

**SECOND**  
**CORRECTED FINAL DECISION of the**  
**SNOHOMISH COUNTY HEARING EXAMINER**

DECISION DATE: December 27, 2011  
CORRECTED DECISION DATE: January 20, 2012  
**SECOND CORRECTED DECISION DATE: DECEMBER 11, 2012**

PROJECT NAME: ***WARM BEACH CHRISTIAN CAMPS & CONFERENCE CENTER***

APPLICANT/ Ed McDowell, Executive Director  
Warm Beach Christian Camps & Conference Center  
LANDOWNER: 20008 92<sup>nd</sup> Avenue NW, Stanwood, WA 98292

FILE NO.: 07-100757 LU

TYPE OF REQUEST: MAJOR REVISION - CONDITIONAL USE PERMIT (CUP)  
For 30-Year, Phased, Master Planned Expansion

**DECISION (SUMMARY): APPROVED, SUBJECT TO A PRECONDITION & CONDITIONS**

GENERAL LOCATION: 20800 Marine Drive, Stanwood, WA in Section 7,  
Township 21 North, Range 4 East, W.M., Snohomish  
County, WA

ZONING: Forestry & Recreation (F & R), Agriculture-10 Acre (A-10), and  
Rural-5 Acre (R-5)

COMPREHENSIVE PLAN: Designated as Riverway Commercial Farmland & Rural  
Residential (R-5 Basic)

PDS RECOMMENDATION: Approve, subject to the recommended precondition and  
conditions.

Based on a preponderance of the evidence of record, the following Findings of Fact, Conclusions of Law and Decision are entered:

**I. FINDINGS OF FACT**

**A. BACKGROUND INFORMATION**

1. The Record. The official record for this proceeding consists of the Exhibits entered into evidence (Exhibits A.1 through K.1), as well as the testimony of witnesses received at the Open Record Hearing. The entire record was admitted into evidence and considered by the Examiner in reaching the decision herein.

**NOTE:** For a complete record, an electronic recording of the hearing in this case is available in the Office of the Hearing Examiner.

2. Parties of Record. The Parties of Record are set forth in the Parties of Record Register and include interested parties who testified at the Open Record Hearing.
3. Public Hearing. The Hearing Examiner held an Open Record Hearing on November 29, 2011. Witnesses were sworn, testimony was presented, and exhibits were entered into the record at the hearing. Notice of the application and public hearing were made according to the provisions of SCC 30.70.050(5). (Exhibits F.1, F.2, F.3) Darryl Easton and Mark Brown appeared and testified on behalf of Snohomish County Planning and Development Services Department (PDS). For the Applicant, the following persons appeared: J. Patrick Mitchell, Architect and Planner, and his associate, Patrick Paul, of J. Patrick Mitchell & Associates, Ed McDowell, Executive Director, Warm Beach Christian Camp and Conference Center and Patrick Patterson, Director of Administration and Project Manager, and Matt Palmer, Gibson Traffic Consultants. In addition, numerous interested citizens appeared at the public hearing. Bob Landles and Roger Hill of Warm Beach Stewards, Tim Clancy and Brian Smelser testified in support of the proposal.
4. Application Request. The Applicant requests approval of a major revision of the current CUP (CU 45-73) (Exhibits A.1 & A.2) and landscaping modification for expansion of the Warm Beach Christian Camp and Conference Center (WBCC) and 30-year Master Plan. Proposed Master Plan includes seven phases that cover a time period from 2011 to 2040. The subject property is 268 acres and zoned F & R, A-10 and R-5.

The main WBCC campus facilities are primarily located on a 65-acre upland portion of the subject site west of Marine Drive and east of a marine bluff that faces Port Susan Bay and the Stillaguamish River estuary. The primary uses and activities of the camp include a youth camp area, two conference facilities, an outdoor pool, tennis court, ball fields, auditorium, maintenance buildings and yard, camper lodging, staff housing, pedestrian trails, and parking in several locations. The camp facility also includes a horse riding program for the campers with horse pastures, equestrian facilities, and horse riding trails. A small viewing platform is located in the lower, northwest portion of the site for observing habitat and wildlife.

The camp currently contains lodging for campers in 89 buildings containing a total of 788 beds and staff housing in 33 buildings containing a total of 109 beds. Currently, 136 RV/tent sites for campers are located at the camp. The camp property also includes 143 leased lots (9 with existing private homes) used seasonally by private parties.

Site History. In 1956, the Pacific Northwest Conference of the Free Methodist Church purchased approximately 192 acres of forest and farmland, the portion of the subject site west of Marine Drive. Later the Conference purchased approximately 45 acres, mostly undeveloped, on the east side of Marine Drive for the camp. An initial Master Plan was implemented to develop the larger middle portion of the property (approximately 192 acres) as a regional Christian camp and conference center.

In 1972, the 192 acres actively used for camping and related programs was rezoned from Rural Use (RU) to F & R to allow continued development of the camp and to accommodate a change in the zoning code which no longer allowed campgrounds in the RU zone. In 1973 a CUP (CU 45-73) was granted to WBCC to accommodate an

additional code change allowing campgrounds only as a conditional use in the F & R zone. In 1997, a major modification of CU 45-73 was granted to include an additional 8.5 acre northwesterly adjoining parcel. Since 1997, at least six minor modifications of CU 45-73 have been approved.

In July 2011, PDS approved a restroom addition (2,128 square feet) to Cedar Lodge (11-102557 KA). Even though this improvement was approved by PDS prior to review of the CUP by the Hearing Examiner, PDS believed that it was appropriate to approve the addition at the time because the bathroom was a much needed improvement to the lodge building, it was a relatively small addition and it was identified as a proposed improvement in the CUP application materials and plans.

Even though the Code defines the request as a major modification of the existing CUP, if approved, this CUP application will replace the existing CUP. All of the conditions established by the Zoning Adjustor in the original CU 45-73 decision are to be carried over to the new decision, except that Condition 4.B will need to be modified to read, "The natural environment shall be maintained and all buildings and structures shall comply with the setbacks to property boundaries indicated on the approved Master Plan site plans." The Applicant is not requesting to modify or eliminate any of the existing CUP conditions of approval.

The 30-Year Master Plan. Future construction of Master Plan improvements includes construction of new lodge buildings and additions to existing lodge buildings, new buildings for camper lodging and staff housing and new parking areas. Further improvements include installation of stormwater bio-retention facilities, rain gardens, supplemental native landscaping and right-of-way improvements to Marine Drive consisting of expanded road pavement and a paved pedestrian shoulder. At completion of Phase 7, the camp will contain lodging for campers in 126 buildings containing a total of 1156 beds and staff housing in 17 buildings containing a total of 56 beds. Approximately 45 buildings and structures will be demolished as part the 30-year Master Plan.

Main access to the camp facility is provided from Marine Drive and a secondary emergency access is provided from 81<sup>st</sup> Drive NW. Water and sewer service is provided by the Warm Beach Water and Wastewater Service.

A detailed project description is provided in the project description and master site plan timeline by phase (Exhibit A.3); and existing and proposed facility size summary. (Exhibit A.7) Below is a brief summary of camp improvements proposed for each of the seven phases. Citations in parentheses are plan and document references from "Existing and Proposed Site/Facility Design Program Summary." The Applicant notes that the proposed phases are proposed as an estimate of the build out of the facilities over the 30-year life of the Master Plan. The WBCC reserves the right to switch projects from one phase to another as financing and resources are available. (Exhibit K.1)

Phase 1: (Proposed time period: 2010 to 2015)

- Begin construction of Cedar Lodge building phases 1-3 (I.B.4.a & I.C.1.a)
- Complete remodel and addition to Mt Baker Lodge (I.A.3) (complete).
- Move Mt. Cabins 1-3 near 7-9 (I.A.6)
- 1st Conf. Lodge for 104 (I.A.8)
- Construct horse stalls & temporary equipment storage (III.N)
- Construct 54 additional parking stalls

- Construct a new water system storage tank on portion of site east of Marine Drive.
- Install Marine Drive frontage improvements.
- Install supplemental landscaping within wetland buffers, perimeter buffers and parking areas

Phase 2: (Proposed time period: 2012 to 2019)

- Entrance & Security Measures (+Guardhouse) (I.I.1.k+d)
- Bus & Car Parking (I.I.2) (I.G.10) Revision
- 2 W-Bar-B Cabins creating village 2,3 (II.A.3.b. & 4.b)
- Restroom, & 3 buildings for Horse Camp III.M3
- New Indoor Arena & equipment storage (III.I, J, K)
- New Restroom for Village No. 3 (II.A.4.c)
- Bayview Annex (II.A.1.a)
- W-Bar-B: Add Craft Cottage (II.G.9.a)
- Storage/paint shop Phase #1 (I.G.2, 3 & 8)
- Replace Chinooks as needed (I.A.7.a)
- Remove Nurse Cabin (I.D.4.a) & convert Staff House for nurse (I.D.4c)
- Convert Canyon View (paint shop) into infirmary (I.D.4.b)
- Construct 20 additional parking stalls
- Install supplemental landscaping within perimeter buffers, parking areas and other site locations

Phase 3: (Proposed time period: 2016 to 2019)

- Nature Center (III.R.1)
- Cedar Lodge Phase 4-7 (I.C.1.d-g)
- 2nd Conf. Center New Lodge for 100 (I.A.9)
- Gift Shop /Snack Shop (I.E.)
- Ranch Volunteer Housing (II.B)
- Ranch check-in areas, parking (II.C.7.a-i) (II.E.1+2)
- New stable horse barn III.D.2
- W-Bar- B Village #4 (II.A.5)
- Indoor Gymnasium (I.H.6) + (I.G.10.c)
- Southbound right-turn pocket (I.I.1.b)
- Roof over mini-golf (I.H.7.d)
- Construct 106 additional parking stalls
- Demolish 14 existing buildings and structures
- Install supplemental landscaping within perimeter buffers, parking areas and other site locations

Phase 4: (Proposed time period: 2020 to 2022)

- Indoor swimming (I.H.2)
- Move Mt. Cabins & remodel Chinook (I.A.7a-h)
- Paint shop, storage, etc.( I.G.7)
- Construct 19 additional parking stalls
- Demolish 2 existing buildings and structures.

- Install supplemental landscaping within perimeter buffers, parking areas and other site locations

Phase 5: (Proposed time period: 2022 to 2027)

- Expand WBB Dining Room (II.C.1 & II.D.1)
- W-Bar-B Village #5 (II.A.6)
- Indoor meeting/gym for WBB (II.C.2)
- 3rd Conf. Ct. New Lodge for 60 (I.A.11)
- Demolish the Minilodges (I.A.4.c & 5.c)
- RV/Tent area work (I.J.1-4) (I.J.7b) (I.A.7.e)
- Northbound left-turn lane (I.I.1.b) etc.
- Construct 78 additional parking stalls (Parking (I.I.2)
- Construct 4 new buildings for staff housing on site east of Marine Drive Staff Housing - Phase 1
- Demolish 2 existing buildings and structures
- Install supplemental landscaping within perimeter buffers, parking areas and other site locations

Phase 6: (Proposed time period: 2027 to 2033)

- New Recreation Field (I.H.5.a + b.)
- New Lodge north of Bayview for 50 (II.A.1.b)
- New meeting/dining north of BV (II.A.1.c)
- Fish Pond (II.G.13) & Amphi-seats (II.G.7.c)
- 4th Conf. Center New Lodge for 150 (I.A.10)
- Construct 2 new buildings for staff housing on site east of Marine Drive Staff Housing - Phase 2
- Construct 29 additional parking stalls
- Demolish 24 existing buildings and structures
- Install supplemental landscaping within perimeter buffers, parking areas and other site locations

Phase 7: (Proposed time period: 2034 to 2042)

- 5th Conf. Center New Lodge for 130 (I.A.12)
- New Worship Center (I.B.6)
- New Administration Center (I.D.2)
- W-Bar-B Village #6 (II.A.7)
- Construct 14 additional parking stalls.
- Demolish 5 existing buildings and structures.
- Install supplemental landscaping within perimeter buffers, parking areas and other site locations

5. Site Description. The site consists of one large irregularly-shaped parcel. Marine Drive divides the parcel into two portions with the larger portion (223 acres) on the west side of Marine Drive and the smaller portion (45 acres) on the east side of Marine Drive. The main camp facilities are located on the upland portion of the site west of Marine Drive and east of the marine bluff. The north property line of the parcel is adjacent to

agricultural land and the Stillaguamish River estuary to the north. The south property line is adjacent to the Warm Beach Senior Center and single-family residences. Primary vehicular access to the site is provided by Marine Drive.

The northwest portion of the site is designated as a Density Fringe Area (flood area) associated with Port Susan Bay (Puget Sound). The western portion of the site has a shoreline adjacent to Puget Sound that is designated as Rural Shoreline and Conservancy Environment in the Snohomish County Shoreline Management Master Program. No Master Plan improvements are proposed within the Density Fringe Area, or within the shoreline.

The site contains extensive stands of mature evergreen conifer trees up to 100 feet tall. Tree species include Douglas Fir, Western Cedar, Western Hemlock Red Alder and Big Leaf Maple. (See Exhibits D.3 and A.10.) The property contains several wetlands and two streams. A more detailed description of the site and streams and wetlands on the property is set forth below.

6. Adjacent uses. Neighboring uses in the vicinity are agricultural and undeveloped land to the north, senior housing and single-family residence to the south, a church, single-family residences and undeveloped land to the east and Port Susan Bay to the west.
7. State Environmental Policy Act Compliance. A revised SEPA Checklist was submitted by the Applicant on October 5, 2011. (Exhibit E.2) A Mitigated Determination of Nonsignificance (MDNS) was issued on November 13, 2011. (Exhibit E.2) Notice of the decision was made according to the County's regulations. (Exhibits F.1, F.2, and F.3) No appeal of the SEPA determination was filed. Accordingly, the Examiner finds that compliance with the substantive and procedural requirements of SEPA have been met.
8. Issues of Concern.
  - A. Public Agency Review. PDS also received comments from the Washington State Department of Archeology & Historic Preservation (DAHP) in a letter dated June 25, 2007. (Exhibit H.2) They noted that the area has a high potential for archeological and historic sites. They recommended that a comprehensive cultural resources plan be developed in consultation with concerned tribes.

Darryl Easton, Principal Planner, PDS, testified at the public hearing that a Cultural Resources Plan has been prepared by the Applicant and was reviewed and approved by DAHP and the Tribes. The Tribes were also present during test digs on the subject property. The information gained from these studies is now part of the County's Amanda Database and will serve as baseline information for future applications. Mr. Easton testified that the Cultural Resources Plan is not part of the record in this case, because the information is kept confidential to protect any cultural resources that may exist on the subject property from disturbance.

- B. Citizens. Comments were received from a number of citizens. (See, Exhibits I.1 through I.26) The following is brief summary of the comments and concerns:
  - Increased traffic from the project on Marine Drive.
  - Expansion of camper lodging and staff housing on the R-5 parcel east of Marine Drive.
  - Traffic congestion due to the Lights of Christmas event.
  - Lack of sewage capacity at the sewage treatment facility.

- Impact of stormwater drainage on local watershed.
- Number of horses at the camp.
- An Environmental Impact Statement should be completed for the proposal.
- Potential significant adverse impacts associated with this proposal.
- Slope instability above riding trails and above the sewage treatment facility.
- The camp is running horses along trails adjacent to wetlands on the dikes along Port Susan.
- Manure is washing into the wetlands and the bay.
- There are many listed endangered and protected species in the area.
- The proposal will impact public services such as fire and rescue. How will the camp pay for these services?
- The number of camp activities will impact the fragile Port Susan Bay ecosystem.
- Impact of sewage treatment facility effluent on aquatic life in Port Susan Bay.
- Unstable soils on the property and surrounding vicinity.
- Impact of the summer camps and the Lights of Christmas should be considered.
- Erosion, steep slopes, slide issues need to be addressed.
- Protecting bald eagles and Chinook salmon is an important concern.
- Stability of the bluff is an important issue.
- The plan doesn't mention the number of guest currently visiting the camp and the number of quests planned for the future.
- The plan does not mention any land sales or purchases that could also impact development in the area.
- The camp has direct impacts to the fire department and medic system, county roads, as well as the local school system.
- It is not clear if the project will be low impact development.
- Site analysis regarding stream and slope setbacks, location of wetlands, critical slopes and zoning needs to be done.
- More information is needed regarding properties included in the Master Plan and lease lots.
- Additional information is needed regarding the final building count, size of proposed belongs.
- Number of camp staff needed in the next 30 years.
- Number of parking stalls added with the proposal.
- The traffic analysis does not consider peak traffic events such as the Lights of Christmas event.
- Increased stormwater runoff from increased impervious areas.
- Flooding of land nearby due to runoff from this project.
- Project description does not make reference to the proposed SoundView development and its joint use of sewage facilities.
- More specific details are required for control of erosion due to stormwater, not only during construction, but also in the long term of the proposed 30-year Master Plan.
- More information about septic tanks on the site is needed.
- No mention was made about past problems with sewage overflowing the sewage treatment facilities.

- More information regarding safety is needed with respect to increased traffic and numbers of pedestrians.

PDS staff believes that most, if not all, of the issues and concerns raised above have been addressed through the proposed voluntary mitigation measures (Exhibit A.36) that have been incorporated into the proposal, applicable Snohomish County Code regulations and requirements, SEPA mitigation measures identified in the MDNS and recommended precondition and conditions of approval.

Having accepted the offers of voluntary mitigation from the Applicant, PDS did not recommend any other conditions of approval based on the above comments.

Additionally, several citizens and members of the Warm Beach Stewards testified in support of the application at the public hearing. They reported that a collaborative process was undertaken by the Applicant with interested neighbors and environmental groups over the past several years, and the proposal was changed to address the issues that were raised. The citizens testified that the project is now something they support without reservation.

## **B. APPLICABLE REGULATIONS**

9. Approval Criteria. In order to obtain a major revision to the WBCC, the Applicant must meet the requirements of the CUP regulations found in SCC 30.42C.100, as well as any required mitigation imposed pursuant to SEPA. The Hearing Examiner enters the following Findings of Fact as to the Applicant's compliance with those applicable regulations.
10. Conditional Use Permit. SCC 30.42C.100 provides that the Hearing Examiner may approve, or approve with conditions, a CUP only when all the following criteria are met:
  - The proposal is consistent with the comprehensive plan;
  - The proposal complies with applicable requirements of [Title 30 SCC];
  - The proposal will not be materially detrimental to uses or property in the immediate vicinity; and
  - The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding property.

The Hearing Examiner considers each applicable criterion in turn.

11. Consistency with the Comprehensive Plan (SCC 30.42C.100(1)) The subject property is designated as Riverway Commercial Farmland & Rural Residential (1du/5 acres Basic) in the Comprehensive Plan. The most current version of the General Policy Plan (GPP) of the Comprehensive Plan is dated October 16, 2011.

Apart from the narrative in the Staff Recommendation discussing rural lands, there is nothing in the record discussing the consistency of the proposed expansion of the camp and conference center with the Agricultural Lands policies found in the GPP. The Hearing Examiner takes official notice of the GPP as a published policy document of



Snohomish County. (See, Amended Ordinance No. 095-117 et seq., last amended by Amended Ordinance No. 11-071). Having reviewed the County's GPP at Land Use Policies at Objectives LU 7.A through 7.E, the Examiner finds no policies that would prohibit the expansion of the camp and conference center. Additionally, the Hearing Examiner finds that there are significant amounts of pasture land and horse camp facilities proposed that are consistent with the goals and objectives of the GPP, both in the rural and agricultural lands elements.

With regard to the portion of the subject property that is designated as Rural Residential land, the expansion of the youth camp and conference facility is consistent with comprehensive plans goals and objectives LU 6.A and LU 6.B, which encourage land use activities and development intensities that protect the character of rural areas. The proposal is also consistent with LU 6.B.4, which allows recreation-oriented uses on a conditional use basis in rural areas, provided they do not adversely impact adjoining rural uses.

Finally, the state Growth Management Act (GMA) Chapter 36.70A RCW, requires that the County's development regulations be consistent with its comprehensive plan. The plans submitted for the project have been deemed to be in compliance with County GMA development regulations relating to fire safety, traffic, drainage, and zoning, subject to recommended conditions of approval.

12. Compliance with Chapter 30.42C.100(2) The proposal has been found to comply with the applicable provisions of Title 30 SCC, as described below.

A. Zoning Regulations. The site is split into three different zones. The northwestern portion of the site (35.78 acres) of the site is zoned A-10. The extreme southwestern portion of the site (approximately 4.48 acres) is zoned R-5. The remainder of the site west of Marine Drive (183.18 acres) is zoned F & R. The portion of the site east of Marine Drive (45 acres) is zoned R-5.

The proposal is major revision to the existing CUP approved in 1973, for expansion of the WBCC facility through the implementation of a new 30-year Master Plan. The current application includes expansion of the existing camp site (the east 45 acres), but no changes to the existing camp uses and activities.

A question has been raised as to whether a camp facility is consistent with the uses allowed in the R-5 zone. PDS has considered this issue in the past and, in 2002, issued an Administrative Determination (AD 02-02-23) (Exhibit G.5) regarding a youth camp operated by a religious organization in the R-5 zone. The youth camp described in the AD was to include individual bunkhouses, dining hall, meeting and cultural arts facility and an indoor recreational facility (and possible gymnasium), and possible outdoor facilities including playfields and an outdoor pool. The AD determined that proposed youth camp fell within the definition of "recreational facilities not otherwise listed." The subject use is a conditional use in the R-5 zone." The Hearing Examiner concurs with the AD conclusion and finds that the "recreational facility not otherwise listed" use category most closely fits the proposed WBCC use, and may be permitted within the R-5 zone through a CUP. In terms of the applicable zoning regulations, the Applicant must meet the requirements of Chapters 30.21, 30.22, and 20.23 SCC. These regulations govern parking and parking area landscaping, building heights and bulk standards, setbacks, and perimeter landscaping buffers. Lastly, the density and intensity of the proposed land use after the expansion must be consistent with the existing zoning on the site.

- B. Parking. SCC 30.26.030(1) does not list a parking use category that corresponds closely to the WBCC facility, which includes individual RV/tent lot sites and leased lots that are used seasonally by private parties not affiliated with the camp. As such, the combination of a youth camp, RV/tent site lots and leased lots creates a unique parking condition. Accordingly, the County must look to the most comparable uses and comparative data pursuant to SCC 30.26.035.

The Applicant provided a parking analysis for the proposal (Exhibit A.6). The Staff Recommendation (Exhibit J) includes a Parking Table which summarizes the number of camper and staff beds, parking supply, RV/tent lot parking, leased lot parking for Master Plan Phases 1, 2 and 7. Based on the current and proposed increase in the number of beds for campers and staff, existing and proposed increase in parking stalls and parking data provided by the Applicant plus trip generation analysis for Phases 1 and 2, PDS determined that the parking requirement for the camp should maintain the current parking stall per bed ratio of 0.628 stalls per bed, plus one parking space for each RV/tent lot and one parking space for each leased lot. At the end of Phase 1, 788 parking stalls are required. At the end of Phase 2, 801 parking stalls are required. A parking demand analysis should be prepared for each Master Plan Phase after Phase 2, to verify that adequate on-site parking is provided in the future. If additional parking stalls are needed, a minor modification to the CUP will be required.

- C. Parking for Special Events - Lights of Christmas. The Lights of Christmas is an annual holiday event sponsored by the WBCC for the last 14 years. WBCC applies for and receives a Special Events Permit for the event annually. The event draws a significant number of people in cars to view the event. Last year the average number of vehicles per evening was 946 vehicles. The WBCC provides parking for approximately 166 vehicles in the maintenance yard area north of the main camp entrance, and overflow parking for 175 vehicles at the Warm Beach Free Methodist Church on the east side Marine Drive just north of the main camp entrance. A total of 952 on-site parking spaces are available for the Lights of Christmas event. Accordingly, the Examiner finds that adequate parking is provided for this special event. Any change to the event which will produce an increase in the average number of vehicles by more than 10 percent, must be reviewed by PDS as a minor modification to the CUP to ensure adequate parking is provided in a manner that is not disruptive to the surrounding uses.
- D. Building height. The maximum building height is 45 feet in the R-5, A-10 and F&R zones. All existing and proposed new and remodeled buildings for the expansion and Master Plan will be lower than applicable maximum building heights based on the underlying zoning of each building. (See Exhibit A.4)
- E. Zoning Setbacks All existing and proposed new and remodeled buildings for the camp expansion and Master Plan meet the minimum building setbacks of the zone underlying each building. (See Exhibits B.1 & B.4.)
- F. Parking Area Landscaping. SCC 30.25.022(2) requires at least 10% of the parking lot area to be landscaped and trees included in the parking lot landscaping at the rate of one tree for every seven parking stalls or one per landscaping area or island, whichever is greater. The Master Plan site and landscape plans (Exhibits B.1 & B.4) indicate sufficient parking area landscaping

and trees on the site to comply with applicable parking area landscaping requirements for each Master Plan stage.

- G. Perimeter Landscaping. SCC 30.25.020(2) requires a 20-foot wide Type A perimeter buffer and 10-foot wide Type B road frontage landscaping for uses in the R-5 zone and F&R zone that require CUP approval. Additionally, a 10-foot wide Type B buffer is required along both sides of the property frontage along 81<sup>st</sup> Drive NW. Extensive mature native evergreen trees and understory evergreen vegetation occur on the camp property including along the perimeter of the site. The Master Plan site plans and landscape plans indicate perimeter buffers surrounding most of the site that are 20 feet wide. In several places the proposed buffer is 50 feet wide. The site and landscape plans indicate a proposed buffer around the perimeter of the portion of the site east of Marine Drive that is 75 feet wide or wider, except for a portion that is 37 feet wide between Marine Drive and the new access drive. The Master Plan site and landscape plans indicate native vegetation preservation easements within the proposed perimeter buffers.

The density of existing native trees and understory vegetation within most of the length of the proposed perimeter buffers is sufficient to meet the intent of the buffer requirement; to provide a very dense sight barrier to significantly separate residential uses and zones from nonresidential uses and zones pursuant to SCC 30.25.017(1). The Applicant has provided a number of photographs of the existing native vegetation around the edges of the site (Exhibit A.10) that demonstrate that this vegetation meets, and in most cases exceeds the visual buffering requirement. However, there are several places within the proposed buffer where existing native vegetation is lacking or the density is very thin. In those areas the Applicant is proposing supplemental native trees and shrubs to meet the Type A buffer planting requirements of SCC 30.25.017.

- H. Landscaping Modification. Because the application was deemed complete prior to the recent amendments to Chapter 30.25 SCC, landscaping requirements that became effective in April 2009 do not apply to this application. Instead, the application is vested to the provisions of *former* SCC 30.25.040(2) & (4) stated below:

- (2) The decision maker (either the department or the hearing examiner) may approve a request for modification when:
  - (a) The proposed landscaping represents an equal or better result than would be achieved by strictly following the requirements of the code; and
  - (b) The proposed landscaping fulfills the purpose of this chapter set forth in SCC 30.25.011(1).
- ...
- (4) In considering requests for modification of perimeter landscaping requirements, the following alternative screening and buffering strategies shall be favored:
  - (a) Preservation of existing vegetation, particularly significant trees or other groupings of natural vegetation in consolidated locations;
  - (b) Better accommodation of existing physical conditions on site, including incorporation of elements to provide for wind protection or improve solar access;
  - (c) Incorporation of elements to protect or improve upon water quality;

- (d) Increased landscaping width adjacent to residential uses or zones or in other strategic locations;
- (e) Provision of a unique focal point of interest or better useable open space; and
- (f) Increased protection of wetlands and fish and wildlife habitat conservation areas and their buffers beyond.

(See, *Former SCC 30.25.040*).

The Applicant has requested the following landscaping modifications:

- To eliminate the buffer along the north property line and reduce the required 20-foot wide buffer in one location on the site pursuant to the modification provisions of SCC 30.25.040(5).
- To eliminate the requirement of planting Evergreen trees in the northeast portion of the site between a new parking area and nearby lodge buildings and the east property line as required by SCC 30.25.017(1) due to the site topography in the area. The topography at this location slopes upward approximately 12 feet to the east property line. Proposed plant material would be Serviceberry, Hybrid Manzanita, Ocean Spray, Tall Oregon Grape Red Flowering Current, and Thimble Berry, that grow between 6 and 20 feet tall (See Exhibit B.1 (Sheet L-1)).
- To reduce the required perimeter buffer to 4 feet between the south property line and the south of the building and 16 feet to the west of the building. The Applicant is proposing to plant dense native evergreen trees and shrubs in the reduced buffer area to provide a dense vegetative screen between the south property line and the storage building and camp facilities to the north. Proposed plant material would be Douglas Fir, Western Hemlock, Ocean Spray, Low Oregon Grape vine Maple, Salal, and Red Elderberry (See Exhibit B.1 (sheet L-1)).

(Exhibit A.9)

The Notice of Application for the requested Landscaping Modification was distributed on November 2, 2011 pursuant to SCC 30.25.040(4).

PDS found that the requested Landscaping Modification meets the provisions of SCC 30.25.040(2) and (4) given the conditions and physical characteristics of the site and uses and conditions of adjoining properties, subject to the perimeter buffers and landscaping indicated on the Master Plan site and landscape plans (Exhibit B.1) and recommended conditions of approval.

However, the Master Plan site and landscape plans did not show a 20-foot perimeter buffer along the north portion of the east property line extending north of 81<sup>st</sup> Drive NW, and a 20-foot buffer along the north property line. PDS recommends as a condition of approval that prior to the submittal of the first development/construction permit to begin construction of Phase 1 improvements, that the Master Plan site and landscape plans be revised to indicate a 20 foot wide perimeter landscape buffer along the west portion of the east property line north of 81<sup>st</sup> Drive NW and a 40 foot buffer adjacent to the north

property line. Staff also recommends that the native vegetation within these buffers be preserved and that a native vegetation preservation easement should be recorded that stipulates preservation of the native vegetation. However, the native vegetation preservation easement should also allow for the removal of hazardous trees; selective removal of non-native plants; selective removal of plants that provide minimal screening; and allow supplemental planting of native vegetation. Because the property north of the camp site is agricultural land zoned A-10, staff recommends that the 40-foot north buffer area should continue to be used as pasture land.

I. Consistency of the Expanded Use with the Densities allowed in the R-5 Zone.

The expansion of the existing facility includes the construction of six new buildings for staff housing on the 45-acre portion of the site on the east side of Marine Drive zoned R-5. This part of the site was added to the camp property in 1975. Several concerns were raised about the proposed expansion of camper lodging and staff housing and other Master Plan improvements on the portion of the site east of Marine Drive zoned R-5.

The existing WBCC facility and proposed Master Plan improvements are very similar to those of the youth camp described in the above AD, except the WBCC facility does include some RV/tent camping for the camp. Based on the AD, the proposed expansion of WBCC facilities on the east portion of the site zoned R-5 to construct staff housing and other Master Plan improvements on the east portion of site zoned R-5 is consistent with the AD findings and determination.

Additionally, the Hearing Examiner notes that the MDNS issued for the proposal identifies several mitigation measures that address concerns about the proposed camp expansion on the east portion of the camp property. Specific conditions of approval are recommended as means to mitigate or protect the rural character of adjacent lands, and specifically the properties to the east of Marine Drive. They include the following provisions:

1. Supplemental perimeter landscaping including trees required adjacent to Marine Drive to screen the RV/tent site lots area pursuant to SCC 30.25.020 (Perimeter Landscaping Requirements) and as indicated on the CUP Master Plan site plans and conceptual landscape plan shall be installed no later than Master Plan Phase 5, but may be installed at earlier phases given the timing of the removal of RV/tent site lots adjacent to Marine Drive.
2. Any existing and new exterior lighting shall be directed downward and away from adjacent and nearby public road right-of-way and adjacent properties to prevent off-site light impacts. Additionally, existing and new light fixtures shall be fully shielded and generate low impact lighting, if necessary, to prevent off-site light impacts.
3. A 75-foot wide buffer shall be provided around the entire site parcel located east of Marine Drive, except for an area approximately 37 feet wide between the existing staff building and Marine Drive as indicated on the Master Plan site plans and conceptual landscape plan.

4. Supplemental low growing native shrubs and plants consistent with wetland buffer plantings shall be planted in the area north and east of the horse camp as indicated on the Master Plan site plans and conceptual landscape plans to visually screen and buffer the horse camp.
5. Supplemental perimeter landscaping including trees shall be required adjacent and south of Marine Drive to screen the new access drive and existing and proposed improvements on the site parcel east of Marine Drive pursuant to SCC 30.25.020 (Perimeter Landscaping Requirements) and as indicated on Master Plan site plans and conceptual landscape plans. This supplemental landscaping shall be installed no later than the time improvements to Marine Drive are required to be installed.
6. Supplemental perimeter landscaping including trees required between the south property line and buildings and camp improvements in the vicinity of the outdoor swimming pool and the tennis courts to the north pursuant to SCC 30.25.020 (Perimeter Landscaping Requirements) and as indicated on the CUP Master Plan site plans and conceptual landscape plan shall be installed no later than Master Plan Phase 1.
7. Supplemental perimeter landscaping including trees shall be required adjacent to and west of Marine Drive to screen the maintenance yard pursuant to SCC 30.25.020 (Perimeter Landscaping Requirements) and as indicated on the CUP Master Plan site plans and conceptual landscape plan. This supplemental landscaping shall be installed no later than the date when improvements to Marine Drive are required to be installed.
8. Existing native trees and understory vegetation within required perimeter landscape buffers pursuant to SCC 30.25.020 (Perimeter Landscaping Requirements) and expanded perimeter buffers indicated on Master Plan site plans and conceptual landscape plan shall be retained. These buffer areas shall be designated as Native Growth Protection Areas (NGPA) and established with permanent easements. Such easements shall be recorded and allow for the removal of hazardous trees; selective removal of non-native plants and plants that provide minimal screening; and allow for supplemental planting of native vegetation.
9. Any proposed increase in the square footage or number of bedrooms of camp housing and lodging over 10% of that indicated on the CUP Master Plan site plans or significant changes to building footprints, landscape buffers, open space, access drives or parking on the site parcel east of Marine Drive will required a major modification to the CUP for the 30-year Master Plan.
10. Camp housing and lodging on the site parcel east of Marine Drive zoned R-5 shall continue in use as part of the approved CUP and cannot be segregated, and segregated lots cannot be leased, or

sold to another owner without proceeding through a separate subdivision review process pursuant to the requirements of SCC Title 30.

Based on the totality of the facts in the record, the Hearing Examiner finds that the proposal meets Zoning Code requirements for building height, parking, perimeter landscape buffers, parking area landscaping, building setbacks and other zoning code regulations and requirements, subject to the recommended conditions of approval.

13. Development Regulations. Finally, the Applicant must demonstrate that they have met all other applicable development regulations applicable to the proposed use. Each applicable regulation is reviewed below. The Applicant is vested to the regulations in effect on May 3, 2007. (Exhibit J)

(A) Traffic Mitigation and Road Design Standards (Title 13 SCC & Chapter 30.66B SCC)

PDS Traffic has reviewed the proposal for compliance with Title 13 and Chapter 30.66B SCC, Snohomish County Engineering Design and Development Standards (EDDS), and the appropriate policies and procedures. The subject property is located within Transportation Service Area (TSA) "A."

1. Road System Impacts [SCC 30.66B.310] A development must mitigate its impact upon the future capacity of the Snohomish County road system by paying a road system impact fee reasonably related to the impacts of the development on arterial roads located in the same transportation service area as the development, at the rate identified in SCC 30.66B.330 for the type and location of the proposed development. A development's road system impact fee will be equal to the development's new Average Daily Traffic (ADT), based on the latest edition of the ITE Trip Generation report published by the Institute of Transportation Engineers, times the per trip amount for the specific transportation service area identified in SCC 30.66B.330 or acceptable specific trip generation information provided by the Applicant or their Traffic Engineer.

Here, the traffic impacts associated with Phases 1 and 2 were evaluated for road system impacts. Additional phases will require new traffic studies to evaluate new impacts. The proposed Phases 1 and 2 development will generate 63.61 new ADT and has a road system impact fee of \$2,735.23 based on (~~(\$227/ADT)~~) \$43/ADT, which amount represents the current fee rate for commercial developments outside the UGA, for TSA "A". These figures do not include credit for on-site TDM measures. The estimated trip generation for the development is based on actual traffic counts at the existing camp during a 5 day period (Monday – Friday, July – August 2006). The project proposes a total of 56 new beds for Phases 1 and 2 of the 30-year Master Plan development. The figures above are based on a yearly average and not the worst case in the summer months.

2. Concurrency [SCC 30.66B.120] The County makes a concurrency determination for each development application to ensure the development will not impact a county arterial unit in arrears or cause a county arterial to go in arrears. The subject development has been evaluated for concurrency under the provisions of SCC 30.66B.120 and

has been deemed concurrent as of June 18, 2007. The expiration date of the concurrency determination is six years from that date. The development was deemed to be concurrent based on the fact that it generates fewer than 50 peak-hour trips in a TSA with no arterial unit in arrears. (See, SCC 30.66B.130(4)). The subject development is located in TSA "A" which, as of the date of submittal of the application, had no arterial units in arrears. The subject development generates 2.13 a.m. peak-hour trips and 5.65 p.m. peak-hour trips which is not more than the threshold of 50 peak-hour trips in which case the development would also have to be evaluated under SCC 30.66B.035.

3. Inadequate Road Condition (IRC) [SCC 30.66B.210] Regardless of the existing level of service, any development which adds three or more p.m. peak-hour trips to a location in the road system determined to have an existing IRC at the time of imposition of mitigation requirements, or development whose traffic will cause an IRC at the time of full occupancy of the development, must eliminate the IRC.

Phases 1 and 2 of the subject proposal will not impact any IRC locations identified at this time within TSA "A" with three or more of its p.m. peak hour trips, nor will it create any. Therefore, it is anticipated that mitigation will not be required with respect to inadequate road conditions and no restrictions to building permit issuance or Certificate of Occupancy/final inspection will be imposed under this section of Chapter 30.66B SCC.

4. Frontage Improvement Requirements [SCC 30.66B.410] All developments are required to make frontage improvements along the parcel's frontage on any opened, constructed, and maintained public road. According to Department of Public Works (DPW) Rule 4222.020(1), full rural frontage improvements are required along the subject parcel's frontage on Marine Drive. These improvements consist of asphalt concrete pavement consisting of 12 feet width from roadway centerline with an 8 foot paved shoulder.

Frontage improvements are required on both sides of Marine Drive since the site straddles both sides of Marine Drive. A deviation was requested and approved to eliminate construction of a 40-foot paved radius at the current terminus of 81<sup>st</sup> Drive NW. Commercial accesses, consistent with EDDS Section 2-03 and Plates 2-010 & 2-040, will be required for all accesses that do not meet this standard. This issue will be further addressed during construction plan review.

Marine Drive, on which the development's frontage improvements are required, is not in the impact fee cost basis (Appendix D of the Transportation Needs Report); therefore credits towards the Applicant's impact fee for any frontage improvements that can be used in the ultimate build-out of the road are not applicable. Construction of frontage improvements is required prior to recording, unless bonding of improvements is allowed by PDS, in which case construction is required prior to any occupancy of the development.

5. Access and Transportation Circulation [SCC 30.66B.420] All developments are required to provide for access and transportation circulation in accordance with the comprehensive plan and this chapter applicable to the particular development, to design and construct such



access in accordance with the EDDS, and to improve existing roads that provide access to the development in order to comply with adopted design standards, in accordance with SCC 30.66B.430. (See, SCC 30.66B.420) Access to state highways and city streets must be in accordance with the applicable state or city standards and requirements. Additionally, all developments that propose to take access via an existing public or private road which, for the vehicle trips projected to use the road after full occupancy of the development, is not designed and constructed in accordance with the EDDS, will be required to improve such road to bring it into compliance with the EDDS when the director of public works determines it necessary to provide for safety and the operational efficiency of the road. The extent of improvements will be established by the director of public works in accordance with SCC 30.66B.430.

Access to the project will continue through existing access points. No new access points are proposed. All sight distance requirements are met at both the north and south access points onto Marine Drive. Access to the north end of the project from 81<sup>st</sup> Drive NW is for emergency use only. 81<sup>st</sup> Drive NW is gated at the entrance to the site. The Applicant submitted information that describes how traffic is monitored during peak periods of traffic. DPW Traffic operations reviewed the peak hour impacts to the site and determined that a turn lane is not necessary. DPW has accepted the proposed layout.

The Hearing Examiner has reviewed the analysis and finds that there is substantial evidence in the record to support the required road and transportation improvements recommended by PDS and DPW.

6. Right-of-Way Requirements [SCC 30.66B.510, and .520] A development shall be required to dedicate, establish or deed right-of-way to the County for road purposes as a precondition of approval of the development, when to do so is reasonably necessary as a direct result of a proposed development, for improvement, use or maintenance of the road system serving the development.

Marine Drive is designated as a major collector arterial on the County's Arterial Circulation Map. This requires a right-of-way width of 40 feet on each side of the right-of-way centerline. Currently, 30 feet of right-of-way exists on the north side of Marine Drive from the east terminus of the project frontage west to the quarter section line. Thirty-five feet of right-of-way exists on the north side of Marine Drive from the quarter section line west to the western terminus of the project frontage on Marine Drive. Thirty feet of deeded right-of way exists on the south side of Marine Drive from the east terminus of the project frontage west to the east boundary with Warm Beach Free Methodist Church. No deeded or dedicated right-of-way exists on the south side of Marine Drive from the west boundary with Warm Beach Free Methodist Church west to the western terminus of the project frontage on Marine Drive. Therefore, five to forty (5-40) feet of right-of-way must be deeded at these locations along the project frontage on both the north and south sides of Marine Drive.

81<sup>st</sup> Drive NW is designated as local access roads on the County's Arterial Circulation Map. This requires a right-of-way width of 30 feet on each side of the right-of-way centerline. Currently, 25 feet of right-of-way exists on each side of the right-of-way centerline. Therefore, 5 feet of right-of-way must be deeded on

each side of the project's frontage on 81<sup>st</sup> Drive NW. PDS recommends adding a condition of approval that right-of-way is deeded along Marine Drive and 81<sup>st</sup> Drive NW to the satisfaction of the County.

Marine Drive and is not in the impact fee cost basis (Appendix D of the Transportation Needs Report), therefore credit towards the Applicant's impact fee for the right-of-way dedicated that is more than 30 feet from centerline is not applicable.

7. Impacts to State Highways [SCC 30.66B.710] When a development's road system includes a state highway, mitigation requirements will be established using the County's SEPA authority consistent with the terms of the interlocal agreement between the County and the Washington State Department of Transportation (WSDOT). This is consistent with the County's SEPA policy SCC 30.61.230(9), through which the County designates and adopts by reference the formally designated SEPA policies of other affected agencies for the exercise of the County's SEPA authority.

In the present case, a written offer dated April 30, 2007, of \$0.00 was submitted by the Applicant to WSDOT pursuant to SCC 30.66B.055. Comments received from WSDOT dated May 24, 2007 indicate that no traffic mitigation is required for impacts to State highways. (Exhibit E.10)

8. Impacts to City Streets and Roads in Another County [SCC 30.66B.720] Mitigation requirements for impacts on streets inside cities and roads in other counties will be established consistent with the terms of a Reciprocal Traffic Mitigation Interlocal Agreement (ILA) between the County and the other jurisdiction(s). This development is subject to SEPA and therefore, is subject to the Interlocal Agreement (ILA) between Snohomish County and the City of Arlington and the City of Stanwood.

Comments received from the City of Arlington in June, 2007, indicate that the City believed that impact fees were owed in the amount of \$16,385.82. (Exhibit H.1) Matt Palmer, Gibson Traffic Consultants, testified that they performed a Phase 1 and Phase 2 traffic study to determine the increased traffic generated from a net increase of 56 beds. (Exhibit C.1) The Study determined that the Phase 1 and 2 proposals will not add three or more directional peak hour trips to any of the projects that are part of the City's cost fee basis for imposing impact fees. As such, the traffic consultants determined that no impact fees are owed to the City of Arlington. Mark Brown, PDS, reviewed the Traffic Studies and concurs with this traffic analysis and conclusion. Mr. Easton stated that they would communicate with the City to ensure that they understood the basis of the determination that was made in this case. The Examiner notes that additional traffic studies will be required for the build out of Phases 3 through 7, and the City will have additional opportunities to comment on those future Traffic Studies and the impact of new proposals on the City's streets.

Additionally, the Applicant sent a signed notice to the City of Stanwood asserting that no impact fees are owed to the City as a result of the proposed Phases 1 and 2 expansions. Although comments from the City of Stanwood have been requested, no response was received.

There are no other jurisdictions that have an interlocal agreement with the County that will be significantly impacted by the subject development.

9. Transportation Demand Management (TDM) [SCC 30.66B.630] All new developments in the urban area shall provide TDM measures. Sufficient TDM measures shall be provided to indicate the potential for removing a minimum of five (5) percent of the development's P.M. peak hour trips from the road system. This requirement shall be met by the provisions of onsite design requirements under SCC 30.66B.640, as applicable, except where the development proposes construction or purchase of specific offsite TDM measures or voluntary payment in lieu of site design, in accordance with SCC 30.66B.620 and SCC 30.66B.625.

Here, the subject property lies outside of the UGA. Therefore, the provisions of this section do not apply.

10. SEPA Traffic Mitigation. In addition to meeting the County's traffic regulations, the Mitigated Determination of Nonsignificance (MDNS) issued November 13, 2011 (Exhibit E.2) identified the following additional traffic mitigation measures:

- A. Supplemental traffic impact analysis shall be prepared for improvements indicated on the approved CUP Master Plans for each subsequent phase after Phase 2. The supplemental analysis for each phase shall be reviewed and mitigation determined by PDS prior to issuance of any development permits for any improvements proposed for that particular phase. For example, a traffic impact analysis shall be prepared and mitigation determined by PDS for all improvements indicated on the approved CUP plan for phase 3 prior to the issuance of any development permit for any phase 3 improvements.
- B. Warm Beach Christian Camp (WBCC) will implement all of the traffic control and pedestrian safety measures identified in the Lights of Christmas Traffic Control Plan dated December 2009.

- (B) Drainage, Clearing and Grading – (Ground Disturbing Activity) (Chapters 30.63A, 30.63B, and 30.63C SCC)

The camp property can be divided into three topographic areas. The first is the upland area, the main portion of the camp, is bounded by Marine Drive to the east and Port Susan to the west. In this area, the topography generally falls from east to west and is dominated by a high marine bluff. A moderately steep ravine with a stream system also occurs in this area. The stream system (Type 3 & 4) flows across the north portion of this area and eventually flows into Port Susan Bay (Puget Sound).

The second topographic area of the site contains the lower horsemanship area of the camp and horse pasture lands. The marine bluff separates this area from the upland level of the camp. This area is largely pasture land with much of it

lying in the floodplain of Port Susan Bay. The Warm Beach Wastewater Treatment Plant (WWTP) is located in this area.

The third topographic area is located on the east portion of the site east of Marine Drive. The topography of this area is dominated by a high point that slopes downward to the north, south and west. This point contains a pair of water storage tanks for the camp. Another stream (Type 4) flows into and across the south edge of this area, through a culvert under Marine Drive and a small section of the west portion of the site and in a wooded depression (kettle) located in the center of the upland area. Soils in and surrounding the kettle are highly permeable and the water that flows into the kettle naturally infiltrates.

The primary soils in the area that will undergo development are Everett series, according to the Soil Survey of Snohomish County Area (USDA – SCS). Soils on the portion of the site east of Marine Drive and in the steep marine bluff slopes to the west of the developed area are primarily Alderwood Series. In the area of the horse stable soils are Ragnar series. The existing impervious surface area of the site is 23.3 acres.

The site is divided into four basins. Basin 1 (14.5 acres) consists of a portion of the site located to the southeast of Marine Drive. Basin 2 (77.0 acres) contains the primary area of the camp and consists of all the upland area except the bluff and stream system ravine. Basin 3 (6.0 acres) consists of a portion of the lowland area and contains the barns, camper lodging and access associated with the Horsemanship camp. Basin 4 (3.2 acres) is located in the Marine Drive right-of-way (ROW), from the crown of the road to the west edge of the ROW, and consists of the entire ROW along Basin 1.

At completion of Phase 7 of the Master Plan, 9.6 acres of impervious surface area will be added for a total impervious area of 32.9 acres.

Steep Slopes. A steep marine bluff along the west portion of the site faces Port Susan Bay. This slope is approximately 150 to 180 feet high and has downward slopes ranging from 25% to 80%. The slope of the bluff meets the definition of a Landslide Hazard Area pursuant to SCC 30.91L.040. There is no proposal to develop within the Landslide Hazard Area bluff. The geotechnical engineer addressed letters of concern regarding slope instability, erosion and stormwater drainage in the Targeted Drainage Report. According to the report, there are no signs of slope instability such as tension cracks, downssets or deep slide scars and no signs of significant soil erosion. Recent tree falls and “pistol butt” tree trunks have not resulted from landslides. There is no evidence of deep-seated instability, and the rate of recession of the steep slope should average less than one inch per year.

Low Impact Development. The Applicant is proposing a number of Low Impact Development (LID) techniques and features as part of the proposal including rain gardens, bio-retention swales, and pervious materials for access drives and parking areas. As a result of proposed LID features, future construction of the Master Plan improvements will be subject to the 2005 WSDOE Stormwater Manual and SCC Chapter 30.63C (Low Impact Development) requirements. Due to the highly permeable nature of existing soils in the camp area, stream bank erosion control and water quality treatment requirements will be met with a combination of bio-retention cells (rain gardens), permeable pavement, and infiltration trenches.

The Targeted Drainage Report dated November 11, 2010 (Exhibit C.2) contains detailed information regarding stormwater drainage. The geotechnical report dated March 23, 2009 (Exhibit C.3) contains detailed information regarding erosion and slope stability.

No drainage complaints within ¼ mile downstream of the subject site were found on file with DPW Surface Water Management.

Future construction of proposed improvements indicated on the CUP Master Plan site plans (Exhibit B.1) will require applicable building and grading permits. Development permits for Master Plan improvements will require preparation of construction level plans and details and supporting analysis and studies. Any required plans and details and supporting analysis and studies will need to be reviewed and approved by Planning and Development Services (PDS) before any development permits can be issued and improvements constructed.

Water quality will be controlled during construction by use of silt fences and straw bales in accordance with a Storm Water Pollution Prevention Plan (SWPPP) required by Chapter 30.63A SCC.

PDS (Engineering) has reviewed the Targeted Drainage Report dated November 11, 2010 (Exhibit C.2), Geotechnical Report dated March 23, 2009 (Exhibit C.3) and Targeted Drainage Plan received July 27, 2011 (Exhibit B.2) prepared for the proposal and finds that the proposal complies with applicable code requirements and standards for storm water detention, water quality treatment, pollution source control and landslide hazard areas. A complete discussion of the review is found in the final drainage memo dated February 12, 2011 (Exhibit G.3).

The CUP application was deemed complete on May 3, 2007 and is therefore vested to the drainage code requirements in effect prior to the recent amendments to Chapter 30.62A SCC, the Critical Areas Regulations (CAR). However, the Applicant has volunteered to comply with the requirements of SCC 30.62B.340 (Landslide hazard areas) to provide additional mitigation of the potential slope instability impacts. SCC 30.62B.340 requires a minimum top of the slope setback of 50 feet or the height of the slope divided by three, whichever is greater. As noted above the slope is approximately 180 feet high. Based on the slope height, the minimum slope protection setback would be 50 feet. There are six existing buildings that lie within 50 feet of the top of the steep marine bluff. These buildings will remain and will not be altered. It also appears, based on surveys that the north end of Cedar Lodge is located within the 50-foot protection setback. An addition to Cedar Lodge is planned as part of the Master Plan improvements. However, the addition will be constructed outside of the 50-foot setback. No new buildings or structures will be constructed within 50 feet of the top of this slope.

PDS (Engineering) is recommending approval of the proposal subject to conditions that would be imposed during full drainage plan review pursuant to SCC Chapters 30.63A (Drainage), 30.63B (Grading) and 30.63C (Low Impact Development).

SEPA Mitigation for Stormwater Drainage, Erosion and Landslide Hazard Impacts. In addition to the above recommended conditions of approval to mitigate stormwater drainage, grading erosion and slope stability impacts, the

MDNS issued for the proposal identified the following additional stormwater drainage, erosion and landslide hazard mitigation measures:

Stormwater Drainage:

1. In Basin 1, as described in the Targeted Drainage Report dated November 11, 2010, all driving and parking surfaces shall be composed of pervious materials and buffered with bio-retention facilities of an area twice that of the tributary hardened surface area (impervious surface area).
2. In Basin 1, as described in the Targeted Drainage Report dated November 11, 2010, roofs of all buildings and structures shall be constructed with at least a 2-foot overhang. Roofs will not have gutters and will drain to bio-retention facilities at the drip line.
3. In Basin 2, as described in the Targeted Drainage Report dated November 11, 2010, roof runoff shall be tight lined and routed away from the west marine bluff to obtain the required 50-foot setback pursuant to 30.62B.340 (Landslide hazard areas).
4. In Basin 3, as described in the Targeted Drainage Report dated November 11, 2010, roofs located near areas heavily used by horses or livestock shall have downspouts routed to bio-retention/infiltration facilities. Parking areas in Basin 3 on less permeable soils shall include rain gardens and be constructed with pervious materials and shall be constructed with under drains to direct treated runoff to Stream Bank Erosion Control Facilities as indicated on the Targeted Drainage Plan received July 27, 2011.
5. Bio-retention facilities shall be constructed to treat stormwater from road frontage improvements. These facilities will be twice the area of the impervious surface of the frontage improvements.
6. All building rain gutters and downspouts shall be adequately maintained and downspouts modified, if necessary, to prevent discharge of stormwater into horse paddocks, pasture "sacrifice areas" or areas that are heavily used by horses or livestock.

Erosion and Landslide Hazard Areas:

1. A specific geotechnical analysis shall be prepared for any building or structure proposed within 50 feet of the top of the slope of the west marine bluff as indicated on the Master Plan site plans prior to issuance of a required building permit.
2. Protected setback areas, the greater of either 50 feet wide or width equal to the height of the slope divided by three pursuant to the requirements of SCC 30.62B.340 (Landslide hazard areas) adjacent to steep slopes that meet the definition of SCC 30.91L.040 (Landslide hazard areas) shall be provided. No clearing or grading shall occur in these setback areas pursuant to SCC 30.62B.340.

3. Protected setback areas adjacent to steep slopes that have previously been disturbed or denuded, or may be disturbed by construction of future Master Plan improvements shall be replanted to comply with the vegetation restoration requirements of SCC 30.62.B.340 (Landslide hazard areas).
4. The Applicant shall implement the specific erosion control recommendations of the Environmental Site Plan by Eissinger & Drummond dated December 1997 to stabilize erosion areas and surficial slope failures as part of Master Plan Phase 1. The Applicant shall monitor these areas for erosion and take immediate action to mitigate future erosion and slope impacts.
5. The Applicant shall impose seasonal limitations on clearing and grading immediately adjacent to critical areas and required buffers to minimize potential impacts of erosion and sedimentation.
6. Conveyance trenches shall be constructed to transport stormwater runoff from ponding areas or areas of surface sedimentation transport to areas with soil containing coarser sands or gravels. The trenches are intended to provide temporary infiltration during construction. In other construction areas, filter fabric fencing, sedimentation ponds and other Snohomish County-approved surface water controls will be used to prevent sediment-laden water from leaving the construction area.
7. Any construction proposed during winter months shall comply with grading and stormwater requirements of SCC Chapters 30.63A (Drainage) and 30.63B (Grading) to mitigate potential impacts of wet season construction activity.

(C) Critical Areas Regulations (Chapters 30.62, 30.62A, 30.62 B, and 32.62C SCC)

The subject site contains two Type 3 streams, one Type 4 stream, and one Category 1 wetland associated with Port Susan Bay. The site also contains one Category 1 wetland (Wetland A) and two Category 3 wetlands (B & C). Four more wetlands (D - G) and the upper parts of streams A and B are located on the upper part of the site east of the bluff. The locations, wetland categories and stream types have been confirmed by PDS. The two streams classified as Type 3 streams are classified as such because they are either known or presumed to contain fish based on the physical characteristics of the stream (SCC 30.62.300). Bull trout, Chinook salmon and steelhead trout are listed under the State and Federal Endangered Species Acts as threatened, and are assumed to either be present or have the potential for being present in the Type 3 streams due to their physical characteristics and close proximity to the marine waters of Port Susan. While there are numerous listed threatened and endangered species that are known or assumed to be present in Port Susan Bay, there are none in close enough proximity to be affected by the proposed project. A complete discussion of the review is found in the memorandum by Randy Middaugh, PDS Senior Biologist, dated November 22, 2011 (Exhibit G.4).

PDS reviewed the *Critical Areas Study, Habitat Management Plan and Wetland Mitigation Plan* (Exhibits B.3 & C.4), prepared for the proposal and determined that the application is in conformance with *former* Chapter 30.62 SCC and is

consistent with the purpose and objectives of the chapter to safeguard the public health, safety and welfare, subject to the recommended conditions of approval.

SEPA Water Quality Mitigation. In addition to the above recommended conditions of approval to mitigate water quality impacts, the MDNS issued for the proposal identified the following additional water quality mitigation measures:

1. The Applicant shall continue to monitor water quality including fecal coli form monitoring. If monitoring indicates increasing fecal coli form levels, WBCC shall work with Snohomish County Surface Water Management, WSDOE, Tribes and other interested agencies and organizations to identify the source of increasing levels. If it is determined that the WBCC horse program is contributing to the increase, WBCC shall implement additional measures to mitigate fecal coli form sources at the camp.
2. Horse riders shall use an alternate trail between the Waste Water Treatment Plant (WWTP) and the dike road and not ride on the portion of the dike closer than 20 feet to the adjacent stream. An alternative horse trail in the immediate vicinity of the WWTP and the dike road will continue to be used to keep horse riding away from the stream.
3. The Applicant shall implement all recommendations identified in the Resource Management Plan dated June 18, 2010 and Warm Beach Christian Camp Farm Habitat and Plan dated June 10, 2010. The Resource Management Plan will be updated and revised in the future. Any modified or revised mitigation measure(s) in an updated Resource Management Plan shall meet the mitigation objectives and provide equal or improved protection of critical areas and adjacent water bodies from increased nutrient loading and fecal coli form impacts.
4. The Applicant shall implement all mitigation measures identified in the Critical Area Study, Habitat Management Plan and Wetland Mitigation Plan by Wetland Resources, Revision #4, dated July 22, 2011 as part of Phase 1 improvements, unless specific mitigation measures are recommended to be implemented in future Master Plan phases.
5. The Applicant shall continue to work with the Snohomish County Conservation District and US Department of Agriculture Natural Resources Conservation Service (NRCS) to regularly update the camp's current Resource Management Plan dated June 18, 2010 and implement all recommended measures to mitigate water quality impacts. The Resource Management Plan shall be updated at least every three years. The updated plan shall address a maximum herd size not to exceed 65 horses on a permanent year-round basis at the camp.
6. Prior to issuance of any required development permits for Master Plan improvements located adjacent to or near delineated critical areas, the location of such areas shall be field verified by a professional wetland biologist.



7. Existing fencing at the camp shall be maintained at a least 5 feet from all drainage ditches on the site.

(D) International Fire Code (Chapter 30.53A SCC)

The application was reviewed and approved by the County's Fire Marshal's Office on December 28, 2010. The Fire Marshal's Office recommended conditions that will apply to construction permits for Master Plan improvements. The general fire flow requirement for the camp is 1250 gpm for 120 minutes. This was confirmed by the Snohomish County Fire Marshal on April 6, 2010. However, fire flow requirements may change depending on the size and type of structure and the use of an automated system.

(E) Utilities

The long range goal of WWTP is to reuse Class A effluent to offset irrigation consumption of potable water. Even with using the reuse for irrigation needs there will always be a need for effluent discharge to Port Susan Bay seasonally. Recent improvements to the WWTP completed in 2008 increased the capacity of the facility to 150,000 gallons of treated sewage per day (gpd). This is more than sufficient to meet the requirements of the 30-year Master Plan.

The upgraded WWTP was designed to provide sewer service to the WBCC, Warm Beach Senior Community and Warm Beach Free Methodist Church. The WWTP may potentially serve a new elementary school in the vicinity if it is constructed in the future. The build-out Potable Water. The potable water supply for the WBCC is owned by Warm Beach Camp Water. The system is managed by the Warm Beach Water and Wastewater Service under contract to WBCC. Currently the water use of the camp and Warm Beach Senior Community (and planned expansion) is equivalent to 550 Residential Customer Equivalent (RCEs). The water system is currently permitted by the Washington State Department of Health (WSDOH) to 738 RCEs. However, the water transmission line is not capable of the flow needed to supply 738 RCEs and will need to be upgraded at 585 RCEs. Water storage will be an issue at 585 RCEs. A new water storage tank will be added as part of Phase 1 improvements. This new tank will need to provide at least 100,000 gallons of storage. Based on current information, build-out of the 30-year Master Plan will increase water demand by 11 RCEs. Total RCEs for the camp at the end of the 30-year Master Plan will be 572.5 RCEs. (Exhibit A.17)

Wastewater. In the past, serious concerns were raised by citizens about effluent reaching Port Susan Bay and the nearby beaches. However, new regulatory controls and mitigation requirements are now in place for wastewater impacts through the NPDES permit issued for the Warm Beach WWTP by the Washington State Department of Ecology (DOE) (NPDES Permit #WA-002990-4) on October 28, 2008. (Exhibit A.18) The WWTP has received two "Outstanding Wastewater Treatment Plant" awards from DOE for achieving full compliance with its discharge permit in 2007 and 2009. (Exhibit A.20)

The Warm Beach Christian Camp & Conference Center Wastewater Treatment System is comprised of an aerated lagoon (primary treatment), a constructed wetland treatment system (secondary treatment) and a membrane filter treatment system (tertiary treatment).

The long range goal of the WBCB Master Plan is estimated to generate a capacity demand of approximately 56,800 gpd. (Exhibit A.17)

Accordingly, the Hearing Examiner finds that adequate water supply and wastewater treatment facilities exist to serve the proposed expansion. Additionally, the Hearing Examiner finds that recent improvements in the functioning of the WWTP pursuant to its NPDES permit have mitigated impacts to water quality and environmental impacts to Port Susan Bay and nearby beaches.

(F) School Impact Mitigation (Chapter 30.66C SCC)

This proposal does not meet the definition of “development” as per SCC 30.91D.220 and, therefore, is not subject to school mitigation fees in accordance with SCC 30.66C.010(2).

(G) Park and Recreation Impact Mitigation (Chapter 30.66A SCC)

This proposal does not meet the definition of “development” as per SCC 30.91D.200 and consequently, is not subject to parks mitigation fees in accordance with SCC 30.66A.010(3).

(H) Land Use Permit Binder (SCC 30.42C.200)

The Applicant is required to file a Land Use Permit Binder (LUPB) prior to the initiation of any site work. While there is an existing LUPB on file for the current facility, PDS has included a recommended condition of approval to ensure that an updated LUPB is recorded.

Based on the foregoing facts set forth in Paragraph 12 and 13, the Hearing Examiner finds that the proposal complies with the County’s zoning and development regulations.

14. The proposal will not be materially detrimental to uses or property in the immediate vicinity.

A. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding property.

The Applicant’s response to the CUP decision criteria in SCC 30.42C.100 are found in Exhibit A.5. All Master Plan improvements will comply with all applicable County regulations and development standards. Perimeter landscape buffers, most of which are wider than required by code, provide an effective visual buffer of the planned Master Plan improvements from surrounding rural residential development. The supplemental landscaping or an expanded buffer in locations where landscaping modifications are requested provide equal or better result than that achieved by strictly following the requirements of the code. Construction of Master Plan improvements will utilize low impact development techniques and features per County LID requirements to reduce stormwater drainage impacts. Installation of supplemental native vegetation will enhance the visual and environmental character of the camp development. Adherence to County development regulation and standards, MDNS mitigation measures and

recommended conditions of approval will ensure that the camp development will not be detrimental to the immediate vicinity.

Staff recommends as a condition of approval that the requested CUP revision should expire five (5) years after the date of approval unless the Applicant applies for a development/construction permit (grading, land disturbance activity or building permit) to begin construction of Master Plan Phase 1 improvements within that time.

Additionally, staff recommends that if the permit does not expire after five years, the CUP shall expire fifty (50) years from the date of approval, unless the Applicant applies for a development/construction permit to begin construction of Phase 7 improvements within fifty years of the approval date. If construction of Master Plan improvements does not commence as recommended above, then the existing CUP would remain in force. The Hearing Examiner finds that such an expiration date would be difficult to enforce, since the applicant intends to reserve the right to move projects from one phase to another. The Examiner finds that an outright expiration date for the CUP, with an optional right to seek renewal after a public review process is a better approach. A 50-year outright expiration date will allow certainty for the Applicant and the public as to the length of the current approval, and the opportunity to seek a renewal will provide all parties with the ability to have input on the continued operation of this conditional use, and whether it still meets the County's CUP requirements.

**B. Implementation of SEPA Mitigation Measures**

The MDNS issued for the proposal identified the following mitigation measure to ensure the on-going and coordinated implementation of the voluntary and SEPA imposed mitigation measures over the 30-year time period of the Master Plan.

An environmental management/advisory committee shall be established to coordinate and provide on-going oversight of the WBCC's implementation of all voluntary and SEPA imposed mitigation measures for the 30-year Master Plan. This committee shall meet at least once a year and at a minimum shall include WBCC staff and members of the Warm Beach Stewards. In addition to WBCC staff and Warm Beach Stewards members, the advisory committee may also include other members as appropriate.

The SEPA mitigation measures are reflected as recommended conditional of approval. The voluntary mitigation measures offered by the Applicant are considered as part of the proposal together with the Master Plan site and landscape plans (Exhibits B.1 & B.4), Critical Areas Study, Habitat Management Plan and Wetland Mitigation Plan (Exhibits B.3 & C.4) and Targeted Drainage Plan (Exhibit B.2). Staff has recommended approval of the CUP subject to these conditions.

The Hearing Examiner has considered the proposed application in light of the Findings of Fact Nos. 1 through 14 (A) and (B), and finds that the County's regulations, performance standards, the proposed voluntary offers of SEPA mitigation provided through the MDNS, the precondition and conditions of approval all ensure that the proposed WBCC expansion responds appropriately to the existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding property.

Additionally, the Hearing Examiner has placed a limitation on the length of the duration of the CUP that will allow for further review and consideration of the operation of the site under the proposed amendment in 50 years. As such, the Hearing Examiner finds that the proposal will not be materially detrimental to uses or properties in the immediate vicinity.

15. Based on the foregoing Findings of Fact, the Hearing Examiner finds that the proposal meets all of the requirements of the County's CUP regulations and should be approved, subject to the recommended conditions.
16. Any Finding of Fact which should be deemed a Conclusion of Law in this Decision is hereby adopted as such.

### **CONCLUSIONS OF LAW**

1. The Examiner has original jurisdiction over the CUP application pursuant to Chapter 2.02 SCC and SCC 30.72.020.
2. In issuing a CUP, the Hearing Examiner has broad discretion to impose conditions of approval. The Hearing Examiner may:
  - (a) Increase requirements in the standards, criteria, or policies established by [Title 30 SCC];
  - (b) Stipulate the exact location as a means of minimizing hazards to life, limb, property damage, erosion, landslides, or traffic;
  - (c) Require structural features or equipment essential to serve the same purpose set forth in 30.42C.100 (2)(b);
  - (d) Impose conditions similar to those set forth in items 30.42C.100(2)(b) and 30.42C.100(2)(c) as may be deemed necessary to establish parity with uses permitted in the same zone in their freedom from nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards, and similar matters. The hearing examiner may not in connection with action on a CUP, reduce the requirements specified by [Title 30 SCC] as pertaining to any use nor otherwise reduce the requirements of [Title 30 SCC] in matters for which a variance is the remedy provided;
  - (e) Assure that the degree of compatibility with the purpose of this title shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses, within the general area in which the use is proposed to be located;
  - (f) Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, dust, fumes, vibration, odors, and hazard or public need;
  - (g) Require the posting of construction and maintenance bonds or other security sufficient to secure to the county the estimated cost of construction and/or installation and maintenance of required improvements; and
  - (h) Impose any requirement that will protect the public health, safety, and welfare.
3. Based upon the entire record and the Findings of Fact herein, the Examiner concludes that the application has met all of the required approval criteria for an amendment to a CUP, subject to the proposed precondition and conditions of approval.

4. The Hearing Examiner concludes that the proposed use is “conditional” rather than “permitted” under the County’s zoning regulations. The Examiner concludes that unlike a permitted use, a conditional use does not have an expectation of permanent occupancy on a site zoned F & R, A-10 and R-5, such that it should have no permit expiration date. As such, the Examiner concludes that it is necessary and appropriate to ensure that the operation of the expanded camp and conference center remains compatible with those other surrounding permitted uses and does not become detrimental to the public health, safety and welfare. To ensure that the conditional use meets those objectives, the Hearing Examiner should impose an expiration date on the CUP granted here, with a provision allowing renewal of the permit, and specifying the review process and public hearing that should be used to ensure appropriate public participation. The Hearing Examiner concludes that a 50-year permit should be granted with an opportunity for renewal after review and a public process.
5. The proposal is consistent with the GMACP; GMA-based county codes, the type and character of land use permitted on the project site, the permitted density and applicable design and development standards.
6. The proposal complies with applicable requirements of Title 30 SCC.
7. Transportation impact fees imposed under the provisions of Title 30 SCC and through Interlocal Agreements do not vest and are calculated herein for convenience of the parties only. *New Castle Invs. v. City of Lacenter*, 98 Wn. App. 224, (1999). The actual fees imposed will be subject to the rates in effect at the time of building permit issuance.
8. As conditioned, the Hearing Examiner concludes that the proposal will not be materially detrimental to uses or property in the immediate vicinity.
9. As conditioned, the proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding property.
10. Adequate public and/or private services exist to serve the proposal.
11. If approved with the recommended precondition and conditions, the proposal will make adequate provisions for the public health, safety and general welfare.
12. The Examiner concludes that the major revision to the CUP should be granted.
13. Any Conclusion of Law in this Decision which should be deemed a Finding of Fact is hereby adopted as such.

### **DECISION AND ORDER**

1. The Conditional Use Permit issued on October 5, 1973 under Written Order No. 94 (CU-45-73 & V-42-73) is hereby rescinded, except as provided below in Conditions E.1.

2. A new **CONDITIONAL USE PERMIT** is **GRANTED** to the Applicant for the operation of an expanded camp and conference center on the subject property as described in the application, subject to the following **PRECONDITION AND CONDITIONS**:

**PRECONDITION**

- A. A Record of Developer's Chapter 30.66B SCC mitigation obligations shall have been recorded with the County Auditor as required by SCC 30.66B.070.

**CONDITIONS**

- A. The CUP plans received by PDS on November 16, 2010 (Exhibit B.4), July 27, 2011 (Exhibits B.2 & B.3) and October 11, 2011 (Exhibit B.1) shall be the official site and landscape plans for the proposal. Any changes to the CUP plans for the subject property are governed by SCC 30.42C.110.
- B. Prior to submittal of any development/construction permit applications for Phase 1 improvements by to<sup>1</sup> the County:
- i. The Master Plan site and landscape plans shall be revised to indicate a 20-foot perimeter landscape buffer adjacent to the east property line of the portion of the site west of Marine Drive extending from 81<sup>st</sup> Drive NW to the northeast property corner; ~~and a 75-foot perimeter landscape buffer along the entire north property of the same portion of the site~~<sup>2</sup> pursuant to SCC 30.25.020(2) and 30.25.040(5).
  - ii. The Master Plan site and landscape plans shall be revised to indicate a 40-foot perimeter landscape buffer along the entire north property of the portion of the site west of Marine Drive of the site pursuant to SCC 30.25.020(2) and 30.25.040(5). This buffer shall utilize the existing native vegetation within the buffer area and not require installation of Type A landscaping. The buffer shall continue to be used as pasture land.
  - iii. The Master Plan site and landscape plans shall be revised to indicate a native vegetation preservation easement that corresponds to the perimeter landscape buffers described in Conditions B.i and B.ii above.
- C. Prior to initiation of any site work (e.g.: clearing, grading or filling) and/or prior to issuance of any development/construction permits for any Master Plan improvements by the county:
- i. All site development work shall comply with the requirements of the plans and permits approved pursuant to Conditions A and B, above.
  - ii. The Applicant shall pay an impact fee to Snohomish County for traffic impacts to Transportation Service Area A in the estimated amount of \$2,735.23. (Traffic impact fees do not vest and are estimated and determined at the time of building permit issuance.) This fee applies to Phases 1 and 2 and payment may be made proportionately with each building permit. Credit for certain expenditures may be allowed against

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<sup>1</sup> Scrivener's error – corrected 12/11/12

<sup>2</sup> Scrivener's error – corrected 12/11/12

said payments to the extent authorized by County Code. Any reduction of the amount shall be documented in the records of developer obligations form.

- iii. Right-of-way shall be deeded to the satisfaction of the County in accordance with SCC 30.66B.520 along the subject parcel's frontage on Marine Drive and 81<sup>st</sup> Drive NW.
- iv. The Applicant shall mark with temporary markers in the field the boundary of all Native Growth Protection Areas (NGPA) required by Chapter 30.62 SCC, or the limits of the proposed site disturbance outside of the NGPA, using methods and materials acceptable to PDS.
- v. A final mitigation plan shall be submitted and approved consistent with the *Critical Areas Study Habitat Management Plan for Warm Beach Christian Camp Long Range Plan*, Wetland Resources, Revision #4, July 22, 2011. (Exhibit C.4)
- vi. Performance security shall be required for the proposed mitigation consistent with the requirement of Chapter 30.84 SCC.
- vii. Native Growth Protection Areas (NGPAs) shall be designated and placed in ~~((vegetation preservation))~~ easements ~~((that))~~ corresponding to all perimeter landscape buffers indicated on Master Plan site and landscape plans (Exhibit B.1), including revised plans per Conditions B.i – iii above, shall be prepared and recorded with the County Auditor. The easements shall stipulate that all native vegetation shall be preserved and also allow for the removal of hazardous trees; selective removal of non-native plants; selective removal of plants that provide minimal screening; and allow supplemental planting of native vegetation.
- viii. A Land Use Permit Binder shall be recorded with the County Auditor and the recording number shall be provided.
- ix. The Applicant shall provide a storm water pollution prevention plan (SWPPP) and utilities (water and sewer) plan shall be provided.
- x. The Applicant shall demonstrate vertical separation to high seasonal water table, below rain gardens, permeable and that pavement and infiltration trenches meet EDDS standards.
- xi. The Applicant shall demonstrate that construction complies with the geotechnical engineer's recommendations.
- xii. The Applicant shall demonstrate how the development meets any required structural or operational pollution source control best management practices for the animal handling facility.
- xiii. The Applicant shall demonstrate compliance with EDDS 5-11.A for any proposed impervious surfaces within public roads for which water quality treatment or stream bank erosion control facilities are required.
- xiv. A specific geotechnical analysis shall be prepared for any building or structure proposed within 50 feet of the top of the slope of the west

marine bluff as indicated on the Master Plan site plans prior to issuance of a required building permit.

- xv. The location of all delineated critical areas adjacent to or near any Master Plan improvements shall be field-verified by a professional wetland biologist.

D. Prior to any Certificate of Occupancy, final inspection or approval:

- i. Rural frontage improvements shall be constructed along the parcel's frontage on Marine Drive to the satisfaction of the County.
- ii. A Critical Areas Site Plan shall be recorded with the County in accordance with Section 30.62.075 SCC containing the following restrictive language;
  - "All NATIVE GROWTH PROTECTION AREAS shall be left permanently undisturbed in a substantially natural state. No clearing, grading, filling, building construction or placement, or road construction of any kind shall occur, except removal of hazardous trees."
- iii. Native Growth Protection Area boundaries (NGPA) shall have been permanently marked on the site prior to final inspection by the County, with both NGPA signs and adjacent markers which can be magnetically located (e.g.: rebar, pipe, 20 penny nails, etc.). The Applicant may use other permanent methods and materials provided they are first approved by the County. Where a NGPA boundary crosses another boundary (e.g.: lot, tract, plat, road, etc.), a rebar marker with surveyors' cap and license number must be placed at the line crossing.
- iv. NGPA signs shall have been placed no greater than 100 feet apart around the perimeter of the NGPA. Minimum placement shall include one Type 1 sign per critical area feature, and at least one Type 1 sign shall be placed in any lot that borders NGPA, unless otherwise approved by the Department. The design and proposed locations for the NGPA signs shall be submitted to the Department for review and approval prior to installation.
- v. The final mitigation plan (*Critical Areas Study, Habitat Management Plan, and Wetland Mitigation Plan for Warm Beach Christian Camp Long Range Plan*, Wetland Resources, Revision #4, July 22, 2011) (Exhibits B.3 & C.4) shall have been completed and inspected by PDS.

E. In conformity with applicable standards and timing requirements:

- i. The CUP, if approved by the Hearing Examiner, shall expire five (5) years from the date of approval unless the Applicant applies for a development/construction permit (grading, land disturbance activity or building permit) to begin construction of Master Plan Phase 1 improvements within the prescribed five-year time period. If this CUP does expire, then the existing CUP authorized under Written Order No. 94 of the Snohomish County Zoning Adjuster shall continue to be in full force and effect. The Applicant retains the right to alter the phasing of specific projects, and may move projects from one phase to another.



- ii. The proposal shall comply with all conditions for approval stated in the current CUP for the subject property (CU 45-73) (Exhibit A.11), except Condition 4.B that is modified to read, "The natural environment shall be maintained and all buildings and structures shall comply with the setbacks to property boundaries indicated on the approved Master Plan site plans."
- iii. A parking demand analysis shall be prepared for each Master Plan phase after Phase 2 to verify that adequate on-site parking is provided for future Master Plan phases. A minor modification to the CUP will be required if additional parking stalls are needed.
- iv. Supplemental traffic impact analysis shall be prepared for improvements indicated on the approved CUP Master Plans for each Master Plan phase after Phase 2. The supplemental analysis for each phase shall be reviewed and mitigation determined by PDS prior to issuance of any development permits for any improvements proposed for that particular phase.
- v. Warm Beach Christian Camp (WBCC) shall implement all of the traffic control and pedestrian safety measures identified in the Lights of Christmas Traffic Control Plan dated December 2009.
- vi. In Basin 1, as described in the Targeted Drainage Report dated November 11, 2010 (Exhibit C.2), all driving and parking surfaces shall be composed of pervious materials and buffered with bio-retention facilities of an area twice that of the tributary hardened surface area (impervious surface area) if space is available.
- vii. In Basin 1, as described in the Targeted Drainage Report dated November 11, 2010 (Exhibit C.2), roofs of all buildings and structures shall be constructed with at least a 2-foot overhang. Roofs shall not have gutters and shall drain to bio-retention facilities at the drip line.
- viii. In Basin 2, as described in the Targeted Drainage Report dated November 11, 2010 (Exhibit C.2), roof runoff shall be tight lined and routed away from the west marine bluff to obtain the required 50-foot setback pursuant to 30.62B.340 (Landslide hazard areas).
- ix. In Basin 3, as described in the Targeted Drainage Report dated November 11, 2010 (Exhibit C.2), roofs located near areas heavily used by horses or livestock shall have downspouts routed to bio-retention/infiltration facilities. Parking areas in Basin 3 on less permeable soils shall include rain gardens and be constructed with pervious materials and shall be constructed with under drains to direct treated runoff to Stream Bank Erosion Control Facilities as indicated on the Targeted Drainage Plan received July 27, 2011.
- x. Bio-retention facilities shall be constructed to treat stormwater from road frontage improvements. These facilities will be twice the area of the impervious surface of the frontage improvements if space is available.
- xi. All building rain gutters and downspouts shall be adequately maintained and downspouts modified, if necessary, to prevent discharge of

stormwater into horse paddocks, pasture “sacrifice areas” or areas that are heavily used by horses or livestock.

- xii. Protected setback areas the greater of either 50 feet wide or width equal to the height of the slope divided by three pursuant to the requirements of SCC 30.62B.340 (Landslide hazard areas) adjacent to steep slopes that meet the definition of SCC 30.91L.040 (Landslide hazard areas) shall be provided. No clearing or grading shall occur in these setback areas pursuant to SCC 30.62B.340.
- xiii. Protected setback areas adjacent to steep slopes that have previously been disturbed or denuded, or may be disturbed by construction of future Master Plan improvements shall be replanted to comply with the vegetation restoration requirements of SCC 30.62.B.340 (Landslide hazard areas).
- xiv. The Applicant shall implement the specific erosion control recommendations of the Environmental Site Plan by Eissinger & Drummond dated December 1997 to stabilize erosion areas and surficial slope failures as part of Master Plan Phase 1. The Applicant shall monitor these areas for erosion and take immediate action to mitigate future erosion and slope impacts.
- xv. The Applicant shall impose seasonal limitations on clearing and grading immediately adjacent to critical areas and required buffers to minimize potential impacts of erosion and sedimentation.
- xvi. Conveyance trenches shall be constructed to transport stormwater runoff from ponding areas or areas of surface sedimentation transport to areas with soil containing coarser sands or gravels. The trenches are intended to provide temporary infiltration during construction. In other construction areas, filter fabric fencing, sedimentation ponds and other Snohomish County-approved surface water controls will be used to prevent sediment-laden water from leaving the construction area.
- xvii. Any construction proposed during winter months shall comply with grading and stormwater requirements of SCC Chapters 30.63A (Drainage) and 30.63B (Grading) to mitigate potential impacts of wet season construction activity.
- xviii. The Applicant shall continue to monitor water quality including fecal coli form monitoring. If monitoring indicates increasing fecal coli form levels, WBCC shall work with Snohomish County Surface Water Management, WSDOE, Tribes and other interested agencies and organizations to identify the source of increasing levels. If it is determined that the WBCC horse program is contributing to the increase, WBCC shall implement additional measures to mitigate fecal coli form sources at the camp.
- xix. The Applicant shall maintain an alternate trail between the Waste Water Treatment Plant (WWTP) and the dike road and instruct riders to not ride on the portion of the dike closer than 20 feet to the adjacent stream. An alternative horse trail in the immediate vicinity of the WWTP and the dike road shall continue to be used to keep horse riding away from the stream.

- xx. The Applicant shall implement all recommendations identified in the Resource Management Plan dated June 18, 2010 and Warm Beach Christian Camp Farm Habitat and Plan dated June 10, 2010. The Resource Management Plan will be updated and revised in the future. Any modified or revised mitigation measure(s) in an updated Resource Management Plan shall meet the mitigation objectives and provide equal or improved protection of critical areas and adjacent water bodies from increased nutrient loading and fecal coli form impacts. Horses stabled in individual or group stalls shall have manure removed at least every other day, if not daily.
- xxi. The Applicant shall continue to work with the Snohomish County Conservation District and US Department of Agriculture Natural Resources Conservation Service (NRCS) to regularly update the camp's current Resource Management Plan dated June 18, 2010 and implement all recommended measures to mitigate water quality impacts. The Resource Management Plan shall be updated at least every three years. The updated plan shall address a maximum herd size not to exceed 65 horses on a permanent year-round basis at the camp.
- xxii. Existing fencing at the camp shall be maintained at least 5 feet from all drainage ditches on the site.
- xxiii. An environmental management/advisory committee shall be established to coordinate and provide on-going oversight of the WBCC's implementation of all voluntary and SEPA imposed mitigation measures for the 30-year Master Plan. This committee shall meet at least once a year and at a minimum shall include WBCC staff and members of the Warm Beach Stewards. In addition to WBCC staff and Warm Beach Stewards members, the advisory committee may also include other members as appropriate.
- xxiv. Supplemental perimeter landscaping shall be installed including trees required adjacent to Marine Drive to screen the RV/tent site lots area as indicated on the Master Plan site and landscape plans (Exhibit B.1) shall be installed no later than Master Plan Phase 5, but may be installed at earlier phases given the timing of the removal of RV/tent site lots adjacent to Marine Drive.
- xxv. Any existing and new exterior lighting shall be directed downward and away from adjacent and nearby public road right-of-way and adjacent properties to prevent off-site light impacts. Additionally, existing and new light fixtures shall be fully shielded and generate low impact lighting, if necessary, to prevent off-site light impacts.
- xxvi. A 75-foot wide buffer shall be provided around the entire portion of the site east of Marine Drive, except for an area approximately 37 feet wide between the existing staff building and Marine Drive as indicated on the Master Plan site and landscape plans (Exhibit B.1).
- xxvii. Supplemental low-growing native shrubs and plants consistent with wetland buffer plantings shall be planted in the area north and east of the horse camp as indicated on the Master Plan site and landscape plans. (Exhibit B.1)

- xxviii. Supplemental perimeter landscaping including trees shall be installed adjacent and south of Marine Drive to screen the new access drive and existing and proposed improvements on the portion of the site east of Marine Drive as indicated on Master Plan site and landscape plans. (Exhibit B.1) This supplemental landscaping shall be installed no later than the time improvements to Marine Drive are required to be installed.
- xxix. Supplemental perimeter landscaping including trees required between the south property line and buildings and camp improvements in the vicinity of the outdoor swimming pool and the tennis courts to the north as indicated on the Master Plan site and landscape plans (Exhibit B.1) shall be installed no later than Master Plan Phase 1.
- xxx. Supplemental perimeter landscaping including trees shall be required adjacent to and west of Marine Drive to screen the maintenance yard pursuant to SCC 30.25.020 (Perimeter Landscaping Requirements) and as indicated on the Master Plan site and landscape plans. (Exhibit B.1) This supplemental landscaping shall be installed no later than the date when improvements to Marine Drive are required to be installed.
- xxxi. Existing native trees and understory vegetation shall be retained within required perimeter landscape buffers and within expanded perimeter buffers as indicated on Master Plan site and landscape plans. (Exhibit B.1)
- xxxii. Any proposed increase in the square footage or number of bedrooms of camp housing and lodging which exceeds 10% of that indicated on the Master Plan site plans (Exhibit B.1) or significant changes to building footprints, landscape buffers, open space, access drives or parking on the portion of the site east of Marine Drive shall require a major modification to the CUP for the 30-year Master Plan.
- xxxiii. Camp housing and lodging on the portion of the site east of Marine Drive zoned R-5 shall continue in use as part of the approved CUP and cannot be segregated; and segregated lots cannot be leased, or sold to another owner without proceeding through a separate subdivision review process pursuant to the requirements of SCC Title 30.

F. Notwithstanding any other condition set forth herein, this permit shall expire on December 31, 2061, unless the Applicant or its successor in interest seeks an extension of the CUP by notifying PDS, or its successor agency, if any, no later than twelve (12) months prior to the expiration date of the permit in accordance with SCC 30.42C.110. The permit expiration shall be stayed until the process described below has been completed.

- i. In seeking an extension, the Applicant shall indicate whether any changed conditions require modification of any Condition of the permit.
- ii. PDS shall review the request and the ongoing operations on the site relative to the permittee's conformance with the terms and conditions of this Decision, and whether any changed conditions require additional review, potential mitigation, and/or change to the Conditions set forth in this Decision.

- iii. PDS shall provide notice to the public and public agencies in accordance with SCC 30.70.050(5), regarding the extension request and any request by the permittee for a modification of any Condition. PDS shall provide a reasonable opportunity for the public and public agencies to comment on same, including but not limited to requesting modification to the Conditions and/or new Conditions due to changed circumstances and conditions.
- iv. Based on its findings and public comment, PDS shall make a recommendation to the Hearing Examiner as to whether the extension should be granted or denied, and whether any new conditions should be added to the permit if extended.
- v. The Hearing Examiner shall hold a public hearing on the requested extension, and thereafter issue a decision on whether the CUP should be extended. In making the decision, the Hearing Examiner's decision shall be guided by the requirements of SCC 30.42C.100 and .110 (as hereafter amended) and any other applicable regulations.

Nothing in this permit shall excuse the Applicant, owner, lessee, agent, successor or assigns from full compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project. In particular, no clearing, grading, filling, construction or other physical alteration of the site may be undertaken prior to the issuance of the necessary permits for such activities.

~~((Decision issued this 27<sup>th</sup> day of December, 2014.))~~

Corrected Decision issued this 20<sup>th</sup> day of January, 2012.

Second Corrected Decision issued this 11<sup>th</sup> day of December, 2012\



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Millie M. Judge, Hearing Examiner

<b>EXPLANATION OF RECONSIDERATION AND APPEAL PROCEDURES</b>
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The decision of the Hearing Examiner is final and conclusive with right of appeal to the County Council. However, reconsideration by the Examiner may also be sought by one or more parties of record. The following paragraphs summarize the reconsideration and appeal processes. For more information about reconsideration and appeal procedures, please see Chapter 30.72 SCC and the respective Examiner and Council Rules of Procedure.

**Reconsideration**

Any party of record may request reconsideration by the Examiner **within 10 days** from the date of this decision. A petition for reconsideration must be filed in writing with the Office of the Hearing

Examiner, 2<sup>nd</sup> Floor, Robert J. Drewel Building, 3000 Rockefeller Avenue, Everett, Washington, (Mailing Address: M/S No. 405, 3000 Rockefeller Avenue, Everett WA 98201) **on or before JANUARY 30, 2012**. There is no fee for filing a petition for reconsideration. "The petitioner for reconsideration shall mail or otherwise provide a copy of the petition for reconsideration to all parties of record on the date of filing." [SCC 30.72.065]

A petition for reconsideration does not have to be in a special form but must: contain the name, mailing address and daytime telephone number of the petitioner, together with the signature of the petitioner or of the petitioner's attorney, if any; identify the specific findings, conclusions, actions and/or conditions for which reconsideration is requested; state the relief requested; and, where applicable, identify the specific nature of any newly discovered evidence and/or changes proposed by the Applicant.

The grounds for seeking reconsideration are limited to the following:

- (a) The Hearing Examiner exceeded the Hearing Examiner's jurisdiction;
- (b) The Hearing Examiner failed to follow the applicable procedure in reaching the Hearing Examiner's decision;
- (c) The Hearing Examiner committed an error of law;
- (d) The Hearing Examiner's findings, conclusions and/or conditions are not supported by the record;
- (e) New evidence which could not reasonably have been produced and which is material to the decision is discovered; or
- (f) The Applicant proposed changes to the application in response to deficiencies identified in the decision.

Petitions for reconsideration will be processed and considered by the Hearing Examiner pursuant to the provisions of SCC 30.72.065. Please include the County file number in any correspondence regarding this case.

### **Appeal**

An appeal to the County Council may be filed by any aggrieved party of record **within 14 days from the date of this decision**. Where the reconsideration process of SCC 30.72.065 has been invoked, no appeal may be filed until the reconsideration petition has been disposed of by the hearing examiner. An aggrieved party need not file a petition for reconsideration but may file an appeal directly to the County Council. If a petition for reconsideration is filed, issues subsequently raised by that party on appeal to the County Council shall be limited to those issues raised in the petition for reconsideration.

Appeals shall be addressed to the Snohomish County Council but shall be filed in writing at the Public Assistance Counter of Planning and Development Services, 2<sup>nd</sup> Floor, County Administration-East Building, 3000 Rockefeller Avenue, Everett, Washington (Mailing address: 3000 Rockefeller Avenue M/S 604, Everett, WA 98201) **on or before February 3, 2012**, and shall be accompanied by a filing fee in the amount of five hundred dollars (\$500.00) for each appeal filed; PROVIDED, that the fee shall not be charged to a department of the County. The filing fee shall be refunded in any case where an appeal is summarily dismissed in whole without hearing under SCC 30.72.075.

An appeal must contain the following items in order to be complete: a detailed statement of the grounds for appeal; a detailed statement of the facts upon which the appeal is based, including citations to specific Hearing Examiner findings, conclusions, exhibits or oral testimony; written arguments in support of the appeal; the name, mailing address and daytime telephone number of each appellant, together with the signature of at least one of the appellants or of the attorney for the appellant(s), if any; the name, mailing address, daytime telephone number and signature of the appellant's agent or representative, if any; and the required filing fee.

The grounds for filing an appeal shall be limited to the following:

- (a) The decision exceeded the Hearing Examiner's jurisdiction;
- (b) The Hearing Examiner failed to follow the applicable procedure in reaching his decision;
- (c) The Hearing Examiner committed an error of law; or
- (d) The Hearing Examiner's findings, conclusions and/or conditions are not supported by substantial evidence in the record. [SCC 30.72.080]

Appeals will be processed and considered by the County Council pursuant to the provisions of Chapter 30.72 SCC. Please include the County file number in any correspondence regarding the case.

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The Land Use Permit Binder, which must be executed and recorded as required by SCC 30.42C.200, will be provided by PDS. The Binder should **not** be recorded until all reconsideration and/or appeal proceedings have been concluded and the permit has become effective.

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Staff Distribution:

Department of Planning and Development Services: Darryl Easton, Howard Knight, Tom Rowe

<p>The following statement is provided pursuant to RCW 36.70B.130: "Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation." A copy of this Decision is being provided to the Snohomish County Assessor as required by RCW 36.70B.130.</p>
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**PRECONDITION NOTICE**

**This decision is binding but will not become effective until the above precondition(s) have been fulfilled and acknowledged by the Department of Planning and Development Services (PDS) on the original of the instant decision. Document(s) required for fulfillment of the precondition(s) must be filed in a complete, executed fashion with PDS not later than January 20, 2013.**

1. "Fulfillment" as used herein means recordation with the County Auditor, approval/acceptance by the County Council and/or Hearing Examiner, and/or such other final action as is appropriate to the particular precondition(s).
2. One six-month period will be allowed for resubmittal of any required document(s) which is (are) returned to the Applicant for correction.
3. This conditional approval will automatically be null and void if all required precondition(s) have not been fulfilled as set forth above; PROVIDED, that:
  - A. The Examiner may grant a one-time extension of the submittal deadline for not more than twelve (12) months for just cause shown if and only if a written request for such extension is received by the Examiner prior to the expiration of the original time period; and
  - B. The submittal deadline will be extended automatically an amount equal to the number of days involved in any appeal proceedings.

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**ACKNOWLEDGMENT OF FULFILLMENT OF PRECONDITIONS**

The above imposed precondition(s) having been fulfilled by the Applicant and/or the successors in interest, the Department of Planning and Development Services hereby states that the instant decision is effective as of \_\_\_\_\_, \_\_\_\_\_.

Certified by:

\_\_\_\_\_ (Name)

\_\_\_\_\_ (Title)

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Nothing in this approval excuses the Applicant, owner, lessee, agent, successor or assigns from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project.