

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

NORTHWEST AGGREGATES COMPANY,)) No. 01-2-0014
)	
Petitioners,)	
)	ORDER ON
v.)	MOTION
)	TO DISMISS
JEFFERSON COUNTY,)	BASED ON
)	STANDING
Respondent,)	
)	
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)	

On April 24, 2001, Jefferson County moved to dismiss this appeal based on lack of Administrative Procedures Act (APA) standing. On May 8, 2001, Northwest Aggregates Company (Petitioner, Company) filed a response. A telephonic motions hearing was held May 10, 2001.

At the motions hearing the County pointed out that the Petitioner had requested from the County an interpretation of the challenged section of the Uniform Development Code (UDC). The County asked that we wait to render a decision on the motion until the County supplied the requested interpretation. On May 15, 2001, the County issued the code interpretation. On the same date we issued a notice of decision denying the County's motion.

After careful consideration of the motion, briefs, oral argument, and UDC interpretation, we find that the Company's current surface mining activities could be defined as "expansion" under the UDC interpretation and therefore subject to a conditional use permit that was not required prior to the adoption of UDC section 4.24(7).

Petitioner has shown that:

- (1) The County action has prejudiced, or is likely to prejudice, the Company – the “injury-in-fact” test.
- (2) The Company’s asserted interests are among those that the County was required to consider when it adopted the UDC.
- (3) A judgment in favor of the Company would substantially eliminate or redress the prejudice to the Company caused, or likely to be caused, by the challenged action.

The Petitioner has satisfied the criteria established under RCW 34.05.530 and thus has APA standing to bring the claims set forth in its petition.

Dated this 24th day of May, 2001.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

Nan A. Henriksen
Presiding Officer

William H. Nielsen
Board Member

Les Eldridge
Board Member