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

5)
6 THOMAS A. BANGASSER,) **Case No. 08-3-0006**
7)
8 Petitioner,) (*Bangasser*)
9)
10 v.)
11)
12 KING COUNTY COUNCIL,) **ORDER DENYING**
13) **RECONSIDERATION**
14 Respondent.)
15)
16 and)
17)
18 K-2 Corporation)
19)
20 Intervenor.)
21)
22)
23)
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I. BACKGROUND

29 On March 13, 2009, the Board issued its Order on Motions and Dismissal in this case, finding
30 that the Petitioner had not met the standing requirements of the Growth Management Act
31 under RCW 36.70A.280(2) and RCW 36.70A.280(4). With that, the Board granted King
32 County's Motion to Dismiss due to lack of standing and closed the case.

33
34 On March 24, 2009, the Board received Petitioner's Motion to Reconsider CPSGMHB's
35 March 13, 2009 Order to Dismiss for Petitioner's Lack of Standing.

36
37 The Respondent did not respond to the Petitioner's motion.

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II. DISCUSSION

41 **WAC 242-02-832 (2) – Reconsideration** – provides:

- 42
43 (2) A motion for reconsideration shall be based on at least one of the following
44 grounds:
45 (a) Errors in procedure or misrepresentation of fact or law, material or to the
46 party seeking reconsideration;
47 (b) Irregularity in the hearing before the Board by which such party was
48 prevented from having a fair hearing; or
49 (c) Clerical mistakes in the Order to Dismiss.
50

1 Position of the Parties
2

3 Petitioner reasserts as he did in his original PFR that with his extensive involvement with
4 community groups providing grounds for standing in the process of developing King County
5 Ordinance No. 16263, Amendment 27, which reclassified certain real property on Vashon
6 Island from Industrial to Community Business, is clear by virtue of his “seven-fold”
7 participation.¹ In addition, Petitioner asserts an eighth example of participation by virtue of
8 having received two mailings from King County resulting from his real estate holdings within
9 500 feet of the subject “K-2 industrial properties.”² As an example of that additional
10 participation, Petitioner cites a February 27, 2008, letter from Kendall H. Moore, King
11 County Council Comprehensive Plan Manager which includes:

12
13 *“You have received this letter and its enclosures because you submitted a*
14 *docket request in 2007, you own property within 500 feet of a proposed land*
15 *use/area zoning change, you have requested notice of specific land use or area*
16 *zoning action, or you have requested notice of Council deliberations regarding*
17 *the 2008 Comprehensive Plan update.”³*
18

19 Petitioner once again asserts that his high level of participation in meetings with various
20 community groups, including the VMICC and the correspondence from that organization to
21 King County and the return correspondence to that group from the County, gives him standing
22 in the matter.

23
24 The Board notes the Respondent King County did not submit a brief in response to the
25 Petitioner’s Motion for Reconsideration.

26
27 Board Discussion
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29 Once again, as it did in the Order on Motions and Dismissal, the Board acknowledges the
30 Petitioner is active in the community and actively participates in various organizations.
31 However, the Petitioner misses the point of the need to show via evidence that he, himself, as
32 an individual and not a member of the VMICC, actually participated by communicating to the
33 County his support or opposition for the K-2 zoning. The Board has no written
34 correspondence in the record by letter or email to the County from the Petitioner and no
35 minutes from public meetings indicating the Petitioner expressed the nature of his views in
36 any way on the matter prior to the County’s passage of Ordinance No. 16263. As
37 RCW36.70.280(2) requires (emphasis added):

38
39 *A petition may be filed only by...(b) a person who has participated orally or in*
40 *writing before the county or city regarding the matter on which a review is*
41 *being requested.*
42

43 Using the example above, of correspondence from King County to the Petitioner that the
44 Petitioner cites, the Board is provided an acknowledgement from the County that Bangasser
45 has made a docket request, he owns property within 500 feet of the proposed land use change,
46 he has requested notice of land use change or zoning change or notice of Council
47 deliberations regarding the 2008 Comprehensive plan update. The language appears to be
48

49 ¹ See Petitioner’s Motion for Reconsideration at 3

50 ² *Id.* At 3

³ *Id.* At 4

1 “boiler plate” language that the County would use regarding a variety of potential inquiries
2 from citizens regarding land use issues. Just being on a County mailing list does not meet the
3 GMA standing requirements. The Board does not have documentation in writing from the
4 Petitioner the nature or intent of his inquiry to the County. There is no evidence that the
5 Petitioner communicated to the County his opposition to the proposed K-2 rezoning.
6

7 Accordingly, without information that convinces the Board that they have been provided facts
8 that alter the Order on Motions and Dismissal, the Request for Reconsideration is **denied**.
9

10 **III. ORDER**
11

12 Based on the GMA, Board rules, and Petitioner’s Motion for Reconsideration, the Board’s
13 Order on Motions and Dismissal and having deliberated on the matter, the Board enters the
14 following Order:
15

- 16 ■ Petitioner’s Motion to Reconsider the Order on Motions and Dismissal is **denied**.
17

18 So ORDERED this 10th day of April, 2009.
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20 CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD
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25 _____
26 David O. Earling
27 Presiding Officer

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29 Edward G. McGuire
30 Board Member

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33 Margaret A. Pageler
34 Board Member
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