

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS, CONCLUSIONS AND DECISION

Applicant: William and Patsy Blunt
30714 Lyman-Hamilton Highway
Sedro-Woolley, WA 98284

File No: PL06-1134

Request: Waiver of Development Moratorium

Location: Adjacent to the southwest of the end of Prevedell Road,
within a portion of Sec. 7, T35N, R6E, W.M.

Parcel Nos: P40810, P40811, P40812, P117904

Land Use Designation: Rural Reserve and Secondary Forest-NRL

Summary of Proposal: To obtain a waiver of the six-year development moratorium on 71.2 acres of land to allow the applicant to proceed with an application for subdivision of the property into four parcels for residential development.

Public Hearing: After reviewing the report of Planning and Development Services, the Hearing Examiner conducted a public hearing On June 13, 2007

Decision: The application is approved, subject to conditions.

FINDINGS OF FACT

1. William and Patsy Blunt (applicants) seek a waiver of the six-year development moratorium imposed by virtue of a Forest Practices Application approval on December 17, 2004.

2. The application for waiver was deemed completed on January 11, 2007. A Notice of Development Application was posted and published on January 18, 2007. No comment letters were received during the comment period.

3. The site consists of 71.2 acres located southwest of the west end of Prevedell Road, within a portion of Sec. 7, T35N, R6E, W.M. The zoning is Rural Reserve and Secondary Forest-Natural Resource Lands (NRL). Parcel numbers are P40810, P40811, P40812, P117904.

4. The property is located in an area of moderate topographic relief, with the southern portion lying within the Skagit River migration corridor at approximately elevation 160. The northern portion is at an elevation of approximately 400 feet. The east, west and main forks of Childs Creek flow through the property. The stream channels are incised within steep canyon walls. The canyon walls are heavily forested and function as buffers between the streams and the upland.

5. The upland areas are currently undeveloped and managed for timber production. Merchantable timber was harvested during the summer of 2005 before the applicants decided to convert the parcels.

6. The surrounding land uses are a patchwork of timber lands and single family residential development. The property north of Prevedell Road is more heavily forested and primarily managed for timber production.

7. Critical areas review showed two potential critical areas within 200 feet of the site – suspect geologic hazard areas and fish and wildlife conservation areas. Observation indicated that no timber harvest has occurred within fish and wildlife conservation areas or associated buffers. Timber was, however, removed from suspect landslide hazard areas.

8. On April 10, 2007, the applicants submitted a Geology Hazard Assessment, prepared by Stratum Group, which concluded that timber harvest has not had a significant adverse impact on the stability of the slopes. Staff gave critical areas approval on condition that if improvements result in any impact to critical areas or buffers, the areas affected shall be immediately returned to their previous function and value following development.

9. The contemplated land division would include installing domestic water supply wells and septic systems, plus constructing access roads. The applicants have been advised of the steps needed to apply for land division approval.

10. 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 impacts to County regulated critical areas and associated buffers that have occurred due to logging and any 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 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.

11. Because no significant adverse 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.

12. The staff recommends approval of this application with the creation of a Protected Critical Area (PCA) incorporating all fish and wildlife habitat conservation areas and associated buffers.

13. 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).

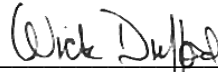
2. The facts support a conclusion that the application has met the criteria for waiver of the six-year development moratorium on the subject property.

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

DECISION

The application is approved, subject to the following conditions:

1. All fish and wildlife habitat conservation areas and associated buffers shall be included in a Protected Critical Area (PCA) according to SCC 14.24.170. The PCA shall be recorded with the Auditor's office. The PCA may be completed in connection with approval of the proposed land division.
2. If subsequent improvements result in any adverse impact to critical areas or buffers, the affected areas shall be returned to their original function and value immediately following development.
3. The applicants shall comply with the recommendations of the Geology Hazard Assessment of the Stratum Group, dated April 7, 2007.



Wick Dufford, Hearing Examiner

Date of Action: July 17, 2007

Date Transmitted to Applicants: July 17, 2007

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.