

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS, CONCLUSIONS AND DECISION

Applicant: Robert Magnuson
21941 Grip Road
Sedro-Wolley, WA 98284

File No: PL05-0344

Request: Waiver of Development Moratorium

Location: 24941 Grip Road, within a portion of Sec. 3, T35N, R4E,
W.M. Parcel #P35699.

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 land division and related permits and approvals.

Public Hearing: After reviewing the report of Planning and Development Services, the Hearing Examiner conducted a public hearing on December 21, 2005.

Decision: The application is approved.

FINDINGS OF FACT

1. Robert Magnuson (applicant) seeks a waiver of the six-year development moratorium imposed by the County after a forest practice was conducted pursuant to a permit dated May 5, 2004.
2. The waiver application was deemed complete on August 3, 2005. A Notice of Application was properly posted and published on August 11, 2005. The public hearing was properly advertised.
3. The property consists of about 20 acres located at 21941 Grip Road, within a portion of Sec. 3, T3N, R4E, W.M. (Parcel #P35699). The zoning is Rural Reserve (RRv).
4. The parcel is generally flat, dropping slightly toward the north end. Vegetation on the site consists predominantly of upland species
5. The property is being sold to a new owner. Removal of the moratorium is sought in order to move forward with subdivision of the property.
6. The County reviewed the property with respect to possible application of the Critical Areas Ordinance (CAO). On visual inspection by Staff possible wetland areas were noted. In November 2005, Earth Systems Science, Inc. produced a Wetlands Reconnaissance Report which concluded that no regulatory wetlands are present on the site.
7. After review of the information provided, the County Staff determined that the timber harvest caused no impacts to any regulated critical areas or buffers. The Hearing Examiner so finds.
8. Under the CAO - SCC 14.24.110(6)(c) - the applicable criteria for lifting a 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 six years then a mitigation plan shall be prepared and implemented, consistent with

the CAO, and the [moratorium] shall be lifted.

9. 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.

10. There was no public comment on the application. The Staff recommends approval.

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

CONCLUSIONS OF LAW

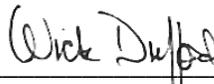
1. The Hearing Examiner has jurisdiction over the persons and the subject matter of this proceeding SCC 14.24.110(6).

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

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

DECISION

The requested waiver of moratorium is approved.



Wick Dufford, Hearing Examiner

Date of Action: January 30, 2006

Date Transmitted to Applicant: January 30, 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.