

BEFORE THE COLUMBIA RIVER GORGE COMMISSION

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|-------------------------------|---|-----------------------------------|
| JOSEPH A. BACUS and SANDRA |) | |
| BACUS, |) | |
| |) | CRGC No. COA-S-04-01 |
| Appellants, |) | |
| |) | ORDER DENYING |
| vs. |) | MOTION FOR RECONSIDERATION |
| |) | |
| SKAMANIA COUNTY, a Washington |) | |
| County, |) | |
| |) | |
| Respondent. |) | |
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On August 23, 2004, Joseph and Sandra Bacus filed a motion for reconsideration of the Gorge Commission's decision remanding the application back to Skamania County based on one assignment of error. The Bacuses sought reversal or remand on their other assignments of error. Skamania County filed a timely response.

Commission Rule 350-60-230(1)(a)(B) provides that a petition for reconsideration is deemed denied if the Commission does not dispose of the motion within 30 days of the date of filing, or serve the parties with a written notice specifying the date by which it will act on the motion. On September 1, 2004, the Commission provided written notice to the parties specifying that it would act on the motion at its October 12, 2004 meeting.

On October 12, 2004, the Commission considered the motion. Pursuant to Commission Rule 350-60-230(1)(d), only the Commissioners who participated in the original decision considered the motion.¹ The Commission's rules do not provide for oral argument, so no oral argument was afforded the parties. The Commission considered the motion (and the incorporated documents), the response, and a staff report.

The Commission found Appellants had not established any error for which there was new information now available, which could not have been acquired earlier through due diligence. The Commission therefore voted to deny the motion.

The motion for reconsideration is DENIED.

DATED this 9th day of November, 2004



Anne W. Squier, Chair

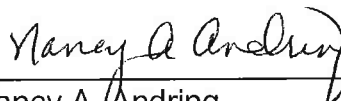
¹ Seven of the nine Commissioners who participated in the original decision considered the motion for reconsideration. Wayne Wooster did not participate because he was no longer on the Commission at the time the motion for reconsideration was considered. Jane Jacobson was not present for the motion for reconsideration. Commissioner Jacobson attempted to participate by telephone, but was disconnected and unable to be reconnected.

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of November, 2004, I served a true and correct copy of the foregoing ORDER DENYING MOTION FOR RECONSIDERATION by first class mail, postage prepaid to the following persons:

Joseph A. and Sandra Bacus
91 Sprague Landing Road
Stevenson, WA 98648

Peter S. Banks
Skamania County Prosecuting Attorney
P.O. Box 790
Stevenson, WA 98648



Nancy A. Andring
Administrative Secretary