

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS, CONCLUSIONS AND DECISION

Applicant: Camp Brotherhood
24880 Brotherhood Road
Mount Vernon, WA 98274

Spokesperson: Randy Stime
51 W. Dayton Street, Suite 202
Edmonds, WA 98020

File No: PL03-0141

Request: Special Use Permit
(Modification of SPU 92-046)

Location: 24880 Brotherhood Road southeast of Lake
McMurray, within portions of Secs 29, 30, 31, 32,
T33N, R5E, W.M.

Parcel Nos: P18288, P18292, P18315, P18359, P18365,
P18366, P18368, P18369, P18370, P119623

Land Use Designations: Industrial and Secondary Forest – NRL

Summary of Proposal: To continue to remodel, upgrade and expand the
existing camp, with development phased over a
maximum time period of 10 years.

Public Hearing: After reviewing the report of Planning and
Development Services, the Hearing Examiner
conducted a public hearing on April 25, 2007.

Decision: The application is approved, subject to conditions.

FINDINGS OF FACT

1. Camp Brotherhood seeks to modify Special Use Permit 92-046 to allow for continued renovation and expansion of the existing camp over a period of 10 years.
2. The Camp is located at 24880 Brotherhood Road southeast of Lake McMurray. The property consists of about 200 acres located within portions of Secs 29, 30, 31, 32, T33N, R5E, W.M. Brotherhood Road (Legge Road) intersects State Route 9.
3. The property is designated Natural Resource Land (Industrial and Secondary Forest). It is not within a Flood Hazard Zone. It is within a fire district.
4. Most of the property is wooded, but portions of the lower elevation (about 40 acres) are in open farmland, pasture and playing fields. Some farming continues to be conducted on site and a number of animals (e.g., llamas, emus, goats, cows and horses) are kept there. The existing cabins are accessed by gravel roads within the property.
5. The camp is currently in its 40th year. It is a non-profit organization that, since its founding by Father Treacy, has been used by all faiths and by lay organizations for meetings and retreats. The facility is open year around.
6. Originally the camp facilities were designed for conferences of youths and groups of single people. In 1992, the organization sought permission to expand facilities to accommodate families and couples.
7. The 1992 proposal included a master plan for additional farm support structures, administration buildings, guest quarters and support buildings. This development was to be phased over time. The approval in 1993 (SPU 92-046) allowed the expansion to be phased over 10 years.
8. Funds for capital improvements at the non-profit camp must come from donations, grants or interest derived from endowments. Because the timing of such gifts is hard to forecast, some of the items on the original list have not been built.
9. The current application is to allow continued remodeling, upgrading and expanding, although the plan has been scaled back somewhat from the 1992 vision.
10. The application presents an overview of the camp, now and in the future with a description of the building improvements existing as of 1992, completed since 1992 and proposed for construction within the next few years. Exhibit #16 contains a discrete list of the building improvements slated and the projected dates of development. This is, in effect, a phasing plan.

11. The applicant initially requested the subject Special Use Permit modification on August 4, 2003. In September, the Staff requested clarification of the project and additional information. A response was received in April 2006, but additional items needed to be addressed before review could continue. More information was received through 2006 and on February 13, 2007, the applicant provided the last item needed for review. A Notice of Development Application was posted, published and mailed on February 22, 2007. No written comments were received during the comment period.

12. A Mitigated Determination of Non-Significance (MDNS) was issued by the County in connection with the 1992 application. The conditions were:

(1.) The applicant has prepared a preliminary wetland reconnaissance for the subject property. The applicant shall avoid any construction within potential wetland areas. Prior to application for any Building Permit, the applicant shall provide a complete wetlands delineation identifying the presence of any wetlands. The cope of the delineation shall include all areas within 200 feet of the proposed structure. There shall be no fill or construction allowed within any delineated wetland without the prior written authorization of the United States Army Corps of Engineers.

(2.) All permanent drainage facilities shall be in place and inspected by Skagit County Department of Public works by October 1, 1994.

The applicant shall provide complete construction drawings, as approved by the Department of Public Works, and wetland delineation as part of the Fill and Grade Application for construction of all permanent drainage facilities and road construction. The scope of said Construction drawings shall be approved by the Department of Public Works prior to submittal of the Fill and Grade permit.

(3.) All internal circulation roads and access points shall be maintained by the applicant. Skagit County will not be responsible for the maintenance of these roads. If at such time as the applicant desires Skagit County to maintain the roads, they shall be constructed to Skagit County Standards.

(4.) Prior to the start of any construction, the applicant shall provide temporary erosion/sedimentation control measures conforming to Skagit County Water Drainage and Erosion/Sediment Control Ordinance (Section 14.36 of the Skagit County Code). All temporary erosion/sedimentation control measures shall remain in place until the project is completed.

(5.) The applicant shall submit plans and specifications for Health Department review and approval of the development and construction of the following phases of the project:

A. A site plan with contours for the camp and R.V. park with the layout of dormitories and community buildings.

B. A complete plan review package for the kitchen facility including equipment schedule and drain plumbing.

C. A plan for the swimming pool enclosure with any modifications to be done to the pool and equipment.

D. A plumbing plan and fixture schedule for each phase of the development as it takes place.

(6.) The applicant shall obtain all necessary State and Federal permits.

(7.) The applicant shall comply with the provisions of Section 12.48 of the Skagit County Code prior to the issuance of any building permit.

(8.) All improvements to Legge Road shall be completed within three (3) years of the date of approval of the Skagit County Hearing Examiner. If the subject improvements have not been completed, no further Building Permits will be issued.

13. A new Environmental Checklist was submitted for the current application. On March 26, 2007, the County issued an MDNS Addendum stating that the project is the same as previously proposed and that significant new environmental information has not been added.

14. Critical areas review was conducted for the current application. The following information was found to be needed prior to Special Use Permit approval:

(1.) The wetland located near the gate house must be delineated and rated so it can be properly identified on the Protected Critical Area (PCA) plan.

(2) The proposal includes a buffer reduction request for pasturing animals within the standard 50-foot stream buffer and a proposal to include a bypass road within a stream buffer. These requests must meet the requirements of SCC 14.24.530(2).

(3.) Any proposed impacts to the regulated wetlands, streams, or their buffers must have a more detailed mitigation plan pursuant to SCC 14.24.530(2). This must include a planting plan and a site plan showing proposed buffer reductions.

(4.) The regulated wetlands, streams, and their associated buffers, once approved, must be placed into a PCA pursuant to SCC 14.24.140.

(5.) Land included in the Camp Brotherhood ownership that was not investigated for critical areas must be identified as such and designated as a PCA. Those areas not containing critical areas may have the PCA designation removed when the critical areas on site are identified. (SCC 14.24.170(1)(a)(ii).)

15. A Wetland Delineation and Fish and Wildlife Habitat Assessment prepared by Edison Engineering was submitted in 2003. An Addendum was submitted in 2006. The latter document addressed the critical areas questions and was approved in June 2006. As a result, the required PCA site plan was recorded in April 2007.

16. In order to retain a portion of the property as a working demonstration farm, the applicant, in October 2006, provided a Farm Plan developed by the Skagit Conservation District. The plan is designed to insure compliance with the Critical Areas Ordinance, Chapter 14.24 SCC.

17. The criteria for Special Use Permit approval are set forth at SCC 14.16.900(2)(b)(v), as follows:

(a) The proposed use will be compatible with existing and planned land use and comply with the Comprehensive Plan.

(b) The proposed use complies with the Skagit County Code.

The Comprehensive Plan and zoning designations of the property have changed since 1992. At that time, however, the proposal complied with both the Comprehensive Plan and the applicable zoning.

(c) The proposed use will not create undue noise, odor, heat, vibration, air and water pollution impacts on surrounding, existing, or potential dwelling units, based on the performance standards of SCC 14.16.840.

The use of the camp, in its rural setting, presents minimal environmental problems and minimal impacts on surrounding properties. In the original application, the applicant proposed to maintain a 200-foot buffer from all property lines for any development. Concerns over water pollution at recreational vehicle sites are met by disallowing dumping of waste holding tanks on site.

(d) The proposed use will not generate intrusions on privacy of surrounding uses.

In addition to the 200-foot buffer the applicant intends to post signs around the perimeter to limit trespassing onto adjacent properties. The only public testimony at the hearing was from a nearby property owner who said that the Camp has been an excellent neighbor.

(e) Potential effects regarding the general public health, safety, and general welfare.

The applicant proposes to comply with all relevant health regulations. The site is within a Fire District and the Camp has earned a reputation as a strong supporter of the Fire Department.

(f) For special uses in ... Natural Resource Lands ..., the impacts on long-term natural resource management and production will be minimized.

The Camp, though a non-conforming use, is dedicated to fitting into its forested setting. Compliance is required with SCC 14.16.870, "Notification of Development Activities on or Adjacent to Designated Resource Lands. Neither the past use of the site nor the proposed development pose a threat of adverse impacts to adjoining resource lands.

(g) The proposed use is not in conflict with the health and safety of the community.

(h) The proposed use will be supported by adequate public facilities and services and will not adversely affect public services to the surrounding areas, or conditions can be established to mitigate adverse impacts on such facilities.

The Camp has, by its successful history, demonstrated that it is in the public interest, and poses no danger to community health and safety. Infrastructure for the Camp is adequate and does not adversely affect public services elsewhere. As noted, fire protection is available.

18. The Staff Report concludes that the proposal, as conditioned, will be consistent with the criteria for Special Use approval. As shown above, the Hearing Examiner concurs with this analysis. The Staff Report is by this reference incorporated herein as though fully set forth.

19. Father Treacy, the founder of the Camp was present at the hearing. Other than the favorable testimony of a neighbor, there was no public testimony and no written public comment.

20. In presenting the list of potential developments and dates of development, the applicant emphasized that the timing of all capital improvements is dependent on the

timing of receipt of donations. Because program facility needs may change from time to time, the applicant asked that the option be left open to exchange the listed projects for ones more needed at any given time.

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

CONCLUSIONS OF LAW

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

2. The requirements of SEPA have been met.

3. The Camp is a non-conforming use established before enactment of the Comprehensive Plan and zoning provisions that apply to the property today. When the existing Special Use Permit (SPU92-046) was approved, the use and supporting facilities were legal on the site. The process of development of the facilities has never been fully completed. This modification request is essentially a request for an extension of time to complete the facilities.

4. There is no code provision that specifically addresses requests for Special Use Permit Modifications. Therefore, such requests are substantively evaluated using the criteria for approval of an original permit. The proposed request for continued development, as conditioned, continues to meet those criteria. See SCC 14.16.900(2)(b)(v).

5. In general Special Use Permits are limited to a development period that runs three years from the date of building permit approval. SCC 14.16.900(2)(d). However, phasing plans are allowed. When approved, these plans may allow construction over a longer period of time. The Staff has recommended approval of the subject plan for an additional 10 years.

6. The Staff's view is that an applicant ought not to be allowed an unlimited period to develop, free of subsequently enacted requirements. Ten years, they believe, is a reasonable extension limit. The Examiner concurs. If after 10 years, more time is still required, the matter should then be re-examined.

7. 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 original application materials, as amended by the subject application.
2. If at any time during the life of this permit modification, the applicant wishes to alter a date for development or exchange one project for another, he shall notify Planning and Development Services and receive approval therefore; provided that, the original Special Use Permit application and approval (SPU92-046) establishes the outer-limit of what may be built in connection with this non-conforming use.
3. The applicant shall obtain all applicable permits and approvals relating to construction. All new construction shall comply with Code requirements in effect at the time this permit modification is approved.
4. The conditions of the MDNS issued in connection with the 1992 application for SPU92-046 shall remain in effect.
5. The applicant shall comply with the recommendations of the Wetland Delineation and Fish and Wildlife Habitat Assessment Addendum submitted in June 2006, as reflected on the PCA site plan recorded in April 2007.
6. All ongoing agricultural uses shall comply with the October 2006 Conservation Plan prepared by the Skagit Conservation District.
7. The development, including any expansion of agricultural uses or change of use within agricultural areas, shall comply with the applicable provisions of Chapter 14.24 SCC (Critical Areas Ordinance)
8. The applicant shall comply with SCC 14.16.870, "Notification of Development Activities on or Adjacent to Designated Resource Lands."
9. Prior to issuance of any new building permits, a hydrogeo report is required for expansions in size. The report should address the items described in SCC 14.24.340(3)(c).
10. A public water packet sign-off from the County Health Department is required with each proposed building.
11. Any deviation from the proposed activities/structures/development identified on the recorded PCA site plan shall be subject to review under Chapter 14.24 SCC.
12. A grading permit is required for all grading activity, including new driveway/road construction.
13. A Grading Plan, prepared by a licensed engineer, is required for road construction. The plan shall be submitted with the grading permit application. Roads

shall meet driveway and private road standards based on ADT. (See Skagit County Road Standards – Figures B-2 and C-18.)

14. The onsite dumping of waste holding tanks on recreational vehicles is prohibited.

15. No further building permits will be issued beyond 10 years from the date of this permit modification approval without review and approval by Planning and Development Services of an additional permit modification request.

16. Prior to issuance of any future building permits, all outstanding planning review fees connected with this modification request shall be paid in full.

17. Any violation of any of the terms of this permit may result in its revocation. Any such violation may also subject the permittee to monetary penalties or other enforcement under the provisions of Chapter 14.44 SCC.

DECISION

The request Special Use Permit Modification is approved, subject to the conditions set forth above.



Wick Dufford, Hearing Examiner

Date of Action: May 8, 2007

Date Transmitted to Applicant: May 8, 2007

RECONSIDERATION/APPEAL

As provided in SCC 14.06.180, a request for reconsideration may be filed with Planning and Development Services within 10 days after the date of this decision. As provided in SCC 14.06.120(9), the decision may be appealed to the Board of County Commissioners by filing a written Notice of Appeal with Planning and Development Services within 14 days after the date of the decision, or decision on reconsideration, if applicable.