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SUPREME COURT
OF THE STATE OF WASHINGTON

No. 62843-7-I

COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION I

SCOTT E. STAFNE,

Appellant,

vs.

SNOHOMISH COUNTY AND
SNOHOMISH COUNTY PLANNING DEPARTMENT,

Respondents.

ANSWER TO STAFNE'S PETITION FOR REVIEW

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I. INTRODUCTION

This case is unique in that the parties agree that the Court of Appeals erred. This agreement, however, is limited to the issue of whether the decision of the Snohomish County Council ("County Council") not to adopt Petitioner Scott Stafne's ("Stafne") legislative proposal for a Growth Management Act ("GMA") (chapter 36.70A RCW) comprehensive plan amendment was a "land use decision" appealable under the Land Use Petition Act ("LUPA") (chapter 36.70C RCW). The parties agree that the County Council's decision was not a "land use decision" under LUPA. The parties urge the Court to grant review of this issue and correct the Court of Appeals' error. Snohomish County, therefore, agrees that Stafne's Petition for Review with respect to issue number three should be granted.

The remaining issues raised in Stafne's Petition for Review should not be reviewed by the Court. They either do not meet the criteria for review under Rule of Appellate Procedure ("RAP") 13.4(b), were not raised and briefed below, or are repetitious. For these reasons, Stafne's Petition for Review with respect to issue numbers one, two and four should be denied.

II. STATEMENT OF THE CASE

The County refers the Court to the statement of the case provided in the County's Petition for Review (pages 2-4), as well as the statement of the case set forth in the County's Response Brief to the Court of Appeals (pages 2-11).

III. ARGUMENT

A. **Stafne's Boundary Line Adjustments Do Not Dictate the Outcome of the County's GMA Comprehensive Plan Docketing Process (Issue No. 1).**

The first issue Stafne asks this Court to review is:

Did Stafne have a right to seek a declaratory judgment pursuant to RCW 7.24.020 in order to have a court perform a judicial inquiry so as to declare the legal consequences of the County's final boundary line adjustments of parcels within Twin Falls Estate rural settlement?

The Court should not accept review of this issue because the "legal consequences" of Stafne's boundary line adjustments are not relevant to this case and the issue does not meet any of the criteria for review under RAP 13.4(b).

The County was clear in its Response Brief to the Court of Appeals that it was not challenging the validity or effect of Stafne's boundary line adjustments. County Response Brief, p. 25. A boundary line adjustment is a ministerial land use action approved at the administrative level by County planning staff. See Chelan County v. Nykreim, 146 Wn.2d 904,

52 P.3d 1 (2002). The legal effect of a boundary line adjustment, plain and simple, is to create new legal boundaries of property. Stafne's boundary line adjustments are final land use decisions and the County does not dispute that the legal boundaries between properties in Twin Falls Estates, including Stafne's property, have changed.

What is at issue in this case is not the status of Stafne's boundary line adjustments, but the County Council's decision not to adopt Stafne's legislative proposal to change the GMA comprehensive plan designation of his property. Such an amendment can be accomplished only by legislative action by the County Council following the County's GMA-mandated docketing process. See RCW 36.70A.130(1); 36.70A.140; 36.70A.470(2). Stafne does not provide any legal authority supporting his contention that his administrative boundary line adjustments either constitute a *de facto* amendment to the County's GMA comprehensive plan or legally entitle him to such an amendment.¹ Such authority does not exist.

There is no controversy regarding Stafne's administrative boundary line adjustments; the boundary lines were and will remain adjusted. Rather, the controversy here is the County Council's legislative

¹ The Court of Appeals correctly noted that "Nykreim does not support Stafne's argument that granting the BLA changed the zoning or land use designation" of his property. Court of Appeals Opinion, p. 20.

decision regarding the GMA comprehensive plan designation of Stafne's property. The administrative boundary line adjustments and the County Council's legislative determination regarding Stafne's proposed GMA comprehensive plan amendment are distinct and separate actions. Stafne's issue number one, relating to his right to have a court decide the legal consequences of his boundary line adjustments, is misplaced and does not meet any of the criteria for review under RAP 13.4(b). The Court should deny review of this issue.

B. Chapter 30.74 SCC Does Not Mandate or Authorize Any Judicial or Quasi-Judicial Functions (Issue No. 2).

The second issue Stafne asks this Court to review is:

Does SCC Chapter 30.74 impermissibly mix Snohomish County's quasi-judicial and legislative power into a single statutory procedure?

The Court should not accept review of Stafne's second issue because it poses a legal question that was not raised or briefed before either the trial court or the Court of Appeals, and because it meets none of the criteria for review under RAP 13.4(b).

1. This issue was not raised or briefed below.

This Court does not generally consider an issue that was not raised at the trial court. Harris v. State Dept. of Labor and Industries, 120 Wn.2d 461, 468, 843 P.2d 1056 (1993); RAP 2.5(a). Instead, this Court prefers to hear only those issues having "the benefit of developed

arguments on both sides and lower court opinions squarely addressing the questions.” International Ass’n of Fire Fighters, Local 46 v. City of Everett, 146 Wn.2d 29, 37, 42 P.3d 1265 (2002) (citations and quotations omitted). Here, Stafne’s second issue states a facial challenge to the constitutionality of chapter 30.74 of the Snohomish County Code (“SCC” or “County Code”), the chapter of the County Code containing the County’s GMA docketing procedures,² alleging those procedures impermissibly mix quasi-judicial and legislative power. This issue was not raised before either the trial court or Court of Appeals and has not been briefed.

In superior court, Stafne argued that SCC 30.74.030(1)(a) and (d) were facially unconstitutional because those subsections of the County Code required County planning department staff to engage in the unauthorized practice of law. Stafne summarized his legal argument as follows:

Stafne makes a facial attack on SCC 30.74.030(a) and (d) because these ordinance provisions allow and require non-lawyers, i.e. the Planning Department, to determine whether citizen land use applications are consistent with (a) with [sic] the countywide planning policies, the GMA, and other state or federal law; and (d) Any [sic] proposed change in the designation of agricultural and forest lands is consistent with the designation criteria of the GMA and the

² Chapter 30.74 SCC can be found in its entirety at Appendix A of the County’s Response Brief to the Court of Appeals.

comprehensive plan. Providing legal advice to the County Council as to whether a citizen's application is consistent with the GMA, other state and federal law is the very essence of the practice of law and the Snohomish County Council cannot constitutionally allow, authorize, or mandate non-lawyers to practice law.

CP 263-64; see also CP 366 (lines 8-24), 388 (lines 15-22), 393 (lines 1-3), and 397 (lines 6-11). Accusing planning department staff of practicing law without a license is fundamentally different from arguing that the County Code unconstitutionally mixes quasi-judicial and legislative power.

Before the Court of Appeals, Stafne argued that (a) "SCC Chapter 30.74 unconstitutionally infringe[s] upon judicial power, state supremacy, and the open administration of justice by giving the Planning Department unfettered discretion to secretly interpret and apply state, federal, and municipal laws to citizen public participation docketing proposals;"³ and (b) chapter 30.74 SCC creates "an administrative process...that makes unskilled laymen the *final arbiters* of whether citizen proposals regarding their real property are consistent with state, federal and municipal law."⁴ While the legal theories behind these arguments have never been entirely clear to the County, they appear to raise concerns regarding the separation of powers, the appearance of

³ Stafne Opening Brief to the Court of Appeals, p. 5.

⁴ Stafne Reply Brief to the Court of Appeals, p. 23 (emphasis in original).

fairness and procedural due process,⁵ all of which are intrinsically different from the challenge stated by Stafne's second issue that the County's docketing process "impermissibly mixes the County's quasi-judicial and legislative power in a single statutory procedure." Stafne Petition for Review, p. 9. Because the County has not had an opportunity to fully brief Stafne's second issue, and because no lower court has had the opportunity to review it, this Court should deny review of the issue.

2. This issue does not meet any of the criteria for review under RAP 13.4(b).

Stafne cannot demonstrate how his second issue meets any of the criteria for review under RAP 13.4(b). First, because the Court of Appeals made no attempt to address Stafne's amorphous allegations of illegality regarding the County's GMA docketing procedures, the Court of Appeals' opinion is silent regarding the legality of the County's GMA docketing procedures. Accordingly, the opinion does not conflict with any decision of this Court (RAP 13.4(b)(1)) or any other decision of the Court of Appeals (RAP 13.4(b)(2)) on that point.

Second, Stafne is disappointed that the County Council did not adopt his GMA docket proposal. Because he is unhappy with the results of the County's legislative GMA docketing process, Stafne assumes there

⁵ See County's Response Brief to the Court of Appeals, pp. 33-41 (attempting to address Stafne's arguments regarding the County's GMA docketing process).

is something intrinsically wrong with that process. He is incorrect. Despite his assertions, Stafne's second issue does not raise a significant question of law under the Constitution of the State of Washington or of the United States, nor does it involve an issue of substantial public interest that should be determined by this Court. RAP 13.4(b)(3) and (4).

a. The planning department's actions under chapter 30.74 SCC are administrative.

A plain reading of chapter 30.74 SCC, which Stafne claims is unconstitutional in its entirety, reveals no delegated exercise of judicial or quasi-judicial power. "Judicial power" is defined as "the power to construe and apply the law when controversies arise over what has been done or not done under it....[it is] [a] power conferred on a public officer involving the exercise of judgment and discretion in deciding questions of right in specific cases affecting personal and proprietary interests." BLACK'S LAW DICTIONARY 851 (7th ed. 1999). "Quasi-judicial power" is defined as "[a]n administrative agency's power to adjudicate the rights of those who appear before it." BLACK'S LAW DICTIONARY 1190 (7th ed. 1999). Here, chapter 30.74 SCC does not establish a process to decide or adjudicate the rights of individuals.⁶ Rather, the chapter establishes a legislative process by which citizens can propose legislative amendments

⁶ Stafne has provided no legal authority for the proposition that he has a "right" to his proposed legislative amendment to the GMA comprehensive plan.

to the County's GMA comprehensive plan, as required under RCW 36.70A.470(2).

This Court has developed a multi-part test to determine whether, in any particular instance, an administrative agency functions in a quasi-judicial capacity: (1) could a court have been charged in the first instance with the responsibility of making the decisions the administrative body must make; (2) is the function the administrative agency performs one that courts historically have been accustomed to performing and had performed prior to the creation of the administrative body; (3) does the administrative body investigate, declare and enforce liabilities arising out of present or past facts and under laws already in existence; and (4) does the action taken by the administrative body resemble the ordinary business of courts, such as hearing and weighing evidence, make findings of fact based on that evidence and drawing conclusions from those findings of fact, on which it bases its official action. Francisco v. Board of Directors of Bellevue Public Schools, 85 Wn.2d 575, 579, 537 P.2d 789 (1975); Floyd v. Department of Labor and Industries, 44 Wn.2d 560, 571, 269 P.2d 563 (1954). If the answer to some or all of these questions is "yes," then the agency is performing a quasi-judicial function.

When the activities the planning department performs pursuant to SCC 30.74.030(1) are analyzed under the definitions and tests set forth

above, it is clear that the activities the planning department performs during the County's GMA docketing process are not quasi-judicial in character. Instead, the planning department's docket-related duties are solely administrative. SCC 30.74.030(1) reads, in its entirety:

The department shall conduct an initial review and evaluation of proposed amendments, and assess the extent of review that would be required under the State Environmental Policy Act (SEPA) prior to county council action. The initial review and evaluation shall include any review by other county departments deemed necessary by the department, and shall be made in writing. The department shall recommend to the county council that the amendment be further processed only if all of the following criteria are met, except as provided in SCC 30.74.040:

- (a) The proposed amendment is consistent with the countywide planning policies, the GMA, and other state or federal law;
- (b) The time required to analyze probable adverse environmental impacts of the proposed amendment is available within the time frame for the annual docketing process;
- (c) The time required for additional analysis to determine the need for additional capital improvements and revenues to maintain level of service, when applicable to the proposal, is available within the time frame for the annual docketing process;
- (d) Any proposed change in the designation of agricultural and forest lands is consistent with the designation criteria of the GMA and the comprehensive plan;
- (e) The proposed amendment does not make a change in an area that is included in a proposed subarea plan

scheduled for completion and final action by the council prior to the next docket submittal deadline;

- (f) The proposed amendment is not precluded from being considered at the present time by the GMA or comprehensive plan;
- (g) The time required for processing any required additional amendments not anticipated by the proponents is available within the time frame of the annual docketing process; and
- (h) If the proposed amendment has been reviewed by the planning commission or county council as part of a previous proposal, circumstances related to the current proposal have significantly changed and support a plan or regulation change at this time.

Thus, the County Code requires the planning department to prepare a staff report for each docket proposal. The staff report must contain an objective evaluation of each proposal under the criteria contained in SCC 30.74.030(1). The staff report and the department's recommendation on each docket proposal is then forwarded to the County Council for its consideration.

Stafne insists that SCC 30.74.030(1) provides the planning department authority to make quasi-judicial decisions regarding docket proposals. But chapter 30.74 SCC does not authorize the planning department to make any decisions regarding GMA docket proposals. The only body empowered to make decisions regarding GMA docket proposals is the County Council, and those decisions are legislative.

While SCC 30.74.030(1) requires the planning department to submit a staff report to the County Council regarding each docket proposal, the purpose of these staff reports is to provide the County Council with basic information regarding each docket proposal in a consistent, streamlined format that is easy for the council members to access. The department's staff reports do not serve as legal advice to the County Council, are not binding on the County Council, and in no way curtail or restrict the County Council's legislative authority regarding docket proposals. The County Council remains the final decision maker with respect to docket proposals.

It is entirely appropriate for the County Council to delegate administrative docket-related tasks to the planning department. Conventional wisdom dictates that legislative bodies should not make legislative decisions in a vacuum:

A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change; and where the legislative body does not itself possess the requisite information – which not infrequently is true – recourse must be had to others who do possess it.

State ex rel. Hodde v. Superior Court of Thurston County, 40 Wn.2d 502, 506, 244 P.2d 668 (1952), quoting McGrain v. Daugherty, 273 U.S. 135,

174, 47 S.Ct. 319, 71 L.Ed. 580 (1927) (holding legislative committees have subpoena power). The planning department is the County department with the greatest subject matter expertise in land use planning. Accordingly, it is manifestly reasonable for the County Council to require that the planning department provide an initial analysis of and recommendation regarding citizen docket proposals. These responsibilities vested in the planning department are administrative, not quasi-judicial.

b. The County Council's actions under chapter 30.74 SCC are legislative.

The only other body of County government involved in the County's GMA docketing process is the County Council. Contrary to Stafne's contention, chapter 30.74 SCC neither requires nor authorizes the County Council to perform judicial or quasi-judicial functions. Instead, the County Council's role in the GMA docketing process can only be characterized as legislative.

The nature of a power to be exercised is legislative "if it prescribes a new policy or plan." Seattle Bldg. and Const. Trades Council v. City of Seattle, 94 Wn.2d 740, 748, 620 P.2d 82 (1980), quoting 5 E. McQuillin, Municipal Corporations § 16.55 (3d rev. ed. 1969), at 213-14. The County Council's role during the GMA docketing process is prescribed by

the GMA: It must make *policy* decisions regarding proposed amendments to the County's GMA comprehensive plan, and implement such decisions through legislative action. RCW 36.70A.130(1); see also RCW 36.70A.140. Chapter 30.74 SCC implements this statutory mandate by requiring the County Council to take legislative action regarding GMA docket proposals. Nothing the County Council does during the GMA docketing process involves judicial or quasi-judicial power.

Stafne cites to Phoenix Development, Inc. v. City of Woodinville in support of his position that the County is improperly intermingling legislative and quasi-judicial proceedings. 154 Wn. App. 492, 229 P.3d 800 (2009), review granted, 169 Wn.2d 1006, -- P.3d -- (2010); Stafne Petition for Review, p. 11-12. That case is inapposite. Phoenix Development involved the denial by the City of Woodinville of site-specific rezone requests for two properties. Rezones are quasi-judicial actions. Quasi-judicial actions do not involve the creation of new policy. Rather, they involve interpreting existing policies and applying those policies to the particular facts relevant to a decision. Id. at 503. In Phoenix Development, the city council acted in its "legislative capacity" in reaching its quasi-judicial decision by finding that the existing zoning designation, and not the proposed zoning designation, was appropriate for Phoenix's property. Id. at 500. The Court of Appeals held that the city

council's finding regarding the appropriate zoning designation was an unlawful exercise of the city council's legislative authority, as the city council was required to act in a strictly quasi-judicial capacity in considering the rezone. Id. at 503.

In contrast, the County Council is required to act in its legislative capacity when it considers a proposal to amend the County's GMA comprehensive plan. This is true even when the proposed amendment pertains to a limited number of properties, such as the amendment proposed by Stafne. See Shaw Family LLC v. Advocates for Responsible Development, --- P.3d ---, 2010 WL 3036734 (Aug. 5, 2010) (site-specific change in GMA comprehensive plan designation is a legislative action). By definition, the comprehensive plan is a "generalized coordinated land use policy statement." RCW 36.70A.030(4). Therefore, changing the comprehensive plan designation of property is a matter of policy.

The County Council did not engage in quasi-judicial decision-making when it considered Stafne's docket proposal. It held an open public hearing on all 49 docket proposals submitted by the public, accepted public testimony including Stafne's, and deliberated on the proposals. See CP 230-32, 378 (§ 35), 771-72. In choosing not to adopt Stafne's proposal, the County council did not enter findings and conclusions or otherwise explain its decision, as it would be required to do

for a quasi-judicial decision. Unlike in Phoenix Development, there simply was no mixing of legislative and quasi-judicial authority.

Because neither the planning department nor the County Council exercised any judicial or quasi-judicial authority in considering Stafne's legislative proposal to amend the County's GMA comprehensive plan, there is no constitutional issue at stake. Likewise, there is no substantial issue of public interest that warrants the Court's attention. Review under RAP 13.4(b)(3) and (4) should be denied.

C. **The County Agrees the Court Should Review Whether the County Council's Legislative Decision Not to Adopt Stafne's Proposed Comprehensive Plan Amendment Was a "Land Use Decision" Appealable Under LUPA (Issue No. 3).**

The third issue Stafne asks this Court to review is:

Did LUPA apply to Stafne's attempt to determine the legal consequences of site-specific unappealed final land use decisions?

While the County does not endorse the phrasing of Stafne's third issue, the substance of Stafne's argument regarding why this Court should accept review of his third issue raises two of the same legal issues the County raised in its Petition for Review. Namely, the County asks this Court to address: (1) Whether the Court of Appeals erred in applying LUPA to Stafne's lawsuit; and (2) Whether this Court's decision in Torrance v. King County, 136 Wn.2d 783, 966 P.2d 891 (1998), establishes the proper process for challenging a local jurisdiction's decision not to adopt a GMA

docket proposal. The County agrees with Stafne that these legal questions warrant review by this Court under RAP 13.4(b)(1), (2) and (4). See County's Petition for Review, pp. 4-15.⁷

However, while the County supports Stafne's request that the Court review the legal questions posed by Stafne's third issue, the County disagrees with Stafne's suggested answer to those legal questions. Specifically, Stafne asserts that a constitutional writ of review is the proper method of challenging a local jurisdiction's decision not to adopt a GMA docket proposal.⁸ Stafne Petition for Review, pp. 13-15. Stafne's interpretation of the law on this point is inaccurate. A constitutional writ of certiorari is available only when no other avenue of review exists. Malted Mousse, Inc. v. Steinmetz, 150 Wn.2d 518, 533, 79 P.3d 1154 (2003) (citations omitted); Saldin Securities, Inc. v. Snohomish County,

⁷ After the County filed its Petition for Review, Division II of the Court of Appeals issued a partially published opinion in Shaw Family LLC v. Advocates for Responsible Development, --- P.3d ---, 2010 WL 3036734 (Aug. 5, 2010). Division II held in Shaw that a comprehensive plan amendment changing the designation of specific property is a legislative action that must be appealed to the Growth Management Hearings Board. Division I's decision in this case now conflicts with decisions from Division II (Shaw) and Division III (Coffey v. City of Walla Walla, 145 Wn. App. 435, 187 P.3d 272 (2008)).

⁸ Indeed, Stafne asserts that when the County was asked at oral argument before the Court of Appeals why Stafne was not entitled to a constitutional writ of certiorari, the County "could not cogently respond to the question." To the contrary, the County has maintained throughout this litigation that Stafne is not entitled to a constitutional writ of certiorari because another avenue of review exists. See County's Response Brief to Court of Appeals, pp. 29-33; County's Motion to Dismiss, CP 80-84.

134 Wn.2d 288, 294, 949 P.2d 370 (1998). Here, another avenue of review exists.

As this Court stated in Torrance, the legislature has established a statutory review process for claims such as Stafne's. Torrance v. King County, 136 Wn.2d at 788-90. A party aggrieved by a local jurisdiction's action regarding a GMA docket proposal should seek review of that action by the Growth Management Hearings Board ("Growth Board") pursuant to RCW 36.70A.290. After receiving a final decision from the Growth Board, a party may then seek judicial review of the Growth Board's decision under the Administrative Procedure Act ("APA") (chapter 34.05 RCW). Because a statutory appeal process exists, a constitutional writ of certiorari is not the appropriate method for reviewing Stafne's claims. Torrance v. King County, 136 Wn.2d at 791; see also Malted Mousse, Inc. v. Steinmetz, 150 Wn.2d at 533 (citations omitted); Clark County Public Utility Dist. No. 1 v. Wilkinson, 139 Wn.2d 840, 844-46, 991 P.2d 1161 (2000) (a constitutional writ of certiorari was the appropriate method of review when no statutory mechanism for review existed).

The County, therefore, agrees that Stafne's third issue should be reviewed by the Court. The County and Stafne disagree, however, on the appropriate outcome. To resolve the issue of what remedy is available to Stafne if not LUPA, the County requests that the Court consider Stafne's

third issue in conjunction with the County's first and second issues as set forth in the County's Petition for Review.

D. Stafne's Fourth Issue Regarding Laches Was Not Raised Below and Can Be Addressed in the Context of Whether LUPA Was the Appropriate Method to Challenge the County Council's Legislative Action (Issue No. 4).

The fourth issue Stafne asks this Court to review is:

Does the doctrine of laches apply to Stafne's claims for a Constitutional Writ of Certiorari and/or statutory writ of mandamus and/or statutory writ of prohibition?

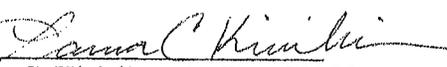
On its face, Stafne's fourth proposed issue appears irrelevant to this case, as neither the parties nor the Court of Appeals ever contended laches was an issue in this lawsuit. However, the substance of Stafne's argument is simply an extension of his third issue related to LUPA. The County agrees that the Court should review whether the Court of Appeals erred in applying LUPA to Stafne's lawsuit. In that context, the Court should determine the remedy available to Stafne if LUPA does not apply. As previously argued, Torrance v. King County, 136 Wn.2d 783, is the controlling authority on this issue. Stafne's fourth issue regarding the appropriate avenue of review for a legislative decision not to amend the County's GMA comprehensive plan can and should be addressed in the context of the LUPA issue. Stafne's fourth issue is not necessary and, therefore, does not independently meet the criteria for review under RAP 13.4(b).

IV. CONCLUSION

Stafne has failed to show that review by this Court is warranted regarding his first and second issues. As to those issues, the County respectfully requests that the Court deny review. The County agrees that the issue whether the decision of the County Council not to adopt Stafne's legislative proposal for a GMA comprehensive plan amendment was a "land use decision" appealable under LUPA merits the Court's review. As to that issue, the County respectfully requests that the Court grant review. The County also requests that the Court deny review of Stafne's fourth issue, as the substance of that issue can be addressed in the context of whether LUPA was the appropriate remedy available to Stafne.

Respectfully submitted this 27th day of August, 2010.

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BY RONALD R. CARPENTER

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

CLERK SCOTT E. STAFNE,

Appellant,

vs.

SNOHOMISH COUNTY AND
SNOHOMISH COUNTY PLANNING
DEPARTMENT,

Respondents.

NO. 84894-7

(COURT OF APPEALS
NO. 62843-7-I)

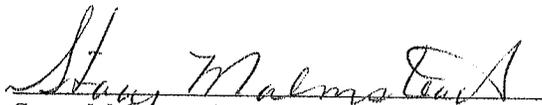
CERTIFICATE OF SERVICE

I, Stacy Malmstead, certify that I am an employee of the Civil Division of the Snohomish County Prosecuting Attorney, and that on this 27th day of August, I caused to be served a true and correct copy of Snohomish County's Answer to Stafne's Petition For Review upon the party listed below in the manner indicated:

Scott E. Stafne	<input checked="" type="checkbox"/> Electronic service
Stafne Law Firm	<input type="checkbox"/> Facsimile
8411 State Route 92, Ste. 6	<input checked="" type="checkbox"/> U.S. Mail
Granite Falls, WA 98252	<input type="checkbox"/> Hand Delivery
stafnelawfirm@aol.com	<input type="checkbox"/> ABC Messenger Service

I declare under penalty of perjury under the laws of the State of Washington that the foregoing statements are true and correct.

DATED at Everett, Washington, this 27th day of August, 2010


Stacy Malmstead

ORIGINAL

FILED AS
ATTACHMENT TO EMAIL

OFFICE RECEPTIONIST, CLERK

To: Malmstead, Stacy
Cc: 'stafnelawfirm@aol.com'
Subject: RE: Electronic filing Stafne v. Snohomish County No. 84894-7

Rec. 8-27-10

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Malmstead, Stacy [mailto:smalmstead@co.snohomish.wa.us]
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Please accept for electronic filing

Snohomish County's Answer to Stafne's Petition For Review

Scott e. Stafne
vs.
Snohomish County and Snohomish County Planning Department
No. 84894-7

Submitted by:
Laura C. Kisielius, WSBA # 28255
lkisielius@snoco.org
(425) 388-6393

Stacy Malmstead, Paralegal
Snohomish County Prosecuting Attorney's Office
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Phone: (425)388-6348 Fax: (425)388-6333
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