

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

KING COUNTY,)	Case No. 05-3-0031
)	
Petitioner,)	
)	(King County IV)
and)	
)	
CITY OF RENTON,)	
)	
Intervenor,)	
)	
v.)	
)	
SNOHOMISH COUNTY,)	ORDER of DISMISSAL
)	
Respondent,)	
)	
and)	
)	
SNO-KING ENVIRONMENTAL)	
ALLIANCE,)	
)	
Intervenor.)	
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I. BACKGROUND

On April 18, 2005, Snohomish County adopted Ordinance Nos. 05-029 (**Odor Ordinance**) and 05-030 (**Seismic Ordinance**). The Odor Ordinance was intended to regulate odors emanating from wastewater treatment plants, and the Seismic Ordinance was intended to regulated development in identified seismic areas. On May 6, 2005, the Central Puget Sound Growth Management Hearings Board received a petition for review¹ from King County challenging both ordinances. King County asserts that each ordinance is intended to preclude the siting of essential public facilities – including wastewater treatment facilities – in Snohomish County, contrary to the essential public facility requirements of the Growth Management Act (**GMA** or **Act**).

¹ The Board actually received two filings from King County. The PFR included a request for a declaratory ruling and request for an order of invalidity. The second filing was a motion for an immediate compliance hearing, declaratory ruling and request for the imposition of sanctions. *See* Appendix A.

The Board issued a notice of hearing setting a date for a prehearing conference. The parties subsequently filed numerous motions and declarations prior to the PHC. At the PHC, the Board heard argument on the various motions. The Board issued its prehearing order setting the final schedule, establishing the Legal Issues to be decided and addressing the outstanding motions. The PHO also granted intervener status to Sno-King Environmental Alliance.

From late May to early August, the Board received motions to supplement the record and dispositive motions. On August 8, 2005, the Board issued its "Order on Motions." This Order allowed the record to be supplemented and resolved the dispositive motions filed. Several of the Legal Issues were dismissed, leaving three Legal Issues for the Board to resolve.

All prehearing briefing was timely filed.

Just prior to the hearing on the merits and the deadline for seeking settlement extensions, the Parties filed a stipulated request for a 60-day settlement extension, which was granted. Subsequently, a second settlement extension was requested and granted.

On January 18, 2006, the Board received "Stipulation Requesting Dismissal of Case With Prejudice" (**Stipulation**).² The Stipulation indicates that "The Parties have resolved their dispute by execution of a December 20, 2005 Settlement Agreement." Stipulation, at 1. The Stipulation was signed by the Petitioner and Respondent. *Id.* at 2.

II. ORDER

The Parties to this proceeding have resolved their dispute and have requested that the pending matter be dismissed with prejudice. The Board has not held the hearing on the merits nor issued a final decision and order in this matter.

Having considered the Act, Board rules, previous decisions of the Board, the PFR, prior Board Orders in this matter and the Stipulation, the Board enters the following Order:

² On the same date the Parties also submitted a "Stipulation Requesting Dismissal of Case with Prejudice" pertaining to CPSGMHB Case No. 03-3-0011 (*King County I*). However, in *King County I* the Board found that the definition of "regional authority" in Snohomish County's EPF Ordinance [Ordinance 04-019] was noncompliant and invalid. See 5/26/04 Order. Thurston County Superior Court affirmed the Board's ruling on this issue, and the Board established a compliance schedule for Snohomish County. To date, the Board has not been advised that any legislative action by Snohomish County has occurred to address the Board's finding of noncompliance and determination of invalidity; nor is the Board aware of any Court Order altering the Court's affirmation of the Board's 5/26/04 Order. Consequently, the Statement of Actions Taken to Comply (SATC), including a copy of the legislative action taken to remedy the noncompliant provision, is due 2/8/06; and the compliance hearing is scheduled for 3/6/06. Upon receipt of the SATC and a copy of the legislative enactment bringing the Ordinance into compliance, the Board can expedite the compliance hearing, if the Parties agree, and issue a finding of compliance and rescind the determination of invalidity.

- The matter of *King County v. Snohomish County [City of Renton and Sno-King Environmental Alliance – Intervenors] (King County IV)*, CPSGMHB Case No. 05-3-0031, is **dismissed with prejudice**.
- The scheduled hearing on the merits is **cancelled** and this matter is **closed**.

So ORDERED this 23rd day of January, 2006

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Bruce C. Laing, FAICP
Board Member

Edward G. McGuire, AICP
Board Member

Margaret A. Pageler
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.