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, Skagit County Auditor

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

DOCUMENT TITLE: ORDER ON SPECIAL USE REVIEW SU 98 0371

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: KENNETH STOFFER

ASSESSOR PARCEL NO: P48189

ABBREVIATED LEGAL DESCRIPTION: The property is located at 3339 Deer Trails Lane, Bow, WA; Lot 9 of Short Plat 77-117; within the SW 1/4 of the NW 1/4 of Section 24, Township 36, Range 03 East, W.M. Skagit County, Washington.

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

In the Matter of the Review of Conditions )  
Of a Special Use Permit Issued to )  
**KENNETH STOFFER** )  
 )  
For the Development of a Center for )  
Retreats and Workshops (True Heart )  
Center) at 3339 Deer Trails Lane )  
 )

SU 98-0371

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND DECISION**

THIS MATTER, the review of permit conditions, came on regularly for hearing on October 10, 2001, after due notice. Marge Swint represented the Planning and Permit Center. William Allen, Attorney at Law, represented the permittee. Members of the public were given an opportunity to be heard.

Based on the testimony taken, the exhibits admitted, and the argument made, the following is entered:

**FINDINGS OF FACT**

1. On December 9, 1999, after hearing, the Examiner approved a Special Use Permit for Kenneth Stoffer to develop and operate a center for retreats and workshops called the True Heart Center. The facility is located in a secluded and rural setting on Deer Trails Lane, off Lily Lake Road in the Colony Mountain area.
2. The original permit request was to develop the property for the planned workshops and retreats in two phases. Phase I would consist of overnight activities limited to 15 visitors, and one-day workshops limited to 30 visitors. Facilities provided would include three tent camping spaces and a large yurt. Showers within the existing residence would be made available. Portable toilets would be provided. Food would be catered from an outside source. Most of the retreat/workshop use of the site would be on weekends.
3. Phase II would involve renting facilities for the same kinds of activities, but the maximum overnight group size would be increased to 30 people. A second kitchen would be added to the residence and food for the workshops and retreats would be prepared on-site. An additional building containing more showers, sinks, toilet facilities and a bunk room would be built. Septic system and water supply would be expanded to accommodate the increase. A second yurt would be added.
4. The Examiner approved Phase I and called for a review of activities conducted after one year of operation. The Permit Center was to investigate and make findings, and



a public hearing was to be held. Authorization for Phase II was deferred pending further Order by the Examiner.

5. The permittee notified the Planning and Permit Center in August of 2000 that all the necessary items were in place in order to begin accepting groups for workshops and retreats.

6. The Permit Center has completed the required one-year review and advises that all of the conditions imposed for Phase I of the operation are being met.

7. The permittee's report indicates a slow start up and a very modest level of retreat/workshop activity in the first year. However, the sessions that were held were conducted without incident and there were no complaints from neighbors. Traffic involved was minimal and parking was more than adequate.

8. The permittee advised that the larger gatherings contemplated for Phase II are not anticipated for some time, if at all. He noted that the yurt has not been needed for overnight guests, since most prefer to sleep in the main house.

9. The permittee now seeks the option to set up an additional dome when and if needed to accommodate activities at future retreats, and to modify conditions of operation to allow meals for the workshops/retreats to be prepared on site. No increase in the Phase I size limitations for groups is requested.

10. For on-site food preparation, the approval of health authorities must be obtained as to the adequacy of the sewage system and the water system for this purpose.

11. One neighbor testified at the hearing. She lives next door and stated that there have been no problems with the facility's operations to date. She asked, however, that the neighbors be provided with the license plate numbers of persons living on the site, so that they can tell who is a stranger and who is not.

12. The Permit Center stated that it does not believe that formal annual reviews of the operation of the center are necessary. The neighborhood disruption that had been feared by some has not materialized and does not appear likely in the future.

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

### CONCLUSIONS OF LAW

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

2. On the basis of the findings, the operation of the True Heart Center under the terms of the Special Use Permit should be allowed to continue.



3. There is no demonstrated need for additional formal special reviews of operations at the site. The standard enforcement mechanisms for permits remain available to the County.

4. No substantial basis for official intervention to compel the permittee to prepare a list of license plates was provided. The permittee has shown himself to be sensitive to his neighbors' concerns and is urged to continue to cooperate with them.

5. The following changes should be made to the conditions of approval of the Special Use Permit. The first three sentences of Condition (2) should be deleted. Conditions (2), (6), and (10) of the permit should be modified to read:

(2) Phase II shall not be commenced unless and until authorized by further Order of the Examiner. The permittee shall notify the Planning and Permit Center when and if he seeks authorization for Phase II.

(6) Meals may be prepared on-site for the retreats/workshops after suitable kitchen facilities are provided and approved. Any required approvals from the Skagit County Health Department or the State Health Department as to the adequacy of the sewage treatment and water systems to accommodate this activity shall be obtained.

(10) Phase I camping facilities will be limited to tents (three sites) and a dome/yurt. A second dome may be erected when needed to accommodate retreat/workshop activities.

6. Except as modified above, the conditions of approval for the permit should remain in effect.

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



## DECISION

The conditions of the Special Use Permit are modified as set forth in Conclusion 5 above. Operations under the permit may continue indefinitely, subject to the conditions of approval as modified. The permittee shall pay all planning review fees incurred as a result of this review.

*Wick Dufford*

Wick Dufford, Hearing Examiner

Date of Action: November 1, 2001

Copy Transmitted to Permittee: November 1, 2001

## RECONSIDERATION/APPEAL

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



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