

**BEFORE THE SKAGIT COUNTY HEARING EXAMINER**

**FINDINGS, CONCLUSIONS AND DECISION**

**Applicant:** Diane Dreadin  
7193 Fruitdale Road  
Sedro-Woolley, WA 98284

**File No:** PL07-0641

**Request:** Waiver of Development Moratorium

**Location:** 7193 Fruitdale Road, within a portion of Sec. 7, T35N,  
R5E, W.M.

**Parcel Nos:** P38624

**Land Use Designation:** Rural Reserve

**Summary of Proposal:** To obtain a waiver of the six-year development moratorium on 25.5 acres of land to allow the applicant to proceed with an application for subdivision of the property into four 1-acre parcels and one 21.5-acre parcel.

**Public Hearing:** After reviewing the report of Planning and Development Services, the Hearing Examiner conducted a public hearing on September 12, 2007.

**Decision:** The application is approved, subject to conditions.

## **FINDINGS OF FACT**

1. Diane Dreadin (applicant) seeks a waiver of the six-year development moratorium imposed by virtue of a Forest Practices Application approval on October 16, 2002.

2. The application for waiver was received on August 13, 2007. A Notice of Development Application was posted and published on August 23, 2007. One comment letter was received from neighbors who supported the applicant's request. An additional letter from the Skagit Citizens Alliance for Rural Preservation (SCARP) requested that it be kept informed of further action on the parcel.

3. The site consists of 25.5 acres located at 7193 Fruitdale Road, within a portion of Sec. 7, T35N, R5E, W.M. The zoning is Rural Reserve. The parcel number is P38624.

4. The property is located on the east side of Fruitdale Road in an area of relatively low topographic relief. The site is currently used as a horse ranch with the great majority of the area being in pasture. Nevertheless, some timber remains.

5. No wetlands or streams were observed on the subject site.

6. The surrounding land is primarily designated Rural Reserve and developed with a low density of single family residences. There is Secondary Forest-Natural Resource Land to the northeast, Public Open Space of Statewide/Regional Importance to the east and the Sedro-Woolley Urban Growth Area to the southwest.

7. On the application, the applicant advised that the only forest harvest activity on the property had been the clearing of scrub trees and brush. On advice, she filled out a Forest Practices Application but didn't know until recently that a moratorium on development had been imposed.

8. Critical Areas review revealed no timber harvest activities within 200 feet of any critical areas or associated buffers.

9. 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.

10. Because there are no critical areas on site, no site assessment was required. Because no 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.

11. The contemplated land division would involve dividing the 25.5 acres into four 1-acre residential parcels and one 21.5 acre parcel to remain as pasture. The 21.5 acre parcel already has a residence. The platting 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.

12. The staff recommends approval of the waiver application.

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.

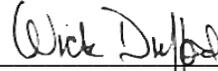
3. Any finding herein which may be deemed a conclusion is hereby adopted as such.

### **DECISION**

The application is approved, subject to the following conditions:

1. The applicant shall follow the requirements of Planning and Development Services and other county departments in relation to any land division proposed.

2. SCARP shall be advised about any further application of the applicant relating to P38624.



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Wick Dufford, Hearing Examiner

Date of Action: September 19, 2007

Date Transmitted to Applicants: September 19, 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.