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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 REQUEST FOR RECONSIDERATION SU 04 0889

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: DAN WATTS

ASSESSOR PARCEL NO: P# 27958

LEGAL DESCRIPTION: The project is located at 2464 East Blackburn Road, Mount Vernon, WA; a portion of Section 28, Township 34N, Range 4E W.M., Skagit County, Washington.

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

In the Matter of the Application of)

PL04-0889

DAN WATTS)

To operate indoor and outdoor)
Paintball courses at 2464 East)
Blackburn Road in the Mount)
Vernon Urban Growth Area)

**ORDER ON REQUEST
FOR RECONSIDERATION**

A Request for Reconsideration was timely filed on behalf of the Cedar Hills Homeowners' Association on January 13, 2006.

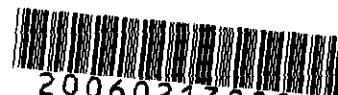
1. The Request, among other things, asserts that the Hearing Examiner violated the Appearance of Fairness Doctrine in relation to conducting a post hearing site visit. The Examiner drove by the site and through the area affected by the application. Included were views of the site from Cedar Hills vantage points. The Examiner was alone. No County Staff were present. The Examiner spoke to no one. There was no ex part contact before, during, or after the visit. This sort of familiarization with the vicinity has been routinely carried out by the Examiner in regard to land use applications for years.

2. The Code reference in Condition 3(b) includes compliance with SCC 14.36.020. That section in turn requires compliance with Chapter 14.32 SCC, the County Drainage Code. Whatever the latter chapter requires, the applicant must do.

3. As to issues of health and sanitation, there is in this, as in all other land use approvals, an implicit requirement that all regulations of the Health Department shall be met. The Examiner does not have the power to authorize any development to operate in violation of such regulations.

4. The concept of compatibility for this use is not merely a matter of subjective judgment. It is influenced significantly by the zoning context and the kinds of uses that the Code contemplates for the area.

5. The Examiner concludes that no material legal error has occurred and that no material factual issue has been overlooked that would change outcome.



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ORDER

Pursuant to SCC 14.06.180, the Request for Reconsideration is denied.

DONE this 7th day of February, 2006.



Wick Dufford, Hearing Examiner

