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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SKAGIT**

ANNIE JANICKI,

Petitioner,

v.

CITY OF SEDRO-WOOLLEY, a municipal corporation; DELUXE RECYCLING AND DISPOSAL LLC, a Washington limited liability company; and FIRE RIDGE LLC, an Oregon limited liability company,

Respondents,

v.

SKAGIT COUNTY, a political subdivision of the State of Washington,

Intervenor.

No. 08-2-01130-8

ORDER GRANTING SKAGIT COUNTY'S MOTION TO CLARIFY RECORD AND REMAND PROCEEDINGS

[PROPOSED]

THIS MATTER came before the Court on Skagit County's Motion to Clarify Record, Vacate the Hearing Examiner's Decision, and Remand the Proceedings. The Court has heard oral argument and has reviewed the following pleadings and

ORDER GRANTING SKAGIT COUNTY'S MOTION TO CLARIFY THE RECORD ETC. - 1 -

SKAGIT COUNTY PROSECUTING ATTORNEY
605 S. 3RD ST. -- Courthouse Annex
Mount Vernon, WA 98273
Phone: (360) 336-9460
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1 declarations submitted by the parties in connection with this matter:

- 2 1. "Skagit County's Motion to Clarify Record, Vacate the Hearing Examiner's
3 Decision and Remand the Proceedings" dated September 3, 2008;
- 4 2. "Declaration of William Honea" dated September 2, 2008;
- 5 3. "Declaration of Rob Simpson" dated August 29, 2008;
- 6 4. _____;
- 7 5. _____;
- 8 6. _____;
- 9 7. _____;
- 10 8. _____;
- 11

12 WHEREFORE, having considered the foregoing, Skagit County's motion is hereby
13 **GRANTED.**

- 14 1. The Leo Jacobs letter dated February 5, 2008 is part of the SEPA
15 record, and the City shall correct the Certified Record to reflect same;
- 16 2. The Hearing Examiner's decision is hereby VACATED;
- 17 3. These proceedings are remanded to the City for a new process
18 consistent with this decision;
- 19 4. The City shall consider the comments of the City's Solid Waste Division
20 Manager in the course of SEPA review;
- 21 5. The City shall retain at City's expense an outside entity or agency
22 satisfactory to the Petitioner and the County to conduct any SEPA review
23 as may be performed for the Deluxe proposal, provided that the costs of
24 doing so may be passed through to the applicant;
- 25
- 26

27 **ORDER GRANTING SKAGIT COUNTY'S**
28 **MOTION TO CLARIFY THE RECORD**
ETC. - 2 -

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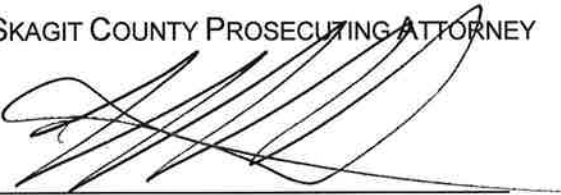
6. [IN THE ALTERNATIVE] [The briefing schedule in this matter shall be delayed for discovery related to this action. The parties shall meet and confer to establish a discovery order and revised briefing schedule, and shall present said schedule to the Court for approval, with Petitioner's and County's initial briefing date no earlier than December 2, 2008.]

DATED this _____ day of _____ 2008.

JUDGE / COMMISSIONER

Presented by:

SKAGIT COUNTY PROSECUTING ATTORNEY



William W. Honea, WSBA 33528
Stephen Fallquist, WSBA No. 31678
Attorneys for Skagit County