

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

KELLY, et al.,)	Consolidated
Petitioners,)	Case No. 97-3-0012c
v.)	ORDER ON
SNOHOMISH COUNTY,)	DISPOSITIVE MOTIONS
Respondent,)	AND MOTIONS TO
and)	SUPPLEMENT THE RECORD
CAVALERO HILL L.L.C. and)	
SNOHOMISH-CAMANO)	
ASSOCIATION)	
OF REALTORS,)	
Intervenors.)	
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I. Procedural Background

The Central Puget Sound Growth Management Hearings Board (the **Board**) held a prehearing conference in the above-captioned matter on March 25, 1997. On March 28, 1997, the Board issued its Prehearing Order, establishing deadlines for filing dispositive motions and motions to supplement the record. The Presiding Officer determined that the motions would be decided on the basis of briefs; no motion hearing would be held.

Since March 28, 1997, the Board has received the following motions, briefs, exhibit lists exhibits and letters:

Date Received	Title
Mar. 28, 1997	Snohomish County's (the County) List of Ordinances at Issue

Mar. 31, 1997	Letter from County re: Location of Hearing on the Merits
Apr. 7, 1997	Letter from Ramona Monroe re: Error in Order
Apr. 8, 1997	1000 Friends of Snohomish County (1000 Friends) and Corinne Hensley's (Hensley) Motion to Supplement the Record
Apr. 8, 1997	(1000 Friends/Hensley) Notice of Availability of Documents
Apr. 8, 1997	County's Motion to Dismiss Petition Filed by Concerned Citizens for Clearview Growth and Land Use (Clearview), with Two Attached Declarations
Apr. 8, 1997	County's Motion to Dismiss Petitioner's Issues Regarding SEPA Claims for Lack of Jurisdiction
Apr. 8, 1997	County's Motion to Supplement the Record and Motion for Official Notice, with One Attached Declaration
Apr. 8, 1997	County's List of Core Documents
Apr. 8, 1997	County's Preliminary Exhibit List
Apr. 8, 1997	County's Motion for Partial Summary Judgment Dismissing Woodinville's Legal Issue No. 4
Apr. 8, 1997	Kristin C. Kelly and Carol K. McDonald's (Kelly) Motion to Supplement the Record
Apr. 10, 1997	Cavalero Hill L.L.C. (Cavalero) Motion to Dismiss SEPA Issues for Lack of Standing
Apr. 10, 1997	(Cavalero's) Memorandum of Support of Motion to Dismiss SEPA Claims for Lack of Standing
Apr. 14, 1997	Snohomish County-Camano Association of Realtors' (SCCAR) Motion to Supplement the Record, Motion for Official Notice, and Memoranda in Support
Apr. 14, 1997	SCCAR's (Proposed) Supplemental Prehearing Order
Apr. 18, 1997	SCCAR's Joinder in County's Motion to Dismiss Petitioner's Issues Regarding SEPA Claims for Lack of Standing, and Joinder in Cavalero's Motion to Dismiss SEPA Issues for Lack of Standing, and Memorandum in Support
Apr. 18, 1997	SCCAR's Preliminary Exhibit List
Apr. 18, 1997	Hensley's Preliminary Exhibit List
Apr. 18, 1997	Cavalero's Preliminary Exhibit List
Apr. 18, 1997	Clearview's Preliminary Exhibit List
Apr. 21, 1997	County's Amended List of Core Documents
Apr. 21, 1997	County's Preliminary Exhibit List

Apr. 21, 1997	Kelly's Preliminary Exhibit List
Apr. 22, 1997	SCCAR's Response to 1000 Friends/Hensley's Motion to Supplement the Record
Apr. 22, 1997	SCCAR's Reply Brief in Support of Realtors' Dispositive Motion
Apr. 22, 1997	Cavalero's Objections to Kelly's Motion to Supplement the Record
Apr. 22, 1997	City of Woodinville's (Woodinville) Preliminary Witness and Exhibit List
Apr. 22, 1997	Clearview's Response to County's Motion to Dismiss
Apr. 22, 1997	Kelly's Response to Motions to Dismiss,
Apr. 22, 1997	Declaration of Carol McDonald
Apr. 23, 1997	Letter from Cavalero re Deadline for Replies
Apr. 23, 1997	County's Response in Opposition to Kelly Motion to Supplement the Record
Apr. 23, 1997	Exhibits to Kelly's Response to Motion to Dismiss
Apr. 23, 1997	Errata to County's Amended List of Core Documents
Apr. 24, 1997	Letter from Kelly re: Cavalero Letter of Apr. 23, 1997
Apr. 24, 1997	Kelly's Second Motion to Supplement the Record
Apr. 29, 1997	Kelly's Reply to County and Cavalero's Reply in Support of (First) Motion to Supplement
Apr. 29, 1997	1000 Friends/Hensley's Reply to County and "Realtors" Opposition to Supplement the Record and Comment to "Realtors" Motion to Supplement the Record
Apr. 29, 1997	County's Rebuttal to Clearview's Response to Motion to Dismiss
Apr. 29, 1997	Errata to County's Motion to Supplement the Record and Motion for Official Notice
Apr. 29, 1997	County's Reply in Support of County's Motion to Dismiss SEPA Issues
Apr. 29, 1997	County's Reply in Support of County's Partial Summary Judgment Motion on Woodinville's Legal Issue No. 4
Apr. 29, 1997	Cavalero's Reply re: Motion to Dismiss SEPA Issues for Lack of Standing
Apr. 29, 1997	SCCAR's Reply to Responses on Realtors' Motion to Supplement the Record and Joinder in Dispositive Motions
Apr. 30, 1997	(County's) Core Documents

Apr. 30, 1997	County's Reply in Support of County's Motion to Dismiss SEPA Issues
Apr. 30, 1997	County's Rebuttal to Clearview's Response to Motion to Dismiss

On April 23, 1997, the Board issued an "Order Amending Briefing Schedule," extending the deadline for rebuttal to response to motions to April 29, 1997.

II. Dispositive motions

A. Motion to Dismiss Clearview

The County moved to dismiss Clearview for (1) improper service; (2) failure to comply with the requirements for contents of petition; (3) lack of Board jurisdiction over claims; and (4) lack of

[\[1\]](#) standing. Because the Board determines that Clearview lacks standing, the Board need not, and will not, address the County's other grounds for dismissal.

Clearview asserts GMA standing. PFR, at 5. Requirements for GMA standing are set forth in RCW 36.70A.280(2), which provides in relevant part:

A petition may be filed only by: . . . (b) a person who has participated orally or in writing [\[2\]](#) before the county or city regarding the matter on which a review is being requested;

For an organization to have standing, a member of that organization must identify himself or herself as a representative of that organization when that person testifies at a hearing or submits a letter to the county or city. *Friends of the Law v. King County*, CPSGMHB Case No. 94-3-0003, Order on Dispositive Motions (1994), at 9 (emphasis added); *see also, McGowan v. Pierce County*, CPSGMHB Case No. 96-3-0027, Order on Motions (1996), at 8.

Clearview argues that a spokesperson for the organization, Janet Miller, identified herself as a representative of the organization when she testified before the County Council and when she wrote to the Council. However, the record and Ms. Miller's declaration do not support standing for Concerned Citizens for Clearview Growth and Land Use.

Ms. Miller spoke before the Council on October 14, 1996. Ms. Miller states:

When I spoke, I told the Council that I represented a group of homeowners in the Clearview area. At that time, the group was active but did not have a specific name. The name "Concerned Citizens for Clearview Growth and Land Use" is a name given to the same group of area homeowners in the Clearview area for whom I spoke at the hearing.

Clearview's Response to Motion to Dismiss, Declaration of Janet Miller, at 3.

Although Ms. Miller’s declaration shows that she identified herself as representing some group (“a group of homeowners in the Clearview area”), she did not identify herself as representing an organization known as Concerned Citizens for Clearview Growth and Land Use when she testified before the Council. Thus, Ms. Miller’s testimony before the Council does not establish standing for the Clearview organization.

Ms. Miller also wrote to the Council regarding a “GMA Land Use Proposal.” Clearview’s Response to Motion to Dismiss, Declaration of Janet Miller, at 3, and attached exhibit C (the **R-9600 letter**). This document refers to several “organizations,” including “the people of the community of Clearview” and “the 152nd St. SE Neighbors against 96 new homes called Luschenshire Park.” R-9600 letter, at 1, 4. The document concludes: “I thank you for allowing me to represent myself and my NEIGHBORS AGAINST R-9600.” R-9600 letter, at 6.

The R-9600 letter contains no reference to Concerned Citizens for Clearview Growth and Land Use. As with Ms. Miller’s testimony before the Council, the R-9600 letter does not establish standing for Clearview.

The record supports standing for Ms. Miller. However, the only person to file a petition for review was Clearview – not Ms. Miller. **The Board holds that Concerned Citizens for Clearview Growth and Land Use does not have standing to pursue this appeal.**

Conclusion

Because Concerned Citizens for Clearview Growth and Land Use did not participate before the County regarding the challenged ordinances, Clearview does not have standing to pursue this appeal. The County’s motion to dismiss is **granted**.

B. motion to dismiss sepa issues due to lack of sepa standing

The County and Cavalero Hill moved to dismiss SEPA issues for lack of SEPA standing. Realtors joined in these motions. The SEPA issues are 1000 Friends’ Legal Issue 8, challenging Ordinance No. 96-073, and Kelly Legal Issues 2 and 3, challenging Ordinance Nos. 96-071, 96-074, and 96-076.

This Board applies the standing test of the Administrative Procedure Act (the **APA**), RCW 34.05.530, to determine SEPA standing. *See* RCW 36.70A.280(2)(d). Kelly and McDonald invite the Board to reexamine this interpretation, arguing that SEPA standing before the Board requires [\[3\]](#) no more than the “appearance” required to raise GMA issues. *See* RCW 36.70A.280(2)(b). The Board finds Petitioners’ argument unpersuasive and declines the invitation.

To have standing to challenge a SEPA action, a petitioner must be within the zone of interests protected by SEPA and must allege an injury in fact. To satisfy the evidentiary burden to show an injury in fact, a “petitioner must show that the government action will cause him or her ‘specific and perceptible harm’ and that the injury will be ‘immediate, concrete, and specific.’” *Vashon-Maury v. King County*, CPSGMHB Case No. 95-3-0008, Final Decision and Order (1995), at 94-95 (citations omitted); *Buckles v. King County*, CPSGMHB Case No. 96-3-0022, Final Decision and Order (1996), at 23. If the injury is merely conjectural or hypothetical, there can be no standing. *Trepanier v. Everett*, 64 Wn. App. 380, 382 (1992).

In addition, to challenge a SEPA action, a petition for review must assert SEPA standing. *Pilchuck v. Snohomish County*, CPSGMHB Case No. 95-3-0047, Order Granting Snohomish County’s Dispositive Motion to Dismiss SEPA Claims (1995), at 3. The petition must allege that petitioners are within the zone of interests protected by SEPA and that the SEPA determination will cause them specific and perceptible harm. *Hapsmith v. Auburn*, 95-3-0075, Final Decision and Order (1996), at 16; *Pilchuck*, at 3-4.

1000 Friends

1000 Friends’ petition for review (including petitioners 1000 Friends of Snohomish County and Corinne Hensley) did not allege SEPA standing. 1000 Friends did not respond to the motions to dismiss its SEPA issue. **Because 1000 Friends and Hensley have made no effort to demonstrate SEPA standing, the Board grants the motion to dismiss 1000 Friends Legal Issue 8.**

Kelly

Kelly’s amended petition for review and attached affidavits (from petitioners Kristin Kelly and Carol McDonald) assert interests within the zone of interests of SEPA and allege injury in fact as a result of the County’s actions. Kelly’s Response to Motions to Dismiss provides a more detailed discussion of the alleged injuries.

Kelly and McDonald allege injury to economic and non-economic interests. The economic interests include attorneys’ fees, phone calls, postage, and loss of business income in pursuing their appeal; and prospective loss of business income and decline of property values from the challenged action. Since economic interests are not within the zone of interests protected or regulated by SEPA, economic loss is irrelevant to the present appeal. *Harris v. Pierce County*, 84 Wn. App. 222, 231 (1996); *Property Rights Alliance v. Snohomish County*, 76 Wn. App. 44, 52 (1994).

Petitioners’ non-economic interests include traffic impacts, crime, pollution, surface water runoff, risk of groundwater contamination, loss of wildlife habitat, stress, sleeplessness and anxiety.

Petitioners have presented no authority to support the proposition that crime, stress, sleeplessness, and anxiety are within the zone of interests protected or regulated by SEPA. However, traffic impacts, pollution (risk of groundwater contamination), surface water run-off, and loss of wildlife habitat are clearly within the zone of interests protected under SEPA. *See Trepanier*, at 382. Having passed the threshold zone-of-interest inquiry, the Board next examines petitioners' alleged injury in fact.

Even though Kelly and McDonald have asserted interests protected by SEPA, to obtain SEPA standing, they must also show that the County's actions cause them specific and perceptible harm, and that the injury is immediate, concrete, and specific.

Kelly and McDonald state: "The actions taken by the County will subject the petitioners to specific and perceptible harm by increasing levels of air pollution including carbon monoxide, ozone and particulate matter." Kelly's Response to Motions to Dismiss, at 11. Petitioners then summarize the effects of carbon monoxide, ozone, and particulate matter on human health. *Id.* at 12-20. Petitioners next present the general proposition that commercial land development results in increased air pollution. *Id.*, at 20. Petitioners made similar arguments regarding water quality and surface water run-off. *Id.*, at 27-31.

The challenged action is the redesignation of a 33.7 acre site from "Other Land Uses" to "Urban Commercial." Neither Kelly nor McDonald have shown specific and concrete injuries they will suffer as a result of this redesignation. Whether or not these alleged injuries will occur depends on the specific types of development that take place in the redesignated area. Alleging that such injuries will result from the County's redesignation is conjectural and hypothetical, and insufficient to confer SEPA standing.

Because Kelly and McDonald allege only conjectural and hypothetical injuries to their non-economic interests as a result of the County's action, and economic interests are not within the zone of interests protected by SEPA, the Board holds they lack SEPA standing. The Board grants the motions to dismiss Kelly Legal Issues 2 and 3.

Conclusion

Because Kelly and McDonald allege only conjectural and hypothetical injuries to their non-economic interests as a result of the County's action, and economic interests are not within the zone of interests protected by SEPA, the Board holds they lack SEPA standing. The Board **grants the motions to dismiss** Kelly Legal Issues 2 and 3.

C. motion to dismiss woodinville legal issue 4

The County moved to dismiss Woodinville Legal Issue 4, which provides:

Did the County's adoption of Ordinance 96-074, which limits or restricts the annexation of urban areas to cities and/or otherwise limits and alters the City's land-use regulation power of annexation, violate the Act, specifically RCW 36.70A.210?

Woodinville's challenge is specific to Plan Policy IC 1.B.5, adopted by Ordinance 96-074. This policy states:

The county shall not support any proposed annexation . . . by a city . . . situated predominantly outside of Snohomish County unless and until an annexation agreement has been signed Such agreement should be approved prior to city acceptance of an annexation petition. Ex. CD-3.

Woodinville argues that this policy alters its land-use annexation powers in violation of RCW 36.70A.210. In support of its argument, the City relies on *City of Poulsbo v. Kitsap County*, CPSGPHB Case No. 92-3-0009, Final Decision and Order (1993). In *Poulsbo*, cities challenged a CPP that "preferred" one method of annexation over another. The Board stated:

[P]olicies in the CPPs that attempt to express a preference for or otherwise provide direction about the annexation methods employed by a city constitute an alteration of the land use powers of cities, and are therefore barred. *Poulsbo*, at 27.

Woodinville states: "It should go without saying that what is barred in the County's CPPs, can hardly be allowed in a subsequent comprehensive plan." Woodinville's Response to Dispositive Motions, at 7. Woodinville's reliance on *Poulsbo* is misplaced. A county's comprehensive plan policies do not have the directive force on cities that CPPs have. ^[4] The County's comprehensive plan policies provide direction to the County, not to any city within the County.

On its face, the challenged Plan policy merely describes whether or not the County will support an annexation effort. This policy imposes no requirements on Woodinville. Unlike a CPP, this County comprehensive plan policy could not impose a requirement on Woodinville, even if that were the County's intention.

In addition, RCW 36.70A.210 applies to CPPs. It applies to comprehensive plans only to the extent that it provides a framework for consistency between comprehensive plans as required by RCW 36.70A.100. See generally *City of Snoqualmie v. King County*, CPSGPHB Case No. 92-3-0004, Final Decision and Order (1993), at 7-19. Thus, .210(1)'s language "Nothing in this section shall be construed to alter the land-use powers of cities" means that CPPs cannot act to alter the land-use powers of cities. This provision does not apply to comprehensive plan policies such as the one challenged by Woodinville.

The Board holds that RCW 36.70A.210, as it relates to the preservation of land use powers of cities, does not apply to comprehensive plan policies. Plan Policy IC B.5, adopted by

Ordinance 96-074, does not violate RCW 36.70A.210.

Conclusion

Because RCW 36.70A.210, as it relates to the preservation of land-use powers of cities, does not apply to comprehensive plan policies, Plan Policy IC 1.B.5, adopted by Ordinance 96-064, does not violate RCW 36.70A.210. The County’s motion to dismiss Woodinville’s Legal Issue No. 4 is **granted**.

II. 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 Prehearing Order.

In the summary tables below:

- Proposed exhibits that indicate “Admitted” become supplemental exhibits.
- Proposed exhibits that indicate “Denied” will not be considered by the Board.
- Exhibits “Admitted - Record” are, instead, exhibits from the record below that were inadvertently omitted from the Index.
- “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. KELLY (First motion)

Proposed Exhibits	Ruling
Lake Stevens Recommendation for FUGA	Already in record
Heineck Letter, Feb. 3, 1995.	Already in record
Kelly Declaration	Admitted
McDonald Declaration	Admitted
West Coast, Inc. Subdivision Notice	Denied
McDonald Letter to County	Denied
Drainage Rehab. & Investigation Service Request Record	Denied

PDS Memorandum	Denied
Surf. Water Mgt. Memo	Denied
Preliminary Drainage Analysis	Denied
Assessor's Record: 10/5/81 Letter to Property Owner	Denied
Citizen Petitions Opposing Rezone	Denied

B. Kelly (Second Motion)

Having granted the County's motion to dismiss Kelly's SEPA Issues, the Board will not address the admissibility of the proposed exhibits listed in Kelly's Second Motion to Supplement the Record.

C. 1000 Friends

1000 Friends Proposed Exhibits	Ruling
Geohydrology Memo - GMP	Denied
Draft Groundwater & On-Site Sewage Disposal Systems -Density Criteria	Denied
Water in Environmental Planning	Denied

D. SCCAR's Motion to Supplement the Record

Proposed Exhibits	Ruling
Chronology of County Ordinances	Admitted
Handout: Purpose of Rural Cluster Subdivision	Admitted - Record
Handout: RCS Ordinance History	Admitted - Record
Overhead: RCS Layout	Exhibit not provided to Board
Excerpt: Opinion Survey	Denied

E. County's motion to Supplement the Record

Proposed Exhibits	Ruling
Planning Comm. Agenda, Mar. 25, 1997	Admitted - Record
PDS Staff Report, Feb. 13, 1997	Admitted - Record
PDS Staff Addendum to Feb. 13, 1997 Report	Admitted - Record
Draft Concomitant Rezone/ Development Agreement, Mar. 14, 1997	Denied
Planning Comm. Notice of Cancellation of Agenda Item. Mar. 19, 1997	Denied

Kelly Letter re: Concomitant Agreement, Mar. 6, 1997	Denied
Motion No. 96-279	Denied
County Council Minute Entry re: Interlocal Agreement, Mar. 24, 1993	Denied
Lake Stevens UGA Plan Process, Feb., 1997	Denied
Hensley Letter re: Maltby Rezones, Feb. 25, 1997	Admitted - Record
Elliot Letter re: Maltby Rezones, Feb. 25, 1997	Admitted - Record
Postema Maps to Planning Comm., Feb. 25, 1997	Admitted - Record
Planning Comm. Agenda, Jan. 28, 1997	Admitted - Record
Planning Comm. Agenda, Feb. 25, 1997	Admitted - Record
Planning Comm. Notice, Jan. 15, 1997	Admitted - Record
Planning Comm. Notice, Feb. 7, 1997	Admitted - Record
Planning Comm. Notice, Mar. 19, 1997	Admitted - Record
Planning Comm. Notice, Jan. 30, 1997	Admitted - Record
Planning Comm. Notice, Jan. 30, 1997	Admitted - Record
Planning Comm. Notice, Feb. 7, 1997	Admitted - Record
Planning Comm. Notice, Feb. 20, 1997	Admitted - Record
Planning Comm. Sign-up List, Feb. 25, 1997	Admitted - Record
Planning Comm. Notice, Mar. 12, 1997	Admitted - Record
Overhead Used at Mar. 25, 1997 Hearing	Admitted - Record
Affidavit of Publication, Jan. 15, 1997	Admitted - Record
Affidavit of Publication, Feb. 11, 1997	Admitted - Record
Affidavit of Publication, Mar. 15, 1997	Admitted - Record
Affidavit of Publication, Feb. 12, 1997	Admitted - Record
Maltby Employment Area Document, Spring 1996	Admitted - Record
Maltby Employment Area	Admitted - Record
Maltby Issue Paper, Spring, 1996	Admitted - Record
Maltby Planning Notes, Spring, 1996	Admitted - Record
Cathcart-Maltby-Clearview Plan Map	Admitted - Record
Future Land Use Map, Dec. 12, 1996	Admitted

Comprehensive Plan, Dec., 1996	Admitted
County-wide Planning Policies, Dec. 20, 1995	Board Takes Notice
Motion No. 95-395 re: Edmonds	Denied
Motion No. 95-408 re: Gold Bar	Denied
Motion No. 96-116 re: Lynnwood	Denied
Motion No. 96-252 re: Monroe	Denied
Chapter 32.05 SCC re: Public Participation	Board Takes Notice

F. core documents

On April 8, 1997, the Board received the County's Preliminary Exhibit List; attached was its list of Core Documents, which it characterizes as those exhibits directly related to the issues listed in the Statement of Legal Issues in the Prehearing Order.

On April 21, 1997, the Board received the County's Amended List of Core Documents, adding document No. 27.

On April 23, 1997, the Board received "Errata to Snohomish County's Amended List of Core Documents, which corrected certain index numbers.

The parties are urged to refer to the corrected index numbers when making reference to core documents in their briefs.

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iii. hearing location

The Board acknowledges the County's request for a hearing room of sufficient size to accommodate a large number of people interested in attending the hearing on the merits. Because the Board generally cannot reserve space in a public facility, or its own building, more than thirty days prior to a hearing, it will defer action on that request until the last week of May. If it is able to secure use of a facility other than its office, it will notify the parties through a modification to the Prehearing Order.

IV. Modification of prehearing order

On April 7, 1997, the Board received a letter from Cavalero Hill's representative, pointing out that the Prehearing Order had incorrectly identified the issues in which it wished to intervene, and misspelled the party's name in the case caption. The Board agrees that a mistake was made, and makes the following modifications to the Order:

The portion of the case caption listing intervenors should read:

CAVALERO HILL L.L.C. and SNOHOMISH COUNTY-CAMANO
ASSOCIATION OF REALTORS,

Intervenors.

The first paragraph of section II, Orders on Motions, should read:

At the Prehearing Conference, Cavalero Hill reiterated its request to intervene, with the stipulation that its participation would be limited to issues raised by the petition of Kelly. The board orally granted that intervention, as limited, and so ORDERS.

V. ORDER

Based upon review of the motions and briefs of the parties, the Act, case law, and prior orders of the Board, the board enters the following ORDER:

1. The County's motion to dismiss the petition for review filed by Concerned Citizens for Clearview Growth and Land Use is **granted**. The petition for review is **dismissed with prejudice**.
2. The County's and Intervenor Calavero Hill L.L.C.'s motions to dismiss SEPA issues for lack of standing are **granted**. Kelly's Legal Issues 2 and 3, and 1000 Friends' Legal Issue 8 are **dismissed with prejudice**.
3. The County's motion to dismiss Woodinville's Legal Issue 4 is **granted**. Woodinville's Legal Issue 4 is **dismissed with prejudice**.

So ORDERED this 8th day of May, 1997.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Joseph W. Tovar, AICP
Board Member

Chris Smith Towne
Board Member

[1] The County argues lack of GMA standing and lack of SEPA standing. However, as Clearview does not pursue any SEPA claims, the Board will only address lack of GMA standing. *See* Prehearing Order, at 12-13 (Statement of Legal Issues).

[2] RCW 36.70A.280(2)(d) provides standing to persons qualified under RCW 34.05.530, the Administrative Procedure Act (the **APA**). Clearview has not alleged standing pursuant to the APA.

[3]

The legislature amended the GMA “appearance” standing of RCW 36.70A.280(2) effective March 30, 1996. GMA standing now requires “participat[ion] orally or in writing.” The Board notes that Petitioners use the term “appearance” when referring to the participation requirements of .280(2).

[4]

For a thorough discussion of the purpose of CPPs, *see City of Snoqualmie v. King County*, CPSGPHB Case No. 92-3-0004, Final Decision and Order (1993).