

NOTICE OF DECISION

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

Applicant: Camp Korey
c/o Jay Henningsen
24880 Brotherhood Road
Mount Vernon, WA 98274

Request: Special Use Permit Modification—PL19-0128

Location: 24880 Brotherhood Road, Mount Vernon, within portions of Sections 29,30,31,32, T33N, R5E, W.M. Parcel Nos: P18288, P18292, P18315, P18359, P18366, P18368, P18369, P18365, P198370, P119623.

Land Use Designation: Secondary Forest – Natural Resource Lands and Industrial Forest -- Natural Resource Lands

Summary of Proposal: To continue to expand an existing camp/retreat at a smaller scale than originally approved in the 1992 Special Use Permit (SPU92-046). The facility, formerly known as Camp Brotherhood, seeks approval of a 10-year phased development plan.

Public Hearing: August 28, 2019. Testimony by Planning and Development Services (PSD) staff, by Camp Executive Director, and by project engineer and architect. No public testimony.

Decision/Date: The application is approved, subject to conditions.
September 17, 2019

Reconsideration/Appeal: Reconsideration may be requested by filing with PDS within 10 days of this decision. Appeal is to the Board of County Commissioners by filing with PDS within 14 days of this decision, or decision on reconsideration if applicable.

Online Text: The entire decision can be viewed at:
www.skagitcounty.net/hearingexaminer

FINDINGS OF FACT

1. Jay Henningsen, on behalf of Camp Korey, seeks approval of a modification to a Special Use Permit to continue the expansion of an existing camp/retreat formerly known as Camp Brotherhood.

2. The location is at 24880 Brotherhood Road within portions of Sections 29, 30, 31, and 32, T33N, R5E, W.M. The site is situated southeast of Lake McMurray and comprises approximately 200 acres. Brotherhood Road intersects State Route 9.

3. The project site is located within Secondary Forest-Natural Resource Lands (SF-NRL) and Industrial Forest-Natural Resource Lands (IF-NRL). The camp was considered a pre-existing non-conforming use prior to obtaining a Special Use Permit for expansion in 1992.

4. Camp Brotherhood was established in the late 1960's as a nonprofit camping and conference center. In 1992 the camp received a Special Use Permit (SPU92-046) for a master plan to expand to accommodate up to 700 campers over a 10-year period. This proposal was not completed within the timeframe allowed, and in 2003 the camp asked for a modification to allow a new 10-year expansion plan at a smaller camp capacity. This request was ultimately approved on May 8, 2007 and a number of improvements were built. However, the full expansion was not completed and the camp was placed on the market. In 2016, it was purchased by Camp Korey.

5. Camp Korey now seeks a modification to the original 1992 master plan. This request was made before the ten-year phasing plan approved in 2007 expired. The modification proposes a much smaller expansion than that approved in 1992. Camp Korey's plan is for a maximum camper capacity of 120 children.

6. Camp Korey has been operation in Carnation, Washington. It is being moved to its new home in Skagit County.

7. Camp Korey's purpose is quite different from that of the original camp at the site. It is a non-profit organization that "provides seasonal camps and activities for children with life-altering medical conditions." The mission is to offer children and their families "an escape from the endless medical treatments that overshadow childhood" by providing "a fun, safe camp experience – where kids can simply be kids."

8. The present proposal is to continue upgrading and remodeling over another 10 years under a new three-phase development plan. The following programs will be offered:

- *Residential Camp* – Weekly camp session during the summer during weekdays for a total of eight sessions.
- *Family Weekends* – Weekend camp sessions for families, typically 9-11 weekends per year.

- *Activity Days* – Typically held on Saturdays during normal business throughout the year and including an Open House, arts/craft days, Fall Festival and parent workshops.
- *Special Fundraising Events* – Occasional events for camp fundraising, volunteer parties and special events for groups supporting the camp’s mission (e.g., Lake McMurray Volunteer Fire Department, Treacy-Lavine Center, Lakeside School). Such events will occur on weekends throughout the year and may have up to 250 guests.

9. The physical expansion will include additional camper accommodations, staff housing, a welcome center, overflow parking, health center, amphitheater, village square, pool/pool house, additional restrooms, and modifications to the existing campground area.

10. The camp will operate year around with summer as the peak season. Daily operating hours will typically be Monday-Friday – 8:30-5:00 p.m. There will be approximately 25 full-time employees in 2019 with the anticipation of up to 35 employees within the next 3-5 years. During the summer camp season an additional 20-25 counselors and activity staff will be hired as temporary employees. During the summer camp sessions and family weekends some staff and volunteers will be onsite 24 hours a day.

11. All parking for the camp will be within the camp property boundaries. Under the new master plan, guest/parent parking will be near the new welcome center. An overflow parking area for up to 340 cars will be located south of the welcome center. The parking available will be adequate to accommodate the camp’s proposed expansion.

12. Traffic generated by the camp will be at its highest during the summer camp sessions, and during special fundraising events. Traffic estimates are: 60 trips per day five days a week from April through October; 45 trips per day five days a week from November through March. Commercial vehicles, estimated at two per day, will come and go four days a week year around. WSDOT expressed no concerns over this level of traffic.

13. Adequate potable water is provided to the camp by a system approved by the Washington State Department of Health. The camp is also served by a number of on-site septic systems, including a large system (SW02-0406) installed to accommodate the proposed 2003 camp expansion. As further development occurs, these systems will be reviewed to ensure that they can accommodate each phase.

14. Existing vegetation along the perimeter of the camp property provides adequate screening from adjacent properties.

15. Under current zoning regulations, the camp use would not be permitted. However, the 1992 Special Use Permit remains in effect and the present application is a request to modify that permit.

16. The development proposed was reviewed for environmental impacts under the State Environmental Policy Act (SEPA in conjunction with an application for a waiver of development moratorium under the Forest Practices Act (PL18-0028). A Mitigated Determination of Non-Significance (MDNS) was issued on October 18, 2018. There were no appeals.

17. The MDNS contained the following conditions:

1. Temporary erosion/sedimentation control measures as approved by the Skagit County Department of Public Works shall be in place prior to the placement of any fill material. The applicant shall maintain all temporary erosion/sedimentation control measures in accordance with the Skagit County Drainage Ordinance. Said measures shall be maintained and remain in place until completion of the project.
2. The applicant shall comply with Northwest Clean Air Agency requirements.
3. The applicant shall comply with the provisions of the Skagit County Stormwater Management Ordinance, SCC 14.32, as it relates to increased runoff from additional impervious surfaces.
4. The applicant shall comply with Fire Code Standards.
5. An engineered soils compaction report shall be required for all structures and roads constructed on fill material.
6. The applicant shall comply with all relevant provisions of 14.24 of the Skagit County Code (Skagit County Critical Areas Ordinance). The applicant shall be responsible for ensuring that all development activities do not encroach into wetlands and streams and their associated buffers. Any impact to the wetlands or associated buffers from development activities shall be immediately restored. The new access road will cross 3 streams. Critical areas mitigation is required for the intrusion of the new access road into critical areas, streams and associated buffers.
7. A Construction Stormwater General or Industrial Permit may be required by the Department of Ecology (WSDOE) for this project. Contact the WSDOE Bellingham Field Office at (360) 715-5200 to determine if an NPDES permit is required.
8. Should any human remains, archaeological, historic or cultural materials be discovered during construction, work in the affected area shall cease immediately and the area shall be secured. Within 24 hours of the discovery, or as soon thereafter as possible, the developer shall notify the Skagit County Sheriff's office, Skagit County Planning and Development Services, the Washington State

Department of Archeology and Historic Preservation and affected tribes. If following consultation with the above parties it is determined that an archaeological and cultural resource assessment is required, the project developer shall retain the services of a professional archaeologist to prepare such an assessment. Project work in the affected area shall only continue when in conformance with applicable state and federal laws.

9. A traffic analysis shall be completed to the satisfaction of Skagit County Public Works for the [special use], consistent with Skagit County Road Standards.

18. The application was deemed complete on April 15, 2019. Notice of the application was posted, published and mailed as required by law. Wilfredo Corrales filed the only comment letter.

19. Corrales is the owner of property southeast of the camp site. He expressed concerns over recent timber harvest at the camp and possible flooding impacts from the project on his property. The Staff responded that all harvested areas must be replanted within three years of harvest and stated that the applicant is in the process of this replanting.

20. The applicant said they believe that the Camp Korey Master Plan is less impactful than that of Camp Brotherhood and noted that the permitting process should insure compliance with run-off rules. The development must meet County stormwater regulations which will be fully addressed at the time of grading permit consideration.

21. The applicant's engineer testified that Corrales' problems may be traceable to performance of a County culvert during a recent unusually large storm event. He noted that the culvert is old and predates the camp. He said the applicant must discharge into the natural drainway and that the County culvert is on this path. In general, he said, the camp's drainage system is functioning as it should. Further action on the specific situation should come from the County.

22. The Examiner concludes that the record does not support a finding that the present proposal is likely to increase flood impacts downstream.

23. The applicant has expressed a desire to phase project development over a 10-year period. Such a phased development can be approved, pursuant to SCC 14.16.900(1)(d). The two previously approved master plans for the camp included a 10-years phased development period. The County staff found that the present phasing plan to complete camp expansion within a 10-year timeframe is reasonable. The Examiner agrees.

24. The application was circulated to various County departments. Their comments are reflected in conditions of approval.

25. In general the infrastructure is in place to accommodate the planned level of use. The camp is self-contained, maintains its own water system and septic systems, and contracts waste, landscaping and other services from private companies. The camp also maintains its own private roads and pathways. Any changes needed to accommodate expansion will be designed to meet County requirements.

26. The Staff reviewed the current modification request under the Special Use approval criteria. They concluded that the proposal, as conditioned, will be consistent with these criteria. The Hearing Examiner concurs with this analysis and adopts the same. The Staff Report is by this reference incorporated herein as through fully set forth.

27. The expansion of the camp will not impact long term natural resource management of surrounding natural resource lands.

28. The character, landscape and lifestyle in this area will not change as a result of this permit modification. The camp has been an established use in the neighborhood since the 1960's. The majority of the proposed expansion will occur within the pre-existing developed area.

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

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over these proceedings. SCC 14.16.900(1)(b)(ii).

2. The criteria for approving a Special Use Permit in the first instance are used in evaluating an application to modify such a permit.

3. Here the proposed modification, as conditioned, will continue to meet these criteria, as set forth in SCC 14.16.900(1)(b)(v).

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

CONDITIONS

1. The project shall be carried out as described in the applicant materials, except as the same may be modified by these conditions.

2. All conditions listed within the 1992 Special Use Permit (PL19-0128) shall continue as conditions of approval.

3. All conditions of the MDNS remain in effect. See Finding 17 above.

4. Development applications submitted in association with this Special Use Permit must meet all development regulations in place at the time of permit submittal.
5. Building permit applications shall be submitted for all proposed structures and must be compliant with the International Building Code.
6. As the camp is a licensed facility, the Skagit County Health Department will require plan review and approval for future significant camp modifications.
7. New development will require approved sewage disposal, either through new septic systems or through already existing systems.
8. The applicant shall comply with SCC 14.16.870, Notification of Development Activities on or adjacent to Designated Resource Lands.
9. All proposed plumbed buildings must be reviewed and approved for adequate potable water.
10. The setback of water lines from septic systems shall be maintained, per Chapters 12.05 SCC and 12.48 SCC.
11. Operations and construction activity shall not exceed state levels for noise as set forth in Chapter 173-60 WAC.
12. Operations and construction activity shall not exceed parameters for noise, light and vibration per SCC 14.16.840.
13. The project shall comply with State standards for surface and ground water quality per Chapter 173-200 and 173-201A WAC.
14. Final approval of water use must meet all State Department of Health requirements.
15. Standard fire hydrants that provide adequate fire flow for existing and proposed structures shall be provided throughout the property.
16. Prior to submitting any new structure permits, the applicant shall provide a third party report produced by a Washington State Certified Fire Protection Engineer or equivalent, that analyzes the fire safety properties of the design, operation or intended use of the buildings, premises or facilities. See IFC 2015(104.7).
17. All emergency access roads shall meet Skagit County driveway standards and 20151.F.C Appendix D.
18. A grading permit is required for all grading activity, including new driveway/road construction.

19. A Drainage Plan and Analysis, prepared by a licensed engineer, is required for the overall project. This shall be submitted with the first building or grading permit application. The analysis shall comply with Chapter 14.32 SCC.

20. A Grading Plan, prepared by a licensed engineer, is required for road construction and shall be submitted with a grading permit application. Roads shall meet driveway and private road standards based on ADT. (See Skagit County Road Standards, Figures B-1 & B-18.)

21. Any deviation from the proposed activities/structures/development as identified on the recorded PCA site plan shall be subject to standard review under Chapter 14.24 SCC.

22. The applicant shall follow the proposed 10-year phasing plan to the best of its ability. No further building permits will be issued beyond 10 years from the date of this decision without review by Planning and Development Services (PDS) for compliance with regulation in place at that time.

23. A vegetative buffer along the entire perimeter of the camp must be preserved and maintained. If vegetation is removed, it must be replaced with vegetation that will provide comparable screening. A project site landscaping plan must be submitted with the first building permit application submittal.

24. All development on site shall comply with development requirements within SCC 14.16.410 and SCC 14.1.420.

25. Modifications to the existing sign or new proposed signs must be in compliance with Skagit County sign requirements found in SCC 14.16.820. (Note: Any signs located along a state road are subject to WSDOT sign requirements.)

26. This approval shall be void if the use permitted has not been commenced or a complete building permit filed with PDS within two years of approval of this Special Use Permit modification.

27. If the approved use is abandoned for more than one year, this permit shall be void.

28. Expansion or intensification of the use beyond that outlined in the instant proposal shall require additional review by PDS.

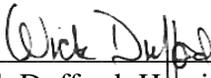
29. PDS shall be notified of any change of ownership within 30 days of the change.

30. A copy of this permit decision shall be submitted with any building permit associated with this Special Use Permit.

31. Per SCC 14.16.900(b)(iii), failure to comply with any condition may result in permit revocation.

DECISION

The application (PL 19-0128) for Modification to Special Use Permit SPU92-0146 is approved, subject to the conditions set forth above.



Wick Dufford, Hearing Examiner

Transmitted to Applicant, Staff and interested parties, September 17, 2019.