits listed on pages 1-2 of the staff report were admitted into the record during the September 3, 2026 hearing.

FINDINGS OF FACT

Procedural:

1. Applicants. The Applicant is Brad Austin of Urbal Architecture on behalf of Encounter Eastside Church, 1938 Fairview Ave, Suite 202, Seattle WA 98102.
2. Hearing. A virtual hearing was held on the applications at 9:00 am on September 2, 2026.

Substantive:

1 3. Site/Proposal Description. Encounter Eastside Church requests approval of
2 design review and a conditional use permit application for the expansion and remodel
of the Encounter Church located at 3200 78th Ave SE.

3 The scope of the remodel includes interior renovation work, including replacement of
4 interior finishes, addition of new restrooms, reconfiguration of interior walls and
5 rooms, structural modifications as required, replacement of interior lighting fixtures
6 and reconfiguration of the main stage. The general exterior renovation work includes
7 refinishing the existing brick veneer and wood siding, infill of existing window
8 openings, and replacement of the northern patio. The expansion is limited to enlarging
the Narthex. This expansion will increase the gross building area by approximately
1,200 square feet. The project site is currently developed with the existing church,
landscaping, and a parking lot. The existing parking will not be altered.

9 4. Characteristics of the Area. Property to the south is developed with
10 commercial buildings.. Mercerdale Park is located across adjoining 78th Ave to the
11 west, what appears to be a commercial building and a post office is located across
adjoining SE 32nd St. to the north and multifamily development is located across
adjoining 80th Ave SE the east.

12 5. Adverse Impacts. As conditioned, the proposal will not create any significant
13 adverse impacts. A SEPA Determination of Non-Significance (DNS) was issued on
June 1, 2026. Pertinent impacts are addressed as follows:

14 A. Traffic. The proposal will not create any significant additional traffic impacts.
15 The expansion is limited to increasing the size of the entrance to the church,
16 which will not result in any increased capacity for seating and church programs.
17 The staff report confirms that the proposal does not involve any expansion in
the existing sanctuary. This finding is consistent with the Applicant's
18 transportation concurrency application, which the staff report identifies showed
the addition will only result in 6 new trips.

19 B. Parking. The proposal doesn't involve any increase in the size of the sanctuary
20 or apparently any functional part of the building except the entrance. As such,
as concluded in the staff report no additional parking is required.

21 C. Critical Areas. As noted by staff at the hearing, the project site is already
22 fully developed and exterior improvements are relatively modest in scale. For
23 this reason, the proposal is not anticipated to have any impact on critical areas.

24 D. Aesthetics/Compatibility. The proposal is compatible with surrounding uses
25 and will not create any significant adverse aesthetic impacts. The building
expansion will be located in the center area of the project site and the existing
buildings will obscure it from most lines of site to the north and east. In any
event the addition is clearly an aesthetic enhancement to the building that will

1 improve its appearance as visible on-site and to the west and south. The other
2 exterior work will also serve to enhance and improve aesthetics by updating
3 aged components of exterior design. Finally, as detailed in the staff report the
4 improvements conform to the City's design standards. Those standards are
5 designed to improve the aesthetics and aesthetic compatibility of development
6 within the City.

7 CONCLUSIONS OF LAW

8 Procedural:

9 1. Authority of Hearing Examiner. The hearing examiner is required to hold
10 a hearing and issue a final decision on the subject design review application. MICC
11 3.34.005 requires the Hearing Examiner to assume the role of the Design Review
12 Commission in all quasi-judicial matters assigned to the Commission. MICC
13 19.15.220.C.1.c.i.b requires design review commission review for all building permits
14 involving an increase in gross floor area. MICC 19.15.030 Table D classifies hearing
15 examiner design review as a Type IV review in which the hearing examiner holds a
16 public hearing and issues a final decision.

17 2. Vesting. MICC 19.15.170B authorizes the vesting of complete conditional
18 use permit applications. The CUP application was deemed complete on October 10,
19 2025 (Ex. 6). The Council adopted new design standards via Ord. 25C-11 effective
20 June 30, 2025. Ord. 25C-11 was repealed by Ord. 25C-27, which was adopted on
21 November 18, 2025. The proposal is not subject to Ord. 25C-27 because it went into
22 effect after the proposal vested to Ord. 25C-11. Ord. 25C-11 governs the design
23 standards applicable to the proposal.

24 Substantive:

25 3. Zoning Designations. Multiple Family (MF-2).

4. Review Criteria and Application. The criteria for design review are set by MICC
19.06.120.B.

Design Review

MICC 19.12.010A: *Applicability. This chapter establishes design standards for regulated improvements in all zones established by MICC 19.01.040, except Town Center....*

5. Criterion met. The proposal conforms to the design standards of Chapter 91.12 MICC for the reasons identified in Section V of the staff report, the findings and conclusions of which are adopted by this decision. The hearing examiner will generally not endeavor to repeat or address those findings and conclusions unless the

findings/conclusions are inaccurate or contested by the Applicant or public. Design review involves significant give and take between City staff and an applicant. Despite state and judicial mandates compelling clear and objective design standards, many design standards are still subjective and are ultimately only enforceable due to mutual acceptance between staff and Applicant. Encroaching upon this process in the absence of any erroneous application or differences of opinion can serve to undermine the underpinnings of the negotiations that result in the final proposed design.

Conditional Use Permit

MICC 19.06.110A2a: *The permit is consistent with the regulations applicable to the zone in which the lot is located;*

6. Criterion met. City planning staff have assessed zoning code compliance and tabulated their findings in the staff report. Staff's findings are consistent with the information produced in the record of this proceeding. The criterion is met for the reasons identified in Section IV of the staff report.

MICC 19.06.110A2b: *The proposed use is determined to be acceptable in terms of size and location of site, nature of the proposed uses, character of surrounding development, traffic capacities of adjacent streets, environmental factors, size of proposed buildings, and density;*

7. Criterion met. The criterion is met for the reasons outlined in Finding of Fact No. 5 above.

MICC 19.06.110A2c: *The use is consistent with policies and provisions of the comprehensive plan; and*

8. Criterion met. The criterion is met for the reasons outlined in Section III of the staff report.

MICC 19.06.110A2d: *Conditions shall be attached to the permit assuring that the use is compatible with other existing and potential uses within the same general area and that the use shall not constitute a nuisance.*

9. Criterion Met. The criterion is met. This decision adopts numerous conditions of approval designed to assure conformance to the City's development standards and thereby assure both compatibility and the prevention of a nuisance.

DECISION

The proposal meets all design review and conditional use permit criteria for the reasons identified in the Findings of Fact and Conclusions of Law above and the design review

and conditional use permit applications are thereby approved. The conditions of approval necessary for the approvals are as follows:

Design Review Conditions

1. The project shall be in substantial conformance with (Exhibit 4) and all applicable development standards contained within Mercer Island City Code (MICC) Title 19.
2. The applicant shall obtain any permits from state and federal agencies that are applicable to this project. The applicant is also responsible for documenting any required changes in the project proposal due to conditions imposed by any applicable local, state, and federal government agencies.
3. The applicant shall apply for and obtain all required City of Mercer Island permits, including but not limited to a Building Permit for construction of this project proposal.
4. Pursuant to MICC 19.12.010(G), it is the property owners' and tenants' responsibility to ensure compliance with applicable development regulations when a change of use and/or a tenant improvement occurs.

Conditional use Conditions

1. The project shall be in substantial conformance with (Exhibit 4) and all applicable development standards contained within Mercer Island City Code (MICC) Title 19.
2. The applicant shall obtain any permits from state and federal agencies that are applicable to this project. The applicant is also responsible for documenting any required changes in the project proposal due to conditions imposed by any applicable local, state, and federal government agencies.
3. The applicant shall apply for and obtain all required City of Mercer Island permits, including but not limited to a Building Permit for construction of this project proposal.
4. Pursuant to MICC 19.12.010(G), it is the property owners' and tenants' responsibility to ensure compliance with applicable development regulations when a change of use and/or a tenant improvement occurs.
5. Pursuant to MICC 19.02.010(C)(3)(i), all structures shall be located at least 35 feet from any abutting property.
6. Pursuant to MICC 19.02.010(C)(3)(ii), off-street parking shall be established and maintained at a ratio of one parking space for each five seats in the chapel, nave, sanctuary, or similar worship area.

Dated this 17th day of September, 2026.


Phil Olbrechts
Mercer Island Hearing Examiner

Appeal Right and Valuation Notices

1 This land use decision is final and subject to appeal to superior court as governed by the
Land Use Petition Act, Chapter 36.70C RCW.

2 Affected property owners may request a change in valuation for property tax purposes
3 notwithstanding any program of revaluation.

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Appendix A -- September 3, 2026 Transcript

Encounter Church Design Review and CUP

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

00:00:09.860 --> 00:00:22.149

Phil Olbrechts: Comprised of the staff design review, project narrative, conditional use project narrative, and then some determinations that the application are complete, the notices that were involved, the review letters, there's often a lot of back and forth that goes on

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00:00:22.150 --> 00:00:37.419

Phil Olbrechts: with, design review, we got a couple... well, just one comment letter from King County Wastewater Treatment, notifying the applicants about a capacity charge they'll have to pay, and then we got the notices involved, as well as the,

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00:00:37.660 --> 00:00:43.340

Phil Olbrechts: environmental determination that no environmental impact statement is necessary. That's called the SEPA determination of

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00:00:43.340 --> 00:01:00.249

Phil Olbrechts: non-significant. So, a total of 18 documents involved in this application. At this point, I just want to ask if anyone has any objection to the entry into the record of these documents, or needs to see them. If you, if you do have a, you know, want to make a comment

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00:01:00.250 --> 00:01:07.879

Phil Olbrechts: Let's go ahead and click on the, raise hand button at the bottom of your screen. I'll stop my share at this point.

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00:01:08.000 --> 00:01:19.250

Phil Olbrechts: Okay, I'm not seeing any takers there, so I'm going to go ahead and admit exhibits 1 through 18. So, Ms. Manahan, I'll swear you in at this point. Just raise your right hand, you swear firm to tell the truth, nothing but the truth in this proceeding?

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00:01:19.940 --> 00:01:20.720

Grace Manahan - Planner, City of Mercer Island: I do.

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00:01:21.050 --> 00:01:22.319

Phil Olbrechts: Okay, great, go ahead.

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00:01:23.750 --> 00:01:33.889

Grace Manahan - Planner, City of Mercer Island: Hi, my name is Grace Manahan, a planner with the City of Mercer Island, and I will be providing the staff recommendation and overview today. This is a request for a design standard review.

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Grace Manahan - Planner, City of Mercer Island: and a conditional use permit for the addition and remodel of the Encounter church. The scope includes the expansion of the existing narthex, interior remodel, and exterior renovation. The applicant has prepared a brief

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00:01:46.740 --> 00:01:59.980

Grace Manahan - Planner, City of Mercer Island: presentation to go over the scope in more depth, so I'm going to leave the rest of, kind of, that scope up to them, to perceive me. The new addition does rely on the approval of the CUP for the use of the parcel zone MF2 as a

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00:02:00.110 --> 00:02:01.310

Grace Manahan - Planner, City of Mercer Island: Place of worship.

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00:02:02.690 --> 00:02:21.489

Grace Manahan - Planner, City of Mercer Island: The proposed development requires three separate land use applications, which are a design review for the proposed addition and exterior renovations, a conditional use permit to permit the existing legally established use as a place of worship, and SEPA review, as you have mentioned, the SEPA determination of non-significance has been issued on

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00:02:21.540 --> 00:02:32.919

Grace Manahan - Planner, City of Mercer Island: from the City of Mercer Island on June 1st, 2026, and no appeals were received. This project will also require a critical area review for the mapped geologically hazardous areas, as well as a building permit.

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00:02:35.770 --> 00:02:49.770

Grace Manahan - Planner, City of Mercer Island: Some of the key dates have already kind of been mentioned, but just a brief overview. The application for the design review was received in September of 2025, and an initial notice of application was issued on October 13th, 2025.

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00:02:50.000 --> 00:03:04.309

Grace Manahan - Planner, City of Mercer Island: The conditional use permit application was then received in January of 2026, and the project was re-noticed in April of 2026. The notice of public Hearing was then published on July 27th, which was more than 30 days in advance of the hearing today.

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00:03:06.960 --> 00:03:23.349

Grace Manahan - Planner, City of Mercer Island: Beyond that, staff has reviewed the design review as well as the conditional use permit, application for conformance with the applicable development standards in the multiple family zone in Chapter 1903 of the Mercer Island City Code, the design standards for zones outside the Town Center in Chapter 1912,

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00:03:23.510 --> 00:03:29.469

Grace Manahan - Planner, City of Mercer Island: The conditional use permit criteria 1906-110, and the procedural requirements in Chapter 1915.

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00:03:31.330 --> 00:03:42.240

Grace Manahan - Planner, City of Mercer Island: Based on the findings in the staff report, staff recommend that the Hearing Examiner approve with conditions these two applications, DSR25-013 and CUP26-001.

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00:03:42.450 --> 00:03:46.179

Grace Manahan - Planner, City of Mercer Island: Thank you, Mr. Hearing Examiner. If you have any questions, I'd be happy to answer them.

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00:03:47.060 --> 00:03:58.199

Phil Olbrechts: Okay, yeah, just a quick one. You mentioned that critical areas review still has to be done. Is there any chance that that could affect the proposed design at all, or... sounds like this is an already built site for the most part, right? So...

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00:03:58.460 --> 00:04:13.610

Grace Manahan - Planner, City of Mercer Island: Yes, yeah, it's already a built site, and they do have a geotech report already completed. I believe they were just kind of waiting on getting some structural details completed. I do not anticipate it will, affect the proposal moving forward, and will be reviewed concurrently with the building permit.

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00:04:14.050 --> 00:04:21.170

Phil Olbrechts: Okay, sounds good, thank you. All right, well, let's move on to the applicants. Is, that can be you, Mr. Austin, or Mr. Prawn?

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00:04:24.490 --> 00:04:25.890

Susan DaPron: I think that's how it works.

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00:04:25.890 --> 00:04:26.939

Phil Olbrechts: Cool. Okay.

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00:04:26.940 --> 00:04:28.769

Susan DaPron: Is that right, Fred?

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00:04:29.150 --> 00:04:30.840

Brad Austin: Yeah, that's correct, go ahead.

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00:04:30.840 --> 00:04:36.650

Phil Olbrechts: Okay, let me swear in, Mr. Peron. Just raise your right hand. You swear affirm to tell the truth, nothing but the truth in this proceeding?

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00:04:36.830 --> 00:04:37.630

Susan DaPron: I do.

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00:04:37.630 --> 00:04:39.060

Phil Olbrechts: Okay, great, go ahead.

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00:04:39.270 --> 00:04:47.700

Susan DaPron: Hi, I'm Susan DaPron. I am the chair of Mercer Island, sorry, Encounter Church's,

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00:04:47.700 --> 00:05:00.550

Susan DaPron: governing board, and our church does sit at the corner of 78th Avenue and 32nd Street, across the street from Mercer Dale Park, and we've been serving on Mercer Island for over 70 years.

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00:05:00.680 --> 00:05:15.319

Susan DaPron: The church has had several name changes. Many long-time residents will know us as Mercer Island Covenant Church, which I apparently can't stop saying either. Then we became Evergreen Covenant Church, and now we're known as Encounter Church.

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00:05:15.560 --> 00:05:35.460

Susan DaPron: Church attendance has also varied over the years, ranging from 100 to 700. Currently, about 500 adults and children call Encounter their church home. But Encounter doesn't just invest in the lives of its members. It also invests nearly a third of its budget to meet the needs of the less fortunate, both locally and globally.

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00:05:35.680 --> 00:05:42.239

Susan DaPron: Our outreach ministries focus on homelessness, kids in foster care, victims of human trafficking.

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00:05:42.430 --> 00:05:49.969

Susan DaPron: Along with racial and other justice issues, where we meet the economic, social, and spiritual needs of those on the margins.

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00:05:50.050 --> 00:06:03.659

Susan DaPron: We have active relationships with organizations like Operation Nightwatch, Olive Crest, Treehouse, REST, which stands for Real Escape from the Sex Trade, and Free Wheelchair Mission, just to name a few.

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00:06:04.080 --> 00:06:20.549

Susan DaPron: The church went through major building projects in the 1960s, 70s, and 80s. However, no major renovation has taken place in the last 40 years, except for the addition of an elevator about 8 years ago. As you can imagine, the church is ready for a refresh.

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00:06:20.890 --> 00:06:33.930

Susan DaPron: With this in mind, in late 2024, the church staff and governing board engaged Herbal Architecture of Seattle to inspect our site and interview staff to develop plans for a major renovation.

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00:06:34.040 --> 00:06:44.460

Susan DaPron: The renovation focuses on updating our children's space and capacity to serve more families, creating a larger, more welcoming lobby for connection and community.

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00:06:44.540 --> 00:06:58.160

Susan DaPron: Adding restrooms closer to the auditorium for convenience and accessibility, increasing auditorium space to accommodate future growth, and updating aging infrastructure and finishes after decades of use.

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00:06:58.550 --> 00:07:14.270

Susan DaPron: We humbly ask the Mercer Island... City of Mercer Island to support Encounter's mission by

granting approvals and permits needed to complete these enhancements and renovations so we can serve the community on the island and beyond for another 70 years. Thank you.

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00:07:14.830 --> 00:07:19.090

Phil Olbrechts: Okay, thank you. All right, Mr. Austin, did you want to make some comments as well?

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00:07:19.680 --> 00:07:20.580

Brad Austin: Yeah, I do.

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00:07:20.810 --> 00:07:25.580

Phil Olbrechts: Okay, let me swear you in as well. Do you swear affirm to tell the truth? I think that's the truth in this proceeding?

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00:07:26.220 --> 00:07:26.920

Brad Austin: I do.

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00:07:26.920 --> 00:07:28.050

Phil Olbrechts: Great, go ahead.

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00:07:29.270 --> 00:07:30.040

Brad Austin: Okay.

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00:07:30.270 --> 00:07:31.360

Brad Austin: So...

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00:07:31.450 --> 00:07:42.770

Brad Austin: The Encountered Church Improvements Project consists of various interior and exterior demolition and renovation work, in addition to the expansion of the narthex, or lobby space, adjacent to the sanctuary.

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00:07:42.800 --> 00:07:54.269

Brad Austin: In general, the interior renovation work includes replacement of interior finishes, addition of new restrooms, reconfiguration of existing restrooms, reconfiguration of interior walls and rooms.

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00:07:54.270 --> 00:08:05.739

Brad Austin: Structural modifications as required, replacement of lighting fixtures, and reconfiguration of the main stage. The mechanical and electrical systems will also be upgraded and consolidated as required.

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00:08:05.880 --> 00:08:24.749

Brad Austin: In general, the exterior renovation work includes refinishing of existing brick veneer and wood siding, infill of existing window openings, building envelopes, updates as required, and replacement of the northern patio. The expansion of the narthex will increase the gross building area by approximately 1,200 square feet.

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00:08:24.750 --> 00:08:34.140

Brad Austin: In general, new construction work for the Narthex expansion will include a roof with the

associated structural support system, structural foundations and slabs.

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00:08:34.230 --> 00:08:42.999

Brad Austin: Exterior curtain walls with entrance doors, installation and interior finishes, and associated mechanical plumbing, and electrical work.

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00:08:43.140 --> 00:08:55.780

Brad Austin: And if I can share my screen, I'll actually show a rendering we've put together that I think helps showcase what,

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00:08:56.320 --> 00:09:01.189

Brad Austin: a large portion of the exterior scope of work will be. So this is facing...

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00:09:01.190 --> 00:09:26.150

Brad Austin: the south parking lot, and will be the main entrance or expanded narthex, that you're seeing here. This, glass curtain wall with, exposed blue lamp beams and a large roof overhang. So, this will be the main, addition that a lot of the exteriors of the work will focus on, as well as what you're also seeing in this rendering here, painting of the existing bridge.

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00:09:26.150 --> 00:09:38.659

Brad Austin: which is shown as a white color, and then painting of the existing, cedar siding, which is this darker, dark gray, blackish color. So, our main focus was for the ex...

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00:09:38.740 --> 00:09:46.750

Brad Austin: Narthex expansion was creating this, central focal point, for church members. So, to kind of...

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00:09:46.750 --> 00:10:11.569

Brad Austin: differentiate it from the existing church structure. We went with this, almost like a glass box, visually, with these glass curtain walls that you're seeing. And then highlighted by, these glue-like beams, and then even the columns that you can see through the glass curtain wall. The structure, the addition itself, the new structure, is approximately 15 feet in height, and we try to offset that by these large,

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00:10:11.570 --> 00:10:22.590

Brad Austin: roof overhang. So, compared to the existing structure, it's still lower, so it doesn't necessarily dominate, and it fits in nicely with the existing church.

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00:10:23.660 --> 00:10:42.799

Brad Austin: And really, this is... this can be seen only from the south, portion of the church. The northern, along the other street front, there's, it's existing to remain. So really, this is kind of the primary view that you'll see besides painting of, the existing, Bonsai materials.

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00:10:48.920 --> 00:10:50.270

Brad Austin: Any questions?

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00:10:50.930 --> 00:10:54.490

Phil Olbrechts: Nope, nope, pretty, pretty clear. Anything else, Mr. Austin?

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00:10:54.840 --> 00:10:55.620

Brad Austin: That's it.

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00:10:55.620 --> 00:11:06.199

Phil Olbrechts: Okay, thank you. All right, well, let's move on to public comments at this point. If anyone out there who's participating virtually wants to say something, now's the time to

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00:11:06.200 --> 00:11:16.190

Phil Olbrechts: Let us know, just click on the raise hand button at the bottom of your screen, and I'm not seeing any takers there. Ms. McCauley, do you see anyone who wants to, say something today?

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00:11:16.670 --> 00:11:17.889

Reina McCauley - Clerk, City of Mercer Island: I do not.

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00:11:18.130 --> 00:11:26.629

Phil Olbrechts: Okay, that's just fine. All right, well, I guess, with that, let's go back to Ms. Manahan. Did you need to make any response to the comments from the applicant?

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00:11:28.040 --> 00:11:30.680

Grace Manahan - Planner, City of Mercer Island: No, I have nothing more to add. Thank you.

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00:11:31.510 --> 00:11:40.369

Phil Olbrechts: Okay, no, that looks pretty straightforward. All right, I can go ahead then and close the hearing. Always a good thing for the applicant when nobody shows up to complain about the project, and

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00:11:40.370 --> 00:11:52.960

Phil Olbrechts: Looks like just a beautiful addition. I mean, it's a really impressive rendering there, and obviously the church is a great asset to the community, so it'll be a... I'll enjoy writing out the approval for these permits in the next couple weeks, so...

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00:11:52.960 --> 00:12:03.750

Phil Olbrechts: Thanks all for your participation today, and this stage of the development process is pretty much over. Like I said, I'll get that approval out soon. So, thanks again for participating, and have a great day.

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00:12:03.970 --> 00:12:05.350

Susan DaPron: Thank you very much. Thank you.