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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
AP 03 0768 & AP 04 0100

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPELLANT: NORTH BEACH COMMUNITY

ASSESSOR PARCEL NO: P104416, P46851

LEGAL DESCRIPTION: The subject property is located at 5126 Guemes Island Road,
Anacortes, within a portion of Section 36, Township 36 North, Range 1 East W.M.,
situated within Skagit County, Washington.

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

North Beach Community,)
)
Appellants,)
)
v.)
)
Skagit County, Alverson Tract)
Owners Association,)
)
Respondents.)
_____)

Appeal Nos: PL03-0768 (SEPA)
PL04-0100 (SUP)

ORDER ON REQUEST FOR
RECONSIDERATION

Respondents, Alverson Tract Owners Association (ATOA), timely filed a Request for Reconsideration on June 25, 2004. The appeals in question were basically resolved in favor of ATOA, but a condition of approval was added to the Special Use Permit requiring the preparation of a Site Assessment Report identifying needed mitigation to prevent degradation of water quality and quantity in the relevant aquifer recharge area. The condition also called for compliance with any mitigation measures identified.

The Request for Reconsideration asks that this condition be removed. The argument is essentially that the reports prepared for the applicant prior to the permit decision were adequate to satisfy the Site Assessment Report requirement, and that the monitoring imposed by the Department of Ecology in its Report of Examination for the water right is adequate to protect the aquifer recharge area.

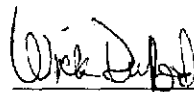
If the County agrees with the applicant on these matters, all it needs to do is to advise the applicant in writing. Such a letter would effectively satisfy the terms of the added condition. However, if the County disagrees and believes that more information or more monitoring is needed in order to comply with the Critical Areas Ordinance, then it can advise the applicant of that. Any failure of the applicant to comply would then become a matter of permit enforcement, appealable to the Hearing Examiner.

In any event, the Examiner believes that compliance with the Critical Areas Ordinance needs to occur in the context of the Special Use Permit. The Examiner is not in a position to second-guess the County prior to their determination of this issue.



Accordingly, the Request for Reconsideration is denied. No material legal error has occurred. No material factual issue has been overlooked.

SO ORDERED, this 13th day of July, 2004.



Wick Dufford, Hearing Examiner

Cc: Parties

