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Kathy Hill, Skagit County Auditor

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AFTER RECORDING RETURN TO:  
SKAGIT COUNTY HEARING EXAMINER  
302 SOUTH FIRST STREET  
MOUNT VERNON, WA 98273

DOCUMENT TITLE: ORDER ON SPECIAL USE PERMIT SP 98 0371

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: KENNETH STOFFER

ASSESSOR PARCEL NO: P48189

ABBREVIATED LEGAL DESCRIPTION: located at 3339 Deer Trails Lane, Bow, WA; Lot 9 of short plat 77-117, within the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 24, Township 36 North, Range 3 East, W.M., Skagit County, Washington.

**SKAGIT COUNTY HEARING EXAMINER**  
**STATE OF WASHINGTON**

In the Matter of the Application of	)	
<b>KENNETH STOFFER</b>	)	SP 98-0371
For a Special Use Permit To Allow	)	
The Development of a Center for	)	Findings of Fact,
Retreats and Workshops (True Heart	)	Conclusions of Law
Center) at 3339 Deer Trails Lane	)	and Decision
	)	

THIS MATTER relates to an application for a Special Use Permit filed by Kenneth Stoffer. The application came on for hearing on October 13, 1999, after due notice. The Skagit County Plan and Permit Center was represented by Marge Swint. Ken Stoffer appeared on his own behalf. There was public testimony from 15 persons.

On the basis of the testimony, exhibits and argument, the following is entered:

**FINDINGS OF FACT**

1. Kenneth Stoffer (applicant) seeks to create a small retreat and workshop center on his property in a rural and secluded setting on Deer Trails Lane, off Lily Lake Road in the Colony Mountain area.
2. The property is Lot 9 of Short Plat 7-177, within a portion of SW1/4NW1/4, Sec. 24, T36N, R3E, W.M. The mailing address is Bow, Washington.
3. The Comprehensive Plan designates the area as Rural Reserve. The property is zoned Rural.
4. The property comprises about five (5) acres. It runs in an east-west configuration, being about 333 feet wide and 641 feet long. There is an existing house, septic tank facility, carport and storage canopy – all in the west portion of the property. An atrium addition is being built for the house. A well and well house and a sauna are located in the interior of the property behind the house. There are trees along all of the property borders.
5. Currently five (5) people live together in the residence in an association called the True Heart Center. The owner and leader is Ken Stoffer.
6. The request is for a Special Use Permit to expand the Center to allow retreats and workshops on the easterly portion of the property in two phases. The facilities would be rented



to established groups with organized agendas and professional facilitators. Stoffer and other residents of the Center would be available to ensure that property use guidelines are followed.

7. Phase I would consist of overnight activities limited to 15 visitors, and one-day workshops limited to 30 visitors. The overnight rentals would be for groups of up to 15 or for several "individual" (up to five people) retreats. The effort would be to concentrate the overnights primarily on weekends.

8. Facilities provided would include three tent camping spaces and a large dome/yurt tent (approximately 30 by 24 feet). The showering facilities within the existing resident would be made available. Portable toilets would also be provided. Food would be catered from an outside source. The dome would be used for group activities and as an additional sleeping space. The limitation to 15 overnight guests is based on the size of the present septic system and on water usage for showers and cleanup.

9. The group weekend workshops would involve arrivals on Friday evening and Saturday morning and departures on Sunday evening. In addition, no more than six non-weekend group workshops would be scheduled per year. There is adequate room to park 20 vehicles on a gravel area to the south and west of the present residence. This area likewise provides turn-around space within the property.

10. The "individual" retreats (up to five people) would be 2-3 days in length, like the group workshops, and would be scheduled for weekends if possible.

11. One-day workshop attendees would arrive before 10 a.m. and leave after 8 p.m.

12. The applicant estimates two workshops per month, with June-September being the busiest time. "Individual" retreats are expected to average 5-8 persons per month.

13. The retreat/workshop activity would largely be confined to the rear of the property on cleared ground that is well buffered by trees and vegetation from neighboring properties. The whole point of the program is to provide a peaceful place in natural surroundings. The group activities would be quiet ones, involving prayer, meditation, soft music and verbal communications. Most of these would be conducted inside the dome. Visitors would be instructed about which space is usable and which is trespassing, and anyone unable to follow the rules respecting neighboring property would be asked to leave. With the existing vegetation, neighbors would have no view of parked vehicles from their properties. No RV's would be allowed.

14. Most of the retreat/workshop activity use of the site would be on weekends. During the weekdays, the site might be used for non-profit activities, primarily for the residents of the



Center and people who live in the neighborhood. These could include meditation/prayer groups, singing, community saunas and community meetings.

15. Phase II would involve renting facilities for the same kinds of activities, but the maximum overnight group size would be increased to 30 people. This expansion is contemplated to take place in three to five years after Phase I starts, if the business appears to be ready to expand to this level. Phase II would involve the addition of a second kitchen to the residence and the preparation of food for the workshops on site. A workshop building, containing additional showers, sinks, toilet facilities and a bunk room would be built. The septic and water supply facilities would be expanded to accommodate the increase. A second dome (yurt) would be added. Otherwise the tenting area would stay the same.

16. Agency comments disclosed a variety of details which must be accomplished before Phase I is instituted. A Group A public water system must be designed and approved by the State Health Department. Road maintenance responsibilities need to be confirmed. Construction or installation of the atrium or domes must comply with building and fire codes and handicapped accessibility standards must be met. Septic system adequacy must be approved. However, on the record, all of these items appear capable of being readily accomplished and, therefore, they can appropriately be addressed through conditions of approval.

17. A Mitigated Determination of Non-Significance (MDNS) under the State Environmental Policy Act (SEPA) was issued on July 8, 1999, incorporating a number of conditions. The MDNS was not appealed.

18. SCC 14.04.150(3)(d) requires consideration of the following elements in evaluating a Special Use application:

- (i) Conformity to the Comprehensive Plan in respect to the compatibility with existing and future land use and circulation.
- (ii) The zoning of subject property and surrounding properties and the conformance of the application with the Zoning Ordinance.
- (iii) Automobile or truck traffic and parking and its effect on surrounding community
- (iv) Noise, odors, heat, vibration, air and water pollution potential of the proposed use
- (v) Intrusion of privacy.
- (vi) Design of site and structures as to possible effects on the neighborhood;
- (vii) In addition to possible effects on the neighborhood in which the use is to be located, the potential effects on the region shall be considered
- (viii) Potential effects regarding the general public health, safety, and general welfare.



19. The Staff's analysis applying these criteria to the instant application is set forth in the Staff Report under Finding 11 therein. The Examiner concurs in and adopts that analysis. The special use involved here can probably be conducted without changing the character of the peaceful rural area where it will be located. It would constitute a home-based economic opportunity compatible with the land use designation. Traffic impacts are not likely to be significant. Because of vegetative screening and the nature of the activities proposed, noise and other intrusion of neighborhood privacy should be minimal. If conditions are met, pollution should not occur.

20. The principal concern of neighbors is compatibility. Those objecting testified that they moved to the area to seek seclusion, privacy and quiet. That is what they found. The chief worry is that the retreat-workshop operation will change the existing character of the neighborhood and seriously interfere with the quality of life values that attracted present residents to the area. On the basis of the presentations made, the Examiner does not think a significant alteration in the general tenor of life in the neighborhood is likely to be caused by the retreat/workshops. However, in this secluded setting, the kind of thing proposed will fit in only if it is operated with care and attention to the need to protect neighborhood values. The Examiner was impressed by the sincerity of the applicant and by his professed desire not to disturb the neighborhood.

21. Nevertheless, since the retreat/workshop idea is to date untried at the Center, the way to insure that the present rural character of the area is not unduly disrupted is to provide for a testing period after which the actual operation of the project is reviewed. The Examiner finds that the Special Use Permit should be limited to roughly a one-year term. After a year of operation, there should be a Staff review and then a public hearing on the Staff's findings. On the basis of this review, the Special Use Permit can then be renewed or terminated. Phase II should be approved only provisionally, subject to outcome of this review.

22. The Examiner finds that the conditions proposed by the Staff, including those which were placed on the MDNS, are reasonable. Based on the record, he determines that several additional conditions are needed in service to the concept of compatibility. The applicant should identify his property lines and mark them in some way that will alert retreat/workshop participants to the limits of their allowed movement. An express prohibition should be added, stating that no weddings or receptions shall be allowed as part of the retreat/workshop business.

23. Except for ingress and egress for group retreats, the traffic analysis shows that the anticipated road use will be comparable to that of a residence. The Phase I retreats will result in a modest increase average daily traffic on a maximum of four days a month. The applicant should be required to promote carpooling whenever possible and should emphasize this in brochures and conversations with prospective visitors. The Examiner is not convinced that the small occasional addition to traffic will substantially change the existing situation as to safety for residents of the neighborhood.



24. The maintenance of the access roads into the neighborhood is a neighborhood responsibility that has to be worked out by the residents among themselves. The Examiner does not believe that any special condition on road maintenance should be imposed on the applicant in connection with this Special Use Permit. In a similar vein, any covenants that may govern the use of the subdivision are private matters for enforcement by the owners. The County's role here is to oversee compliance with County codes, not restrictions that are obligations of private ownership.

25. Any conclusion herein which may be deemed a finding is hereby adopted as such.

### CONCLUSIONS OF LAW

1. The Examiner has jurisdiction over the parties and the subject matter of this proceeding.

2. The requirements of SEPA have been met.

3. The proposed retreat/workshop center requires a Special Use Permit. SCC 14.04.150(2)(h) provides that travel trailer parks, campgrounds and resorts all require special use approval in the Rural zoning district. Although not exactly any of these, this use has administratively been determined to be "similar" to these listed special uses and therefore subject to the permit requirement. The Examiner agrees with this determination.

4. The proposal, as conditioned below, meets the criteria for Special Use Permit approval. SCC 14.04.150(3)(d).

5. The following conditions should be imposed:

(1) The applicant shall conduct Phase I operations as represented in the materials submitted in connection with his application and as further limited by the conditions imposed herein.

(2) The permission granted hereby is for Phase I and shall be effective only until a review of the operation has been completed and a decision of the Examiner on continuation or termination of the operation is issued. After one year of operation, the Planning and Permit Center shall conduct such a review, make findings and recommendations and schedule a new public hearing thereon before the Examiner. On the basis of the record at that hearing, the permit will either be renewed or terminated. Phase II shall not be commenced unless and until authorized by further Order of the Examiner after the described review.



(3) The applicant shall obtain all other necessary approvals (e.g., building permit, change of use, on-site septic, public water supply, fire flow).

(4) The applicant shall comply with all conditions of the MDNS, namely:

(a) Prior to start of operations, a public water system design approved by the State Department of Health is required.

(b) Prior to Phase 2 operations, the septic system must be upgraded to handle the additional visitors plus designed for commercial kitchen use.

(c) The applicant shall meet all state and local permit requirements for food and camping facilities.

(d) The applicant shall comply with SCC 14.04.180 Performance Standards.

(e) Prior to start of any group activities, the applicant shall provide documentation indicating who is responsible for maintaining the private roads being used between the proposed project and the County roadway.

(f) Noise levels generated from the operation of the business must comply with WAC Chapter 173-60.

(g) Parking for the attendees and residents and a complete turn around area on-site shall be provided.

(5) The permit shall be void if not started within one year of the date of this order or ceases operation for a period of twelve consecutive months.

(6) Phase I meals for retreats/workshops shall be catered by off-site server. The full-time residents of the house shall continue to use the existing kitchen facilities.

(7) Because the existing septic system is not designed for commercial kitchen use, it will need to be upgraded before such a kitchen is added.

(8) Phase I visitors shall be limited to 15 for overnight/weekend activities and 30 for one-day workshops.

(9) If Phase II is authorized, visitors will be limited to 30 for both overnight/weekend activities and one-day workshops.

(10) Phase I camping facilities will be limited to tents (three sites) and a dome/yurt. A second dome may be added if Phase II is authorized.

(11) If at any time more than three tent sites or any additional buildings are placed on the property, the applicant must demonstrate fire flow of 500 gpm for 30 minutes.



(12) Any increased flows to the septic system that exceed the 600 gallons maximum flow shall require additional septic system capacity.

(13) Prior to the start of operations all planning review fees shall be paid in full.

(14) The County Planning and Permit Center shall be notified within 30 days after any change in ownership of the parcel.

(15) The applicant shall take all reasonable steps in promoting and arranging retreat/workshop activities to emphasize the desirability of carpooling to and from the site. No parking shall be allowed along the shoulder of Deer Trails Lane.

(16) Prior to the start of operations, the private roads being used to between the County-maintained roadway and the proposed project shall meet driveway standards per the Uniform Fire Code, Section 10.207, Fire Service Access Roads.

(17) The activities authorized on site are limited to the specific uses requested. No other commercial activities are permitted on the site.

(18) The conduct of weddings and receptions as a part of the commercial operations herein authorized is prohibited.

(19) Prior to the start of operations for Phase II, if authorized, the applicant shall provide written documentation that all necessary improvements have been made (e.g., septic system upgrade, fire flow, Health department approval.)

(20) The applicant shall identify his property lines and mark them so as to alert retreat-workshop participants of the limits of their allowed movement. The applicant shall inform all visiting persons or groups of the property boundaries and of the community areas available for use.

(21) Pet shall be allowed only in designated areas on the subject property.

(22) Solid waste shall be removed from the site a minimum of once a week.

(23) Off premises signs are limited to private directional signs, two square feet or less in size. See SCC 14.04.155(5)(b).

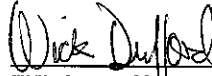
6. Any finding herein which may be deemed a conclusion is hereby adopted as such.





## DECISION

The Special Use Permit is **APPROVED**, subject to the conditions set forth in Conclusion 5 above.



Wick Dufford, Hearing Examiner

Date of Action: December 9, 1999

Copies Transmitted to Applicant: December 9, 1999

## RECONSIDERATION/APPEAL

This decision shall become final unless a request for reconsideration or appeal is filed. A request for reconsideration shall be filed with the Hearing Examiner within ten (10) days from the date of this decision. An appeal shall be filed with the Board of County Commissioners within fourteen (14) days from the date of this decision, or if reconsideration has been requested, within fourteen (14) day from the decision after reconsideration.



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