

CENTRAL PUGET SOUND

GROWTH MANAGEMENT HEARINGS BOARD

STATE OF WASHINGTON

CITY OF BLACK DIAMOND and)**Case No. 94-3-0004**
BLACK DIAMOND ASSOCIATES,)

)
Petitioners,)**ORDER DISMISSING LEGAL**
)**ISSUES and CASE and**
v.)**DIRECTING AMENDMENT TO**
)**IUGA MAP**
KING COUNTY,)

)
Respondent,)

)
and)

)
PALMER COKING COAL COMPANY,)

)
Intervenor.)

)

On March 11, 1994, the Central Puget Sound Growth Management Hearings Board ^[1] (the **Board**) received a Petition for Review from the City of Black Diamond (**Black Diamond** or the **City**) and Black Diamond Associates, Ltd. (**BDA**).

The Board held a prehearing conference on Monday, April 25, 1994, in its Seattle offices. On April 28, 1994, the Board entered a Prehearing Order and Order Granting Intervention Status to Palmer Coking Coal Company (**Palmer**). The Prehearing Order, among other things, set forth the legal issues to be determined by the Board and established a briefing schedule for filing dispositive motions and responses and replies thereto. The prehearing order established June 16, 1994 as the deadline for the Petitioners prehearing brief; July 7 1994, as the deadline for the Respondent's and Intervenor's prehearing briefs; July 18, 1994 as the deadline for the Petitioner's reply brief; and July 20, 1994 as the date for the hearing on the merits.

One dispositive motion was filed in this case. On May 13, 1994 BDA and Black Diamond filed "Petitioners Dispositive Motion for an Order Determining King County Ordinance 11110 to Not Comply with the Growth Management Act" with the Board.

The Board held a hearing on the motion at 1:30 p.m. on Tuesday, May 31, 1994, at 1225 One Union Square, Seattle, Washington.

On June 9, 1994, the Board issued "Order on Dispositive Motion and Order Granting Amicus Status to City of Woodinville." On June 21, 1994, the Board received "Stipulation and Order Dismissing the Appeal" signed by Black Diamond, BDA and the County. No prehearing brief, response brief, or reply brief was received by the Board by the deadlines established in the April 28, 1994 prehearing order.

III. ORDER

Having reviewed the documents listed above that were filed with the Board in support of and in opposition to the dispositive motions, having considered the oral arguments of the parties, and having deliberated on the matter, the Board enters the following order.

ORDERED:

1) The first issue raised by the Petitioners' Memorandum, which *Legal Issue No. 1* addresses, was **partially granted** by the order on the dispositive motion. Attachment A to King County Ordinance 11110 is **remanded** with instructions for the County to more accurately label the existing map and delete the existing narrative, or to more accurately label the existing map and edit the narrative, or to provide legal descriptions for the entire, countywide IUGA boundary line in lieu of or in addition to the map. That portion of the Petitioners' Memorandum challenging Attachment A-2 of the Ordinance because it is inadequately labeled was **denied** by the order on the dispositive motion. Accordingly, *Legal Issue No. 1* has been entirely resolved.

2) The second issue raised by the Petitioners' Memorandum, which *Legal Issue No. 3* addresses, was **granted** by the order on the dispositive motion. King County Ordinance 11110 is **remanded** with instructions for the County to add that portion of the City of Black Diamond that was excluded from the IUGA, i.e., the Black Diamond Watershed, to the IUGA. Accordingly, *Legal Issue No. 3* has been entirely resolved.

3) The first part of the third issue raised by the Petitioners' Memorandum on the Dispositive Motion correlates to *Legal Issue No. 2*. It is **resolved** since the Board concludes that counties must comply with the provisions of CPPs in adopting IUGAs. Therefore, *Legal Issue No. 2* has been disposed of in its entirety.

As a consequence of this order, no legal issues remain for the Board to determine. Therefore, the hearing on the merits, scheduled to take place on July 20, 1994, is **anceled**.

So ORDERED the 18th day of July, 1994.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

M. Peter Philley
Board Member

Joseph W. Tovar, AICP
Presiding Officer

Chris Smith Towne
Board Member

NOTE: This order constitutes the Board's final order in this case as specified by RCW 36.70A.300, unless a party files a Petition for Reconsideration pursuant to WAC 242-02-830.

[\[1\]](#)

Pursuant to ESSHB 2510, the name of the three boards was changed from Growth "Planning" to Growth "Management" Hearings Board, effective June 9, 1994.