

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

CORINNE R. HENSLEY and JODY L. McVITTIE,)	
)	CPSGMHB Case No. 02-3-0004
)	
Petitioners,)	(Hensley V)
)	
v.)	
)	
SNOHOMISH COUNTY,)	ORDER ACKNOWLEDGING STAY and STAYING COMPLIANCE SCHEDULE
)	
Respondent.)	
)	

I. BACKGROUND

On March 28, 2003, the Board issued its “Order Finding Noncompliance” (**Order**) in CPSGMHB Case No. 02-3-0004 (**Hensley V**). The Order provided, in relevant part:

Based upon review of the Board’s June 17, 2001 FDO, the Board’s August 12, 2002 Order on Reconsideration, the County’s SATC and SATC2, Ordinance No. 02-106, the briefing provided, comments and argument offered at the compliance hearing, Findings of Fact 1-10 and the conclusion of law, *supra*, the Board finds that Snohomish County **has not complied** with the goals and requirements of the GMA as set forth in the aforementioned Board Orders. The Board therefore enters a **Finding of Noncompliance** for Snohomish County re: the Clearview LAMIRD portion of *Hensley v. Snohomish County (Hensley V)*, CPSGMHB Case No. 02-3-0004.

The Board therefore, remands Ordinance No. 02-106 to the County with the following directions:

1. By no later than **June 20, 2003**, the County shall take appropriate legislative action, regarding the uses and restrictions in the CRC zone, to comply with the GMA as set forth in this Order.

2. By no later than **June 27, 2003**, the County shall file with the Board an original and four copies of a Statement of Actions Taken to Comply (**SATC**) with the GMA as set forth in this Order. The SATC shall attach copies of legislation enacted in order to comply. The County shall simultaneously serve a copy of the SATC, with

attachments, on Petitioner Hensley and Intervenor McVittie.

3. By no later than **July 7, 2003**, the Petitioner and Intervenor may file with the Board an original and four copies of Comments on the County's SATC. Petitioner and Intervenor may simultaneously serve a copy of their Comments on the SATC upon the County.

4. By no later than **July 10, 2003**, the County may file with the Board an original and four copies of the County's Reply to Comments. The County shall simultaneously serve a copy of such Reply on Petitioner and Intervenor.

Pursuant to RCW 36.70A.330(1), the Board hereby schedules the Compliance Hearing in this matter for 10:00 a.m. **July 17, 2003** at the Board's offices.

Order, at 9-10.

On June 20, 2003, the Board received a letter from Snohomish County regarding its Statement of Actions Taken to Comply, with an attached Superior Court Order entered by the Honorable Judge Richard Thorpe. The letter indicates that the County is filing the letter and Court Order in lieu of the SATC. The Superior Court's June 19, 2003 Order is entitled "Order Granting Stay of Central Puget Sound Growth Management Hearings Board's Order Pending Outcome of Current Appeal."

II. ORDER

Based upon the Board's review and consideration of the County's letter of June 20, 2003 and the June 19, 2003 Court Order, regarding the compliance schedule established in the Board's Order Finding Noncompliance, the Board ORDERS:

- That portion of the Board's March 28, 2003 Order Finding Noncompliance, directing the County to take legislative action to comply with the GMA, regarding the Clearview LAMIRD regulations (Ordinance No. 02-106), and establishing a compliance schedule, is **rescinded**.
- The County shall immediately notify the Board of the outcome of the appeal before the Superior Court in and for the County of Snohomish [Docket No. 03-2-07429-1], so the Board can take appropriate actions following the Court's decision.

So ORDERED this 23rd day of June 2003.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Edward G. McGuire, AICP
Board Member