

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

HOUSING PARTNERS, L.L.C.; W.)	Case No. 99-3-0010
NOEL HIGA; and THE CLASS OF)	
AFFORDABLE HOUSING)	<i>(Housing Partners)</i>
ADVOCATES,)	
)	ORDER OF DISMISSAL
Petitioner,)	
)	
v.)	
)	
SNOHOMISH COUNTY,)	
)	
Respondent.)	

I. Background

On July 9, 1999, the Board received a Petition for Review (**PFR**) from Housing Partners, et al. challenging Snohomish County’s adoption of Amended Emergency Ordinance No. 99-035 on May 5, 1999.

On August 23, 1999, the Board issued an “Order on Intervention ^[1] and Prehearing Order” (**PHO**). The PHO set forth three Legal Issues: 1) challenging the County’s compliance with the public participation requirements of the GMA; 2) posing the question of the Board’s jurisdiction to review emergency actions; and 3) requesting a declaration of invalidity.

On September 20, 1999, the Board issued an “Order Granting 30-Day Settlement Extension.” The Order extended the entire the case schedule for 30 days. The Hearing on Motions was scheduled for October 21, 1999.

On October 20, 1999, the parties requested that the Board change the scheduled October 21, 1999 Hearing on Motions, and adjust the schedule accordingly.

On October 21, 1999, the Board issued an “Order Amending Prehearing Order (Adjusting Schedule).” The Order rescheduled the Hearing on Motions for October 28, 1999, and modified the briefing schedule; the dates for the Hearing on the Merits (**HOM**) and Final Decision and

Order (**FDO**) were not changed.

On October 28, 1999, the Board received “Stipulation and Order for 30-Day Settlement Extension.” On that same day the Board issued an “Order Granting Second Settlement Extension,” *eliminating* the Hearing on Motions and rescheduling the date for the HOM and FDO.

On December 13, 1999, the Board issued a “Notice of Change of Date for Hearing on the Merits.”

On December 29, 1999, following a settlement conference, the Board signed a “Stipulation and Order for Settlement Extensions”, adjusting the date for the HOM. The deadline for Petitioner’s reply brief was set for four days prior to the HOM.

On January 14, 2000, the Board received a “Stipulation and Order for 30-Day Settlement Extension.” On January 18, 2000 the Board issued an “Order Granting Third Settlement Extension.”

On February 18, 2000, the Board received a “Stipulation and Order for 30-day Settlement Extension.” On February 22, 2000 the Board issued an “Order Granting Fourth Settlement Extension.”

On March 15, 2000, the Board received a “Stipulation and Order for 45-day Settlement Extension.” On March 16, 2000, the Board issued an “Order Granting Fifth Settlement Extension.”

On May 1, 2000, the Board received a “Stipulation and Order for 45-day Settlement Extension.”
On May 2, 2000, the Board issued an “Order Granting Sixth Settlement Extension.”

On June 28, 2000, the Board received a “Stipulation and Order for 90-Day Settlement Extension.” On July 3, 2000, the Board issued an “Order Granting Seventh Settlement Extension.” The Order included a requirement that the County file a “proposed settlement schedule” to assist the Board in managing the case during the coming months.

On August 7, 2000, the County filed “Snohomish County’s Proposed Settlement Schedule.” The schedule suggested that the parties had agreed that an additional nine months from the date of the Settlement Agreement (June 26, 2000) would be necessary to implement the settlement agreement.

On September 22, 2000, the Board received a “Stipulation and Order for 90-Day Settlement Extension.” On September 25, 2000, the Board issued an “Order Granting Eighth Settlement Extension.”

On December 28, 2000, the Board received a “Stipulation and Order for Settlement Extension.” On the same day, the Board issued an “Order Granting Ninth Settlement Extension.”

On March 20, 2001, the Board received a “Stipulation and Order for [45-day] Settlement Extension.” On the same day the Board issued its “Order Granting Tenth and Final Settlement Extension.”

On May 10, 2001, the Board received a “Stipulation and Order for Voluntary Dismissal” (**Stipulation for Voluntary Dismissal**).

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board finds:

1. After almost two years, and ten settlement extensions, the parties have agreed to voluntarily dismiss Housing Partner’s challenge to Snohomish County’s May 5, 1999 adoption of Amended Emergency Ordinance No. 99-035.

2. The May 10, 2001 Stipulation for Voluntary Dismissal states:

Ø The parties have entered into a settlement agreement providing for the dismissal of Petitioner’s appeal to the [Board], upon fulfillment of certain conditions.

Ø The parties agree that the conditions of the settlement agreement have been fulfilled.

Ø Petitioner voluntarily dismisses its appeal in the above referenced cause [CPSGMHB Case No. 99-3-0010] without prejudice.

Ø All further hearing dates and other schedules in this case should be cancelled and the case should be dismissed.

Stipulation for Voluntary Dismissal, at 1-2.

3. The representatives for the parties have signed the Stipulation for Voluntary Dismissal.

The Board concludes:

Because the parties have agreed to a stipulated and voluntary dismissal of the case, it is appropriate for the Board to dismiss, in its entirety CPSGMHB Case No. 99-3-0010.

III. ORDER

Based upon review of the stipulation of the parties, the relevant law, and the findings and conclusions noted above, the Board enters the following ORDER:

The Petition for Review filed by Housing Partners, L.L.C., W. Noel Higa, and The Class of Affordable Housing Advocates challenging Snohomish County's adoption of Amended Emergency Ordinance No. 99-035 (CPSGMHB Case No. 99-3-0010) is **dismissed**.

The May 14, 2001 Hearing on the Merits is **cancelled**.

So ORDERED this 10th day of May, 2001.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Edward G. McGuire, AICP
Board Member

Lois H. North
Board Member

Joseph W. Tovar, AICP
Board Member

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

[\[1\]](#) Intervenor Master Builders Association subsequently withdrew from this proceeding. *See* Order on Motion to Supplement the Record, (Sep. 20, 1999), at 1 (footnote 1).