

1 BEFORE THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

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4 1000 FRIENDS OF WASHINGTON, EVERGREEN
5 ISLANDS, and, SKAGIT AUDUBON SOCIETY,

Case No. 03-2-0017

6 Petitioners,

ORDER DISMISSING THE
CASE

7
8 v.

9 CITY OF ANACORTES,

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11 Respondent.

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13 This matter comes before the Western Washington Growth Management Hearings Board (Board) on
14 an order of remand from the Skagit County Superior Court (Superior Court) dated November 4, 2004.

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16 The Board's Final Decision and Order issued on February 10, 2004, found that Ordinance No. 2623
17 failed to comply with the Growth Management Act (GMA) with respect to the City of Anacortes'
18 designations and protections for Fish and Wildlife Habitat Conservation Areas (FWHCAs) and
19 wetlands. The Order on Issue for Reconsideration, issued on April 20, 2004, amended the Final
20 Decision and Order, finding that the Board had no jurisdiction over the City's wetland regulations,
21 but continued its finding that the City's FWHCAs designations and protections were out of
22 compliance with the GMA. The Superior Court's order in Skagit County Superior Court Case No.
23 04-2-00396-5 reversed the Board's determination that it had jurisdiction to determine the compliance
24 of the City's FWHCAs with the GMA (in both the Final Decision and Order and the Order on
25 Reconsideration) and remanded the matter to the Board with directions to dismiss the appeal.
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29 The Board held a telephonic hearing on the remand order on February 22, 2005. Mr. Ian Munce, the
30 City's Attorney, Mr. John Zilavy, Attorney for the Petitioners, and all three Board members attended.
31 Mr. Zilavy stated that Petitioners were not going to contest the remand and had not appealed the
32 Superior Court's decision.

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ORDER

Therefore, based on the Superior Court’s remand order and because Petitioners do not contest that decision, the Board hereby DISMISSES the petition for review in this case. Case No. 03-2-0017 is now CLOSED.

SO ORDERED on this 2nd day of March 2005.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

Holly Gadbow, Presiding Officer

Margery Hite, Board Member

Gayle Rothrock, Board Member