ORIGINAL

BEFORE THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

BETTER BRINNON COALITION, Petitioner, v. JEFFERSON COUNTY, Respondent.	No. 03-2-0007 **ORDER FINDING COMPLIANCE**

This Matter comes before the Board to determine whether the County has achieved compliance with respect to the one remaining non-compliant issue in its Brinnon Subarea Plan, a new type (d)(iii) LAMIRD adjacent to the Brinnon Rural Village Center (The Brinnon Rural Village Center is a type (d)(i), mixed use LAMIRD). The original Final Decision and Order found the County out of compliance with the Growth Management Act (GMA) with respect to a type (d)(i) Light Industrial LAMIRD proposed for the same location in the Brinnon Subarea Plan. Amended Final Decision and Order, November 3, 2003, Conclusions of Law F and G.

In response, the County proposed a new type (d)(iii) LAMIRD in the same location that it had proposed the Light Industrial LAMIRD, adjacent to a mixed use, type (d)(i) LAMIRD (the Brinnon Rural Village Center). The Board found that that the proposed new type (d)(iii) LAMIRD also failed to comply with the GMA; the Board found that the type (d)(iii) LAMIRD proposed could not be located next to the Brinnon Rural Village and still be "isolated". Compliance Order, June 23, 2004.

Western Washington
Growth Management Hearings Board
905 24th Way SW, Suite B-2
Olympia, WA 98502
P.O. Box 40953
Olympia, Washington 98504-0953
Phone: 360-664-8966
Fax: 360-664-8975

The County asks the Board to find it in compliance on the basis of legislative action it took on October 4, 2004. The County repealed the mechanism by which the type (d)(iii) LAMIRD was created, leaving the land in that area designated as Rural Residential.

The Board, two members attending, held a telephonic compliance hearing on November 10, 2004. Nancy Dorgan appeared as a participant pursuant to RCW 36.70A.330(2). Mark Johnsen represented the County. No objection was made to a finding of compliance.

FINDINGS OF FACT

1. Jefferson County is a county located west of the crest of the Cascade Mountains that is required to plan pursuant to RCW 36.70A.040.
2. In its Compliance Order of June 23, 2004, this Board found that the County's Brinnon Subarea Plan was non-compliant with respect to the LAMIRD designated in Brinnon, adjacent to the Brinnon Rural Village Center.
3. Nancy Dorgan participated in the adoption of Ordinance #11-1004-04.
4. In Ordinance #11-1004-04, the County repealed that portion of the Brinnon Subarea Plan designating a second limited area of more intensive rural development at Brinnon, as a type (d)(iii) LAMIRD.
5. The land area in Brinnon that had been designated as a type (d)(iii) LAMIRD is now zoned rural residential.

CONCLUSIONS OF LAW

A. This Board has jurisdiction over the parties and the subject matter of this case.
B. Nancy Dorgan has standing to challenge the County's compliance with the Compliance Order dated June 23, 2004.
C. The County's Brinnon Subarea Plan complies with the Growth Management Act, Ch. 36.70A RCW.

ORDER

Jefferson County's Brinnon Subarea Plan is now compliant with Ch. 36.70A RCW and this case is therefore CLOSED.

Western Washington
Growth Management Hearings Board
905 24th Way SW, Suite B-2
Olympia, WA 98502
P.O. Box 40953
Olympia, Washington 98504-0953
Phone: 360-664-8966
Fax: 360-664-8975

This is a final order for purposes of appeal pursuant to RCW 36.70A.300(5).

Dated this 17 day of November, 2004.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

Holly Gadbaw

Holly Gadbaw, Board Member

Margery Hite

Margery Hite, Board Member

Western Washington
Growth Management Hearings Board
905 24th Way SW, Suite B-2
Olympia, WA 98502
P.O. Box 40953
Olympia, Washington 98504-0953
Phone: 360-664-8966
Fax: 360-664-8975

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

Case No. 03-2-0007

BETTER BRINNON V. JEFFERSON COUNTY

DECLARATION OF SERVICE

I, DEIFI STOLZ, under penalty of perjury under the laws of the State of Washington, declare as follows:

I am an Interim Assistant for the Western Washington Growth Management Hearings Board. On the date indicated below and manner indicated below, an ORDER FINDING COMPLIANCE in the above-entitled case was sent to the following:

Mark Rose
Better Brinnon Coalition
Box 266
Brinnon, WA 98320

[X] By United States Mail
[ ] By Legal Messenger
[ ] By Facsimile

Mark R. Johnsen
1201 Third Avenue, Suite 2900
Seattle, WA 98101

[X] By United States Mail
[ ] By Legal Messenger
[ ] By Facsimile

Nancy Dorgan
2137 Washington Street #7
Port Townsend, WA 98368
[X] By United States Mail
[ ] By Legal Messenger
[ ] By Facsimile

DATED this 17th day of November 2004, at Olympia, Washington.

DEIFILIA STOLZ

Western Washington
Growth Management Hearings Board
905 24th Way SW, Suite B-2
Olympia, WA 98502
P.O. Box 40953
Olympia, Washington 98504-0953
Phone: 360-664-8966
Fax: 360-664-8975