

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

1000 FRIENDS OF WASHINGTON, EVERGREEN
ISLANDS, AND SKAGIT AUDUBON SOCIETY

Petitioners,

v.

CITY OF ANACORTES,

Respondent.

No. 03-2-0012

**ORDER
DISMISSING
PETITION FOR
REVIEW**

On June 23, 2003, the Board received a draft Order Dismissing Petition for Review from Mr. Ian Munce, attorney for the City of Anacortes, the Respondent in this case. The Order was signed as being presented by Mr. Munce and approved as to form by Mr. Ryan Vancil, attorney for 1000 Friends of Washington, Evergreen Islands, and Skagit Audubon Society. Notice of Presentation was also waived by Mr. Vancil. This Order, drawn by Holly Gadbow, Presiding Officer, is basically what was submitted by the City of Anacortes, with one sentence and footnote having been deleted.

The Board has considered the motion and the pleadings in this action.

The Petition for Review filed by Petitioners is a failure to act challenge. It alleges that Anacortes had not designated and protected certain GMA critical areas. However, on June 16, 2003, Anacortes adopted an interim controls ordinance redesignating and protecting critical areas (the "Ordinance"). The Ordinance is now specifically included in the Anacortes Municipal Code ("AMC"), and designates and protects critical areas. For example, the Ordinance formally designates critical areas mapped in the Comprehensive Plan Appendix B, 1997 Comprehensive Plan Map Portfolio, and Appendix A of the 2002/Stormwater Plan.¹ The Ordinance states how

¹ Ordinance 2623, pg. 3.

and through what regulations critical habitat areas, frequently flooded areas, aquifer recharge areas, non-tidal wetlands, shoreline areas, and geological hazardous areas are protected.² The Ordinance includes codification in the municipal code at Chapter 17.70 AMC.³

Because Anacortes has acted to designate and protect critical areas, there is no longer an issue before the Board to adjudicate. Absent compelling considerations of public policy, the Board will not hear and decide moot issues.⁴

Based on the foregoing, it is accordingly ORDERED, ADJUDGED and DECREED as follows:

1. The Petition for Review is dismissed with prejudice.

ORDERED this 30th day of June, 2003.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

Holly Gadbow, Presiding Officer

² Ordinance 2623, pg. 3.

³ Ordinance 2623, pg. 3.

⁴ *Hayes v. Kitsap County* at 3.