

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

1000 FRIENDS OF WASHINGTON,)	
STILLAGUAMISH FLOOD CONTROL)	Case No. 03-3-0019c
DISTRICT, AGRICULTURE FOR)	
TOMORROW, PILCHUCK AUDUBON)	[Island Crossing]
SOCIETY;)	
)	
)	
and)	
)	
THE DIRECTOR OF THE STATE OF)	
WASHINGTON DEPARTMENT OF)	
COMMUNITY, TRADE AND)	
ECONOMIC DEVELOPMENT,)	
)	
Petitioners,)	
)	
v.)	
)	
SNOHOMISH COUNTY,)	ORDER DENYING
)	RECONSIDERATION
Respondent,)	
)	
and)	
)	
DWAYNE LANE,)	
)	
Intervenor.)	

I. BACKGROUND

On March 31, 2004, the Board issued its “Corrected Final Decision and Order”¹ in the above captioned case. That Order found Snohomish County’s designation of the Island Crossing area noncompliant with the GMA and invalid.

On April 9, 2004, the Board issued its “Order Rescinding Findings of Noncompliance and Invalidity” in the above captioned case.

¹ The FDO was initially issued on March 22, 2004; the 3/31/04 corrected FDO corrected typographical errors and citations. See 3/31/04 Notice of Corrected Final Decision and Order, at 2.

On June 1, 2004, the Board issued its “Order Rescinding the April 9, 2004 Order Rescinding Findings of Noncompliance and Invalidity” in the above captioned case.

On June 24, 2004, the Board issued its “Order Finding Continuing Noncompliance and Continuing Invalidity and Recommendation for Gubernatorial Sanctions” in the above captioned case.

On July 22, 2004, the Board issued its “Order Granting Reconsideration [Revising Finding of Fact 17] and Denying Motion to Enter Determination of Validity Pursuant to RCW 36.70A.302(4)” in the above captioned case.

On December 27, 2004, via letter, the Governor advised Snohomish County that gubernatorial sanctions – withholding the County’s share of motor vehicle excise taxes – would be imposed as of March 1, 2005. The Governor’s letter noted that the County had taken no action to address noncompliance of the Island Crossing property with the Growth Management Act.

On January 5, 2005 the Board received a letter from the Governor’s Office directing the Board to review an attached copy of Resolution 05-001 to determine whether it addressed the County’s noncompliance with regard to the Island Crossing Property. Resolution 05-001 is entitled:

ACTING TO COMPLY WITH THE ORDER FINDING CONTINUING
NONCOMPLIANCE AND CONTINUING INVALIDITY AND
RECOMMENDATION OF GUBERNATORIAL SANCTIONS ISSUED
BY THE CENTRAL PUGET SOUND GROWTH MANAGEMENT
HEARINGS BOARD IN CASE NO. 03-3-0019C CONCERNING
PROPERTY AT ISLAND CROSSING.

Resolution 05-001, at 1.

On January 6, 2005, the Board issued an “Order Withdrawing the Recommendation of Gubernatorial Sanctions, Rescinding Invalidity and Finding Compliance.”

On January 7, 2005, the Governor, via letter to the State Treasurer [with copies to the Board and County] gave notice that the imposition of financial sanctions was removed. *See Attachment C to Snohomish County Answer, below.*

On January 18, 2005, the Board received “Petitioners’ Motion for Reconsideration of This Board’s Order Issued on January 6, 2005” (**1000 Friends’ Motion to Reconsider**); the Board also received Stillaquamish Flood District’s “Petitioners’ Motion for Reconsideration of This Board’s Order Issued on January 6, 2005” (**Stillaquamish Motion to Reconsider**). The Stillaquamish Motion to Reconsider adopted and joined 1000 Friends Motion to Reconsider.

On January 25, 2005, the Board received “Snohomish County’s Response to Petitioners’ Motion for Reconsideration” (**County Answer**), with three attachments²; the Board also received “Response of Intervenor Dwayne Lane to Motions for Reconsideration of Order Withdrawing the Recommendation of Gubernatorial Sanctions, Rescinding Invalidity and Finding Compliance” (**Intervenor Answer**).

II. DISCUSSION AND ORDER

Snohomish County’s legislative action of adopting Resolution No. 05-001 removed potential ambiguity and clarified for the citizens of Snohomish County that the land use designations in the County’s Comprehensive Plan and Map are *Rural Freeway Service* and *Riverway Commercial Farmland* for the Island Crossing property; and that the zoning and zoning map designations for the Island Crossing property are *Rural Freeway Service* and *Agriculture -10 Acre*. See January 6, 2005 Order. These designations have been previously determined to comply with the provisions of Chapter 36.70A RCW. *Id.* Resolution 05-001 satisfied and assured the Board that these designations are the applicable land use law governing the Island Crossing property in question. *Id.*

Having reviewed the Board’s Orders of March 31, April 9, June 1, June 24, July 22, 2004, the letters of July 30, December 27, 2004, Resolution 05-001, the Board’s January 6, 2005 Order, the letter of January 7, 2005, the Motions of Petitioners, the Answers of the County and Intervenor, the GMA, and having considered the written arguments of the parties and deliberated on the matter, the Board **denies** Petitioners Motion for Reconsideration.

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² Attachment A – July 30, 2004 letter from Governor Locke to Snohomish County Council Chairman John Koster. This letter indicated the Governor’s desire to resolve the matter without resorting to sanctions.
Attachment B – December 27, 2004 letter from Governor Locke to State Treasurer Michael Murphy directing the imposition of sanctions for Snohomish County. Copies of the letter went to the Board and Snohomish County, among others.
Attachment C – January 7, 2005 letter from Governor Locke to the State Treasurer notifying him that the previous imposition of sanctions on Snohomish County was removed. Copies of the letter went to the Board and Snohomish County, among others.

So ORDERED this 27th day of January 2005.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Bruce C. Laing, FAICP
Board Member

Edward G. McGuire, AICP
Board Member

Margaret A. Pageler
Board Member