

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

GRANITE FALLS,)	
)	Case No. 03-3-0023
Petitioners,)	<i>(Granite Falls)</i>
)	
v.)	
)	
SNOHOMISH COUNTY,)	ORDER of DISMISSAL
)	
Respondent,)	
)	
CHARLES and JUDY ESSEX,)	
)	
Intervenors.)	
)	

I. BACKGROUND

On December 1, 2003, the Board received a petition for review (**PFR**) from the City of Granite Falls challenging Snohomish County’s enactment of Ordinance Nos. 03-096 and 03-097.

The Board issued a notice of hearing [12/8/03], conducted the prehearing conference [1/5/04], and issued its prehearing order (**PHO**) [1/9/04]. The PHO acknowledge that the Essexes had been granted intervenor status at the prehearing conference; additionally, April 15, 2004 was established as the deadline for requesting settlement extensions.

During motions practice, the Board issued two orders supplementing the record [2/23/04 and 3/8/04].

On April 15, 2004, pursuant to a stipulation of the parties, and subsequent to the Board receiving the opening and response briefs, the Board issued an Order granting a sixty-day settlement extension. The stipulation indicated that the County had introduced two ordinances to repeal the two ordinances challenged in this proceeding.

On May 25, 2004, the Board received “Snohomish County’s Motion for Order Dismissing Petition for Review” (**County Motion**). The County indicated that on May 5, 2004, it had adopted Ordinance Nos. 04-051 and 04-052 “which essentially repeal the Comprehensive Plan text changes and expansion of the Granite Falls urban growth area (UGA) which had been accomplished by Ordinance Nos. 03-096 and 03-097, the ordinances challenged in this case.” Consequently, the County reasoned, the alleged areas

of noncompliance had been cured and the PFR should be dismissed. County Motion, at 1.

On May 26, 2004, the Board received a letter from Intervenor's attorney concurring in, and supporting the County's Motion.

On June 4, 2004, the Board received "Granite Falls' Response to Snohomish County's Motion for Order Dismissing Petition for Review" (**Granite Falls Response**). While the City indicated that it did "not object to" the County's motion, it indicated that it is concerned that the repeal of the challenged ordinances would not end the litigation since the County intends to "reconsider this proposal as part of its 2004 update" process. The City further expresses concerns that the County not "unilaterally reconsider this matter . . . without adequate coordination with the City," but the City presumes "this is not the County's intent." Granite Falls Response, at 1.

II. DISCUSSION

The Board has considered the County's Motion, Intervenor's letter and Granite Fall's Response and in light of the lack of objections, the Board will grant the County's motion, and urges the County to continue its discussions with the City. Additionally, the Board also has compared and contrasted Ordinance Nos. 04-051 and 04-052 with Ordinance Nos. 03-096 and 03-097 and finds:

1. Ordinance No. 04-052 repeals the operative sections [§1 through §5] of Ordinance No. 03-097. Ordinance No. 03-097 amended the UGA, FLUM and zoning maps. *See* Ordinance No. 04-052, Sec. 4, at 3.
2. Ordinance No. 04-051 deletes the amendatory language to the Plan [adding Policy LU 1.C.5] and deletes the amendatory language to the Plan at page LU-59 and 60 of Ordinance NO. 03-096. The Board notes that additional language is added to these paragraphs that the County asserts "was inadvertently deleted in Ordinance No. 03-096 and is being restored here." *See* Ordinance No. 04-051, Exhibit A, at 4.
3. Neither Intervenor nor Petitioner objects to the County's motion. *See* Essexes letter, at 1; and Granite Falls Response, at 1-2.

Based on these findings, the Board concludes:

1. The County's motion should be granted; and
2. CPSGMHB Case No. 03-3-0023 should be dismissed.

III. ORDER

Based upon the Board's findings and conclusions, *supra*, pursuant to the concurrence of the parties, having reviewed the motions, letters and responses submitted, the GMA, prior orders of the Boards and case law, and having deliberated on the matter, the Board hereby issues the following ORDER;

- The County's Motion is **granted**.
- CPSGMHB Case No. 03-3-0023, *City of Granite Falls v. Snohomish County [Essexes – Intervenors]* is **dismissed**; the hearing on the merits scheduled for June 21, 2004 is **cancelled**; and CPSGMHB Case No. 03-3-0023 is **closed**.

So ORDERED this 7th day of June, 2004.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Bruce C. Laing, FAICP
Board Member

Edward G. McGuire, AICP
Board Member

Joseph W. Tovar, FAICP
Board Member

Note: This Order constitutes a final order as specified by RCW 36.70A.300.