

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

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

INTRODUCTION

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On March 6, 1995, Friends of Skagit County, Barbara Rudge and Andrea Xaver filed separate petitions for review alleging that Skagit County failed to classify and designate natural resource lands and critical areas, adopt development regulations for their protection, and further alleging that the County adopted interim urban growth areas (IUGA) without conducting land capacity analysis, determining fiscal impacts, and adopting capital facilities plans. Petitioners (hereinafter "Friends") alleged non-compliance with the Growth Management Act (GMA, Act) as a result of the County's allowance of urban residential, commercial, and industrial development outside municipal boundaries without proper adoption of IUGAs. They also contended that the County failed to use the Office of Financial Management (OFM) population projections in determining IUGAs.

PROCEDURAL HISTORY

Because of the length of the procedural history of this case, it is attached as Appendix 1 to the Final Decision and Order.

ARGUMENTS, DISCUSSION AND CONCLUSIONS

ISSUE 1 - DID SKAGIT COUNTY'S USE OF A POPULATION PROJECTION OTHER THAN OFM'S COMPLY WITH THE GROWTH MANAGEMENT ACT?

Friends argued that the use of the Economic and Environmental Services' (EES), high population projections for use in the Skagit County Coordinated Water System Plan as the 20-year growth figure, rather than the OFM projection or the EES mid-range projection, failed to comply with the Act. Friends pointed out that the high forecast "had been initially selected to maximize the reservation of Skagit River water". Friends went on to point out that according to exhibit R31 the forecast was developed in lieu of using the OFM forecast because the new OFM forecast was not yet completed and the previous OFM forecast for Skagit County was clearly too low based on 1990 census data. The OFM forecast did, however, still fall between the low and medium growth scenarios established by EES. Friends pointed out that the medium forecast and the OFM forecast converge to the same projection for the year 2013.

The County quoted EES's "Skagit County Population Forecast and Growth Management Act," dated February, 1995, as noting that the medium EES forecast for the County for 1994 was 90,519, whereas the actual population estimate was 91,000. The high case EES forecast was 93,647 for 1994, 2,647 higher than the estimate. The OFM forecast for 1994 was 87,564. The County quoted the EES population forecast: "this shows that both the medium and high case EES forecast better reflect the actual population than the forecast provided by OFM".

The County asserted that the term "most likely" which appears in the recent amendment to RCW 43.62.035 in ESB 5876, equating a middle range as

representing the estimate of the most likely population projection, was not in effect at the time the County adopted its IUGAs and therefore does not apply to this case. The County went on to say that we should not find the County's use of EES projections to be out of compliance with GMA as ESB 5876 states: "no county's pending comprehensive plan will be deemed out of compliance until the OFM population projections are issued in late 1995".

CONCLUSION 1

The actual language of ESB 5876 states that a comprehensive plan shall not be considered to be in non-compliance if the projection used is within "the range later adopted under this section" (emphasis added). As we cannot know what that range is until adopted, we must rule according to current information. It is clear from the figures cited that the medium case EES forecast was more accurate than the EES high. It is six times closer to the 1994 estimate than the high case forecast. The EES population forecast stated that "the high case EES forecast was used to reflect the expected growth and to provide a greater level of reliability in meeting needs". It is apparent here that "reliability" does not equal "accuracy", the EES medium forecast being much more accurate. The County's use of "EES high" as its projection appears to have no other basis than the desire to leave as much "cushion" as possible for hoped-for but uncertain growth. The County has not clearly shown that a forecast other than OFM should have been used. We hold that the County's use of "EES high" was not in compliance with the Act.

ISSUE 2.1 - DID SKAGIT COUNTY FAIL TO COMPLY WITH THE GMA BECAUSE IT ALLEGEDLY FAILED TO PROHIBIT NEW NON-RESOURCE-DEPENDENT COMMERCIAL AND INDUSTRIAL GROWTH OUTSIDE THE IUGAs?

Friends stated that the IUGA ordinances did not prohibit or restrict new commercial or industrial development outside IUGAs and that the County was allowing the same. They argued that RCW 36.70A.110 (1) prohibits urban growth outside urban growth areas. In this Board's case *City of Port Townsend, et. al. v.*

Jefferson County, #94-2-0006, we held that “in so far as the ordinance purports to allow new urban residential development, new rezones or other approvals for commercial and industrial uses outside an IUGA, the same are prohibited by the Act and as such are not within the discretion of the County Commissioners to allow.” Friends further went on to quote from the above cited case “in order to achieve compliance, the language of the ordinance must be clarified to not allow new urban residential, commercial, or industrial development outside a properly designated IUGA.”

Friends alleged that “the County not only continues to allow commercial and industrial development on land so zoned outside IUGAs but now proposes in the May 24, 1995, draft comprehensive plan to grandfather, for a period of five years, all commercial and industrial zoning districts that are outside final IUGAs.”

The County argued that existing Skagit County zoning regulations (Ex. R3) regulate land uses on lands in unincorporated Skagit County not covered by the interim control ordinances #14925 and #15372 (Ex. R12B and R48). The County went on to say that the cumulative effect of these regulations meets the intent of the GMA with respect to prohibiting new non-resource-dependent commercial and industrial growth outside of IUGAs. The County also observed that the “vast majority” of commercial industrial development is inside the IUGA. Intervenor City of Mount Vernon pointed to exhibits R42, R43, and R44 as indicating the intention of Skagit County to appropriately limit urban growth outside of the IUGAs.

CONCLUSION 2.1

The ordinances and resolutions cited by the County and Intervenors as precluding commercial and industrial development outside of the IUGAs, do not contain any reference to GMA requirements precluding commercial and industrial development outside IUGAs. These appear in neither the County's zoning ordinance nor in the resolutions rejecting petitions to reclassify land from agriculture to commercial use (Ex. R3, R42, 43, 44). The Board of Commissioners

addresses such petitions on an ad hoc basis. It is true that petitions changing land use to commercial or urban residential have been rejected. There is, however, no standing prohibition in any ordinance that precludes commercial/industrial development outside IUGAs. While Intervenor contended an effective set of regulations exists, it failed to show where that set of regulations could be found in this record. We conclude that the County has failed to comply with the goals and requirements of the Act by failing to expressly prohibit new commercial/industrial development outside an IUGA.

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ISSUE 2.2

DID SKAGIT COUNTY FAIL TO COMPLY WITH GMA BECAUSE IT ALLEGEDLY FAILED TO PROHIBIT VESTING OF URBAN SIZED-LOTS OUTSIDE THE IUGA THAT WERE NOT OTHERWISE VESTED BY OCTOBER 1, 1993?

Argument from Friends on Issue 2.2 centered on two issues; The absence of a cap on clustering in the rural area, and the provisions of Ordinance #15585 (actually #15589, and hereinafter referred to as such) which would allow aggregation of lots platted prior to March 1, 1965, to be as small as 8,400 square feet compared to the 1 unit per 5 acre minimum zoning in the rural area. Friends argued that the Ordinance allowed “new urban residential growth” outside IUGAs and that the vesting of these lots in sizes smaller than the minimum zoning size renders the Ordinance out of compliance with the GMA.

In its opening hearing brief Friends pointed out that the zoning ordinance (Ex. R3) allowed planned unit developments (PUD) outside the IUGA, and that unlimited cluster development is allowed within the PUD. Friends argued that this would result in residential urban growth outside IUGAs. Friends cited *Kitsap Citizens for Rural Preservation, et. al., v. Kitsap County, #94-3-0005*, as analogous to this case. The Central Board said:

“The Board can conceive of a well-designated compact rural development containing a small number of homes that would not look urban in character, not require urban governmental services nor have undue growth-inducing or adverse environmental impacts on

surrounding properties. Such rural development could constitute compact rural development rather than urban growth. However, the ordinance does not have parameters to prevent development projects that constitute urban growth from occurring in rural areas.”

CONCLUSION 2.2

Given a minimum lot size for rural areas of 5 acres with lots to be aggregated that are not yet vested, we are at a loss to understand the County’s argument that a property right or a compelling reason for “relief” existed to create an undersized lot. Platted lots and vested lots are not the same thing. The alleged property rights in question are protected after vesting, not before. The County paid little, if any, attention to the question of cluster size in its presentation and its brief. We conclude that the absence of a cap on cluster size and the relaxation of the aggregation requirement to allow lots 1/25th the size of the minimum called for in the zoning ordinance (8,400 sq. ft. v. 217,800 sq. ft.) fails to comply with the goals and requirements of the GMA.

Issue 2.3

Did Skagit County fail to comply with the GMA because it allegedly failed to prohibit extension of urban governmental services, in particular, public sewer and public water for growth outside the IUGAs?

Friends argued that the planned unit development (PUD) section of the zoning ordinance did not prohibit clusters that would ultimately require extension or expansion of public sewer or public water for growth in rural areas. They contended that a violation of RCW 36.70A.110 (4) and of County-wide Planning Policy (CPP) 1.8 occurred. CPP 1.8 requires that development outside IUGAs “shall be rural in nature as defined in the rural element, not requiring urban governmental services.”

The County argued that the amendatory language of .110 has provided more latitude than previously existed in the extension of urban governmental services outside IUGAs.

Conclusion 2.3

While the GMA provides no outright prohibition of the extension of such services, CPP 1.8 does offer such a prohibition. The PUD ordinance allows clustering without a cap. This may lead to densities outside IUGAs which cry out for urban governmental services in order to protect the environment from undue concentrations of septic systems, with their possible resultant adverse effects on the aquifer. The County, in its arguments concerning this issue, stated that the PUD ordinance “can produce residences that are closer together than one per five acres, but the integrity of the one per five acre zoning density is protected when the development is viewed as a whole.” The County then cited an example which seems to belie the protection of the 1/5 zone’s integrity: “102 lots on 310 acres or a zoning density of less than one residence per three acres.”

The absence of a cluster cap plus the concomitant aggregation policy cited in issue 2.2, which allows aggregation of lots to as little as 8400 square feet, taken together, do not comply with the prohibition in CPP 1.8, that growth outside the urban boundary shall be rural in nature, not requiring urban governmental services.

We hold that the absence of language in the ordinance to restrict extension of urban government services is not in compliance with CPP 1.8 and therefore not in compliance with the GMA.

Issue 3.1

Did Skagit County fail to comply with the GMA because it allegedly failed to properly adopt preexisting regulations regarding natural resource lands and critical areas (NRL/CA)?

The Board granted Friends’ dispositive motion regarding this issue by the Order dated May 26, 1995, which also required the County to “protect and designate NRL/CA by July 24, 1995.” We found that Skagit County’s use of preexisting

ordinances to comply with the GMA in classification, designation and protection of natural resource lands and critical areas was not in compliance with RCW 36.70A.030 nor with the public participation requirements of the Act.

Issue 3.2

Did Skagit County fail to comply with the GMA because it allegedly failed to adopt development regulations to conserve natural lands and to protect critical areas prior to the public hearing concerning the establishment of IUGAs?

Friends argued that if the dispositive motion was granted the result would render the adoption of IUGAs by Skagit County out of compliance for failure to follow the proper sequence of first establishing NRL/CA and then adopting IUGAs.

The County argued that the issue was subsumed in the Board's order granting Friends' dispositive motion regarding natural resource lands and critical areas.

Conclusion 3.2

The ordinance adopting IUGAs is remanded because of conclusions in other sections of this order. Therefore, the question of the sequencing of NRL/CA and IUGAs is moot.

Issue 4

Did the County fail to comply with the public participation goals and requirements of the Act by failing to hold a public hearing to provide the public with an opportunity to comment on the adoption of pre-existing regulations regarding NRL/CA?

This issue was resolved by an order granting the dispositive motion referenced in issue 3.1.

Issue 5.1

Did Skagit County fail to comply with the GMA in that it allegedly adopted IUGAs

without first conducting an analysis of land capacity, fiscal impacts, and/or a capital facilities plan?

Friends argued that their contention of IUGA adoption without analysis is shown by exhibit R28, a generic letter from Planning Director David Hough to the Town of La Conner dated December 15, 1993. The letter stated “we have calculated that the UGAs represent in excess of 20,000 acres with a projected need of approximately 3,000 to 5,000 acres for the expected growth during the mandated planning (period). We have attempted to be very liberal in establishing the revised boundaries.” To underscore its arguments, Friends quoted exhibit R24 from the County, which stated in part “[S]ince the County did not have the opportunity to review the proposals from a County-wide perspective, it was recommended that the cities’ and towns’ proposals be adopted as interim urban growth areas as submitted with the areas of special concern overlaid (sic). On October 5, 1993, the Board of Commissioners adopted the interim urban growth areas as recommended.”

The County and Intervenor argued that exhibit R20 presented an “analysis.” In the words of City of Mt. Vernon, the analysis was “relevant to land capacity fiscal impacts and/or capital facilities plans”.

CONCLUSION 5.1

The analysis allegedly within exhibit R20, a document entitled *Designation of Urban Growth Areas in Skagit County*, is difficult to discern. A page of R20, labeled *Skagit County UGA Analysis*, seems to be the County’s only attempt to quantify an analysis. Yet, many of its categories are unclearly titled, and many columns are untotaled. This page sets forth several categories which are difficult to understand.

The less-than-clear composition of exhibit R20 fails to meet the requirement of an adequate land capacity analysis. Further, there is no allusion throughout the entire document to fiscal analysis or a capital facilities plan with the exception of

the Anacortes section. In spite of the County's contention that the letters to cities and towns from Mr. Hough (R28) "create IUGA boundaries more in keeping with GMA requirements" none of them allude to land capacity analysis, an essential part of the GMA requirements. Each gave as a primary reason for change only the phrase "logical service boundaries."

The County adopted IUGAs, which were some four to six times larger than needed as noted in Mr. Hough's letter to the Town of La Conner. We conclude that the IUGAs were adopted without first completing the requisite analyses. *Port Townsend v. Jefferson County*, #94-2-0006.

Issue 5.2

Did Skagit County fail to comply with the GMA when it allegedly adopted IUGAs without first identifying areas outside municipal boundaries that were already characterized by urban growth?

Friends argued that the County did not identify land outside the cities already having urban growth on it as the County established its IUGAs. The County argued that the GMA does not require a formal study to identify areas outside municipal boundaries characterized by urban growth. The County noted that part of the County review process involved consideration of the "uncataloged historical knowledge" of County staffers relating to areas characterized by urban growth. Finally, the County observed that recently-passed EHB 1305 allows local jurisdictions planning under GMA "discretion to make many choices about accommodating growth."

Conclusion 5.2

The area of the adopted IUGAs is much larger than that needed to accommodate projected growth. The question of which lands within this area are characterized by urban growth will be an important one as the County embarks upon the task of reducing the IUGA area to an appropriate size.

Issue 6.1

Did Skagit County fail to comply with GMA by its alleged failure to identify and protect greenbelts and open spaces when adopting its IUGAs?

Friends cited RCW 36.70A.110 (2): “each urban growth area shall permit urban densities and shall include greenbelt and open space areas.” Friends also cited the Central Puget Sound Board in Case #93-3-0010, *Association of Rural Residents v. Kitsap County*, for the proposition that “in order to include greenbelts and open spaces within IUGAs, the County must first define these terms and secondly show them on its IUGA maps so that the public knows precisely what it is being included.”

The County argued that the statute does not require greenbelt and open space areas to be mapped, but that, in any event, greenbelts and open spaces were mapped in exhibit R21.

Conclusion 6.1

The requirement for inclusion of open space and greenbelts within IUGAs requires an identification of those areas. A logical method to identify would be mapping the area in question. Exhibit R21 includes a number of maps, none of which identifies greenbelts or open spaces. There is no indication in the record of the adoption process of the IUGAs that open spaces and greenbelts were identified. The County is required to identify this major and integral part of an IUGA in its analysis of land capacity and its drawing of boundaries.

Intervenor City of Mt. Vernon contended that Friends’ arguments amounted to alteration of land use power of cities by designating specific land use regulations for cities. Designation and identification of greenbelts and open space areas within municipal boundaries is the prerogative of the city. Making those decisions available so that counties can carry out an adequate land capacity analysis, however, is required and does not impinge on city authority.

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Issue 6.2 (a)

May a County designate an IUGA consistent with GMA for areas already

characterized by urban growth without conducting an identification of residential, commercial, and industrial areas within such an IUGA?

This issue was abandoned by the petitioner as a result of the May 25th Stipulation and Order of Partial Dismissal pertaining to the IUGA of City of Anacortes.

Issue 6.2 (b)

Did Skagit fail to comply with GMA by its alleged failure to identify commercial and industrial areas and areas for urban residential development when adopting its IUGAs?

Friends argued that in order to conduct a land capacity analysis, it was necessary to first analyze the total need for new residential, commercial/ industrial, and open space lands for the urban growth area over the planning period. RCW 36.70A.110 (2) requires that urban growth areas shall include greenbelt and open space areas. It is silent on commercial and industrial areas, as well as new residential areas. A thorough land capacity analysis, however, should include those elements.

CONCLUSION 6.2 (B)

There is no requirement in the GMA to specifically identify commercial and industrial areas or areas for urban residential development.

ORDER

We find that Skagit County is not in compliance with the GMA with the adoption of its ordinances pertaining to IUGAs: Skagit County Code #14.04 as amended, #15038, #15280 (amending), and #15589; and with its use of the EES high projection as its population forecast. In order to achieve compliance the following actions must be taken within the time frame specified.

1. Eliminate any urban growth area designations outside of the city or town limits of Anacortes, Mt. Vernon, Burlington, Hamilton, La Conner, Sedro

Woolley, Lyman, and Concrete within 30 days of this Order. No other interim growth areas may be designated until the information and analysis required by the GMA is completed.

2. Clarify the language of the ordinances to preclude new urban residential, commercial, or industrial development outside a properly designated IUGA within 60 days of the date of this order.

3. Base any new IUGA designation upon the OFM population forecast and the required land capacity, capital facilities and fiscal impact analyses. The new ordinance must identify open spaces and green belts and must also preclude extension of urban government services outside the IUGA in accordance with CPP 1.8.

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

Dated this 30th day of August, 1995.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

Les Eldridge
Board Member

Nan A. Henriksen
Board Member

Wm H. Nielsen
Board Member

- Appendix I

Procedural History

On March 17, 1995, an Order of Consolidation was entered, consolidating petitions 95-2-0064 and 95-2-0065 under the format 95-2-0065. Also, on that date, a Notice of Hearing was entered setting the Hearing on the Merits for Tuesday, July 11, 1995, the Prehearing Conference for April 5, 1995, and a motions hearing May 16, 1995.

On March 20, 1995, a motion was received from the City of Anacortes to intervene in the case and on March 22, 1995, a similar motion was received from the City of Mt. Vernon.

Statements of objection to the motions to intervene were received from petitioners on March 27, 1995, as well as a statement from the County offering no objection to the motions for intervention.

On March 24, 1995, an amended Petition for Review was received from Friends of Skagit County, Barbara Rudge, Andrea Xaver, Petitioners.

On March 27, 1995, a dispositive motion for an order determining that the County had failed to designate and protect resource lands and critical areas was received from Friends.

On April 5, 1995, the County's index was received. Also, on April 5, 1995, a prehearing conference was held at 10:00 a.m. at the Skagit County Courthouse Complex. The record, the schedule, and issues were discussed. Motions to intervene were heard. A response to the petitioners' statement of objection to motions to intervene was received from City of Anacortes.

On April 10, 1995, an Order Granting Intervention for the Cities of Mt. Vernon and

Anacortes was entered. On April 14th, a prehearing order was entered.

On April 12, 1995, Skagit County's motion to disqualify Gerald Steel as representative for Ms. Rudge and Ms. Xaver was received.

On April 20, 1995, we received City of Anacortes' list of supplemental exhibits for the administrative record, and on April 21, 1995, the petitioners' additions to the index.

On April 27, 1995, we received Friends' amended dispositive motion alleging that the County failed to designate and protect natural resource lands and critical areas (NRL/CA), and Friends' dispositive motion alleging that the County failed to comply with the GMA regarding IUGAs. Also on that date, City of Anacortes' motion and memorandum to dismiss Friends' amended petition for review was received. Also on April 27, 1995, Friends' motion to add to the index Ordinance 15280 and Ordinance 15589 was received.

On April 28th, Skagit County's joinder in City of Anacortes' motion to dismiss the amended petition for review regarding IUGAs was received.

On May 8, 1995, the County's motion for order designating additional exhibits in the record and City of Anacortes' memorandum in opposition to petitioners' dispositive motion on UGA boundaries was received. Also on that date, the County's response to Friends' dispositive motions was received, as well as Friends' response to the County's motion to disqualify Gerald Steel as representative for Rudge and Xaver. Also, on May 8, 1995, we received Friends' response to Anacortes' motion on the memorandum to dismiss Friends' amended petition for review regarding IUGAs. We also received Friends' response to the County joinder in the City of Anacortes' motion to dismiss the amended petition.

On May 12, 1995, the Board received Friends' rebuttal to the County's response

to Friend's dispositive motions.

On May 16th, we received a declaration of Gerald Steel regarding use of Ordinance 15589 to vest urban density lots not vested on October 5, 1993. Also on May 16, 1995, a motions hearing was held at the Port of Skagit County in Burlington, Washington. Arguments heard included Skagit County's motion to disqualify Gerald Steel as representative, Friends' motion to add to the index, the County's motion designating additional exhibits, Friends' amended dispositive motion regarding failure to designate NRL/CA, Friends' dispositive motion regarding IUGAs, Anacortes' motion to dismiss Friends' amended petition for review and Skagit County's joinder in that motion.

On May 25th, a Stipulated Order of Partial Dismissal pertaining to the IUGA of the City of Anacortes was entered, dismissing with prejudice any claims set forth in the amended petition which challenged either the City of Anacortes' IUGA or Skagit County's adoption process as it relates to that IUGA. This disposed of issue 6.2 (a).

On May 26, 1995, an Order was entered granting motions regarding Petitioners' additions to the index, Friends' additions of Ordinance 15280 and Ordinance 15589 City of Anacortes' list of supplemental exhibits for the administrative record, and Skagit County's designation of additional exhibits to the record. Also on May 26th, the Board entered an order granting Skagit County's motion to disqualify Gerald Steel as representative for petitioners Rudge and Xaver.

Further on May 26th, an order granting Friends' amended dispositive motion regarding NRL/CA was granted. The Order noted the County's failure to designate and protect NRL/CA and required the County to do so by July 24, 1995. We cautioned that in determining compliance we would not determine substantive compliance with the GMA or prior Board decisions. This disposed on issues 3.1 and 4. Also on May 26th, an order was entered regarding Mr. Steel's several declarations, including the one regarding the Burlington FUGA

(Declaration #2) which was withdrawn as part of the above noted stipulation and agreement with Anacortes. The Board found Mr. Steel's other three declarations not necessary to its review, and denied his motion to include them as supplements to the record. Further, on May 26th, an order denying Friends' dispositive motion regarding IUGAs was entered. The Board found that the questions raised were complex and required a substantial review of the record.

On May 31, 1995, the Board received Friends' opening hearing brief.

On June 1, 1995 the Board received Skagit County's motion for an order postponing the Hearing date and staying the briefing schedule. On June 5, 1995, we received a statement in opposition to that motion from Friends. On June 7, 1995, the City of Mount Vernon's joinder in the Skagit County motion was received.

On June 8, 1995, a motion to extend time to file a responding brief was received from Skagit County.

On June 14, 1995, an Order denying the motion to postpone and stay and partially granting the motion to extend the deadline for a responding brief was entered.

On June 21, 1995, we received Skagit County's responding brief and City of Mt. Vernon's brief. On June 29, we received Friends' reply brief and the County's table of contents for its June 21 brief.

The Hearing on the Merits was held June 11, 1995, at the Best Western Cottontree Inn in Mt. Vernon. Present were all three Board members, Board Executive Assistant Betty Mackey, Gerald Steel representing Friends of Skagit County; Barbara Rudge, Andrea Xaver, Petitioners; John Moffat representing Skagit County; Linford Smith representing Intervenor City of Mt. Vernon; and David Hough of the Skagit County Planning Department. Peggy Foster of

Bartholomew, Moughton & Associates, was court reporter.

During the course of the hearing, Skagit County offered an addition to Exhibit R-21. Gerald Steel and Barbara Rudge objected. We received briefs on Friends' objection (July 10, 1995), Mt. Vernon's response to the objection (July 19, 1995), and the County's reply to the objection (July 17, 1995).

An order sustaining the objection was entered on August 7th, 1995.

On July 24, 1995, a Stipulation modifying the order granting Friends' amended dispositive motion regarding NRL/CA was received from Friends and the County.

On August 16, 1995, an order modifying the above order was entered.

On August 9, 1995, a letter requesting permission to file a motion for supplemental relief was received from Friends, as well as the motion itself. The motion requested a determination of invalidity under ESHB 1724.

On August 16, 1996, a letter declining to entertain the motion was sent to the parties, noting that the case time frame precluded a motions hearing and identifying the period open to motions for reconsideration as an appropriate time to refile.