

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

CORINNE R. HENSLEY, et al.,)	
)	Case No. 95-3-0043
Petitioners,)	
)	
v.)	FINDING OF COMPLIANCE
)	
SNOHOMISH COUNTY,)	
)	
Respondent.)	
_____)	

PROCEDURAL HISTORY

On May 9, 1995, the Board received a Dispositive Motion from Corinne R. Hensley, Concerned Citizens for Sky Valley, and 1000 Friends of Snohomish County (hereafter collectively referred to as **Hensley**). Hensley's Dispositive Motion asked the Board to find that Snohomish County (the **County**) was required and had failed to adopt by specified dates a comprehensive plan, final urban growth area boundaries, and development regulations to implement the plan, as required by the Growth Management Act (**GMA** or the **Act**).

In its Order Granting Hensley's Dispositive Motion (the **Order**), issued June 9, 1995, the Board found that the County was required to adopt and had not adopted a comprehensive plan, final urban growth area boundaries and implementing development regulations pursuant to the requirements of the GMA. It further held that the County could not adopt implementing development regulations until it adopted a comprehensive plan.

On July 10, 1995 the County submitted Snohomish County's Statement of Compliance, with two attachments. The first was a copy of Ordinance 94-125, adopting the County's Comprehensive Plan; the second was copies of Ordinances 94-113 through-124, adopting final Urban Growth Areas. Each of the ordinances was enacted June 28, 1995.

On July 25, 1995, the Board issued a Notice of Compliance Hearing, setting the hearing for August 9, 1995.

The Board held the compliance hearing on August 9, 1995 at the Board's office. Chris Smith Towne, presiding officer, and M. Peter Philley, participating telephonically, appeared for the

Board. Corinne R. Hensley and Jane Cooper, with Steve Erdman participating telephonically, appeared for Sky Valley; Gordon Sivley represented the County. Court reporting services were provided by Nancy A. Poppe of Robert H. Lewis & Associates.

On August 10, 1995, the Board received Snohomish County's Motion for Leave to File Post-Hearing Brief and Supplemental Brief Concerning Compliance.

II. STATEMENT OF FACTS

1. The following portions of the Board's Order are the subject of this compliance determination:

...

2. Pursuant to RCW 36.70A.300(1)(b), the County is given until **Wednesday, July 5, 1995** to adopt by ordinance its comprehensive plan and final urban growth areas ...

3. The County shall prepare a statement of the status of its compliance with the Board's Order regarding adoption of its comprehensive plan, and file one original and two copies with the Board, and serve a copy on Hensley, not later than **5:00 p.m. on Monday, July 10, 1995**. ...*Order Granting Hensley's Dispositive Motion*, at 5-6. (Emphasis in original)

2. On June 28, 1995, the Snohomish County Council adopted Amended Ordinance 94-125, adopting the Snohomish County Growth Management Act Comprehensive Plan.

3. Also on June 28, 1995, the Snohomish County Council adopted Ordinances 94-113 through 94-124, adopting all of the County's final Urban Growth Areas.

ORDER

Having considered the documents filed in support of a finding of compliance, and Sky Valley's statements at the hearing in opposition to such a finding, the Board concludes that the County **has complied** with that portion of the Board's Order concerning adoptions of a comprehensive plan and final urban growth area boundaries. Therefore, the Board issues a **finding of compliance** to the County.

In the event a potential petitioner concludes that the County's efforts to comply with the Board's Order, found by this order to be in procedural compliance, fails to substantively comply with the Act, that person will be able to file a new petition for review challenging the county's action within sixty days of publication. *Friends of the Law I*, CPSBGMHB Case No. 94-3-0003 (1994),

Order Denying Motions for Reconsideration, at 9-11.

So ORDERED this 21st day of August, 1995.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Chris Smith Towne
Presiding Officer

M. Peter Philley
Board Member

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Joseph W. Tovar, AICP
Board Member