

IN THE MATTER OF APPEAL OF ADMINISTRATIVE DECISION)
STOP WORK ORDER VIOLATION OF SHORELINE MASTER PROGRAM)
PARCEL NO. 3122360045)

This matter, an appeal of administrative decision was heard by the Okanogan County Hearing Examiner on July 11, 2019.

The public hearing is to consider an appeal of an administrative decision that found clearing and grading had occurred within areas regulated by the Shoreline Master Program (SMP) without the necessary permits and approvals on the above listed parcel. In addition, a gazebo has been constructed without building permits also located within the area regulated by the Shoreline Master Program. A stop work order was mailed dated May 30, 2019 to Jim Weddle, the addressee listed on the Assessors website with a copy sent to the identified agent, Mark Miller. Subsequent to mailing the notice it was determined that the agent has ownership interest in the property.

FINDINGS OF FACT

1. The Director of Planning and Development (Director) after receiving a citizen's complaint investigated activities occurring on subject property.
2. The entire Planning and Development department file is hereby made a part of the official record of this matter as if fully set forth herein.
3. The Director found certain enumerated activities (see stop work order) that he believes trigger the need for a shoreline substantial development permit.
4. At the hearing Mr. Miller testified that he had complied with the stop work order in terms of ceasing development activities on the site but had not submitted a shoreline substantial development permit (SDP) as ordered.
5. Mr. Miller argues that the work undertaken was to restore damage caused by the Carlton Complex fire of 2014 and should not require an SDP.
6. Mr. Miller was unable to cite any portion of the SMP, or other regulation or statute that would relieve his burden to file an SDP.
7. The Director does not dispute any facts asserted by Mr. Miller.

8. Mike Lesky, on behalf of Mr. Miller has several questions related to resolving the issue and was advised that those issues would be addressed when an SDP application was filed.
9. No members of the public testified at the hearing.
10. All testimony was taken under oath.
11. The Hearing Examiner has authority to review and approve or deny the appeal.

CONCLUSIONS

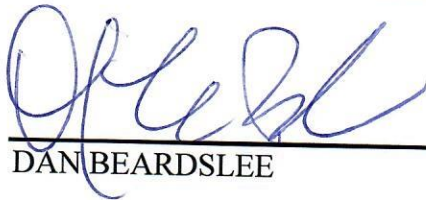
1. The SMP regulates lands within 200 feet of ordinary high water of the Methow River, the body of water adjoining subject property.
2. The Director is also the administrator of the SMP.
3. The Director's decision is given substantial weight.
4. There has been no compelling argument(s) presented by the appellant that would lead the Hearing Examiner to believe the stop work order should be dismissed.

DECISION

Based upon the information contained in the application materials, and additional information provided at the hearing, the appeal is **DENIED**, and remanded back to the Director for further proceedings consistent with this decision:

Dated this 12th day of July, 2019.

OKANOGAN COUNTY HEARING EXAMINER



DAN BEARDSLEE