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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 SL04 0149

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: DEPARTMENT OF PUBLIC WORKS

ASSESSOR PARCEL NO: P31381, P31411

LEGAL DESCRIPTION: The proposed project is located at the Guemes Island Ferry Terminal, within a portion of Section 12, Township 35 North, Range 1 East, W.M., Skagit County, Washington.

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

In the Matter of the Application of)
)
DEPARTMENT OF PUBLIC WORKS)
)
For Permits to Upgrade the Ferry)
Landing on Guemes Island)
_____)

PL04-0149 (shorelines)
PL04-0242 (special use)
PL04-0589 (setback)

**ORDER DENYING
RECONSIDERATION**

The application of the Department of Public Works to upgrade the ferry landing at Guemes Island was the subject of a decision dated November 15, 2004. The application sought permits to (1) pave the existing parking area and make improvements to the drainage system; (2) place a new waiting area structure with handicapped access in the parking lot; and (3) install an electronic reader board visible from cars waiting for the ferry. The decision denied the proposal to erect the electronic reader board and otherwise approved the proposal.

A timely Request for Reconsideration was filed on November 22, 2004, by William Campbell McWatters, urging reversal of those matters that were approved. Included was a supportive petition signed by over 120 citizens. Unfortunately this document was misfiled by the Examiner under Notices of Appeal and therefore action on it has been delayed. The Examiner has now considered the Request and hereby enters the following.

The requestor is a member of the Guemes Island Planning Advisory Committee which he says is in the process of creating a new sub-area plan for the island. He argues that the instant proposal is not in accordance with rural character. He urges that permits be delayed until the citizen planning effort is complete.

The Examiner has no power to defer consideration of permit applications until the completion of planning efforts. Indeed, the principal of vesting, requires consideration of an application under the plans and rules in effect when the application was filed.

No new evidence was presented that could not have been presented at the hearing. As to the evidence that was presented, the Examiner is not persuaded that the facts were wrongly decided.

Reconsideration can be granted only when a material legal error has occurred or a material factual issue has been overlooked that would change the previous decision. SCC 14.06.180. The Examiner concludes that neither of these things has happened. Fundamentally, the requestor disagrees with the Examiner on the merits.



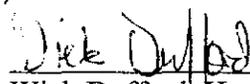
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Accordingly, the following Order is entered. The Examiner apologizes for his delay in resolving this matter.

It is hereby ORDERED that the Request for Reconsideration is denied.

DONE this 18th day of February, 2005.



Wick Dufford, Hearing Examiner

