BEFORE THE WESTERN WASHINGTON GROWTH

MANAGEMENT HEARINGS BOARD

FRIENDS OF SKAGIT COUNTY (FOSC) and GERALD STEEL Petitioners, v. SKAGIT COUNTY, Respondent, and CLARENCE JONES, et al., Intervenors,	)))))))))))))))	No. 01-2-0002 (FOSC #26) ORDER DENYING FOSC's MOTION FOR RECONSIDERATION

On June 25, 2001, we received a motion for reconsideration from Friends of Skagit County on the grounds that we had "made a misinterpretation of fact or law material to FOSC". FOSC requested the majority in this case to adopt the dissenting opinion.

On July 5, 2001, we received Skagit County's response to the motion. In its response, Skagit County claimed that FOSC has failed to show any misinterpretation of fact of law in the final decision and order (FDO) in this case. It further noted that the County has continually pledged to consider redesignation requests of those

persons who submitted comprehensive plan (CP) amendments by July 31, 1997, consistent with the limited criteria of technical mapping areas or inadvertent application of the 1997 CP designation criteria. The County made that pledge in Finding 1.26 of Ordinance #16550. The County observed that its subsequent actions were consistent with that pledge, and that there is no prohibition in the Growth Management Act against consideration of CP amendment requests under criteria in effect at the time requests were received. The County underscored its repeatedly-expressed intent to process the 1997 CP amendment request under limited criteria in effect at the time of the request. The County traced the "continuous thread" of this expression through Resolutions #16853, #17722, Ordinance #17874, and Ordinance #17294, and eventually to Ordinance #18057. As in our FDO, the majority finds the County's argument persuasive.

We find that FOSC has raised no new arguments that were not briefed and argued at the hearing on May 30, 2001. We note once again that Petitioners have failed to demonstrate clear error on the part of the County pursuant to RCW 36.70A.3201, and RCW 36.70A.320(3). The motion is denied.

So ORDERED this 9th day of July, 2001.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

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Les Eldridge
Board Member

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Nan A. Henriksen
Board Member