



200402110078

Skagit County Auditor

2/11/2004 Page

1 of

5 11:47AM

AFTER RECORDING RETURN TO:
SKAGIT COUNTY HEARING EXAMINER
302 SOUTH FIRST STREET
MOUNT VERNON, WA 98273

DOCUMENT TITLE: ORDER ON WAIVER REQUEST WV03 0800

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: WILLIAM and PATSY BLUNT

ASSESSOR PARCEL NO: P#s: 40810, 40811, 40812, and 117904

LEGAL DESCRIPTION: The subject site is located south west of the western terminus of Prevedell Road, Lyman, Washington. The area includes four parcels located within a portion of the southern half of Section 7, Township 35 north, Range 6 east, W.M., Skagit County, WA.

**BEFORE THE SKAGIT COUNTY HEARING EXAMINER
FINDINGS, CONCLUSIONS AND DECISION**

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

File No: PL03-0800

Request: Waiver of Six-Year Development Moratorium

Location: Southwest of the western terminus of Prevedell Road; includes four parcels within a portion of S1/2 Sec. 7, T35N, R6E, W.M.

Land Use Designations: Three parcels -- Secondary Forest
One parcel -- Rural Reserve

Summary of Proposal: To be allowed to pursue creation of new lots on a 71.9 acre site that was the subject of a Class III Forest Practice Permit issued in April 1999.

Public Hearing: After reviewing the report of the Planning and Permit Center, the Hearing Examiner conducted a public hearing on January 14, 2004.

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



FINDINGS OF FACT

1. William and Patsy Blunt seek the waiver of a moratorium on development placed on the subject property by virtue of a Class III Forest Practice Permit issued April 8, 1999,

2. RCW 76.09.060 prevents the County from approving any development on such property until the moratorium period ends or the moratorium is otherwise lifted. The standard moratorium period is six years from the issuance of the Forest Practice Permit.

3. The property consists of four parcels -- identified as P117904, P40810, P40811, and P40812. The latter is zoned Rural Reserve. The others are zoned Secondary Forest. The land use in areas surrounding the subject property is limited to forestry and single-family residential use.

4. Overall, the property consists of 71.9 acres, located southwest of the western terminus of Prevendell Road, within a portion of the S1/2 Sec.7, T35N, R6E, W.M. The applicants wish to create four lots differing from the present four parcels. Land division is considered a type of development.

5. The bulk of the property is a near-rectangle. On the northwest is a panhandle. The land slopes north to south from nearly level in places to 125% slopes on 200+ foot high bluffs. Two Type 4 creeks (Childs Creek and an unnamed stream) traverse the area on a north-south alignment.

6. The upper portion of the property has been logged several times. The southern bluff has second growth timber around 80 years old, consisting of Douglas fir, Western red cedar, bigleaf maple, paper birch and Western hemlock. Other than the two streams, there are no wetlands.

7. The latest forest practices permit was for a project involving light thinning of merchantable timber. A critical area site assessment was conducted in connection with the request for a waiver. The assessment concluded that timber harvest activities had been limited to areas outside of critical area and associated buffers.

8. SCC 14.24.110(6) allows a waiver of the development moratorium when certain conditions are satisfied. A critical areas site assessment must be conducted and shall determine the level of impacts to critical areas and associated buffers that occurred due to logging and the time needed for recovery to a state comparable to the pre-logging condition. If, based on the site assessment and comments received, the Hearing Examiner determines that recovery of the critical areas and associated buffers can be achieved within six years, then a mitigation plan to accomplish this shall be implemented and the moratorium can be lifted.

9. There was no public comment in the file and no public testimony at the hearing. Based on the site assessment, the Examiner finds that activities under the Forest Practice Permit



that triggered the instant moratorium have had no impact on any regulated critical area or buffer. Accordingly, there is no need to determine the time needed for recovery and no need for a mitigation plan.

10. William Blunt testified that his present planning is limited to dividing the land and that he has no current intention to develop it physically. The property will remain in timber and open space and be managed as such.

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)(b).

2. The application meets the requirements for a waiver of the six-year development moratorium under the standards of SCC 14.24.110(6)(e).

3. The waiver should be approved, subject to the following condition:

(a) In connection with any land division on the subject property, all geologically hazardous areas, streams and associated buffers shall be included in a Protected Critical Area (PCA), per SCC 14.24.170, and the PCA shall be recorded with the County Auditor's office.

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

DECISION

The requested waiver of the development moratorium is approved, subject to the condition set forth in Conclusion 3 above.



Wick Dufford, Hearing Examiner

Date of Action: February 9, 2004

Copy Transmitted to Applicant: February 9, 2004



200402110078

Skagit County Auditor

RECONSIDERATION/APPEAL

As provided in SCC 14.06.180, a request for reconsideration may be filed with the Planning and Permit Center 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 the Planning and Permit Center within 14 days after the date of the decision, or decision on reconsideration, if applicable.



200402110078

Skagit County Auditor