

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

FRIENDS OF SKAGIT COUNTY, et al., )  
 )  
 ) No. 96-2-0025  
 )  
 ) Petitioners, )  
 )  
 ) ORDER ON  
 ) v. ) MOTIONS  
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 )  
 ) SKAGIT COUNTY, )  
 )  
 ) Respondent, )  
 )  
 ) and )  
 )  
 ) SKAGIT COUNTY DIKING DISTRICTS, et al., )  
 )  
 ) Intervenors. )  
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SKAGIT AUDUBON SOCIETY, et al., )  
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 ) No. 00-2-0033c  
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 ) Petitioners, )  
 )  
 ) ORDER ON  
 ) v. ) MOTIONS  
 )  
 )  
 ) SKAGIT COUNTY, )  
 )  
 ) Respondent, )  
 )  
 ) and, )  
 )  
 ) AGRICULTURE FOR SKAGIT COUNTY, et al., )  
 )  
 ) Intervenors. )  
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On December 11, 2000, we received a motion to add to the record from the Swinomish Indian Tribal Community (Tribe).

On December 14, 2000, we received a motion to add to the record from Skagit County.

On December 20, 2000, we received a motion to add to the record from the Tribe.

On December 18, 2000, we received a motion to add Ex. 0142 to the record from Friends of Skagit County

(FOSC) and the Skagit Audubon Society (Audubon).

On January 23, 2001, we received a motion to add Ex. 144 to the record from the Tribe.

On January 25, 2001, we received a joinder in the Tribe's motion to add Ex. 144 to the record from FOSC and Audubon.

On January 30, 2001, we received a response to the motion to add Ex. 144 to the record from the County.

On January 31, 2001, we received a motion to add to the record from the Washington Environmental Council (WEC) in support of motion to add to the record.

On February 5, 2001, we received a reply to the motion to add proposed Ex. 144 from the Tribe.

After reviewing the above motions and responses in the above-entitled cases, we make the following rulings:

<b>PARTY</b>	<b>NUMBER</b>	<b>DESCRIPTION</b>	<b>OUTCOME</b>
<b>Tribe</b>	130	65 Federal Register, 42422, 42472-73	<b>Official Notice</b>
	131	Swinomish Indian Tribal Community Resolution No. 2000-12-191, Amending the Coastal Zone Management Plan dated 12/5/00.	<b>Denied</b>
	132	E-mail from Steve Landino, National Marine Fisheries Service ("NMFS") to Larry Wasserman, Skagit System Cooperative re: ("SSC").	<b>Denied</b>
<b>Skagit County</b>	0133	Record of Proceedings and Tapes of Skagit County Board of Commissioners' Deliberations on November 27, 2000, re: SCC 14.24.120, 14.04.020 and 14.16.400 (3) (e)	<b>Admitted</b>
	0134	Record of Proceedings of the Presentation of Resolution No. 18082 on November 28, 2000, Establishing A Science Advisory Panel to Review Ag Buffer Zone Management	<b>Admitted</b>
	0135	Resolution No. 18082 adopted on November 28, 2000, Establishing Science Advisory Panel on Agricultural Buffer Zone Management pursuant to SCC 14.24.120	<b>Admitted</b>

	0136	Declaration of Mailing of Notice of Adoption of Ordinance No. 18069 with attached mailing list	<b>Admitted</b>
	0137	Resolution No. 18093 adopted on December 4, 2000, Approving the 2001 Budget, with attached budget information relating to expenditures for salmon recovery	<b>Admitted</b>
	0138	Declaration of Richard Doenges dated December 13, 2000, with attachment	<b>Denied</b>
	0139	Confidentiality Agreement dated October 6, 2000, among Swinomish Tribal Community, Washington Department of Fish and Wildlife, Friends of Skagit County, Skagit Audubon Society, Agricultural for Skagit County and Skagit County	<b>Denied</b>
	0140	Skagit County Code Title 14 (Chapters 14.38.010 through 14.38.030), as adopted in the Unified Development Code on July 24, 2000	<b>Admitted</b>
	0141	Skagit County Code Title 14 (Chapters 14.06.110 through 14.06.240 and Chapter 14.24.150), as adopted in the Unified Development Code on July 24, 2000.	<b>Admitted</b>
<b>FOSC</b>	0142	SCC 14.16.430 Zoning for RRc-NRL (0142A), and SCC 14.24.140/.150 Variance and Reasonable Use Exception to the provisions of SCC 14.24 (0142B)	<b>Admitted</b>
<b>Tribe</b>	143	Declaration of Lawrence Wasserman	<b>Denied</b>
	144	Ex. 144 Recommendations for monitoring salmonid recovery in Washington State by independent science panel, December 2000.	<b>Denied</b>

We have found that the County's monitoring plan, at its current level of detail, fails to comply with the Act without the need of further assistance from proposed Ex. 144. The proposed exhibit was not available to the public until December 27, 2000, a full month after the County adopted Ordinance No. 18069. This document should be presented to the SAP and added to the County record for its deliberations on refining the monitoring program. Then, when we review for compliance the County's actions on the completed monitoring program, that document will properly be before us.

So ORDERED this 9<sup>th</sup> day of February, 2001.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

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Nan A. Henriksen  
Presiding Officer