

On December 19, 1996, the Board held a second compliance hearing.

On January 31, 1997, the Board issued a Notice of Third Compliance Hearing. The Board stated that it would hear argument on, and make a determination of, the County's substantive and procedural compliance with the GMA and the Board's Final Decision and Order, specifically items 1 through 5 in the remand portion of the Order.

On February 26, 1997, the Board held a Pre-Compliance Hearing Conference in the above-captioned matter.

On March 26, 1997, the Board issued a Pre-Compliance Hearing Order, setting deadlines for filing dispositive motions, motions to supplement, and briefs. The Board opted not to hold a hearing on motions.

Since March 27, 1997, the Board has received the following motions, briefs, exhibit lists exhibits and letters:

Date Received	Title
Mar. 28, 1997	Letter from Woodinville re: Pre-Compliance Hearing Order
Apr. 1, 1997	Motion to Supplement the Record (John Postema)
Apr. 1, 1997	CCSV's (Concerned Citizens for Sky Valley) Amended Request for Official Notice, Motion to Supplement the Record, and Notice of Availability
Apr. 1, 1997	Snohomish County-Camano Association of Realtors' (SCCAR) Dispositive Motion and Memorandum in Support
Apr. 1, 1997	SCCAR's Motion to Supplement the Record, Motion for Official Notice, and Memoranda in Support
Apr. 2, 1997	Snohomish County's Motion to Supplement the Record and Joinder in Realtors' Dispositive Motion, Motion to Supplement the Record, and Motion for Official Notice
Apr. 11, 1997	Association of Rural Landowners' Preliminary Exhibit List
Apr. 11, 1997	SCCAR's Preliminary Exhibit List

Apr. 12, 1997	1000 Friends of Snohomish County's (1000 Friends) Response to Snohomish County-Camano Assoc. of Realtors' Dispositive Motion and Memorandum in Support
Apr. 14, 1997	Snohomish County's Preliminary Exhibit List
Apr. 14, 1997	CCSV's (Concerned Citizens for Sky Valley) Preliminary Exhibit List for Third Compliance Hearing
Apr. 14, 1997	Corinne R. Hensley's (Hensley) Response to SCCAR's Dispositive Motion and Memorandum in Support
Apr. 14, 1997	Hensley's Preliminary Exhibit List for Third Compliance Hearing
Apr. 14, 1997	PAS' (Pilchuck Audubon Society) Preliminary Exhibit List for Third Compliance Hearing
Apr. 15, 1997	(John Postema's) Preliminary Exhibit List
Apr. 15, 1997	1000 Friends' Response to SCCAR's Dispositive Motion and Memorandum in Support
Apr. 15, 1997	City of Woodinville's Preliminary Witness and Exhibit List for Compliance Hearing
Apr. 15, 1997	Snohomish County's Response in Opposition to Motions to Supplement and Motions for Official Notice by John Postema and CCSV III
Apr. 15, 1997	SCCAR's Response to CCSV's Amended Request for Official Notice and Motion to Supplement the Record
Apr. 15, 1997	1000 Friends' Preliminary Exhibit List for Third Compliance Hearing
Apr. 16, 1997	Pilchuck Audubon Society's (Pilchuck) and CCSV's Response to Snohomish County's and SCCAR's Dispositive Motions
Apr. 16, 1997	Letter from SCCAR re: Service of Pre-Compliance Hearing Order
Apr. 21, 1997	Postema's Reply to Snohomish County Opposition to His Motion to Supplement the Record
Apr. 22, 1997	CCSV's Reply to Snohomish County and SCCAR's Response to Motions to Supplement
Apr. 22, 1997	Snohomish County's List of Core Documents for Third Compliance Hearing
Apr. 23, 1997	Snohomish County's Motion to Amend the Index of the Record re: Compliance Action Taken November 27, 1996

Apr. 24, 1997	(Snohomish County's) Submittal of Core Documents for Third Compliance Hearing
Apr. 30, 1997	Core Documents received

II. SCCAR's Dispositive Motion

SCCAR, joined by the County, asks the Board to limit the scope of issues to be heard to those remand actions, set forth in the final Decision and Order, dealing solely with the County's Plan. Specifically, it asks that briefing and argument related to implementing development regulations be excluded during this third compliance proceeding.

Pilchuck, CCSV, 1000 Friends and Hensley oppose the motion, arguing that the regulations in question allow for urban growth in rural areas, which demonstrates that the remand amendments to the Plan fail to include "sufficient policy direction and parameters" as directed by the Board in its remand order. PAS & CCSV's Response, at 3.

The Board has determined that it lacks sufficient time to decide SCCAR's motion prior to the filing of prehearing briefs and the hearing on the merits

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III. motions to supplement the record

The parties are cautioned that each exhibit submitted be **relevant** to the specific legal issues before the Board when they file their briefs. Its listing on the Index as a part of the record below, or its admission as a supplemental exhibit, does not necessarily mean that a specific exhibit is relevant to the legal issues, as set forth in the Pre-Compliance Hearing Order.

In the summary tables below:

- Exhibits that indicate "Admitted" become supplemental exhibits.
- Exhibits "Admitted as part of record" are, instead, exhibits from the record below that were inadvertently omitted from the Index; the Board will deem the Index to have been amended.
- "Board takes notice" means that the Board recognizes the existence of a statute, ordinance, or resolution; because it may not have access to a copy of Respondent's documents, the Respondent shall provide a copy.
- "Already in Record" means that the exhibit is already listed on the Index and therefore is automatically admitted and need not be the subject of a motion to supplement.
- Exhibits that "May be offered" are not admitted at this time; they may be offered at the hearing on the merits, at which time the Presiding Officer will rule on their admissibility.

A. CCSV

Proposed Exhibit	Ruling
Title 7.42.020 Snohomish County Code	Board Takes Notice
1992 National Agriculture Statistics	Denied
County Agriculture Statistics	Denied
County Service Zone Map	Denied
County Motion No. 90-356	Board Takes Notice
Nelson Letter, Nov. 26, 1996	Denied
RCS Permit Status Report	May Be Offered
Area Market Survey	Denied
Project Application Activity Report, Feb. 28, 1997	May Be Offered
Interoffice Memo re: Pilchuck Estates, Jan. 21, 1997	Denied
Fire District Letter re: Pilchuck Estates, Dec. 10, 1996	Denied
PDS Rural Cluster Report, Mar. 31, 1997	Denied
Pilchuck RCS, Sep. 25, 1996	Denied

B. Postema

Proposed Exhibit	Ruling
Amended Ordinance No. 96-073	Admitted as Part of Record
Letter to Planning Comm. (Ex. 1341)	Already in Record
Letter to Council	Not in File
New Map 4 Showing Property A and E	Not in File
Maltby Map, August, 1996	Already in Record
Map 5, Showing Parcel A and E (Ex. 997)	Already in Record
Notice, Nov. 16, 1996	Already in Record
Shockey Brent Inc. 871 (Ex. 1156)	Already in Record
First Western Dev. Services, plus Map 6 (ex. 997)	Already in Record
Emergency Ord. No. 94-036	Board Takes Notice
Land Capacity Analysis, June, 1995	Admitted

C. county's motion to amend index

Proposed Exhibit	Ruling
Comprehensive Plan, Dec., 1996	Admitted as Part of Record
County-wide Planning Policies, Dec. 20, 1995	Admitted as Part of Record

D. SCCAR

Proposed Exhibit	Ruling
Chronology - Rural Cluster Subdivision Ordinances	Admitted
Excerpt: Opinion Survey	Admitted

So ORDERED this 9th day of May, 1997.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Joseph W. Tovar, AICP
Board Member

Chris Smith Towne
Board Member