

June 11, 2007

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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**REPORT AND DECISION
REVISED ON RECONSIDERATION**

SUBJECT: Department of Development and Environmental Services File No. **L04CU032**

SNOQUALMIE RIVER SOCCER CAMP
Conditional Use and SEPA Threshold Determination Appeals

Location: 46521 Southeast 105th Street

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SUMMARY OF DECISION/RECOMMENDATIONS:

Department's Preliminary Recommendation:	Deny appeal
Department's Final Recommendation:	Deny appeal
Examiner's 2/13/07 Decision:	Dismiss SEPA appeal; grant CUP appeal in minor part/deny in major part
Examiner's 6/11/07 Decision on Reconsideration:	Further revise condition 2

EXAMINER PROCEEDINGS:

Hearing opened:	November 20, 2006
Hearing continued:	November 20, 2006
Hearing closed:	December 6, 2006
Initial Examiner Report and Decision:	February 13, 2007
Reconsideration requested:	February 21, 2007
Reconsideration response period closed:	March 12, 2007

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS OF FACT:

1. On June 16, 2006, the King County Department of Development and Environmental Services (DDES) issued a decision granting a conditional use permit (CUP) with a number of conditions (see Exhibit 3) for the proposed Snoqualmie River Soccer Camp. The Appellants filed a timely notice and statement of appeal in opposition to such approval. Several prehearing conferences and motion hearings were held subsequent to the filing of the appeal.
2. The subject 12.83-acre parcel is irregularly shaped and lies on the northeast bank of the South Fork Snoqualmie River. Its topography consists of uplands with a gradual descent to the south and toward the top of bank of the steep river bank, which drops to river corridor wetlands. The 6.08-acre upland portion has a geographic shape similar to the outline of the state of Florida and also roughly like that of a very unequal barbell, with the bulk of the site (the eastern/southeastern portion) forming a broad wedge shape, the northeasterly top of which fronts the southwest side of Southeast 150th Street, a local access road. The westerly panhandle extends from a quite narrow connecting neck in the west-central portion westerly to form an acutely angled promontory above the river lowlands. In summary then, the property uplands form a long and relatively narrow developable site. The property's zoning is RA-5, a Rural Area zone. [KCC 21A.04.060]
3. The applicant proposes to develop and operate a soccer camp complex on the site. The applicant filed an application for a conditional use permit (CUP) for the development, which application was determined by DDES to be complete as of December 30, 2004. The application thus is "vested" to the development regulations and policies in effect on December 30, 2004. [KCC 20.20.070]
 - A. The proposed soccer camp development would consist of the use of an existing soccer field in the broader southeasterly upland portion of the site. The long axis of the field is oriented northwest-southeast. The eastern corner of the soccer field is approximately 35 feet from the easternmost property boundary, and the southeast end of the soccer field,

because of its angled relationship from the near north-southeast property boundary, angles sharply away from the exterior property line toward the southern corner of the soccer field. A recreation vehicle/general storage shed lies south and east of the soccer field near the east boundary (set back approximately 50 feet). A tree line extends along the east boundary, forming the edge of a relatively dense wooded area bracketing the east boundary and bordering the Appellants' two developed residential sites to the east and southeast.

- B. Northwest of the existing soccer field, two residential camper cabins would be developed, intended to be gender-specific and accommodating 44 campers and 4 counselors each, for a total residential capacity of 96 persons. The cabins would have their entries face an internal courtyard between them. Northwest of the residential camper cabins would be a combination garage/trainers' residential cabin. All of those buildings would lie in the wider eastern portion of the site, with the northerly buildings being set back from the north property line a minimum of 50 feet for the garage/trainers' cabin and approximately 58 feet for the nearest camper cabin.
 - C. In the far westerly portion of the site (the narrower end of the uplands) would be situated the Applicant's personal residence, a private (non-camper) swimming pool and a 7,554 square foot camp lodge building with an adjacent outdoor amphitheatre. The amphitheatre would be bowl-shaped as typical, approximately 25 feet lower in elevation than the nearby property boundary with the adjacent Glover farm (see Finding 4 below), and would be roofed with the opening oriented toward the southwest toward the river, so the noise of amphitheatre activities (camp skits, talks, etc.) would be directed away from adjacent properties. The amphitheatre's design therefore would "encapsulate" its activities and preclude their forming a disturbance to adjacent properties.
 - D. Vehicular access to the building complex would be provided by the extension of a driveway from Southeast 150th Street due westerly right along the northern boundary (the main driveway would be separated from the north property line by ten feet), terminating in a looped driveway circle in the far west part of the upland portion, fronting the lodge and swimming pool. (The main driveway would thus extend along almost the entirety of the upland development portion of the site west of Southeast 150th Street.) Several driveways would branch from this main driveway to serve other buildings in the complex and a parking area south and southwest of the main driveway entry, northeast of the southernmost residential cabin. Scattered areas of parking spaces would be placed on the south side of the main driveway. A total of 58 outdoor parking spaces would be provided.
 - E. The soccer camp, which is proposed to operate "approximately" 130 days a year, would engage campers in soccer training and skill development, utilizing drills, scrimmages and games as well as ancillary athletic development. The camp would also offer a typical residential camp experience of other camp-type activities, meals, recreation, motivational talks, etc., including evening activities such as talks, movies, skits, etc., *i.e.*, typical campfare, in the lodge and amphitheatre. The soccer field usage would be restricted by the CUP to the hours of 8:30 a.m.-8:30 p.m., and activities outside of those hours are restricted to areas north of the soccer field. Organized outside activities must cease at 10:30 p.m. The soccer field is prohibited from being illuminated.
4. The property directly abutting to the north, and therefore directly adjacent to the main driveway into the development complex, is occupied by the Glover farm, whose building ensemble is in close proximity to the common property boundary, with setbacks along the order of 75 feet. The

farm building complex, which includes a single-family residence, is served by a driveway which extends due west from Southeast 150th Street and mostly parallels the common property boundary and thus mostly parallels the intended main soccer camp driveway alignment. The farm driveway, however, does not reach entirely along the common property boundary but travels along approximately two-thirds of it and in its westerly portion meanders slightly away from the common property boundary. The adjacent farm use includes the operation of a small cattle operation, including the accommodation of bulls onsite for natural insemination, and a hay-hauling business which utilizes typical large tractor-trailer combinations. During hay hauling season (several days a week in the fall and once or twice a week in the winter), the adjacent farm operator typically starts his hay hauling trips in the very early morning hours, at approximately 4:30 a.m., and sometimes returns in the nighttime hours. The farm operator also has a flooring business he conducts offsite during daytime hours, and stores his business vehicle onsite, departing for that business at approximately 7:30 a.m.

5. Adjacent to the property to the southeast lie several rural-scale residences on acreage tracts, two of them to the east and southeast which as noted are occupied by the Appellants. The relative terrain of the onsite soccer field and their residential sites is such that the soccer field is elevated somewhat above their residential properties.
6. Just north of the immediate subject area is the generally east-west I-90 interstate freeway corridor and its Edgewick Road interchange.
7. Pursuant to several Hearing Examiner pre-hearing conferences and orders on motions for summary judgment and modification, the proposed use was confirmed to be allowed in the RA-5 zone as a conditional use and the instant appeal is subject to a pre-hearing order defining the appeal issues accepted for consideration on as the following:

Conditional Use Permit Issues

- A. Will the proposed expanded use, including new buildings, parking areas and overnight residential uses to be implemented in combination with the existing soccer field, be compatible with the character and appearance of existing residential development in the area?
- B. Will the expanded soccer camp facility authorized by the conditional use permit generate additional noise impacts to surrounding properties above the level created by the existing practice field? If so, has the proposal been designed to limit such impacts to a level compatible with the character of the area?
- C. Is the conditional use permit proposal in conflict with Comprehensive Plan Rural Area policies?

SEPA Issues

- D. (A stormwater impact appeal claim withdrawn by Appellants and dismissed by a September 28, 2006 Examiner Order.)
- E. Will the cumulative noise impacts from the proposed expanded use cause significant adverse environmental impacts to surrounding residential uses?

8. At hearing, the Appellants' noise expert witness stipulated that the cumulative noise impacts from the proposed expanded use would not constitute a significant adverse environmental impact, and the noise impact claim component of the SEPA appeal was orally dismissed on a summary basis by the Examiner on motion by Respondent DDES. Thus, the SEPA appeal portion of the appeal is dismissed in its entirety.
9. It should be noted from the outset that the zoning context of the proposal is RA-5 zoning, as noted a Rural Area zone. It is neither a "rural agriculture" zone nor a "residential area" zone as mistakenly termed by some participants in the hearing. The distinction is important. The zone is, as clearly stated, a rural area zone, one which is not exclusively or predominately resource-oriented, or agriculturally or silviculturally oriented, and also one which is not exclusively or predominately residentially oriented. All of those uses are commonly found in rural areas, and allowed in some form or another in the Rural Area zones, but none should be considered to have primacy over any other, except as expressly treated in applicable land use regulations.
10. With regard to the compatibility of the proposed development with the character and appearance of the existing residential development in the subject rural area, the context of consideration must also acknowledge two aspects prior to full deliberation: First, the expanded use includes expansion of the use of the soccer field. Expanded use will be facilitated by the onsite residential accommodation being developed specifically for soccer camp users. It is undeniable that freedom from the logistical burdens of transporting soccer field users from nearby though still somewhat distant camp facilities at Camp Waskowitz will allow for more regular and frequent use of the soccer field. Second, the area character context is that it is not exclusively residential but is a rural area of mixed uses with the previously noted nearby interstate highway corridor (I-90 and its Edgewick Road interchange) and the noted Glover farm agricultural use adjacent directly to the north with a large farm building ensemble. The adjacent farm complex as noted includes the basing of tractor-trailer hay-hauling operations, with attendant truck maneuvering and engine noise. Any expectation that the subject area should be considered or treated as a sacrosanct, exclusive residential area similar to a gated residential community with expansive greenbelts is unreasonable given the existing and possible non-residential rural uses and the area's Rural Area zoning.
 - A. With two exceptions, the Examiner finds that the proposed development as designed,¹ with its two separated groupings of building development and interconnection by driveway and pedestrian paths, is not significantly different in visual imposition from a farm complex, or rural industry buildings, all commonly found and permitted in rural areas, and therefore it would be structurally in character with typical rural area development. More to the point, it would be sufficiently "in character" and similar in appearance with the existing area so as to be sufficiently compatible. It should be noted that compatibility does not denote or require sameness; it does not require a homogeneity of development. Rural areas are overall of low intensity development, but there are typically sporadic more intense uses, and a variety of uses.
 - B. The first exception to the finding of compatibility, where the Examiner finds an additional CUP condition necessary to provide sufficient compatibility, is the area along the common boundary between the subject camp complex proposal and the adjacent Glover farm. Primarily due to the design constraints imposed by the unusual narrowness of the upland portion of the site in that location and the resultant less-than-typically-selected rural development setbacks, that contact is one of immediate proximity of a relatively high-intensity camp activity area (close-passing camper pedestrians and vehicular traffic, with

¹ And conditioned by DDES's CUP Decision.

attendant parking, maneuvering and packing/unpacking activity) with relatively sensitive operational aspects of the Glover farm (cattle pasturing and movement, particularly the pasturing of stimulation-sensitive bulls, and moving cattle while rotating them from one pasture to another along the driveway, which routinely occurs). Because the driveway is placed so close to the common boundary line, which will place regular vehicular traffic directly adjacent to the common boundary line, as well as frequent pedestrian travel of approximately 100 people back and forth between their residential areas and the lodge and amphitheatre area, opaque screening is mandated along that interface, the common boundary line, from Southeast 150th Street westerly almost the entire length of the common boundary on the upland portion to near or at the top of bank (which area is adjacent to the proposed amphitheatre). A standard 6-foot high solid board fence will provide sufficient screening of the pedestrians and vehicular traffic to sufficiently screen the proposed use from the adjacent farmgrounds, their residential occupants and affected farm activities. Such fence will also alleviate the security concerns expressed by the adjacent neighbor about the very close camp driveway/walkways by inhibiting trespass and undue or inappropriate interaction between camp attendees and the adjacent farm residents and livestock.

- C. With the installation of the fence, the proposal will be properly developed to limit camp-generated disturbances on that northern interface to a level compatible with the character of the area.
- D. The second exception involves the potential impact of exterior lighting on adjacent properties and roads, and the resultant potential incompatibility of the proposal in that regard with rural character and appearance. (Although it is acknowledged that many rural uses, such as farm building complexes, have exterior lighting can be quite glaring.) A simple additional condition requiring adequate shielding of the lighting to direct it in an appropriately non-glaring manner will suffice to preclude such potential impacts.
- E. With respect to the compatibility of the proposal with the adjacent and nearby residences and their occupants to the southeast (the Appellants, mostly), the context of the compatibility issue is limited somewhat by the pre-existing nature of the soccer field, but as noted the proposed camp development will facilitate more frequent usage of the soccer field and thus poses a compatibility issue. The residences are more distant from the structures and attendant vehicular and pedestrian traffic, and they do not warrant any screening measures with respect to those activities. The existing tree interface provides a great deal of visual screening. The greater frequency of actual soccer field usage and attendant activity noise cannot be ameliorated by a solid board fence given the grade differential along the common boundary, but in any case the Appellants' own noise expert consultant opined that the noise impact was not significant and would conform to applicable noise regulations. It should also be acknowledged that in the Rural Area, a substantial number of permitted uses can generate significant amounts of noise, given the fact that agriculture and other resource-based industries common to rural areas are increasingly mechanized with larger vehicles and equipment, and can also be fairly dense structurally such as dense greenhouse arrays. And the noises associated with those uses can extend into late summer evening hours, with farmers typically utilizing late daylight hours to accomplish their labors. Lastly, residential camps typically have summer evening outdoor activities. The Examiner finds no justification to limit the hours of operation further than are already limited by the conditions of the CUP.

11. The Examiner finds the conditional use permit proposal as conditioned herein to be in substantial conformity with Comprehensive Plan Rural Legacy policies cited in the appeal hearing.

- A. Policy R-101 is by its wording an implementation guide to the enactment of “land use regulations and development standards [which] shall protect and enhance...components of the Rural Area...” It is not a substantive policy in and of itself (although its “definition”² of “rural character” is cited by policy R-221 for use of that policy; see below). Were it to be considered a substantive policy itself, its call to “protect and enhance” “[t]raditional rural land uses of a size and scale that blend with historic rural development” is met in this case by the proposed camp use, a traditional rural use, and its design, as discussed more at length above in Findings 3 and 10 and also below in Finding 11.B.
- B. Policy R-105 states, “Uses related to and appropriate for the Rural Area *include* those *relating to* farming, forestry, mineral extraction, and fisheries such as the raising of livestock, growing of crops, sale of agricultural products; small-scale cottage industries; and recreational uses that rely on a rural location are also appropriate.” (sic; emphasis added) The policy is not an exclusive listing of appropriate uses, it merely recites that *among* the “uses related to and appropriate for the Rural Area” are those specifically recited. (To emphasize the point of non-exclusivity, the Examiner notes that residential uses are not even mentioned in the listing.) One would have to look to the County’s implementing development regulations to gain any specificity of implementation of this policy; it also seems more to offer guidance to implementation rather than direct substantiveness. Nevertheless, the Examiner finds that the proposed use is, at the least, one which “relates” to “recreational uses that rely on a rural location.” The proposed use is a residential camp that is sports-oriented. While not necessarily inappropriate to an urban setting, such as a camp located at an urban school or college, residential camp uses are far more commonly found in rural areas. In the final analysis, if the policy has substantive effect, it is met in that the proposed development is an activity-oriented overnight camp, which are common in rural areas and are generally much more common in rural areas than urban ones, for an obvious reason: they provide a “camp experience” which is enhanced by the more desirable ambience of open space, rural lifestyle and pace, fresh air, etc., *i.e.*, “the great outdoors.”
- C. Policy R-106 states, “King County recognizes and supports home occupations, home industries, and other small businesses that provide services to rural residences and are part of traditional rural economic activities and lifestyles found in King County’s Rural Area. The county shall review its regulations and programs to preserve this component of the County’s Rural Area....” Again, this policy is mostly a guide to implementation of the comprehensive plan through regulations and standards. From a substantive standpoint, the proposed use would be a “small business” that is “part of traditional rural economic activit[y] and lifestyle[] found in [the] Rural Area.”
- D. Policy R-202 states, “Residential development in the Rural Area should occur as follows:
...
b. Outside Rural Towns at low densities compatible with traditional rural character and uses, farming, forestry, mining and rural service levels.”

² The policy does not contain a specified definition, but notes that the Growth Management Act defines “rural character” in RCW 36.70A.030(14), and expresses a number of specifically delineated “components of the Rural Area” that the county’s regulations “shall protect and enhance.”

This policy language puts the onus on residential development to be compatible with other rural uses, the reverse of the thrust of the instant appeal.

- E. Policy R-221 states, “Nonresidential uses in the Rural Area shall be limited to those that:
- a. Provide convenient local services for nearby residents;
 - b. Require location in a Rural Area;
 - c. Support natural resource-based industries;
 - d. Provide adaptive reuse of significant historic resources; *or*
 - e. Provide recreational opportunities that are compatible with the surrounding Rural Area.

These uses shall be sited, sized and landscaped to complement rural character as defined in policy R-101...”

By the use of the disjunctive “or” in the listing of attributes necessary for nonresidential uses in the Rural Area, the policy requires only that a use present at least one of the listed attributes to be acceptable. The subject proposal fits category e. and as discussed above would provide recreational opportunities that are compatible with the surrounding Rural Area. Within the context of the applicable development regulations (see Conclusion 1), as conditioned it is sited, sized and landscaped to complement rural character as defined in policy R-101.

12. The Examiner finds no conflict of the proposed use with the basic purposes of the zoning code [KCC.21A.02.030] or with the specific purpose of the Rural Area zones [KCC 21A.04.060(A)], particularly with respect to the allowance of uses as long as it is “compatible with rural character....”
13. As requested by the Appellants, the Examiner shall elaborate on CUP Condition 2 regarding the basic CUP use allowances, concurring that there is a need for greater clarity and specificity about what uses and activities are permitted by the CUP, and also so that the uses are limited to those uses (and their intensity and extent) upon which the County’s review has been predicated. Any new or additional uses or expansions not contemplated in the application and reviewed and approved by the County would have to be the subject of a CUP revision as necessary under code.
14. The Appellants also request that some restrictions be articulated regarding usage of the property’s defined Environmentally Sensitive Areas (the wetlands in the river lowland portions of the property). The Examiner declines to do so, as that issue was not expressly an issue of the appeal. There are separate regulation and enforcement mechanisms for protection of Sensitive Areas. [See former Chapter 21A.24 KCC]

CONCLUSIONS:

1. The County’s development regulations pertaining to camps have been amended since the completeness date of the subject development application. Under the county’s vesting regulations, the subject proposal is not subject to the new regulations, but is subject to those in effect on the date of completeness. [KCC 20.20.070] The Examiner does not accept Appellants’ argument that the new regulations should be utilized as “guidance” in the consideration of the subject proposal’s compatibility with its surroundings; that would not conform to the spirit or the law of the vested rights doctrine.

2. As noted above, the noise impacts of the proposed expanded use were stipulated not to be significant adverse impacts, and were dismissed orally by the Examiner upon motion by the Respondent. The stormwater impact appeal issue had been previously dismissed by Examiner Order. The dismissals shall be reiterated in this Decision.
3. The Examiner declines to require that the applicant inform surrounding neighbors of the soccer camp schedule, concluding that in this case that lies beyond his jurisdiction over the CUP and its appeal. Such communication would, however, foster good neighbor relations, and should not be considered as discouraged by this conclusion.
4. The proposed expanded use, with its new buildings, parking areas and driveways and overnight accommodations, in combination with the expanded frequency of usage of the existing soccer field, as conditioned by DDES's CUP decision as modified herein by supplementing Condition 2 and imposing additional screening and lighting controls, will be compatible with the character and appearance of the existing rural area development in the property's surrounding area.
5. The proposal as conditioned is in conformity with the remainder of the conditional use permit criteria, and in summary conforms to the entirety of the conditional use permit criteria.
6. The proposal as conditioned is in conformity with applicable Comprehensive Plan Rural Area policies and the purposes of the zoning code.

DECISION (Revised on Reconsideration):

The SEPA appeal issues regarding stormwater and noise impacts are summarily **DISMISSED** for the reasons noted above. The appeal is **GRANTED IN PART** with respect to rural character issues as discussed above, and the **CONDITIONAL USE PERMIT** decision **MODIFIED** as reflected in the following **revised** Order to sufficiently define the use and duration limitations, and to incorporate additional screening measures and lighting standards which provide sufficient compatibility with neighboring uses and conformity with the conditional use permit approval criteria. The appeal is **DENIED** in all other respects.

ORDER (Revised on Reconsideration):

The Conditional Use Permit Decision issued by DDES on June 16, 2006 under the referenced file number is **SUSTAINED** on appeal, subject to the supplementation/addition of the following conditions of approval:³

2. Development shall be generally in accordance with the CUP application as discussed within this report (*the DDES Decision*) and the attached site plan (Exhibit D-6) (*Exhibit 12 in the Examiner record*) received March 22, 2006, except as modified by conditions.
 - A. *The "CUP facility" (see footnote 3) soccer camp use is limited to 130 days of residential soccer camp occupancy. Any use of the "CUP facility" area by campers/customers/clients/patrons/staff, etc. of any soccer camp activity onsite*

³ For ease of discussion and interpretation, the Examiner shall, in this revised decision order and the accompanying order on reconsideration, term the existing soccer field/camp as the "basic" soccer camp, and the CUP camp development proposal of soccer camp support facilities (the residential dormitories, lodge, dining facilities, trainers' lodging, amphitheater, improved parking areas and associated grounds, etc.) as the "CUP facility" soccer camp.

shall count toward the 130 day maximum. In order for any “basic” (see footnote 3) soccer camp use not to count toward the 130 day maximum, such “basic” use shall be restricted exclusively to the site area southeast of the southeasternmost dormitory and parking lot as shown on the CUP site plan (the aforementioned Exhibit D-6 in the DDES record; Exhibit 12 in the Examiner record) and shall not use the land area developed with the “CUP facility” improvements.

B. Any uses of the “CUP facility” which are not directly related to soccer training and soccer camp operations are prohibited (except for non-commercial use by family, relatives or friends which is accessory to the Applicant’s private residential use of the property), such as but not limited to using the facilities and grounds for weddings and similar social gatherings; non-soccer-training-related corporate, leadership, organizational, etc., conferences, meetings and fundraisers; entertainment, social functions or picnics, etc.; rental to the general public for private or public meetings, gatherings, entertainment, social functions, etc.; restaurant, snack bar, wine tastings, etc. (Supplemental language in italics)

12. (Added) A solid-board fence six feet in height shall be placed along the entirety of the northern property boundary on the upland portions of the site, from the frontage on Southeast 150th Street (respecting vehicular sight distance requirements at the driveway entry (*i.e.*, trimmed and/or located away from the right-of-way edge as necessary to provide sight distance in conformity with applicable King County Road Standards), westerly along the common boundary with the property abutting to the north to or very near the top of bank of the South Fork Snoqualmie River bank in the western portions of both properties so as to provide screening from the amphitheatre area on the subject property but placed back from the top of bank as determined appropriate by DDES so as not to induce or aggravate erosion of the bank and to comply with sensitive area restrictions in effect on the application completeness date. In determining the optimum location of the westerly end of the fencing, DDES shall ensure that solid opaque screening of the activity associated with the amphitheatre and nearby areas on the subject property is provided from the adjacent farmgrounds. The standards and specifications of the solid board fence shall be determined by DDES during the final landscape plan review and approval, and shall ensure stability, durability and effectiveness in its screening effect. The fence shall be maintained and replaced as necessary to perform its screening function effectively during the entire period the soccer camp is operated onsite.
13. (Added) All onsite exterior illumination (security lighting, walkway illumination, building entries, parking areas, etc.) shall be shielded so that no direct lighting glare is cast onto offsite areas, including adjacent and nearby private properties and public and private roads, and reflected light from exterior illumination (such as from building surfaces) cast offsite is minimized.

ORDER Revised on Reconsideration June 11, 2007.

Peter T. Donahue
King County Hearing Examiner

TRANSMITTED June 11, 2007, to the following parties and interested persons of record:

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NOTICE OF RIGHT TO APPEAL

The Examiner's decision revised on reconsideration this date shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within twenty-one (21) days of issuance of this decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

MINUTES OF THE NOVEMBER 20 AND DECEMBER 6, 2006, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L04CU032.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing was John Briggs, representing the Department; Robert Johns representing the Applicant; William Snell representing the Appellants; and Bill Wilbert, Jerry Lilly, Lloyd Skinner, Dan Wilbert, Peter Glover, Bob Becker, Peter Fewing and Mark Mitchell.

The following Exhibits were offered and entered into the record:

Exhibit No. 1	Request for pre-hearing conference dated July 19, 2006
Exhibit No. 2	Hearing Examiner's Notice of Pre-Hearing Conference dated July 31, 2006
Exhibit No. 3	DDES CUP Report and Decision dated June 16, 2006
Exhibit No. 4	Notice of Decision – SEPA Threshold Determination and Notice of Permit Decisions dated June 9, 2006

- Exhibit No. 5 Notice of Decision – SEPA Threshold Determination and Notice of Permit Decisions dated June 16, 2006
- Exhibit No. 6 SEPA Mitigated Determination of Nonsignificance issued June 9, 2006
- Exhibit No. 7 Application for Conditional Use Permit, no. L04CU032, received December 30, 2004
- Exhibit No. 8 Legal description of property filed with application for permit no. L04CU032
- Exhibit No. 9 Justification/criteria for approval of CUP permit no. L04CU032
- Exhibit No. 10 SEPA Checklist dated December 28, 2004
- Exhibit No. 11 Proposed site plan for Snoqualmie River Camp received December 30, 2004
- Exhibit No. 12 Revised proposed site plan for Snoqualmie River Camp received March 22, 2006
- Exhibit No. 13 Assessor's map for NE 24-23-08 dated June 16, 2003
- Exhibit No. 14 Sallal Water Association Membership Certificate no. 001528 dated December 16, 2004
- Exhibit No. 15 King County Certificate of Water Availability dated November 23, 2004
- Exhibit No. 16 Applicant Request for Concurrent Review of on-site sewage system for permit no. L04CU032 dated December 27, 2004, with 8 pages of attachments
- Exhibit No. 17 Fire District Receipt dated November 9, 2004
- Exhibit No. 18 Geotechnical Engineering Report by Dennis Joule, P.E., dated November 8, 2004
- Exhibit No. 19 Eastside Consultants, Inc., Level-1 Downstream Drainage Analysis dated October 27, 2004
- Exhibit No. 20 Notice of Complete Application for Application Time Periods for L04CU032 dated January 19, 2005
- Exhibit No. 21 Legal notice for publication to paper sent January 18, 2005
- Exhibit No. 22 Notice of posting package and Affidavit of Posting for L04CU032 indicating a posting date of January 31, 2005
- Exhibit No. 23 Combined Notice of Application for permit no. L04CU032 mailed February 1, 2005
- Exhibit No. 24 Statement of Appeal dated July 6, 2006
- Exhibit No. 25 Hearing Examiner's Notice on Motion to Dismiss and Continuing Pre-Hearing Conference dated August 22, 2006
- Exhibit No. 26 Hearing Examiner's Order on Motion to Dismiss dated September 11, 2006
- Exhibit No. 27 Hearing Examiner's Pre-Hearing Order and Notice of Hearing dated September 15, 2006
- Exhibit No. 28 Hearing Examiner's Order on Motion for Summary Judgment and Modifying Pre-Hearing Order dated September 28, 2006
- Exhibit No. 29 Ortho maps (3, lettered A-C) of subject area
- Exhibit No. 30 Resume of Jerry G. Lilly
- Exhibit No. 31 Resume of Lloyd A. Skinner, AICP
- Exhibit No. 32 Photographs (19 color copies lettered A-S) taken by Dan Wilbert of subject neighborhood
- Exhibit No. 33 Landscape plan
- Exhibit No. 34 Irrigation plan
- Exhibit No. 35 Photograph (1 color) of large building and semi truck