

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

CORRINE R. HENSLEY,)	
)	Case No. 96-3-0031
Petitioner,)	
)	FINDING OF COMPLIANCE
v.)	
)	
CITY OF WOODINVILLE,)	
)	
Respondent.)	
_____)	

I. procedural background

On June 24, 1996, the City of Woodinville adopted a comprehensive plan (the **Plan**), through Ordinance No. 157. On August 29, 1996, Corrine R. Hensley (**Hensley**) filed a petition for review with the Central Puget Sound Growth Management Hearings Board (the **Board**), alleging that portions of the Plan violated provisions of the Growth Management Act (the **Act**.) The matter was assigned Case No. 96-3-0031, and captioned *Hensley v. Woodinville*.

On February 25, 1997, following briefing and a hearing on the merits, the Board issued a Final Decision and Order (the **FDO**), which provided that:

The City of Woodinville is **in compliance** with the requirements of the Growth Management Act, **except:**

1. The Land Use Element does not provide a review of drainage, flooding, and storm water run-off in the area and nearby jurisdictions. The Land Use element is remanded to the City with direction to provide the required review by reference or other means consistent with the Act as interpreted by the Board's holdings and conclusions above.
2. Land Use Policy LU-3.6 is **remanded** to the City with instructions to delete or amend it consistent with the Act as interpreted by the Board's holdings and conclusions above.

Pursuant to RCW 36.70A.300(1)(b), the Board directs the City to comply with this Final Decision and Order no later than 5:00 p.m. on Friday, August 22, 1997. The City shall provide the board with an original and three copies of a Statement of compliance indicating what steps it took to comply with this Order, and serve a copy on Petitioner, by 5:00 p.m.

on Friday, August 29, 1997. FDO, at 14-15 (emphasis in original).

On August 19, 1997, the Board received from the City a Statement of Compliance setting forth the actions taken to comply with the Board's Order, and providing two attachments showing the modifications made to the Plan.

On August 26, 1997, the Board issued a Notice of Compliance Hearing, establishing an optional briefing schedule and setting a Compliance Hearing for October 9, 1997.

Petitioner Hensley did not submit a brief.

On October 7, 1997, the presiding officer contacted Hensley by phone to determine whether she intended to participate in the Compliance Hearing, and was informed that she did not intend to participate.

Also on October 7, 1997, the presiding officer spoke with the City's attorney by phone, informing her of Hensley's decision, and discussing two portions of the City's Statement of Compliance which were at variance with the Board's Order. The City's representative agreed to the Board's conducting the compliance hearing telephonically.

On October 7, 1997, the Board received by facsimile transmission a revised Statement of Compliance.

On October 9, 1997, the Board held a telephonic Compliance Hearing. Present for the Board were Board members Edward G. McGuire, and Chris Smith Towne, presiding officer. Dawn Findlay represented the City of Woodinville. Hensley did not participate in this telephonic hearing.

II. FINDINGS OF FACT

1. On August 11, 1997, the Woodinville City Council adopted Ordinance No. 185. This ordinance amended the Land Use Appendix to the Plan, section A-3.3.2, by expanding the discussion of Watershed Basins to include the Little Bear Creek basin. Attachment A to Statement of Compliance, at 43-45.
2. Ordinance No. 185 also amended the Appendix to the Plan to add a Summary of Surrounding Drainage, Flooding, and Stormwater Runoff for the cities of Woodinville, Redmond and Bothell and portions of King and Snohomish Counties, and also summarized planning activities for the Bear Creek, Sammamish River, and Little Bear Creek Basins specifically, and the Puget Sound Region generally. References to relevant plans contained in other documents and reports were provided. Attachment A to Statement of Compliance, at 45-51.

3. Ordinance No. 185 also amended the Land Use section of the Plan, Goal LU-3, by deleting LU 3.6. Attachment B to Statement of Compliance, at 3.

III. conclusions of law

1. By amending the Land Use Appendix to the Plan, expanding the discussion of Watershed Basins to include the Little Bear Creek basin, Woodinville has complied with the Act as set forth in the Board's Final Decision and Order.

2. By amending the Appendix to the Plan, adding a Summary of Surrounding Drainage, Flooding, and Stormwater Runoff for the cities of Woodinville, Redmond and Bothell, and portions of King and Snohomish Counties, summarizing planning activities for the Bear Creek, Sammamish River, and Little Bear Creek Basins specifically, and the Puget Sound generally, Woodinville has complied with the Act as set forth in the Board's Final Decision and Order.

3. By deleting Land Use Policy LU 3.6, Woodinville has complied with the Act as set forth in the Board's Final Decision and Order.

IV. FINDING OF COMPLIANCE

The Board, having reviewed its Final Decision and Order and the file in this case, and having reviewed the above referenced documents, concludes that the City of Woodinville **has complied** with the Board's Final Decision and Order.

Therefore, the Board issues a Finding of Compliance to the City in this case.

So ORDERED this 10th day of October, 1997.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Edward G. McGuire, AICP
Board Member

Chris Smith Towne
Board Member

