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AFTER RECORDING RETURN TO:
SKAGIT COUNTY HEARING EXAMINER
1800 CONTINENTAL PLACE
MOUNT VERNON, WA 98273

DOCUMENT TITLE: ORDER CORRECTING DECISION AP07-0574

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPELLANT: DAVID ALLAN

APPLICANT: RALPH WEICHE

ASSESSOR NO: P119253

LEGAL DESCRIPTION: The project is located at the end of Flinn Road, Bow, WA; extending southward approximately 1,000 feet; within a portion of Section 22, Township 36N, Range 3 E W.M., Skagit County, Washington.

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

DAVID ALLAN,

Appellant,

v.

SKAGIT COUNTY and RALPH
WEICHE,

Respondents.

AP07-0574

ORDER CORRECTING
DECISION

In the **ORDER DEFERRING DECISION** issued earlier, language is used that assumes the eventual issuance of the Grading Permit applied for. The Examiner recognizes that the Grading Permit sought in this matter is a discretionary permit insofar as land use issues are concerned and that therefore the language should have referred to the decision on the permit in a way that indicates that it may be either granted or denied.

Also the Examiner recognizes that there is a conflict between the provisions of SCC 14.06.230 and SCC 14.06.070(2)(d). The kind of combined hearing that is required for SEPA appeals and underlying development permit appeals is impossible if the processing of the underlying permit is stayed when a SEPA appeal is filed. The Examiner has concluded that the combined hearing procedure mandated by State law should govern and that the conflict can only be resolved by dissolving the stay.

Therefore, on his own motion, the Hearing Examiner makes the following corrections to the initial **ORDER DEFERRING DECISION**:

1. The second sentence of Conclusion of Law 1 is changed to read:

"The Hearing Examiner has concluded that the hearing session on the subject appeal was premature and should not have been held until after issuance or denial of the Grading Permit sought."

2. The first sentence of Conclusion of Law 11 is changed to read:

"The County should provide notice in its Grading Permit decision that an appeal to the Hearing Examiner of the land use issues decided is available as a Level I appeal under SCC 14.06.050(1)(a)(vi)."

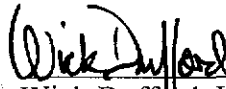


3. A new first sentence is added to the **DECISION** paragraph to read:
“ The automatic stay of proceedings in effect under SCC 14.06.230 is dissolved.”

4. The former first sentence of the **DECISION** paragraph shall become the second sentence and is changed to read:

“The proceeding is continued until a decision on the Grading Permit is made and an appeal of any land use issues involved is heard or the appeal period runs absent an appeal.”

SO ORDERED this 17th day of October, 2007.



Wick Dufford, Hearing Examiner



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