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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, and 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 in 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 declarations submitted by the parties in connection with this matter:

ORDER GRANTING SKAGIT COUNTY'S MOTION TO CLARIFY RECORD AND REMAND PROCEEDINGS
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1. "Skagit County's Motion to Clarify Record, Vacate the Hearing Examiner's Decision and Remand the Proceedings" dated September 3, 2008;
2. "Declaration of William Honea" dated September 2, 2008;
3. "Respondent City of Sedro-Woolley's Response to Motion to Clarify the Record, Vacate the Hearing Examiner's Decision and Remand the Proceedings" dated September 8, 2008;
4. "Declaration of Eric Potash in Support of City's Response to County's Motion to Clarify the Record, Vacate the Hearing Examiner's Decision and Remand the Proceedings" dated September 4, 2008;
5. "Declaration of John Coleman in Support of City's Response to County's Motion to Clarify the Record, Vacate the Hearing Examiner's Decision and Remand the Proceedings" dated September 5, 2008;
6. "Declaration of Eron Berg in Support of City's Response to County's Motion to Clarify the Record, Vacate the Hearing Examiner's Decision and Remand the Proceedings" dated September 8, 2008;
7. "Declaration of John Coleman in Support of City's Response to County's Motion to Clarify the Record, Vacate the Hearing Examiner's Decision and Remand the Proceedings" dated September 5, 2008;
8. "Declaration of Simi Jam in Support of City's Response to County's Motion to Clarify the Record, Vacate the Hearing Examiner's Decision and Remand the Proceedings" dated September 8, 2008;
9. "Declaration of Jack Moore in Support of City's Response to County's Motion to Clarify the Record, Vacate the Hearing Examiner's Decision and Remand the Proceedings" dated September 5, 2008;
10. "Declaration of Julie Rosario in Support of City's Response to County's Motion to Clarify the Record, Vacate the Hearing Examiner's Decision and Remand the Proceedings" dated September 3, 2008;

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- 11. "Deluxe Recycling and Disposal LLC's Objection to Skagit County's Motion to Clarify Record and Vacate Proceeding" dated September 8, 2008;
- 12. "Declaration of Steve Snell" dated September 5, 2008;
- 13. "Petitioner's Response in Support of Skagit County's Motion to Shorten Time and Motion Remand and Clarify Record" dated August 27, 2008;
- 14. "Skagit County's Reply to Deluxe and City Response in Opposition County Motion to Clarify Record and Remand Proceedings" dated September 8, 2008;

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 City shall consider the Leo Jacobs letter and decide whether the substance of the letter results in a change of the previously issued MDNS. This Court retains jurisdiction. In the event that the City does not change the previously issued MDNS, then this matter shall be referred back to this Court to conduct a review of the supplemented record, which includes the Jacobs letter and issue a decision on whether or not the MDNS decision affirming the validation of the MDNS should be upheld, taking into consideration the additional Leo Jacobs letter dated February 5, 2008.

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3. After review of the Jacobs letter, in the event that the City changes the MDNS to a Determination of Significance, said decision shall be considered a new decision, appealable to the Hearing Examiner in accordance with the City of Sedro Woolley ordinances and rules.

4. This order shall be considered a final judgment in accordance with RAP 2.2.

DATED this ____ day of _____, 2008.

JUDGE RONALD L. CASTLEBERRY

Presented by:

SKAGIT COUNTY PROSECUTING ATTORNEY

By: _____
William Honea, WSBA #33528
Attorney for Intervenor Skagit County

By: _____
Steve Fallquist, WSBA #31678
Attorney for Intervenor Skagit County

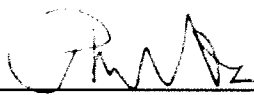
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Approved for Entry, Copy Received:

VISSER, ZENDER & THURSTON, P.S.

By: _____
Robert Carmichael, WSBA #14008
Attorneys for Respondent City of Sedro Woolley

ADELSTEIN, SHARPE & SERKA LLP

By:  _____
Philip A. Serka, WSBA #6814
Attorney for Respondent Deluxe
Recycling and Disposal LLC

MOSER LAW OFFICE

By: _____
C. Thomas Moser, WSBA #7287
Attorney for Petitioner Annie Janicki

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