

**CENTRAL PUGET SOUND
GROWTH MANAGEMENT HEARINGS BOARD
STATE OF WASHINGTON**

GENE J. GRIEVE,)	
)	Case No. 04-3-0017
Petitioner,)	
)	<i>(Grieve II)</i>
v.)	
)	
SNOHOMISH COUNTY,)	ORDER OF DISMISSAL
)	
Respondent.)	
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I. BACKGROUND

On May 20, 2004, the Central Puget Sound Growth Management Hearings Board (the **Board**) received a Petition for Review (**PFR**) from Gene J. Grieve (**Petitioner**). The matter was assigned Case No. 04-3-0017, and is hereafter referred to as *Grieve II v. Snohomish County*.¹ Board member Edward G. McGuire is the Presiding Officer (**PO**) for this matter. Petitioner challenges Snohomish County's (the **County**) "faulty planning process of Snohomish County" [*i.e.*, the alleged lack of coordinated land use planning]. Petitioner does not challenge any specific GMA legislative action of Snohomish County. The basis for the challenge is noncompliance with the Growth Management Act (**GMA** or **Act**).

On May 24, 2004 the Board issued its "Notice of Hearing" (**NOH**), establishing the date for the prehearing conference. In the NOH, the Board noted that Petitioner Grieve had not challenged any specific GMA legislative action of the County.

On June 28, 2004, the Board held the Prehearing Conference in the Attorney General's Training Center, adjacent to the Board's Offices at 900 Fourth Avenue, Suite 2470, in Seattle, WA. Board Member Edward G. McGuire presided. Petitioner Gene Grieve appeared *pro se*; Elizabeth Anderson and Andrew Lane represented the County. Amanda Carr and Elizabeth Rhode, Board Externs, Janet Grieve and Shawn Aronow also attended.

Following introductions, the PO asked if the parties had held any settlement discussion to resolve the matter presented to the Board. Both Petitioner and Respondent said they had talked briefly and wished to pursue more discussions to better understand each others' concerns.

¹ The Board notes that the Board's 5/24/04 Notice of Hearing erroneously captioned this matter as *Grieve II v. City of Bothell*; the Respondent in this matter is *Snohomish County*, **not** the *City of Bothell*.

The Board then questioned whether it has subject matter jurisdiction to consider Petitioner's complaint. The Board's jurisdiction is generally limited to: a) review of whether a legislative action taken complies with the Act; or b) review of whether a jurisdiction failed to act pursuant to a timeline set forth in the Act.² Neither situation is apparent in the present PFR. Petitioner Grieve was then asked to explain his concerns regarding the County's planning process.

Mr. Grieve explained that his primary concerns were: 1) the importance of interjurisdictional coordination and cooperation among Snohomish County and its cities, particularly those cities located within the County's southernmost UGA (*i.e.* the Bothell, Mill Creek *etc.*, area.); and 2) the importance of effective notice to citizens as to pending land use decisions that the County will be undertaking during its Plan and UGA review process.

Ms. Anderson and Mr. Lane then briefly explained the County's pending planning process and indicated the County's willingness to continue discussions pertaining to coordination efforts with cities and alternative notice mechanisms to citizens. The County acknowledged that Mr. Grieve is an active participant in the County process and has raised his concerns during the comment phase of the draft environmental impact statement (**DEIS**) process, one of the first steps in the County's procedures. The County also noted that it had not made any decisions, not taken any legislative action, and not failed to act on any matter subject to Board review at this time. The Board agrees.

In anticipation of a motion to dismiss from the County, Mr. Grieve then submitted to the Board, and the County, a "Letter" and "Memorandum in Support," with 17 attachments.³ Mr. Grieve's Letter set forth several suggestions for modifying and clarifying the County's planning process that he sought to have the County to consider. The County indicated it was willing to continue to discuss these suggestions at the closure of the prehearing conference. To foster a continuing spirit of cooperation, Mr. Grieve then moved to withdraw his PFR. The Board accepted the withdrawal and orally dismissed the PFR.

The Board commends the parties for their openness, willingness to clarify and understand each others concerns, and pursue good faith discussions. The Board also encourages the County and Petitioner to continue discussions and cooperate to avoid the need for future PFRs being filed with this Board.

² See RCW 36.70A.280; WAC 242-02-220(5) and the Board's Digest of Decisions, 3rd Edition, April 2004, [Subject Matter Jurisdiction].

³ The attachments include various comments on the DEIS and letters to the County from various cities within the County. Also attached were examples of coordination efforts in other jurisdictions that Mr. Grieve sought to have the County consider.

II. ORDER

Based upon Petitioner's desire to withdraw the Petition for Review, the Board ORDERS:

- Pursuant to the request of Petitioner to withdraw PFR 04-3-0017, the Board hereby **dismisses** *Grieve II v. Snohomish County*, CPSGMHB Case No. 04-3-0017. This case is closed.

So ORDERED this 29th day of June 2004.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD⁴

Bruce C. Laing, FAICP
Board Member

Edward G. McGuire, AICP
Board Member

Note: This order constitutes a final order as specified by RCW 36.70A.300 unless a party files a motion for reconsideration pursuant to WAC 242-02-832.

⁴ Board Member Joseph W. Tovar did not participate in this decision.