



Snohomish County Council

NEWS RELEASE

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Statement by Snohomish County Council Chair John Koster on the Governor's Imposition of Growth Management Sanctions.

The governor today has taken an unprecedented action against local control of growth management. His imposition of sanctions in this case is simply wrong. The land in question has reverted to its original agricultural designation and Snohomish County has informed the Growth Management Hearings Board and the Superior Court of that fact

In July, the county received a letter from the Governor's office pledging to work cooperatively with us. Shortly after that, I spoke with the Governor's office and was assured that no sanction would be imposed. That is the last I heard from the state of Washington regarding this case.

The Snohomish County ordinance regarding this situation had a "severability" or "savings clause" included in it. It is Snohomish County's position that the land has been re-designated as agricultural land and the county included that position in its appeal of the Hearings Board. Snohomish County does not agree with the GMHB that there is ambiguity and it is not the place of the GMHB to provide legal advice to the county. In its pleading appealing the GMHB decision, the county states to the court.

"The Board erroneously failed to give effect to the severability clause in Amended Emergency Ordinance 04-057 by ordering the County to take new legislative action to clarify the comprehensive plan designation and zoning of the Island Crossing property when the severability clause already did so. The Compliance Order and Reconsideration Order were (a) the result of an erroneous interpretation or application of the law, or (b) arbitrary and capricious."

Snohomish County's Petition for Review of Agency Action filed in Snohomish County Superior Court August 20, 2004

The Snohomish County Council took action on this rezone at the request of the elected leaders of the City of Arlington. This area, which is a freeway interchange not a farm, is integral to the planned growth of that city according to its leaders.

Trial on the facts of this case is set for April in Snohomish County Superior Court. Snohomish County has recently won a decision in Superior Court overturning a petition by the governor on other growth management issues. This matter should run its course in the courts.

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