## BEFORE THE HEARING EXAMINER FOR SKAGIT COUNTY

In the Matter of the Application for a	No. PL16-0097; No. PL16-0098
Special Use Permit by	) Appeal No. PL22-0142
Concrete Nor'West/Miles	)
Sand and Gravel	)
&	)
In the Matter of the Appeal of Central Samish Valley Neighbors	) ) )
	) FINAL DECISION OF FORMER
Of a Mitigated Determination	) HEARING EXAMINER REEVES
of Nonsignificance	(ABSENT RECONSIDERATION)

## **DECISION**

Concrete Nor'West/Miles Sand and Gravel (Applicant) requested a Special Use Permit (SUP) (PL16-0097) to permit a proposed gravel mine/quarry on properties located approximately 1.5 miles north of Grip Road and south/southwest of the Samish River. The Applicant also submitted a Forest Practice Conversion application. Skagit County (County) determined that both applications were complete on March 22, 2016.

For the next *six years*, the Applicant, County staff, and the County's former (former) Hearing Examiner debated, argued, and appealed various aspects of the project and administrative decisions without ever bringing the proposal to an open record public hearing for a final decision.

The record does not reflect whether the Applicant sought a writ of mandamus requiring specific action on the part of County staff or the Hearing Examiner at any point during this six-year period or otherwise threatened sanctions but—given the ease with which the Applicant was able to obtain a mandamus order now in overwhelmingly unusual circumstances—it would be absurd to assume otherwise.

Specifically, with the County's blessing (as evinced in the County Attorney's answer to the show cause motion for mandamus), the Applicant convinced more than one elected judicial officer to dictate specific action to a part-time executive branch appointee (whose contract with the County stresses that the Hearing Examiner will be an independent contractor and that such contract does not create "a relationship of... master-servant") had already been terminated by the County Board of Commissioners prior to the show cause and later contempt hearings.

Final Decision Absent Reconsideration Skagit County Hearing Examiner Concrete Nor'West/Miles Sand and Gravel SUP Appeal No. PL22-0142 Moreover, while Hearing Examiner Reeves is specifically named in said contract, the County's contract was, prior to termination, with "Sound Law Center," a single-member LLC wholly owned by another attorney, Ted Hunter, whose bar number is much lower and clearly has the experience and background to step in and complete this matter should the County desire it.... Especially given Mr. Hunter's having severed Mr. Reeves' ties with SLC and earlier conveyed such information to the County.

Even further, to ensure there is no confusion, Mr. Reeves would like to clearly to convey to the County that he is releasing any right they have conferred upon him with termination of the previous Hearing Examiner agreement to retain jurisdiction of this matter, and supports the County's clear ability to appoint someone else as needed to conclude it.

But.... Out of an abundance of caution given the very clear threat of being put in jail for an indeterminate length of time – as the Applicant and County convey as a common solution to the problem of how to deal with non-financially motivated former appointed part-time staff who they believe must complete whatever tasks previously assigned no matter the status of their contract – deferral to the Applicant's desires and County's wishes is appropriate, inevitable, and definitely, 100%, totally uncoerced.

Accordingly, the Hearing Examiner **APPROVES** whatever the Applicant was seeking throughout the permit process and denies all tangential issues and appeals that have stood in the Applicant's way.

So decided this 1<sup>st</sup> day of February 2024.

ANDREW M. REEVES Hearing Examiner

Final Decision Absent Reconsideration Skagit County Hearing Examiner Concrete Nor'West/Miles Sand and Gravel SUP Appeal No. PL22-0142

## 14.06.180 Reconsideration.

A party to a hearing before the <u>Hearing Examiner</u> may seek reconsideration only of a <u>final decision</u> by filing a written request for reconsideration at Planning and <u>Development</u>
Services within 10 calendar <u>days</u> of the <u>date of decision</u>. The request shall set forth the specific errors alleged. The <u>Hearing Examiner</u> shall consider the request, without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final. If the request is granted, the <u>Hearing Examiner</u> may revise and reissue its decision or may call for argument in accordance with the procedures for <u>closed record appeals</u>. Reconsideration should be granted only when a material legal error has occurred or a material factual issue has been overlooked that would change the previous decision. A request for reconsideration shall not be required, however, prior to exercising any rights to appeal. (Ord. O20070009 (part); Ord. 17938 Attch. F (part), 2000)