

**CENTRAL PUGET SOUND
GROWTH MANAGEMENT HEARINGS BOARD
STATE OF WASHINGTON**

CITY OF BREMERTON, et al.,)	
)	CPSGMHB Consolidated Case
Petitioners,)	No. 04-3-0009c
)	(<i>Bremerton II</i>)¹
v.)	
)	
KITSAP COUNTY,)	ORDER FINDING
)	CONTINUING
Respondent,)	NONCOMPLIANCE and
)	INVALIDITY
)	
MANKE LUMBER COMPANY;)	
OVERTON FAMILY; MCCORMICK)	
LAND COMPANY; OLYMPIC)	
PROPERTY GROUP; and PORT OF)	
BREMERTON,)	
)	
Intervenors,)	
)	
)	
and)	
1000 FRIENDS OF WASHINGTON,)	
)	
)	
<i>Amicus Curiae.</i>)	

I. BACKGROUND

On August 8, 2004, the Central Puget Sound Growth Management Hearings Board (the **Board**) issued its Final Decision and Order (**FDO**) in the above captioned matter. Kitsap County’s Rural Wooded Lands (**RWL**) Policies were at issue.

The FDO provided, in relevant part:

1. Kitsap County’s adoption of the RWL policies [RL – 10(a) and (b), and RL – 11a through i] in Ordinance No. 311-2003 and set forth in the Errata Sheet, Specific Text Amendments, at 7-10, to Ordinance No. 311-2003, was **clearly erroneous**

¹ For convenience of reference this case is identified as “Bremerton II” to distinguish it from a previous case (95-03-0039c) involving the same petitioner and respondent.

and **does not comply** with the requirements of RCW 36.70A.070(5)(a), (b) and (c), including the requirement that the RWL policies be harmonized with the goals of the Act. Also, because the County has not complied with RCW 36.70A.070(5)(a), the Board concludes that the adoption of the RWL policies were **not guided by, and do not comply** with, the noted goals of the Act – RCW 36.70A.020(1), (2), (3), (5), (8), (10), (11) and (12).

2. The Board **remands** the RWL polices to the County with direction to take appropriate legislative action in order to comply with the goals and requirements of the Act, as interpreted in this Order. In light of the ongoing efforts of the County to address Rural Wooded Lands and the necessity to develop and adopt implementing development regulations along with the necessary revisions to the RWL policies the Board has determined that resolving these matters is one of **unusual scope and continued complexity. Therefore, the Board will extend the statutory 180-day statutory deadline for compliance and allow the County a one year compliance period.** The compliance schedule is set forth below:

- By no later than **August 9, 2005**, the County shall take appropriate legislative action to bring its Plan into compliance with the goals and requirements of the GMA, as interpreted and set forth in this Final Decision and Order (**FDO**).
- By no later than **August 23, 2005**, the County shall file with the Board an original and four copies of a Statement of Action Taken to Comply (**SATC**) with the GMA, as interpreted and set forth in this FDO. The SATC shall attach copies of legislation enacted [Plan and development regulations] in order to comply. The County shall simultaneously serve a copy of the SATC, with attachments, on all Petitioners and Intervenors. By this same date, the County shall file a “**Remand Index**,” listing the procedures (meetings, hearings *etc.*) occurring during the remand period and materials (documents, reports, analysis, testimony *etc.*) [footnote omitted] considered during the remand period in taking the remand action.
- By no later than **September 6, 2005**, [footnote omitted] the Petitioners and Intervenors may file with the Board an original and four copies of Comments on the County’s SATC. Petitioners and Intervenors shall each simultaneously serve a copy of its Comments on the County’s SATC on the County and each other.
- By no later than **September 13, 2005**, the County may file with the Board an original and four copies of the County’s Reply to Comments. The County shall simultaneously serve a copy of such Reply on Petitioners and Intervenors.

Pursuant to RCW 36.70A.330(1), the Board hereby schedules the **Compliance Hearing** in this matter beginning at **10:00 a.m. September 27, 2005** at the Board's offices.

If the County takes legislative compliance actions prior to the August 9, 2005 deadline set forth in this Order, it may file a motion with the Board requesting an adjustment to this compliance schedule.

FDO, at 56-57, (underlined emphasis added).

On August 11, 2005, the Board received electronically, "Kitsap County's Motion to Extend the Compliance Deadline" (**Kitsap Motion – Extend**). The County requested that its review and decision related to bringing the noncompliant Rural Wooded Land Policies in the Plan into compliance with the Act along with the concurrent adoption of implementing development regulations be extended until December 31, 2006.²

On August 16, 2005, the Board issued an "Order Scheduling Consideration of Kitsap County's Motion to Extend Compliance Deadline." The Board's Order indicated that it would consider the motion to extend at the compliance hearing scheduled for September 27, 2005. The Order reiterated that the SATC and Remand Index would be due as stated in the August 8, 2004 FDO. Additionally, the Order also directed the County to provide the Board with the existing work plan the County had been following in response to the FDO and the proposed work plan under an extension.³

On August 23, 2005, the Board received electronically, Kitsap County's "Statement of Action Taken to Comply" (**SATC**) and "Remand Index."

On August 26, 2005, the Board received Bremerton's "City's Non-opposition to County's Motion to Extend the Compliance Deadline."

On August 31, 2005, the Board received from the Suquamish Tribe, "Tribe's Response to County's Request for Extension to Comply with Board's Order RE: Rural Wooded Lands."

On September 2, 2005, the Board received "Intervenors Overton & Associates, Alpine Evergreen Company Inc. and Olympic Property Group's Response to Statement of Actions Taken to Comply," with two attachments.

² This date corresponds to the date requested (a six month extension) in a separate Kitsap County case – CPSGMHB Case No. 04-3-0031c.

³ On August 25, 2005 the Board issued an "Order Setting Schedule for Response to Compliance Documents."

On September 6, 2005, the Board received Petitioner Harless' "Comments on County Statement of Actions Taken to Comply and Motion Requesting a Finding of Continued Noncompliance and Determination of Invalidity" (**Harless Comment SATC**).

On September 13, 2005, the Board received "Kitsap County's Response to Comments on Its Statement of Actions Taken to Comply."

On September 21, 2005, the Board received "Kitsap County's Submittal of Proposed Work Plans" (**County Work Plans**).

On September 22, 2005, the Board received "Petitioners Harless' and KCRP's Comments on County's Submittals of Proposed Work Plans."

On September 23, 2005, the Board received Petitioner Bremerton's "City's Response to the County's Compliance Documents."

On September 27, 2005, beginning at 10:00 a.m., the Board conducted the Compliance Hearing at the Board's offices. Board Member Bruce C. Laing, presiding officer, conducted the hearing. Board members Margaret A. Pager and Edward G. McGuire were present. Petitioner City of Bremerton was represented by Carol A. Morris. Petitioner Jerry Harless appeared *pro se* and on behalf of Petitioner KCRP. Petitioner Suquamish Tribe was represented by Mark Bubenik. Shelley E. Kneip represented Respondent Kitsap County. Elaine L. Spencer represented Interveners. Also in attendance were Cindy Baker [Kitsap County], Charlie Burrow and Tom Donnelly [KCRP] and Martha Sullivan [Suquamish Tribe] and Rebeckah Cook [Board staff]. Court reporting was provided by Katie A. Askew of Byers and Anderson, Inc. No transcript of the proceeding was ordered.

II. DISCUSSION

Background:

In December of 2003, when the County adopted the Rural Wooded Lands Policies [**RWL 10 and 11 of Ordinance No. 311-2003**], which created a general framework for allowing cluster development in the rural area, the County planned to have development regulations developed to implement these policies within nine months of the effective date of the ordinance – *i.e.* September of 2004. *See* FDO. At 7-10; RWL Policy RL 10b and 11i, and County Work Plans, Tab I, at 1.

Since the RWL Policies were challenged, it is understandable that the County did not devote nine months to working on the implementing development regulations until such time as the Board issued its FDO. The FDO was issued on August 9, 2004 and found that the RWL Policies were noncompliant with the various goals and specific requirements of the Act.

The GMA statute allows only 180 days for a jurisdiction to achieve compliance if the Board finds noncompliance. *See* RCW 36.70A.300(3)(b). However, this same GMA provision grants the Board discretion to authorize a longer period *if the compliance matter is of unusual scope and complexity*. Therefore, to allow Kitsap County adequate time to refine its policies *and* develop regulations to implement them, the Board concluded, “In light of the ongoing efforts of the County to address Rural Wooded Lands and the necessity to develop and adopt implementing development regulations *along with* the necessary revisions to the RWL policies, the Board has determined that resolving these matters is one of unusual scope and continued complexity.” FDO, at 56; (emphasis supplied). The Board then gave the County **one year** [*i.e.* until August 9, 2005] to bring its RWL Policies into compliance and adopt the necessary implementing development regulations. *See*: FDO, at 56.

On August 11, 2005, over one year after the FDO issued, and two days after the deadline for the County to take legislative action, the Board received Kitsap County’s Motion to Extend. The rationale for the request was that during the remand period the County had suffered a severe turnover in long range planning staff and the County wished to coordinate its review of the RWL policies and development of implementing development regulations concurrently with undertaking compliance review on another case in which the County was found noncompliant.⁴ [The Order in that case issued June 28, 2005.] In essence, the County is requesting an *additional* 15 months to pursue compliance.

In the SATC, the County explains that “Kitsap County staff did not accomplish much work on the remand of the Rural Wooded Incentive Program because (1) extensive turnover in planning staff; and (2) a change in direction due to this Board’s order on the ten-year review.” SATC, at 1. The County notes that there were some internal staff meetings in the *fall of 2004* and the Department Director met with some stakeholders in *early 2005* and there were some additional internal meetings. *Id.* [These meetings occurred prior to the Board’s issuance of the *1000 Friends/KCRP* FDO in June of 2005.] In order to respond to the compliance schedule in this matter, at some point, the staff proposed an ordinance to repeal the RWL Policies which was presented to the Planning Commission and the Board of County Commissioners. *Id.* at 2. However, apparently in response to concerns raised before the Commissioners that repealing the policies would negate work that had been done over the years on the RWL Policies, the Commissioners did not act on the proposed repeal ordinance, but instead directed the Prosecutor’s office to ask for more time so the RWL Policies could be addressed concurrently with the pending remand involving the County’s required ten-year UGA review. *Id.*

⁴ *See 1000 Friends of Washington, Kitsap Citizens for Responsible Planning and Jerry Harless v. Kitsap County [Overton & Associates, Alpine Evergreen Company Inc. and Olympic Property Group – Amicus Curiae], (1000 Friends/KCRP), CPSGMHB Case No. 04-3-0031c (04331c), Final Decision and Order, (Jun. 28, 2005).* In the *1000 Friends/KCRP* FDO, the Board also granted the County an additional six months to achieve compliance, setting the deadline for legislative action as June 28, 2006 – a one-year compliance period. The County is also seeking an additional six months to comply in that matter – *i.e.* until December 31, 2006, the same date requested in the County’s motion to extend in *Bremerton II*.

Motion to extend compliance period:

Based upon the information provide by the County in its SATC, the motion to extend and the existing and proposed work plans, the Board finds and concludes that the notion of requesting more time was precipitated during consideration of repeal of the noncompliant RWL Policies rather than as a direct result of staff turn-over during the ensuing year or as a direct result of the Board's FDO in *1000 Friends/KCRP*. The County did not seek an extension while these events were unfolding or within a reasonable time after they occurred or converged. The County waited until *after* the deadline for taking legislative action to comply in *Bremerton II* to seek the extension, which is untimely. [The Board recognizes that, notwithstanding staff turn-over or the Board's FDO in *1000 Friends/KCRP*, had the County pursued the option of repealing the noncompliant RWL Policies, no additional time would be needed to comply, since such an action would have yielded a Board finding of compliance.⁵] Consequently, the County's motion seeking an additional 15 months to achieve compliance related to the RWL Policies and implementing development regulations is **denied**.

Compliance or Continuing Noncompliance:

It is undisputed that the County *did not* take *any* legislative action, nor make much of an effort, to comply with the Act, as interpreted in the Board's FDO, within the *one-year* compliance period the Board granted. *See* August 9, 2004 FDO and SATC. Other than internal meetings, a meeting with stakeholders and drafting a repeal ordinance, the County did not pursue any action pertaining to revising its RWL Policies or developing implementing development regulations. Consequently, since the County failed to take any legislative action to repeal, amend or otherwise modify its RWL Policies or develop development regulations to implement those policies in pursuit of compliance with the GMA, the Board hereby enters a **Finding of Continuing Noncompliance**. Consequently, the Board must establish a new compliance schedule. *See infra*.

Invalidity:

In the August 9, 2004 FDO, regarding Legal Issues 9 and 11 pertaining to Rural Wooded Lands, the Board concluded:

The Board concludes that the County's action of adopting the RWL policies [RL – 10(a) and (b), and RL – 11a through i] in Ordinance No. 311-2003 and set forth in the Errata Sheet, Specific Text Amendments, at

⁵ If timing to undertake the needed reviews is a major concern of the County, the Board notes that the repeal of the noncompliant policies would not only yield a finding of compliance by the Board, but enable the County to proceed with its ongoing efforts to find consensus and develop an incentive approach to rural wooded lands *on its own time schedule*, including incorporating this review with other reviews being undertaken by the County. It would appear that prior policy language and the Board's Orders would provide additional grist for the County's process rather than negate its prior efforts. Nonetheless, how to proceed in this matter is the County's decision to make.

7-10, to Ordinance No. 311-2003, was **clearly erroneous** and **does not comply** with the requirements of RCW 36.70A.070(5)(a), (b) and (c), including the requirement that the RWL policies be harmonized with the goals of the Act. Also, because the County has not complied with RCW 36.70A.070(5)(a), the Board concludes that the adoption of the RWL policies was **not guided by**, and **does not comply** with, the noted goals of the Act – RCW 36.70A.020(1), (2), (3), (5), (8), (10), (11) and (12). The Board will **remand** the RWL policies as adopted in Ordinance No. 311-2003 with direction to the County to take legislative action to comply with the GMA, as interpreted in this Order.

FDO, at 26.

Additionally, in the August 9, 2004 FDO, the Board considered entering a determination of invalidity and concluded:

The Board has determined the RWL polices to be noncompliant with the Act. However, there are no development regulations in place to implement these noncompliant clustering and density incentive program provisions. Therefore there is no threat that vesting could occur based upon these noncompliant provisions. Consequently, the Board declines to enter a **determination of invalidity** for the noncompliant Rural Wooded Land provisions of Ordinance No. 311-2003.

FDO, at 56.

Although the Board did not enter a determination of invalidity in the FDO, RCW 36.70A.330(4) provides:

In a compliance hearing upon petition of a party, the board shall also reconsider its final order and decide, if no determination of invalidity has been made, whether one now should be made under RCW 36.70A.302.

Petitioner Harless has petitioned the Board to consider entering a determination of invalidity at this time. *See* Harless Comment SATC, at 3-4. Therefore, the Board shall reconsider its FDO and decide whether a determination of invalidity should be made pursuant to this compliance proceeding.

The Board has already found that the RWL Policies did not comply with several the GMA's requirements for rural lands, and concluded that the adoption of the RWL Policies was not guided by the direction provided by several goals of the Act. *See* FDO, at 26. Also, in the August 9, 2004 FDO, the Board declined to enter a determination of invalidity, since there were no implementing development regulations for the noncompliant RWL Policies. The question for the Board now is whether the County's

continuing noncompliance substantially interferes with fulfillment of the goals of the Act, thereby meriting a determination of invalidity. The Board concludes it does.

Goals 1 of the GMA provides, “Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.” Goal 2 of the GMA provides, “Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.” During the one-year compliance period, the County made no effort to determine whether the RWL Policies would preserve rural character and prevent urban growth from occurring in the rural area, a major concern noted by the Board in the FDO.

The Board hereby reaffirms and amplifies its reasoning for finding the RWL Policies clearly erroneous and noncompliant. **The Board finds and concludes** that:

1. There was no written record explaining how the RWL Policies were harmonized with the goals of the Act, as required by RCW 36.70A.070(5). [FDO, at 24];
2. There continues to be no written record harmonizing the goals of the Act. [*See* SATC];
3. Information regarding potential environmental impacts of the new RWL Policies was lacking in the decision making process. Obtaining such environmental information at the project review level was determined to be, “Too little, too late, for a major Plan policy decision related to rural lands use patterns and densities, potentially applicable to almost 50,000 acres.” [FDO, at 25.];
4. There continues to be no information regarding the potential environmental impacts the adoption of RWL Policies would have, as potentially applied to an extensive area of the County. No environmental review has occurred. Such information is critical at the policy level, when the policies themselves, as well as the implementing regulations, are considered. [*See* SATC];
5. The RWL Policies lacked clearly defined parameters to determine their potential effect and without implementing development regulations the effect of the RWL Policies was unknown. [FDO, at 25.];
6. The parameters of the RWL Policies have not been refined, or limited in applicability, and the potential effect of the policies continues to be unknown, since no development regulations have been adopted. [*See* SATC];
7. The County had not determined that the new RWL Policies would preserve rural character and prevent urban growth in the rural area as required by RCW 36.70A.070(5)(b). RWL Policy RL 10b requires the development of implementing development regulations that specifically address the criteria of RL 11 a through g and must include “how rural character will be preserved and urban growth in the rural area prevented.” [FDO, at 25.] The County was relying upon the implementing development regulations to provide the information to make this determination. It was not clear whether this determination would be made at the time implementing development

regulations were adopted or whether the County intended this to occur on a case-by-case basis. [FDO, at 25.]

8. The question of whether rural character will be preserved and urban growth prevented in the rural area continues to be undetermined [See SATC]. This determination must be made in relation to adoption of the RWL Policies and/or the implementing development regulations, not at the project level. Absent such a determination by the County, the RWL Policies would operate to discourage urban growth from occurring in the urban areas and to increase sprawl, thereby substantially interfering with the fulfillment of Goals 1 and 2 – RCW 36.70A.020(1) and (2);
9. Although the RWL Policies were intended to provide a framework for drafting implementing development regulations, they were ambiguous and did not provide clear direction for regulations. [FDO, at 25-26.]
10. There continues to be ambiguity in the RWL Policies thereby hindering the development of implementing development regulations. [See SATC];
11. The Board agrees with, and hereby adopts, the concurring opinion in the FDO. [FDO, at 59-60]. That opinion concluded that at some point compact rural development (clustering and density bonuses) could cross the line from rural to urban development. Therefore, the extensive geographic scope of the area that could be affected by the RWL Policies could cross this line. Almost 50,000 acres or 20% of the land in the unincorporated County could be affected by the RWL provisions. [Id.]
12. The County has not evaluated or reviewed the geographic scope of the RWL Policies to determine whether, and ensure that, they do not cross the line between compact rural and urban development. [See SATC];
13. There continue to be no development regulations to implement these noncompliant Rural Wooded Land Policies [See SATC]; it follows that there continues to be no opportunity for vesting of projects in the provisions of these policies. [FDO, at 56.];
14. The County has not evaluated the potential effect and impact of the RWL Policies, conducted any environmental review, removed any of the noted ambiguities in the policies, or prepared a written record showing that the RWL Policies can be harmonized with the goals of the Act. [See SATC] Absent this critical and important information, any revision to the RWL Policies would be cosmetic. Therefore, the continued validity of the RWL Policies identified *infra*, will substantially interfere with the fulfillment of goals 1 and 2; “valid” but noncompliant Policies remaining in the County’s Plan could be misconstrued, misinterpreted, and would likely misdirect efforts at preparing development regulations for their implementation.

Consequently, based upon the Board’s findings and conclusions 1-14, noted *supra*, RWL Policies **RL – 11b, RL – 11c [pending clarification of the “shorelines” affected and “area” used in calculating permitted lots], the last sentence of RL – 11e, and RL – 11i**, substantially interfere with the fulfillment of goals 1 and 2 – RCW 36.70A.020(1) and (2) and the Board enters a **Determination of Invalidity** for these RWL Policies.

Sanctions:

RCW 36.70A.330(3) provides:

If the board after a compliance hearing finds that the [jurisdiction] is not in compliance, the *board shall transmit its finding to the governor*. The board may recommend to the governor that the sanctions authorized by this chapter be imposed. *The board shall take into consideration the [jurisdiction's] efforts to meet its compliance schedule* in making the decision to recommend sanctions to the governor.

(Emphasis supplied.)

The GMA requires the Board to transmit a copy of this Order Finding Continued Noncompliance and Invalidity to the Governor. The Board may also recommend that the Governor impose sanctions on the County. Notwithstanding the fact that Kitsap County expended little, if any, effort to comply with the compliance schedule set forth in the August 9, 2004 FDO, **the Board declines to recommend the imposition of sanctions at this time**. However, if Kitsap County fails to expend the effort to achieve compliance with the Act by the second compliance action date, set forth *infra*, following the second compliance hearing, the Board will consider recommending sanctions be imposed by the Governor.

III. ORDER

Based upon the Board's review of the GMA, prior decisions of the Boards, the August 9, 2004 FDO, the County's SATC, the briefing, comments, arguments and materials submitted by the parties, presentations of the parties at the compliance hearing, and having discussed and deliberated on the matter, the Board ORDERS:

- Kitsap County's motion seeking an additional 15 months to achieve compliance related to the RWL Policies and implementing development regulations is **denied**.
- During the compliance period, Kitsap County failed to take any legislative action to repeal, amend or otherwise modify its RWL Policies or develop development regulations to implement those policies in pursuit of compliance with the GMA. Therefore, the Board enters a **Finding of Continuing Noncompliance**.
- Kitsap County's Rural Wooded Land Policies, specifically RL – 11b, RL – 11c [pending clarification of the "shorelines" affected and "area" used in calculating permitted lots], the last sentence of RL – 11e, and RL – 11i, substantially interfere with the fulfillment of goals 1 and 2 – RCW 36.70A.020(1) and (2) and the Board enters a **Determination of Invalidity** for these RWL Policies.

- The Board **declines to recommend the imposition of gubernatorial sanctions** at this time.
- Again, the Board **remands** the Rural Wooded Land Policies to the County with direction to take appropriate legislative action in order to comply with the goals and requirements of the Act, as interpreted in the August 9, 2004 FDO and this Order. The compliance schedule is set forth below:
 - By no later than **January 11, 2006**, the County shall take appropriate legislative action to bring its Plan into compliance with the goals and requirements of the GMA, as interpreted and set forth in the August 9, 2004 Final Decision and Order (**FDO**) and this Order.
 - By no later than **January 25, 2006**, the County shall file with the Board an original and four copies of a Second Statement of Action Taken to Comply (**SATC-2**) with the GMA, as interpreted and set forth in the August 9, 2005 FDO and this Order. The SATC-2 shall attach copies of legislation enacted [Plan and development regulations] in order to comply. The County shall simultaneously serve a copy of the SATC-2, with attachments, on all Petitioners and Intervenors. By this same date, the County shall file a “**Remand Index - 2**,” listing the procedures (meetings, hearings *etc.*) occurring during the remand period and materials (documents, reports, analysis, testimony⁶ *etc.*) considered during the remand period in taking the remand action.
 - By no later than **February 8, 2006**,⁷ the Petitioners and Intervenors may file with the Board an original and four copies of Comments on the County’s SATC-2. Petitioners and Intervenors shall each simultaneously serve a copy of its Comments on the County’s SATC-2 on the County and each other.
 - By no later than **February 15, 2006**, the County may file with the Board an original and four copies of the County’s Reply to Comments. The County shall simultaneously serve a copy of such Reply on Petitioners and Intervenors.

⁶ If the County intends to rely upon documents or materials submitted in the present proceeding, the County should specify which documents from this proceeding it wishes to introduce into the second compliance proceeding. Any such documents should be included under a separate heading in the Remand Index. If another party intends to rely upon a prior document submitted in this proceeding, that party should first request that the County include such documents under the separate heading of the Remand Index. If the County declines, a motion to supplement the second compliance record should accompany that party’s “Comment” brief.

⁷ February 8, 2006 is also the deadline for a person to file a request to participate as a “participant” in the second compliance proceeding. *See* RCW 36.70A.330(2).

Pursuant to RCW 36.70A.330(1), the Board hereby schedules the **Second Compliance Hearing** in this matter beginning at **10:00 a.m. February 27, 2006** at the Board's offices.

If the County takes legislative compliance actions prior to the January 11, 2006 deadline set forth in this Order, it may file a motion with the Board requesting an adjustment to this compliance schedule.

So ORDERED this 14th day of October, 2005.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Bruce C. Laing, FAICP
Board Member

Edward G. McGuire, AICP
Board Member

Margaret A. Pageler
Board Member

Note: This order constitutes a final order as specified by RCW 36.70A.300 unless a party files a motion for reconsideration pursuant to WAC 242-02-832.