

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

SKY VALLEY, et al.,)	Consolidated
)	Case No. 95-3-0068c
Petitioners,)	
)	FINDING OF COMPLIANCE
v.)	
)	[Darrington Portion]
SNOHOMISH COUNTY,)	
)	
Respondent,)	
)	
and)	
)	
ASSOCIATION OF RURAL)	
LANDOWNERS, CITY OF GOLD)	
BAR, SNOHOMISH COUNTY FIRE)	
PROTECTION DISTRICT NO. 7,)	
CORINNE HENSLEY, AND)	
DWAYNE LANE,)	
)	
Intervenors.)	
_____)	

I. procedural background

On March 12, 1996, the Central Puget Sound Growth Management Hearings Board (the **Board**) issued a Final Decision and Order (the **FDO**) in the above captioned case, and issued an Order on Motions to Reconsider and Correct on April 15, 1996. The FDO remanded to Snohomish County (the **County**) the comprehensive plan (the **Plan**) and Future Land Use Map with instructions to revise the rural designations to assure that they would not create a pattern of urban growth. FDO, at 134.

On November 27, 1996, the County amended its Plan and development regulations in response to the Board's instructions in the FDO.

On October 2, 1997, the Board issued an Order on Compliance (the **First Order on**

Compliance) finding the County to be in compliance with the FDO, except for the Rural Residential – Rural Diversification (RR-RD) plan designation in the Darrington Valley, and remanded this to the County with instructions to bring it into compliance with the requirements of the GMA as set forth in the Order.

On September 8, 1998, the Board issued its “Second Order on Compliance” (the **Second Order on Compliance**) regarding the County designation of RR-RD for the Darrington Valley Portion of the Plan. The Board reiterated that the RR-RD provisions of the Plan did not comply with the requirements of the GMA and instructed the County to take appropriate legislative action to correct them.

On March 15, 1999, the Board received “Snohomish County’s Statement of Actions Taken to Comply with the Board’s September 8, 1998 Second Order on Compliance” (the **SATC**) with attached Amended Ordinance No. 99-005, adopting map and text amendments to the Plan as to the RR-RD designation, and Ordinance 99-008, which amended the County Code Titles 18 and 32 relating to the requirements of the rural diversification zone and the rural cluster subdivision regulations.

On March 31, 1999, the Board issued the “Notice of Third Compliance Hearing and Tentative Schedule.”

On April 19, 1999, the Board issued an “Order Revising Third Compliance Hearing Schedule” (the **First Order Revising Briefing and Hearing Schedule**) which changed the date for the compliance hearing to June 17, 1999 and revised the briefing schedule.

On May 26, 1999, the Board received a “[Proposed] Stipulated Order of Dismissal” (the **[Proposed] Stipulated Order of Dismissal**) signed by petitioners Concerned Citizens for Sky Valley (CCSV) and Pilchuck Audubon Society (**Pilchuck**) and the County. CCSV, Pilchuck and the County stipulate that “the above-captioned matter is hereby dismissed with prejudice” and that “...the compliance hearing and its attendant briefing schedule is canceled.” [Proposed] Stipulated Order of Dismissal, at 2, 3.

On May 28, 1999, the Board issued its “Second Order Revising Briefing and Hearing Schedule and Notice of Telephonic Compliance Hearing” which established that the compliance hearing would be conducted by telephone at 10:00 a.m. on June 17, 1999.

On June 17, 1999, the Board conducted a telephonic compliance hearing beginning at 10:00 a.m. Present for the Board were Edward G. McGuire and Joseph W. Tovar, presiding officer. Present representing the County were Barbara Dykes and Duana T. Kolouskova. Also on the call for the

County was Klaus Schilde. No representatives of any other party participated in the compliance hearing.

II. FINDINGS OF FACT

1. The Board's September 8, 1998 Second Order on Compliance directed the County to (1) amend or repeal the Plan's RR-RD designation to bring it into compliance with the GMA; and (2) to prepare and submit to the Board a written record explaining how the County's action on the rural element, as amended, harmonizes the Act's planning goals. Second Order on Compliance.
2. On March 3, 1999, Snohomish County adopted Amended Ordinance No. 99-005, entitled "Adopting Map and Text Amendments to the Growth Management Act Comprehensive Plan." SATC, Exhibit 1.
3. On March 3, 1999, Snohomish County adopted Ordinance No. 99-008, entitled "Amending Snohomish County Code Titles 18 and 32 Relating to the Requirements of the Rural Diversification Zone and the Rural Cluster Subdivision Regulations." SATC, Exhibit 2.
4. Amended Ordinance No. 99-005 amended the County's Future Land Use Map by adding a Rural/Urban transition area designation in the area previously shown with the RR-RD and by amending the Plan text to replace the words "Rural Residential-RD (1 DU/2.3 Acres)" with the words "Rural Residential- RD (1 DU/5 acres.)"
5. Ordinance No. 99-008 amended the County's development code to make the development standards in the "RD" zone and the rural cluster subdivision provisions of the code consistent with the provisions of the Plan amended by Ordinance No. 99-005.
6. No briefs in opposition to the County's compliance were filed with the Board.
7. At the telephonic compliance hearing, neither the Petitioner nor Intervenors appeared. Thus, no opposition was expressed to the County's adoption of Ordinance Nos. 99-005 and 99-008 as a response to the Board's September 8, 1998 Second Order on Compliance.

III. conclusions of law

The County's adoption of Ordinance Nos. 99-005 and 99-008 brings the County into compliance with the GMA, as set forth in the Board's FDO, the First Order on Compliance and the Second Order on Compliance.

iv. FINDING OF COMPLIANCE

Having reviewed its March 12, 1996 FDO, October 2, 1997 First Order on Compliance, September 8, 1998 Second Order on Compliance, the SATC and brief submitted by the County, and considering Findings of Fact 1-7 and the Conclusion of Law, *supra*, the Board finds that Snohomish County has **complied** with the requirements of the GMA, as interpreted and set forth in the above cited Board orders. Therefore, the Board issues a **finding of compliance** to Snohomish County in CPSGMHB Case No. 95-3-0068c (*Sky Valley, et al., v. Snohomish County - Darrington Portion*).

So ORDERED this 29th day of June 1999.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Edward G. McGuire, AICP
Board Member

Joseph W. Tovar, AICP
Board Member

Board Member McGuire's Concurrence

My views on the land use designations for the Darrington Valley remain as stated in the October 2, 1997 FDO and the September 8, 1998 Second Order on Compliance. Nonetheless, I defer to the County's decision and concur with my colleague in finding that the County's adoption of Ordinance Nos. 99-005 and 99-008 complies with the GMA.

NOTICE: This Order constitutes a final order as specified by RCW 36.70A.300 unless a party files a petition for reconsideration pursuant to WAC 242-02-832.