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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
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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. "Respondent City of Sedro-Woolley's Response to Motion to Clarify the
7 Record, Vacate the Hearing Examiner's Decision and Remand the
8 Proceedings" dated September 8, 2008;
- 9 5. "Declaration of Eric Potash in Support of City's Response to County's
10 Motion to Clarify the Record, Vacate the Hearing Examiner's Decision
11 and Remand the Proceedings" dated September 4, 2008;
- 12 6. "Declaration of John Coleman in Support of City's Response to County's
13 Motion to Clarify the Record, Vacate the Hearing Examiner's Decision
14 and Remand the Proceedings" dated September 5, 2008;
- 15 7. "Declaration of Eron Berg in Support of City's Response to County's
16 Motion to Clarify the Record, Vacate the Hearing Examiner's Decision
17 and Remand the Proceedings" dated September 8, 2008;
- 18 8. "Declaration of John Coleman in Support of City's Response to County's
19 Motion to Clarify the Record, Vacate the Hearing Examiner's Decision
20 and Remand the Proceedings" dated September 5, 2008;
- 21 9. "Declaration of Simi Jain in Support of City's Response to County's
22 Motion to Clarify the Record, Vacate the Hearing Examiner's Decision
23 and Remand the Proceedings" dated September 8, 2008;
- 24 10. "Declaration of Jack Moore in Support of City's Response to County's
25 Motion to Clarify the Record, Vacate the Hearing Examiner's Decision
26 and Remand the Proceedings" dated September 5, 2008;
- 27 11. "Declaration of Julie Rosario in Support of City's Response to County's
28 Motion to Clarify the Record, Vacate the Hearing Examiner's Decision
and Remand the Proceedings" dated September 3, 2008;
12. "Deluxe Recycling and Disposal LLC's Objection to Skagit County's
Motion to Clarify Record and Vacate Proceeding" dated September 8,
2008;

- 13. "Declaration of Steve Snell" dated September 5, 2008;
- 14. "Petitioner's Response in Support of Skagit County's Motion to Shorten Time and Motion Remand and Clarify Record" dated August 27, 2008;
- 15. "Skagit County's Reply to Deluxe and City Response in Opposition County Motion to Clarify Record and Remand Proceedings" dated September 8, 2008;
- 16. _____;
- 17. _____;
- 18. _____.

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

- 1. The Leo Jacobs letter dated February 5, 2008 is part of the SEPA record, and the City shall correct the Certified Record to reflect same;
- 2. The Hearing Examiner's decision is hereby VACATED;
- 3. These proceedings are remanded to the City for a new SEPA process consistent with this decision;
- 4. The City shall consider the comments of the City's Solid Waste Division Manager in the course of SEPA review;
- 5. The City shall retain at City's expense an outside entity or agency satisfactory to the Petitioner and the County to conduct any SEPA review as may be performed for the Deluxe proposal, provided that the costs of doing so may be passed through to the applicant;
- 6. [IN THE ALTERNATIVE] [The briefing schedule in this matter shall be

1 delayed for discovery related to this action. The parties shall meet and
2 confer to establish a discovery order and revised briefing schedule, and
3 shall present said schedule to the Court for approval, with Petitioner's
4 and County's initial briefing date no earlier than December 2, 2008.]
5

6 DATED this _____ day of _____ 2008.

7
8 _____
9 JUDGE / COMMISSIONER

10 **Presented by:**

11 SKAGIT COUNTY PROSECUTING ATTORNEY
12

13 _____
14 William W. Honea, WSBA 33528
15 Stephen Fallquist, WSBA No. 31678
16 Attorneys for Skagit County
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27 ORDER GRANTING SKAGIT COUNTY'S
28 MOTION TO CLARIFY THE RECORD
ETC. - 4 -

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