

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

MILES HUNTER and)	
MONIKA MACGUFFIE,)	
)	PL17-0294
Appellants,)	
)	ORDER OF DISMISSAL
v.)	
)	
SKAGIT COUNTY and)	
JO ANN HARKE,)	
)	
Respondents.)	
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This matter came on regularly for hearing on Wednesday, July 12, 2017, at 1800 Continental Place, Mount Vernon, Washington, before the undersigned Hearing Examiner.

Scott Thomas, Attorney at Law, represented Appellants. Julie Nicol, Deputy Prosecuting Attorney and Leah Forbes, Senior Planner, represented Respondent County. Oscar Graham, Consultant, represented Respondent Harke.

The subject appeal, filed May 31, 2017, sought review of the granting of a shoreline exemption (PL17-0249) for repair of an existing rock bulkhead. The decision to grant the exemption was made on May 10, 2017.

The appeal alleged that Respondent Harke had failed to comply with Shoreline Variance PL16-0075 and Critical Area Variance PL 16-0076 which were approved by the Hearing Examiner on August 8, 2016. The Notice of Decision for both was published on September 1, 2016. Appellant attempted to add these decisions to the appeal of the shoreline exemption.


Skagit County Shoreline Master Program (SMP) Section 13.01(2) provides that shoreline exemptions may be appealed within 15 days of the final action. Under the SMP the appeal herein was filed too late.

The Shoreline Variance and Critical Area Variance decisions made in 2016 were not appealed within 5 days to the County Commissioners as required by SMP 13.01(1) and therefore cannot be resurrected here before the Examiner.

Appellants have filed a supplemental brief urging that the subject appeal is timely under the doctrine of equitable tolling. The Hearing Examiner's jurisdiction is strictly limited by ordinance and does not extend to equitable matters.

Accordingly, the Examiner is compelled to and hereby does **DISMISS** the instant appeal.

SO ORDERED, this 14th day of July, 2017.



Wick Dufford, Hearing Examiner

APPEAL

Reconsideration may be requested by filing with Planning and Development Services (PDS) within five (5) days of this decision. Appeal is to the Board of County Commissioner by filing with PDS within five (5) days of this decision or decision on reconsideration, if applicable.