

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, JUNE 13, 2006**

- *T 9:00 a.m. – 10:00 a.m. Closed Record Appeal No. PL06-0434 Submitted by George and Rita Terek, Regarding the Hearing Examiner's Decision on Reconsideration Request No. PL06-0064
- *T 10:00 a.m. – 11:00 a.m. Planning and Development Services – Gary Christensen, Director
1. Permit Initiative Status Report
2. Miscellaneous

The Skagit County Commissioners met in regular session on Tuesday, June 13, 2006, with Commissioners Kenneth A. Dahlstedt, Ted W. Anderson and Don Munks present.

**CLOSED RECORD APPEAL NO. PL06-0434 SUBMITTED BY GEORGE AND RITA TEREK,
REGARDING THE HEARING EXAMINER'S DECISION ON RECONSIDERATION REQUEST
NO. PL06-0064.**

A memorandum from Senior Planner, Betsy Stevenson, was submitted for the record as follows:

The Hearing Examiner denied the Motion for Reconsideration, citing Skagit County Code 14.06.180, which states in part that 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."

The Hearing Examiner goes on to say that reconsideration is a review of the information initially presented for decision, not an opportunity to expand the record. New evidence should be allowed only where the information involved was not reasonably available at the time of the initial presentation of evidence.

The Hearing Examiner determined that land use compliance issues were not appealed in a timely manner to the Hearing Examiner after the issuance of BP04-00857, under SCC 14.06.110(7) or under Section 13.01 of the Skagit County Shoreline Management Master Program.

The Hearing Examiner concluded that no material legal error has occurred and that no factual issue in the record considered has been overlooked that would change the previous decision.

The Planning and Development Services Department recommended that the Board uphold the Hearing Examiner's determination as he has no authority to entertain appeals that are too late or to entertain appeals by persons who lack standing to appeal.

Gerald Steel, Attorney for the Appellants, George and Rita Terek, argued his case against the Hearing Examiner's denial of the Request for Reconsideration.

Skagit County Civil Deputy Prosecutor Arne Denny was present to dispute Mr. Steel's testimony.

Tom Moser, Attorney representing James Paulson, stated the Hearing Examiner's decision was correct as the case boils down to timeliness, standing and finality. According to Mr. Moser, the Terek's missed the window of opportunity to appeal.

Mr. Denny provided a resolution denying the appeal (PL06-0434) of George and Rita Terek and upholding the Hearing Examiner's Findings of Fact, Conclusions of Law and Decision in Appeal No. PL06-0064.

Commissioner Anderson motioned to approve the resolution as outlined by Mr. Denny. Commissioner Munks seconded the motion, which passed with a unanimous vote. **(Resolution No. R20060200)**

PLANNING AND DEVELOPMENT SERVICES – GARY CHRISTENSEN, DIRECTOR

1. Permit Initiative Status Report.

Skagit County Building Official Bill Dowe introduced Kurt Latimore of The Latimore Company. Mr. Latimore, a consultant hired to help the Planning and Development Services Department with efficiency, said a change in policy effective January 1, 2006, means prospective builders are getting their permits in nearly half the time.

The median number of days it takes to approve a permit for a single-family home is down to 26 days for the first five months of 2006. The median for the same months last year was 49 days. The difference comes at the beginning of the process. The County now checks applications for completeness before they're accepted so that builders are alerted to gaps up front. Before, permits were often delayed while staff waited for applicants to return with more information.

Mr. Latimore indicated that a Web program will be created that will alert builders to whether they need to go through the lot certification process, which examines whether they can legally build on a lot that may have been affected by zoning changes. The County is also planning to make changes that will help streamline commercial building permits.

The Commissioners said they were pleased that progress has been made through improved efficiency.

2. Miscellaneous

There were no miscellaneous Planning and Development Services items to discuss.

ADJOURNMENT.

Commissioner Anderson made a motion to adjourn the proceedings. Commissioner Munks seconded the motion, which passed unanimously.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Kenneth A. Dahlstedt, Chairman

Ted W. Anderson, Commissioner

Don Munks, Commissioner

ATTEST:

JoAnne Giesbrecht, Clerk of the Board
Skagit County Board of Commissioners