

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

SWINOMISH INDIAN TRIBAL COMMUNITY, et al.

Petitioners,

v.

SKAGIT COUNTY

Respondent.

No. 02-2-0012c

ORDER OF
CONSOLIDATION

SWINOMISH INDIAN TRIBAL COMMUNITY, et al.,

Petitioners,

v.

SKAGIT COUNTY,

Respondent,

and

AGRICULTURE FOR SKAGIT COUNTY, et al.,

Intervenors

No. 02-2-0009c

ORDER OF
CONSOLIDATION

On November 20, 2002, we received a petition for review (PFR) from the Swinomish Indian Tribal Community (Tribe). The Tribe challenged Skagit County's Interim Ordinance No. 020020009 adopted November 18, 2002. This ordinance once again extended the deadline for choosing a buffer option and implementing site-specific critical areas protection plans in on-going agricultural situations. When the Tribe filed this PFR, they requested that this new case be consolidated with Case No. 02-2-0009c since Ordinance 20020009 was a readoption of the

previous 6-month extension which was the subject of the PFR in Case No. 02-2-0009c.

On November 26, 2002, we received a formal motion from the Tribe requesting such consolidation. In that motion the Tribe stated:

“The Tribe made clear that it was filing the new petition under the same ‘ground rules’ applying the earlier petition, namely, that the Tribe would withdraw all issues but the sanctions issue upon entry of a finding of noncompliance (which the Board issued in No. 02-2-0009c) upon the County conceding noncompliance.”

During the proceedings in Case No. 02-2-0009c we stated that if the County again adopted the same or similar extension before issuing a decision in that case, we would write our decision concerning that extension without additional hearings or briefings. Since the ordinance and its effect are identical to the previous extension ordinance, our decision in Case No. 02-2-00012c would be identical to the outcome we would reach in Case 02-2-0009c. Therefore, we will soon be issuing a decision in Case No. 02-2-00012c rather than Case No. 02-2-0009c.

Pursuant to RCW 36.70A.290(5) and WAC 242-02-522(9), consolidation of the above cases is appropriate. The following Order of Consolidation is entered.

Order of Consolidation

1. The above referenced cases are consolidated into one case.
2. The consolidated case will be referred to as Case No. 02-2-0012c and will be captioned as follows:

SWINOMISH INDIAN TRIBAL COMMUNITY, et al.,

Petitioners,

v.

SKAGIT COUNTY,

Respondent,

and

AGRICULTURE FOR SKAGIT COUNTY, et al.,

Intervenors

So ORDERED this 18th day of December, 2002.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

Nan A. Henriksen
Presiding Officer