

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

Applicant: Delbert Olander
22180 Grip Road
Sedro-Woolley, WA 98284

File No: PL06-0647

Request: Waiver of Development Moratorium

Location: 22180 Grip Road, within a portion of Sec. 2, T35N,
R4E, W.M.

Land Use Designation: Rural Reserve (RRv)

Summary of Proposal: To obtain a waiver of the six-year development moratorium to allow the applicant to proceed with an application for a Boundary Line Adjustment and related approvals.

Public Hearing: After reviewing the report of Planning and Development Services, the Hearing examiner conducted a public hearing on October 25, 2006.

Decision: The application is approved, subject to a condition.

FINDINGS OF FACT

1. Delbert Olander (applicant) seeks a waiver of the six-year development moratorium imposed by the Department of Natural Resources on January 2, 2004.
2. The application for waiver was deemed complete on July 18, 2006. A Notice of Development application was posted on the property and published on July 20, 2006.
3. The property was the subject of a class III forest practice permit. The site consists of about 8.43 acres located at 22180 Grip Road, within a portion of Sec. 2, T35N, R4E, W.M. The zoning is Rural Reserve (RRv).
4. Based on the presence of wetlands on the subject parcel, the applicant submitted a Wetland Delineation Report by Wetlands Inc., dated September 12, 2006.
5. The report and site observations confirm that the timber harvest was not conducted on any County-regulated critical area. No impacts were identified to critical areas or buffers.
6. Under the Critical Areas Ordinance (SCC 14.24.110(6)(c)), the applicable criteria for lifting a development moratorium are as follows:
 - (i) A critical areas site assessment must be prepared. . . The site assessment shall determine the level of impact to County regulated critical areas and associated buffers that have occurred due to logging and associated conversion activity. The site assessment shall also include an estimated time needed for recovery of the critical area to a state comparable to what it was before the forest practice took place.
 - (ii) If, based on the prepared site assessment and comments received, the Hearing Examiner determines that recovery of the critical area(s) and associated buffers can be achieved within 6 years, then a mitigation plan shall be prepared and implemented consistent with the CAO and the [moratorium] shall be lifted.
7. Because no effect to any regulated critical area or buffer has occurred, no time is needed for recovery and there is no need for a mitigation plan.
8. There was no public comment on the application. The Staff recommends approval, with the creation of Protected Critical Area (PCA) incorporating the wetland and its buffer. The applicant, represented by Skagit Surveying, agrees to this condition.

9. The waiver is sought in order to pursue a Boundary Line Modification that will equalize Parcels No: 35595 and 35596.

10. Any conclusion herein which may be deemed a finding is hereby adopted as such.

CONCLUSIONS OF LAW

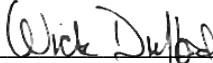
1. The Hearing Examiner has jurisdiction over the persons and the subject matter of this proceeding. SCC 14.24.110(6).

2. The facts support a conclusion that the application has met the criteria for waiver of the six-year development moratorium for the subject property.

3. Any finding herein which may be deemed a conclusion is hereby adopted as such.

DECISION

The application is approved, subject to the requirement that a Protected Critical Area (PCA) be established and filed as required by law. The PCA shall include the wetland and its buffer.



Wick Dufford, Hearing Examiner

Date of Action: November 21, 2006

Date Transmitted to Applicant: November 21, 2006

RECONSIDERATION/APPEAL

As provided in SCC 14.06.180, a request for reconsideration may be filed with Planning and Development Services within 10 days after the date of this decision. As provided in SCC 14.06.120(9), the decision may be appealed to the Board of County Commissioners by filing a written Notice of Appeal with Planning and Development Services within 14 days after the date of the decision, or decision on reconsideration, if applicable.