

**RECORD OF THE PROCEEDINGS**  
**SKAGIT COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, December 12, 1995**

- 7:30 a.m. - 8:30 a.m. Commissioners' Staff Meeting.  
Flag Salute.
- 8:30 a.m. - 9:00 a.m. Work Session - Operations Division Manager/District Maintenance Supervisors.
- 10:00 a.m. - 11:00 a.m. Appeal by Don Clark dba Clark's Skagit River Cabins of Hearing Examiner's Decision affirming the action of the Shoreline Administrator, regarding property located at 5675 Highway 20, Rockport.
- 2:00 p.m. - 3:00 p.m. Public Transportation Benefit Area Board Meeting (Commissioner's Hearing Room).

The Skagit County Board of Commissioners met in regular session on Tuesday, December 12, 1995, with Commissioners Robert Hart, Harvey Wolden and Ted W. Anderson present.

**APPEAL BY DON CLARK DBA CLARK'S SKAGIT RIVER CABINS OF HEARING EXAMINER'S DECISION AFFIRMING THE ACTION OF THE SHORELINE ADMINISTRATOR, REGARDING PROPERTY LOCATED AT 5675 HIGHWAY 20, ROCKPORT.**

Zoe Pfahl, Planning Department Shoreline Administrator, reviewed the background of the appeal referenced above and stated the options available to the Board, as follows:

- 1) After examining the written record for appeal, the Board may deny the request and allow the Examiner's decision to stand;
- 2) Remand the matter for reconsideration by the Hearing Examiner;
- 3) If the Board believes the Hearing Examiner's decision is not supported by substantial evidence, the Board may adopt its own findings, conclusions and decision based upon the record made before the Hearing Examiner.

Ms. Pfahl proceeded to read the staff report into the record and stated that the Hearing Examiner supported the decision of the Shoreline Administrator.

Don Clark, Apellant, reported to the Board that he has not been able to proceed on his project due to an administrative decision in which the Clarks were not allowed to participate. Mr. Clark asked that the Board look at the process which seemingly eliminates participation and does not allow the applicant the chance to present the project in its entirety for review.

Mr. Clark stated his concern in regard to the current process and conditional use permits. Mr. Clark discussed the irony of providing an environmentally safe plan and then being asked to redesign, which would virtually cause substantial environmental impacts.

Mr. Clark presented a Resolution which he asked the Board to approve and reviewed such Resolution, stating that this is what would be necessary to proceed with the project.

Mr. Clark stated that they have finished a favorable wetlands review and mentioned that water rights claims show that there is no shortage of water in that vicinity.

A discussion ensued in regard to the future plan, including lodging and other specialized facilities.

Commissioner Anderson mentioned his experience with conditional use permits, stating that stringent guidelines were in place. Commissioner Anderson stated that he agrees that a conditional use permit would signify that one could proceed and then to be told otherwise is unfair. Commissioner Anderson stated the property has been managed well over the years and expressed his disapproval with the decision that the plan has to be redesigned after the conditional use permit was already issued. Commissioner Anderson stated that he believes the property achieves exactly what the shoreline permit would want it to achieve and stated his support of the Resolution presented from Mr. Clark and to overturn the Hearing Examiner's decision. Commissioner Wolden seconded the motion.

Chairman Hart inquired as to the County's intent in this matter.

John Moffat, Chief Civil Deputy, discussed the legalities of the conditional use permit.

Ms. Pfahl reviewed the actions of the Planning Department and the options that were available to the Planning Department in regard to compliance with the Master Program.

Jeff Morgan, Planning Staff, reiterated that the Planning Department provided a request to Mr. Clark to provide various items that are asked of every applicant in order to comply with Skagit County Code.

Commissioner Anderson stated his opposition to the conflicts of this nature between taxpayers and the County.

Commissioner Wolden asked whether Mr. Clark would be willing to negotiate the options that were presented by request from the Planning Department. Mr. Clark stated he would not be willing to redesign his project. Mr. Clark stated that this project has been in process for six years beginning with rezoning.

Mr. Clark stated that the setback plans are well within the recreational area category of 35 feet. Ms. Pfahl stated that the legal setback is 100 feet, rather than 35 feet, because it meets the definition of Commercial.

Mr. Clark stated that a site plan was established and submitted in 1973, prior to 1976, stating that original plan involved R.V. sites, rather than cabins, however, the plan is to add cabins.

Commissioner Wolden stated that due to the change from R.V.'s to cabins, that a variance should be applied for and mentioned that there should be no reason the variance would not be granted.

Commissioner Anderson reiterated that Mr. Clark has been through a long, detailed process and still is not able to proceed.

Commissioner Wolden stated that due to the change in the original plan from R.V.'s to Cabins, he was not comfortable supporting this at this time.

Mr. Moffat suggested that a full and complete copy of the permit applied for in 1973 be provided to the Board, so that the Board could see exactly what was applied for.

Commissioner Wolden rescinded his second on Commissioner Anderson's previous motion.

Commissioner Wolden made a motion to continue the hearing in this regard. There was no second.

Commissioner Wolden expressed his approval in Mr. Clark proceeding with this project, however, emphasized that the process should be in order and asked for further information to be presented to the Board in this regard.

A lengthy discussion ensued.

Chairman Hart made a motion to uphold the Hearing Examiner and then review the process. There was no second.

Commissioner Anderson commented extensively on the issue.

Commissioner Anderson made a motion to overturn the Hearing Examiner's decision. Commissioner Wolden seconded the motion.

A discussion ensued.

Commissioner Wolden rescinded his second.

Commissioner Wolden stated that the conditional use permit should not override the rules and regulations.

A discussion ensued.

Ms. Pfahl suggested to the Board that they uphold the Hearing Examiner and ask Mr. Clark to apply for a variance.

Commissioner Wolden made a motion to uphold the Hearing Examiner. Chairman Hart seconded the motion. Commissioner Wolden and Chairman Hart voted in favor of the motion. Commissioner Anderson voted against the motion. The motion passed.

**ADJOURNMENT.**

Chairman Hart made a motion to adjourn the proceedings. Commissioner Wolden seconded the motion and it was carried unanimously.

BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON



  
Robert Hart, Chairman

  
Harvey Wolden, Commissioner

  
Ted W. Anderson, Commissioner

ATTEST.

  
Debby Sims, Clerk  
Skagit County Commissioners