

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

WALLACE F. GUDGELL, JR. & SUSAN GUDGELL,	)	
	)	No. 00-2-0053
Petitioner,	)	
	)	FINAL DECISION
v.	)	AND ORDER
	)	
	)	
SAN JUAN COUNTY,	)	
	)	
Respondent,	)	
	)	
	)	
	)	
	)	
	)	

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On November 3, 2000, Wallace F. and Susan Gudgell (Gudgell) filed a petition for review (PFR) against San Juan County. The petition challenged the October 2, 2000, designation of petitioner's shoreline property designation from urban to rural. After a prehearing conference, a prehearing order (PHO) was entered December 14, 2000. The PHO established January 31, 2001, as the date petitioner's brief was due and reaffirmed the hearing on the merits (HOM) date of March 6, 2001.

After receipt of Petitioner's motion on January 10, 2001, to amend the PFR to add issues and a response from the County we entered an order on January 25, 2001, adding one additional issue.

January 31, 2001, passed without petitioner filing a brief or any exhibits. On February 13, 2001, San Juan County moved to dismiss the case because of petitioner's failure to file a brief. We denied that motion by order of February 21, 2001, and allowed the petitioner to make an oral presentation on March 6, 2001. We provided the County an opportunity to file a post-hearing brief if it desired. The brief was filed March 22, 2001.

At the HOM, petitioner appeared with an attorney. Two separate exhibits were presented by petitioner's attorney consisting of documents and maps. The County did not object to our

receiving these exhibits.

We have reviewed the PFR, the issues in the PHO, the exhibits submitted by petitioner, the County's brief and the arguments of counsel at the HOM. While we understand petitioner's frustration with regard to the perceived inconsistent manner in which the County reached its October 2, 2000, decision, petitioner has failed to sustain his burden of proving that the County's action failed to comply with the Growth Management Act (GMA). Accordingly, the County is in compliance with the GMA as to the redesignation of petitioner's property.

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 10<sup>th</sup> day of April, 2001.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

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William H. Nielsen  
Board Member

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Les Eldridge  
Board Member