

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

BREMERTON, et al.,)	Case No. 95-3-0039c
Petitioners,)	
v.)	
KITSAP COUNTY,)	THIRD ORDER AMENDING
Respondent.)	SCHEDULE, ORDER ON
_____)	MOTIONS AND ORDER
PORT GAMBLE, et al.,)	ESTABLISHING LOCATION
Petitioners,)	FOR HEARINGS
v.)	coordinated with
KITSAP COUNTY,)))))))))	Case No. 97-3-0024c
Respondent.		

I. PROCEDURAL HISTORY

On April 30, 1997, the Central Puget Sound Growth Management Hearings Board (the Board) issued a “Second Order Amending Schedule” (the **Second Order Amending Schedule**) in the above captioned coordinated matter. The Second Order Amending Schedule established July 16, 1997 as the date for the simultaneous Second Compliance Hearing in *Bremerton, et al., v. Kitsap County* (**Bremerton**), CPSGMHB Case No. 95-3-0039c, and the hearing on the merits in *Port Gamble, et al., v. Kitsap County* (**Port Gamble**), CPSGMHB Case No. 97-3-0024c. The *Bremerton* and the *Port Gamble* cases, as captioned above, are referred to as coordinated cases.

On May 22, 1997, the Board issued an “Order Regarding the County’s Record” (the **Order Regarding the Record**). The Order Regarding the Record acknowledged that the County’s apparent loss of a portion of the record in these coordinated cases presented an dilemma for parties wishing to submit briefs and potentially to the Board in reaching a final decision. For this reason, the County was directed to file a County Record Status Report with the Board, and provide a copy to all parties, by June 9, 1997.

On May 27, 1997, the Board received “Petitioner City of Poulsbo’s Motion for Voluntary Dismissal Pursuant to WAC 242-02-720(2)” relative to the coordinated cases (**Poulsbo’s Motion for Dismissal**), which requested that Poulsbo be dismissed from the coordinated cases without prejudice. Transmitted with Poulsbo’s Motion for Dismissal was the “Declaration of Phil A. Olbrechts in Support of Petitioner’s Motion for Dismissal” with attachments.

On May 28, 1997, the Board received “Petitioner’s Motion for Dismissal - Homebuilders

Association of Kitsap County and Kitsap County Association of Realtors”(the **Homebuilders’ and Realtors’ Motion for Dismissal**), which requested that those two parties be dismissed from the *Port Gamble* case without prejudice.

On May 30, 1997, the Board received the “State’s Motion to Supplement the Record and Requesting Official Notice” (the **State’s Motion to Supplement**) with an attached “Declaration of Tommy Prud’Homme.” On this same date, the Board received “Petitioner Suquamish Tribe’s Motion to Correct Index Record” (the **Suquamish Motion to Correct Index**).

On June 2, 1997, the Board received “Kitsap County’s Response to State’s Motion to Supplement the Record and Requesting Official Notice.”

On June 4, 1997, the Board received “Kitsap County’s Second Supplemental Index to Record.”

On June 6, 1997, the Board received from the County “Motion for Continuance of Briefing Schedule” (the **County’s Motion for Continuance of Briefing Schedule**). On this same date, the Board received “Kitsap County’s Third Supplemental Index to Record.”

On June 9, 1997, the Board received “Kitsap County’s Record Status Report” together with a “Declaration of Holly Anderson.” On this same date, the Board received “Adams’ Reply to County’s Motion for Continuance of Briefing Schedule.”

II. ORDER ON MOTION TO AMEND SCHEDULE

The County’s Motion for Continuance of Briefing Schedule is **granted**. The County’s Prehearing Response Brief shall be submitted to the Board, and a copy shall be personally served by the

County upon each opposing party, by **5:00 p.m. on Tuesday, July 1, 1997**.^[1] Optional Reply briefs shall be submitted to the Board, by **noon on Monday, June 14, 1997**, and a copy shall be served upon the County and each opposing party by **5:00 p.m. on Monday, June 14, 1997** by means of any method named at WAC 242-02-320.

iii. ORDER ON OTHER MOTIONS

Poulsbo’s Motion for Dismissal is **granted**. The City of Poulsbo is **dismissed with prejudice** from both the *Bremerton* and the *Port Gamble* cases.

The Homebuilders’ and Realtors’ Motion for Dismissal is **granted**. The Homebuilders Association of Kitsap County and the Kitsap County Association of Realtors are **dismissed with prejudice** from the *Port Gamble* case.

The State’s Motion to Supplement is **granted**. The Board **takes official notice** of the Kitsap County Shoreline Master Program, as adopted by rule by the Department of Ecology at WAC 179-19-260. The Board notes that the Draft Environmental Impact Statement on the County’s Revised Comprehensive Plan is indexed in the record as documents number 3427 and 3563; the Final EIS is indexed as document number 2239 and the Addendum to the FEIS is indexed as

document number 13041.

The Suquamish Motion to Correct Index is **granted**.

IV. hearing location

The Second Compliance Hearing in the *Bremerton* case and the Hearing on the Merits in the *Port Gamble* case will take place simultaneously on **Wednesday, July 16, 1997**, beginning at **9:30 a.m.** and concluding no later than **4:30 p.m.** The Board will issue a Schedule for Oral Argument no later than the second week of July. Unless and until the parties are notified otherwise, the hearings will be held at:

Fire District 18 Fire Station

911 NE Liberty Road

Poulsbo, Washington

So ORDERED this 9th day of June, 1997.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Joseph W. Tovar, AICP
Presiding Officer

[\[1\]](#)

The deadline for Respondent Intervenors and Participants in Support of the County's Compliance to submit Response Briefs remains as set forth in the Second Order Amending Schedule, namely, June 25, 1997. These pleadings may be served using any of the methods set forth at WAC 242-02-320.