



appropriate legislative action to comply with the Act; and 2) the County is to file a statement of actions taken to comply (SATC) with the Board by September 10, 2004.

On August 16, 2004, the Board issued an "Order Denying Motion for Extension of Compliance Schedule" (8/16/04 Order). The compliance schedule in the FDO was based upon the statutory maximum timeframe. However the Board noted that if the County stipulated to continuing noncompliance, it would issue such an Order and set a new compliance schedule.

On September 9, 2004, the Board received "Snohomish County's Statement of Actions Taken to Comply" (SATC). The SATC indicated that an appeal of the Board's FDO is pending in Thurston County Superior Court. Additionally, the SATC states,

*Snohomish County hereby stipulates that it remains in continued noncompliance with the Board's FDO and requests a new compliance schedule. Snohomish County further requests that it not be required to take any formal action related to a new compliance hearing (briefing or attendance at a Board hearing) the week of February 21, 25, 2005, as its counsel will be out of the State.*

SATC, at 2; (emphasis supplied).

### **III. ORDER**

Having reviewed the GMA and considered the FDO, the SATC and stipulation, and having deliberated on the matter, the Board ORDERS:

The Board enters a **Finding of Continuing Noncompliance** in the above captioned matter [CPSGMHB Case No. 03-3-0017]. The Board's **remand**, as set forth in the March 8, 2004 FDO, remains in effect; however a new compliance schedule is hereby established as follows:

1. By no later than **December 13, 2004**, the County, after consultation with its cities, shall take appropriate legislative action to repeal, clarify, revise or otherwise amend CPP OD-4 and CPP UG-14(8) and (9), to bring these noncompliant CPPs into compliance with the goals and requirements of the GMA, as interpreted and set forth in the March 8, 2004 Final Decision and Order (**FDO**).
2. By no later than **December 20, 2004**, the County shall file with the Board an original and four copies of a Statement of Action Taken to Comply (**SATC**) with the GMA, as interpreted and set forth in the FDO. 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.

3. By no later than **January 6, 2005**,<sup>2</sup> the Petitioner may file with the Board an original and four copies of Comments on the County's SATC. Petitioner shall simultaneously serve a copy of their Comments on the County's SATC on the County. By this same date, the County shall also file a "**Remand Index**," listing the procedures (meetings, hearings etc.) occurring during the remand period and materials (documents, reports, analysis, testimony etc.) considered during the remand period in taking the remand action.
4. By no later than **January 10, 2005**, 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.

Pursuant to RCW 36.70A.330(1), the Board hereby reschedules the **Compliance Hearing** in this matter for **10:00 a.m. January 13, 2005** at the Board's offices. With the consent of the parties, the compliance hearing may be conducted telephonically. Pursuant to RCW 36.70A.330(3), a copy of this Order shall be transmitted to the Governor.

If the County takes legislative compliance actions prior to the December 13, 2004 deadline set forth in section 1 of this Order, it may file a motion with the Board requesting an adjustment to this compliance schedule.

So ORDERED this 14<sup>th</sup> day of September 2004.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

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Bruce C. Laing, FAICP  
Board Member

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Edward G. McGuire, AICP  
Board Member

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Margaret A. Pageler  
Board Member

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<sup>2</sup> January 6, 2005 is also the deadline for filing a request to participate as a "participant" in the compliance proceeding. See RCW 36.70A.330(2).