

**Resolution No. 52-03**

A resolution declaring that ongoing growth management appeals before the Mason County Superior Court are of continuing and substantial public interest.

Be it ordained by the Board of Commissioners of Mason County, Washington, as follows:

WHEREAS, the Western Washington Growth Management Hearings Board had found Mason County in noncompliance with the Growth Management Act in a few different respects in its orders of August 14, 2002, and August 23, 2002,

WHEREAS, the Growth Management Hearings Board also held certain parts of Mason County's ordinances invalid,

WHEREAS, Mason County and current permit applicants face actual sanctions because many different types of development application may not vest during a period of invalidity under RCW 36.70A.302,

WHEREAS, vesting gives development applicants great certainty, and invalidity can cause tremendous uncertainty about the legal status of development applications and create difficulties in obtaining financing new development,

WHEREAS, Mason County and parties within the County also face potential sanctions in the form of denial of grant applications if Mason County is found in continued noncompliance with the Growth Management Act,

WHEREAS, Mason County appealed the August 14 and 23, 2002 orders of the Growth Management Hearings Board to the Mason County Superior Court,

WHEREAS, as a result of real and potential sanctions, the County felt it necessary to comply with the August 14 and August 23, 2002 orders,

WHEREAS, if Mason County prevails on appeal, the County may rescind or amend some of its ordinances, particularly with respect to frequently flooded areas but potentially with other areas as well,

WHEREAS, if Mason County is found compliant on some of the rural zoning and other comprehensive plan issues, the County may revisit the necessity of the appeals of those issues,

WHEREAS, Mason County feels it important and necessary to the County and its citizens to comply with the Growth Management Act in the intervening period,

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WHEREAS, if Mason County obtains compliance before the Growth Management Hearings Board, it may revisit its position with respect to its appeals before the Mason County Superior Court,


WHEREAS, Mason County also believes the Growth Management Hearings Board made several errors of law, particularly with respect with the frequently flooded areas, but in other important areas as well,


And WHEREAS, if Mason County does prevail on appeal, the County may rescind its ordinances without unnecessarily exposing the County or its citizens to undue sanctions or legal risk with respect to development applications or lost opportunities through state and federal grants,

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of Mason County, that Mason County declares that it is the continuing and substantial public interest of the County to continue the growth management appeals. The County declares that it is also in the public interest to comply as an interim measure during the pendency of the appeals, and those measures may be revisited as a court may allow.


Adopted and passed this 20 day of May, 2003.

  
Herb Baze, Commissioner

  
Wesley Johnson, Commissioner

  
Jayni Kamin, Commissioner

Attest:

  
Rebecca Rogers  
Clerk of the Board

Approved as to form:

  
Mason County Deputy Prosecuting Attorney