

**BEFORE THE WESTERN WASHINGTON GROWTH  
MANAGEMENT HEARINGS BOARD**

ABENROTH, et al,

Petitioners,

v.

SKAGIT COUNTY,

Respondent,

and

TOM and SHEILA BUGGIA, et al.,

Intervenors.

No. 97-2-0060c

**COMPLIANCE ORDER**

On October 28, 1997, we found that Skagit County failed to meet the Growth Management Act (GMA) requirements of RCW 36.70A.070(6) and Countywide Planning Policies 3.1, 3.4, 3.6, 3.8, 3.10, 3.11, 5.3 and 9.1 with regard to non-motorized transportation planning. Subsequently, Skagit County entered into a stipulated agreement with Friends of Skagit County (FOSC) agreeing to address the matter as a long-term postponed issue.

Since that time, the parties have requested, and have been granted, a series of 90-day extensions for settlement purposes on the long-term stipulated issues. The last extension, relative to Ordinance 020040009 and the adoption of Skagit County's Non-Motorized Transportation Plan (NMTP), was issued on May 19, 2004.

On May 25, 2004, we received a copy of Ordinance 020040009 from Skagit County, along with a request that this Board enter a finding of compliance on this "Long-Term

Stipulated Issue” pursuant to the parties’ Joint Motion for 25<sup>th</sup> Further Order Extending Time Re: “Postponed” Issues dated May 13, 2004.

We established June 9, 2004, as the deadline for receiving objections to the County’s request for a finding of compliance. No objections were received. The provisions of RCW 36.70A.330(1) require a compliance hearing (and independent Board review of the action taken) regardless of whether or not an objection to the County’s action is raised. Thus, we held a telephonic compliance hearing on June 21, 2004, at 10:00 a.m. At the hearing, Friends of Skagit County confirmed that it is not contesting a finding of compliance in this failure-to-act case, but retains the right to raise challenges to the provisions of the NMTP in a new appeal.

Having reviewed the record and the written materials we find that Skagit County has complied with the Growth Management Act with regard to the adoption of a Non-Motorized Transportation Plan.

This is a Final Order under RCW 36.70A.300(5) for purposes of appeal.

Pursuant to WAC 242-02-832(1), a motion for reconsideration may be filed within ten days of issuance of this final decision.

So ORDERED this 23rd day of June 2004.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

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Nan A. Henriksen, Board Member

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Holly Gadbow, Board Member

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Margery Hite, Board Member