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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 AP 02 0120
AP 99 0288
PL 99 0429
PL 99 0430
PL 01 0391

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: DENA BLATT

ASSESSOR PARCEL NO: P19049

ABBREVIATED LEGAL DESCRIPTION: The proposed project is located 12724 Marine Dr. Anacortes, WA; a portion of the NW 1/4 of the SW 1/4 of Section 02, Township 34 North, Range 1 East, W.M. Skagit County, Washington

UNOFFICIAL DOCUMENT

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

In the Matter of the Appeal of)
DENA BLATT)

AP 99 0288
Bldg Permit App #97-1304

From an Administrative Determination)
Denying a Building Permit Application)
For an Addition to a Residence at)
12724 Marine Drive)

**ORDER ON REQUEST
FOR RECONSIDERATION**

In the Matter of the Application of)
DENA BLATT)

PL#99-0429 - Reduced Critical
Areas Buffer

For Variances from Buffer and Setback)
Requirements)

PL#99-0430 - Side Setback
Variance

PL#01-0391 - Shoreline Variance

1. On behalf of Dena Blatt, a Request for Reconsideration was filed with the Planning and Permit Center with regard to the Hearing Examiner's decision dated February 25, 2002.

2. The Examiner has considered the same and determined that on the merits no material legal error was made. He has also determined that no material factual issue that would change the previous decision on the merits was overlooked. Nevertheless, as explained below, an adjustment in the form of the decision is necessary.

3. The decision dated February 25, 2002, was a single document reflecting the Examiner's determinations on three applications for development permits that were consolidated for review and hearing. One related to buffer reduction under the Critical Areas Ordinance and another related to a side setback under the Zoning Code. The third was a permit relating to setback requirements under the County's Shoreline Master Program.

4. The decision advised that the appropriate post-hearing review procedures were those specified in SCC 14.06.180 and 14.06.120(9). These are the procedures that relate to development permits covered by Chapter 14.06 SCC.

5. Chapter 14.06 SCC creates an integrated and consolidated permit process for most land use permits issued by the County and includes environmental review under SEPA in that process. However, the integrated process does not appear to include permits required under the Shoreline Management Act.



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6. As a result, the shoreline permit and the other land use permits involved in this proceeding are subject to different post-hearing procedures. The critical areas and zoning determinations are subject to review pursuant to the references noted in the Examiner's initial decision. But, the shoreline permit is governed by Section 13.01 of the Master Program.

7. Section 13.01 of the Master Program provides a shorter period for appeal (5 days) than does Chapter 14.06 SCC (14 days). In both cases, the appeal period begins to run only after a request for reconsideration has been decided.

8. Given this situation, the Planning and Permit Center has requested that the Examiner use the reconsideration opportunity to split the decision into separate orders -- one dealing with the critical areas and zoning permits and the other dealing with the shoreline permit.

9. On reflection, the Examiner has decided that this is the appropriate approach. He notes that his initial notice about appeal was incorrect as related to the shorelines permit decision.

10. Accordingly, the "**RECONSIDERATION/APPEAL**" portion of the document dated February 25, 2002, is stricken. The "**DECISION**" portion of the document is hereby modified to read as follows:

DECISION

The critical areas, zoning sideyard setback, and shoreline sideyard setback variance requests are denied. As a result, the requisite compliance with land use requirements needed for issuance of a building permit has not been achieved.

For purposes of appeal the rulings on the critical areas and zoning sideyard setback requests are to be treated as a separate decision. As provided in SCC 14.06.120(9), this decision may be appealed to the Board of County Commissioners by filing a written Notice of Appeal with the Planning and Permit Center within fourteen (14) days after the date of this decision on reconsideration.

For purposes of appeal the ruling on the shoreline sideyard setback is to be treated as a separate decision. As provided in SMP 13.01(1), this decision may be appealed to the Board of County Commissioners by submitting an appeal to the Planning and Permit Center within five (5) days after this decision on reconsideration.

SO ORDERED this 27th day of March, 2002



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Wick Dufford
Wick Dufford, Hearing Examiner