

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

FRIENDS OF SKAGIT COUNTY,)	
BARBARA RUDGE, and ANDREA XAVER,)	No. 95-2-0065
)	
Petitioners,)	ORDER
)	DENYING
vs.)	MOTION TO
))
RECONSIDER)	
SKAGIT COUNTY,)	
)	Respondent,
)	
and)	
)	
CITY OF ANACORTES and CITY OF MOUNT)	
VERNON, municipal corporations,)	
)	
Intervenors.)	
_____)	

On July 24, 1997, we received a motion for reconsideration of our Order Rescinding Invalidity in the above-captioned case from Friends of Skagit County (Friends). In its motion Friends renewed its requests to add proposed Exhibit 167, and 173 through 183 to the record. Friends also requested reconsideration of our findings regarding lifting of invalidity in nonresidential zoning within the unincorporated portion of the Anacortes urban growth area (UGA).

Proposed Exhibits 167, and 175 through 183

The County's response to Friends' motion to add proposed Exhibit 163 received June 26, 1997, was timely and within ten days of the receipt of Friends' motion. WAC 242-02-534. We considered the arguments in Friends' motion and in the County's response and ruled to deny the motion. The next motion, to add Exhibits 173 through 183, characterized by Friends as "in rebuttal" to the County's response, was denied because it was submitted on the working day before the hearing and was not timely for consideration at the hearing. There is no requirement

in WAC 242 for the party submitting a motion to be given an opportunity to rebut the response. Friends' motion for reconsideration in this matter is denied.

Anacortes

In the May, 1995, stipulated order of partial dismissal (Section 9), Friends stipulated that the City's interim urban growth area (IUGA) "is appropriate for annexation and that petitioners intend to support future proposals to include the Marches Point Area within the City's final UGA." In its motion for reconsideration, Friends now appears to argue that the County's withdrawal of IUGA boundaries back to City limits and the consequent application of the Finding of Invalidity to some portions of the Marches Point Area allows them to ignore their stipulation and present arguments on the reasons why invalidity in the Marches Point Area should not be lifted. We have already found that substantial interference with the goals of the Growth Management Act has been removed and have rescinded invalidity as it applies in that area as well as almost all other areas in the County. We adhere to our earlier ruling regarding Friends' request to argue invalidity in the Anacortes UGA. Friends' motion for reconsideration is denied.

So ORDERED this 13th day of August, 1997.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

Les Eldridge
Board Member

William H. Nielsen
Board Member

Nan A. Henriksen
Board Member