

On August 16, 2004, the Board issued an “Order Denying Motion for Extension to Compliance Schedule” basing the denial on the lack of statutory authority to extend the compliance period. The Board noted that if the County chose to stipulate to noncompliance, the Board would issue an Order noting continuing noncompliance and establishing a new compliance schedule.

The County so stipulated; and on September 13, 2004, the Board issued an “Order Finding Continuing Noncompliance” which established a new compliance schedule. This Order established January 13, 2005 as the date of the compliance hearing.

On November 22, 2004, the Board received a letter from CTED with an attached “Stipulation and Order of Dismissal” (**Stipulation**)¹ and “Order and Judgement” (**Judgement**) dated November 15, 2004, issued by The Honorable Richard D. Hicks, Thurston County Superior Court. [Attachment A]

The Judgement reversed and remanded the Board’s FDO; indicating that the Board “erred by considering and applying the goals of the [GMA] in reviewing Snohomish County’s [amended CPPs].” Judgement, at 3. The Court further noted that CPPs may be precatory and not directive; and the CPPs challenged in this matter were not necessarily directive. “Whether the policies in this case are precatory or directive can be determined upon appeal of any comprehensive plans or development regulations adopted in order to implement a specific CPP.” *Id.* The Court noted that the parties had stipulated that upon remand to the Board, the case be dismissed. The stipulation of the parties was incorporated by reference into the Judgement. Judgement, at 4, and attachments.

The Stipulation provides as follows:

WHEREAS, the Director of the Washington State Department of Community, Trade, and Economic Development (**CTED**) filed a Petition for Review of certain amendments to Snohomish County’s County-wide Planning Policies on September 8, 2003; and

WHEREAS, the Central Puget Sound Growth Management Hearings Board issued a Final Decision and Order (**FDO**) on March 8, 2004, that found partial noncompliance with the Growth Management Act (**GMA**); and

WHEREAS, Snohomish County and the Snohomish County-Camano Association of Realtors appealed the Board’s FDO to Thurston County Superior Court, which issued an Order and Judgement on November 15, 2004; and

¹ The Stipulation was signed by all parties to the proceeding.

WHEREAS, the Superior Court remanded this matter to the Board for entry of an order consistent with the Court's Order and Judgement, a copy of which is attached hereto and incorporated by reference; and
WHEREAS, in light of the Superior Court's Judgement and Order that this matter be remanded to the Board for entry of an order consistent with the Court's ruling, the parties in this proceeding agree that CTED's petition for review should be dismissed;

NOW, THEREFORE, IT IS HEREBY STIPULATED BY AND AMONG THE PARTIES, through their attorneys, the CTED's Petition for Review shall be dismissed, and that the Order shall be presented to the Board for its approval:

Stipulation, at 1-2.

II. ORDER

Based upon the Board's review of the FDO, subsequent Board Orders in this matter, the Order and Judgement of the Thurston County Superior Court [Attachment A to this Order], the Stipulation of the parties, and having considered and deliberated on the matter, the Board ORDERS:

- CTED's Petition for Review in *CTED v. Snohomish County*, CPSGMHB Case No. 03-3-0017 is hereby **dismissed**.
- CPSGMHB Case No. 03-3-0017 [*CTED v. Snohomish County*] is **closed**.

So ORDERED this 29th day of November 2004.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Bruce C. Laing, FAICP
Board Member

Edward G. McGuire, AICP
Board Member

Margaret A. Pageler
Board Member