

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

In the Matter of the Appeal of)	
)	PL 13-0281
EVERGREEN ISLANDS,)	
)	
Appellant.)	REMAND FOR CONSIDERATION
)	OF MEDIATION
v.)	
)	
SKAGIT COUNTY and)	
FRANK HARKNESS,)	
)	
Respondents.)	
_____)	

This matter concerns a grading permit issued in connection with a forest practice conversion. Frank Harkness, applicant, owns Parcel 19301 located north of Campbell Lake Road on the lower south facing flank of Mount Erie on Fidalgo Island.

The forest practice conversion and grading are proposed with the object of eventual residential development of the subject site. The site is currently undeveloped and in that state is part of a highly valued scenic viewscape. Trails that lead to various routes for the ascent of Mount Erie are present on the property.

A Mitigated Determination of Non-Significance (MDNS) was issued prior to any development action on the property. The MDNS was appealed by Evergreen Islands, a citizens group that works to preserve the environment of Fidalgo Island.

A full day of hearing on this matter was held before the Hearing Examiner on October 9, 2013. The matter was vigorously contested and the Examiner requested and received additional time for his decision.

Respondent Harkness owns the property in question. Residential development is allowed there by the relevant zoning. But the property is highly prized by the public and particularly by neighboring landowners because of its key position in the beautiful surroundings of Mount Erie.

Certainly more could be learned about the environmental impacts of development of the site and a more sophisticated analysis could be made of the likely aesthetic impacts. But even if more analysis is required and prepared, respondent Harkness will have the right to engage in residential development of his own property unless some overriding consideration of public interest is identified.

After reflecting on the matter, the Examiner is persuaded that this is a situation that can best be resolved by discussions between the landowner and his neighbors and other interested parties about how to develop the property in a way that will suit the interests of all.

Therefore, the Examiner is referring the matter to mediation, using the local Dispute Resolution Center, (formerly Skagit County Mediation Services), pursuant to Rule 1.21 of the Skagit County Rules of Procedure for Hearings.

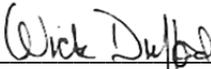
Accordingly, this matter is remanded to Planning and Development Services (PDS) with instructions to contact the parties to the appeal and request that they seek mediation of this matter.

If the parties agree to mediation, the Examiner will await the outcome of that process prior to taking further action.

If any party declines to engage in mediation, the Examiner shall be informed and the matter will be decided on the record made at the hearing on October 9, 2013.

The parties are requested to advise PDS of their acceptance or refusal of engaging in mediation on or before November 11, 2013.

ENTERED this 1st day of November, 2013.



Wick Dufford, Hearing Examiner

Transmitted to the parties on November 1, 2013.