

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

VINCE PANESKO et al.,)
) No. 00-2-0031c
)
Petitioners,) ORDER
) ON MOTION
v.) TO RESCIND
) INVALIDITY
LEWIS COUNTY,)
)
Respondent)
)
and)
)
LEWIS COUNTY ECONOMIC DEVELOPMENT)
COUNCIL & INDUSTRIAL LANDS ADVISORY TASK)
FORCE,)
)
Intervenors.)
_____)

On January 12, 2001, shortly after completion of the hearing on the merits, we received a motion from Lewis County to find compliance and rescind invalidity as to:

1. The cross-roads commercial areas of Cinebar, Curtis, and Ethel; and
2. The small towns of Packwood, Randle, Onalaska, and Glenoma.

On January 24, 2001, we sent a memo to the parties stating that we would make a finding on rescission of invalidity by February 26, 2001, under RCW 36.70A.330(2). We received a response from Petitioners on January 30, 2001, containing their objections to the County's request. The County filed a reply on February 8, 2001.

We find that the County has not sustained its burden of proof under RCW 36.70A.320(4) to remove substantial interference with the goals of the Growth Management Act (Act) as to:

- (1) the uses allowed in the cross-road commercial LAMIRDs of Cinebar, Curtis, and Ethel, and;

(2) the small town LAMIRD of Glenoma.

We find that the County has sustained its burden of proof as to some portions of the small town LAMIRDs of Packwood, Randle, and Onalaska as set forth below:

1. Areas of the Packwood LAMIRD inside the northerly boundary of Snyder Road, the easterly boundary of Highland Avenue, the southern boundary of Edmonds Road and the westerly boundary lot line at the terminus of Edmonds Road no longer substantially interfere with the goals of the Act.
2. For the Randle LAMIRD, land inside a circular area involving the northerly boundary in the vicinity of Boyd Road and an easterly boundary within a lot line east of State Route (SR) 181, a southerly boundary involving one or two lots south of Lewis Street and a westerly boundary generally in the area of McKay Street no longer substantially interfere with the goals of the Act.
3. The Onalaska LAMIRD south of SR 508 and east of Leonard Road contains a series of intensely developed lots along main street to approximately the easterly end of Sixth Avenue (or where it would exist if it was in existence) that no longer substantially interfere with the goals of the Act.

North of SR 508 a core area is clearly discernable, perhaps as far north as 7th Street west. The easterly boundary from Leonard Road where existing development has occurred cannot reasonably be extended beyond the boundary lot lines. Westerly of Leonard Road there is intense development shown to Central Avenue. There is an indication of development west of Central Avenue between 4th Street west and 5th. It could reasonably be argued that the undeveloped portion west of Leonard Road between 5th Street would be appropriate for infill at least as far west as Central Avenue. It could likewise be argued that existing intense development between 4th Street west and 5th extends as far west as Pennel Avenue.

Within those boundaries the County has sustained its burden of showing removal of substantial interference.

We intend to issue the FDO in this case on March 5, 2001. We will comment in detail on these LAMIRDs at that time.

This is a Final Order under RCW 36.70A.300(5) for purposes of appeal.

Pursuant to WAC 242-02-832(1), a motion for reconsideration may be filed within ten days of issuance of this final decision.

So ORDERED this 26th day of February, 2001.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

William H. Nielsen
Board Member

Les Eldridge
Board Member