

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

CITY OF TACOMA,)	
)	Case No. 03-3-0002
Petitioner,)	(Tacoma III)
)	
v.)	
)	
PIERCE COUNTY,)	ORDER FINDING COMPLIANCE
)	
Respondent.)	
)	

I. BACKGROUND

On July 23, 2003, pursuant to a stipulation of the parties, the Central Puget Sound Growth Management Hearings Board (the **Board**) issued a “Finding of Noncompliance and Order of Remand” (**Noncompliance Order**) in the above captioned case.

In the Noncompliance Order the Board acknowledged the “unusual scope and complexity” of the matter in dispute, and allowed 270-days instead of the statutory 180-days to achieve compliance. The Noncompliance Order established a compliance schedule, and directed Pierce County to:

Compliance actions shall include developing and implementing a satisfactory collaborative process in adopting development regulations to implement the Gig Harbor Peninsula Community Plan. Said compliance actions may also include, as appropriate, revisions to the Pierce County Comprehensive Plan and the Gig Harbor Community Plan.

Noncompliance Order, at 2.

On April 19, 2004, the Board received “Pierce County’s Statement of Actions Taken to Comply (SATC) with the Order of Remand” (**SATC**).

On April 22, 2004, the Board received “Stipulation and Order Continuing Compliance Hearing” (**Stipulation**). The Stipulation was signed by the representatives of both Petitioner City of Tacoma and Respondent Pierce County. The stipulation asks the Board to grant the County “additional time after December 1, 2004, to address the Board’s July 23, 2004 Finding of Noncompliance and Order of Remand.” Stipulation, at 4.

On April 27, 2004, pursuant to the Stipulation, the Board issued an “Order Finding Continuing Noncompliance. This Order required the County to provide a Second SATC by December 8, 2004, scheduled a compliance hearing for January 6, 2005, and required the County to provide quarterly reports to the Board on July 1, 2004 and October 1, 2004 “indicating the activities undertaken to comply with the GMA and the Board’s Order.” 4/27/04 Order, at 3.

On June 24, 2004, the Board received “Pierce County’s July 2004 Quarterly Compliance Report” (**7/1/04 Report**). This report indicated that the County had: 1) published notice of a meeting of the Tacoma Narrows Airport Advisory Commission (**TNAAC**); 2) that the TNAAC had conducted a public hearing and recommended an alternative amendment; 3) that the County’s Department of Planning and Land Services (**PALS**) prepared a staff report on the matter; 4) that the TNAAC and PALS recommendations had been forwarded to the Planning Commission (**PC**) for action; and 5) pending PC action, the County Council had scheduled a public hearing on the matter as part of the County’s annual amendment cycle to be completed by December 1, 2004. 7/1/04 Report, at 2.

On September 27, 2004, the Board received “Pierce County’s October 2004 Quarterly Compliance Report” (**10/1/04 Report**). This report indicated that the PC had: 1) recommended approval of “Amendment 19B;” 2) that the County Council’s Community Development Committee had held several public hearings on Amendment 19B, with a recommendation pending; and 3) the County Council had scheduled hearings on the proposal in November 2004, with final action anticipated by December 1, 2004. 10/1/ Report, at 2-3.

On December 9, 2004, the Board received “Pierce County’s Second Statement of Actions Taken to Comply (SATC) with Order of Remand” (**SATC 2**). The SATC 2 indicated that in response to the Board’s Order, the County asserted that it had complied with the GMA and the Board’s Order since it had:

1. Created a collaborative process with the City [of Tacoma] that culminated in the creation of the TNAAC;
2. Submitted the required quarterly reports;
3. Amended its comprehensive plan, development regulations and the Gig Harbor Peninsula Community Plan by December 1, 2004 to incorporate the TNAAC recommendations (the Ordinance, i.e. Ordinance No. 2004-87s); and
4. Authorized the County Executive (via the Resolution, i.e. Resolution R2004-159) to execute an interlocal agreement with the City [of Tacoma] to implement the changes made by the Ordinance.

SATC 2, at 3-5.

On December 10, 2004, the Board received “City of Tacoma’s Response to Pierce County’s Second Statement of Actions Taken” (**Tacoma Response**). The City indicated that it concurred that the County’s adoption of Ordinance No. 2004-87s and Resolution R2004-159 merited the Board’s entering a finding of compliance. Tacoma Response, at 1.

On December 15, 2004, at the direction of the presiding officer, the Board’s Administrative Officer contacted the parties to schedule a telephonic compliance hearing on December 16, 2004 and cancel the previously scheduled compliance hearing for January 6, 2004. With the concurrence of the parties the telephonic compliance hearing was scheduled for December 16, 2004 at 3:30.

On December 16, 2004, the Board conducted the telephonic compliance hearing. Board Members Margaret A. Pageler, Bruce C. Laing and Edward G. McGuire, presiding officer, participated for the Board. M. Peter Philley participated for Pierce County. Kyle Crews and Jay P. Derr participated on behalf of the City of Tacoma. The telephonic conference convened at 3:30 and adjourned at 3:45.

II. DISCUSSION

The Board finds and concludes that the creation of the TNAAC addresses the “insufficient collaboration” that occurred during the County’s adoption of Ordinance No. 2002-113s. The Board further finds and concludes that adoption of: 1) amendments to the County’s Comprehensive Plan, development regulations and the Gig Harbor Peninsula Community Plan (via Ordinance No. 2004-87s), and 2) the adoption of Resolution R2004-159, authorizing execution of an interlocal agreement between Pierce County and the City of Tacoma, regarding the transfer of permitting authority of construction and development activity at specified areas of the Tacoma Narrows Airport complies with the GMA as set forth in the Board’s July 23, 2003 Noncompliance Order. Therefore, the Board will enter a **Finding of Compliance** in CPSGMHB Case No. 03-3-0002 (*City of Tacoma v. Pierce County*).

III. ORDER

Based upon review of the Board’s 7/23 Noncompliance Order, the SATC, the County’s 7/1/04 and 10/1/04 quarterly Reports, the SATC 2, Ordinance No. 2004-87s, Resolution R2004-159, the City’s Response, and having deliberated on the matter, the Board issues the following ORDER:

- The Board enters a **Finding of Compliance** for Pierce County in CPSGMHB Case No. 03-3-0002 (*City of Tacoma v. Pierce County*).
- CPSGMHB Case No. 03-3-0002 City of Tacoma v. Pierce County (**Tacoma III**) is **closed**.

So ORDERED this 16th day of December 16 2004.

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.