

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

WEST SEATTLE DEFENSE FUND)	
and NEIGHBORHOOD RIGHTS)	Case No. 96-3-0033
CAMPAIGN,)	
)	<i>(WSDF IV)</i>
Petitioner,)	
)	FINDING OF COMPLIANCE
v.)	
)	
CITY OF SEATTLE,)	
)	
Respondent.)	

I. procedural background

On September 24, 1996, the Central Puget Sound Growth Management Hearings Board (the **Board**) received a Petition for Review from West Seattle Defense Fund and Neighborhood Rights Campaign (**WSDF**). WSDF challenged portions of the City of Seattle's (**City**) Comprehensive Plan. The matter was assigned the case number in the caption above and is referred to as *WSDF IV*.

The Board issued a Final Decision and Order (**FDO**) in the above referenced case on March 24, 1997. The FDO provided:

The City of Seattle is in **compliance** with the requirements of the Growth Management Act, and this Board's Final Decisions and Orders in *WSDF I and WSDF III*, **except:**

The Plan's Capital Facilities Element and Utilities Element do not cite, reference or otherwise identify and indicate the source document(s) containing the required capital facilities needs analysis. The Plan's Capital Facilities Element and Utilities Element are **remanded** to the City with direction to provide the necessary citations or references to the document(s) where the capital facilities needs analyses can be found.

The FDO also directed the City to accomplish the remand actions by September 22, 1997.

On September 12, 1997, the Board directed the City to provide to the Board, by September 30, 1997, a Statement of Compliance (**SOC**), indicating the steps taken to comply with the March 24,

1997 FDO.

On September 30, 1997, the Board received the City's SOC. The SOC indicated that the City had adopted Ordinance No. 118722 to address the remand items (**remand amendments**). The SOC attached copies of Ordinance No. 118722, the Mayor's Report and Recommendation and the Affidavit of Publication for adoption of Ordinance No. 118722..

On October 1, 1997, the Board issued a Notice of Compliance Hearing, establishing an optional pre-compliance hearing briefing schedule and setting a Compliance Hearing for 2:00 p.m. Thursday, November 13, 1997. The Board noted that the scope of the compliance hearing would be to determine whether the City of Seattle had complied, procedurally and substantively, with the **remand** items, as set forth in the Board's March 24, 1997 FDO

On October 16, 1997, the Board received a letter from Peter J. Eglick, WSDF's attorney, indicating that he was unavailable for the November 13, 1997 compliance hearing, but noting "I do not, however, believe my presence is necessary."

Petitioner WSDF, provided no pre-compliance hearing briefing.

Respondent City of Seattle, provided no briefing nor supplemental information to its SOC.

On November 12, 1997, the Board contacted WSDF's attorney, by phone, to confirm that WSDF did not intend to participate in the Compliance Hearing. Confirmation was received.

Also on November 12, 1997, the Board contacted the City's attorney by phone, informing him of WSDF's decision not to participate. The Board informed the City's representative that he need not attend, since petitioners did not dispute the City's SOC.

On November 13, 1997, the Board held its Compliance Hearing in Case No. 96-3-0033. Present for the Board were Board members Joseph W. Tovar, Chris Smith Towne and Edward G. McGuire, presiding officer. With the concurrence of the Board, neither the petitioner (WSDF) nor the respondent (City of Seattle) participated in the hearing. The Compliance Hearing was recorded for the record.

II. FINDINGS OF FACT

1. Ordinance No. 118722 was adopted by the Seattle City Council on September 15, 1997; signed by the Mayor on September 18, 1997, and published on September 26, 1997. The Statement of Compliance was received on September 30, 1997.

2. The SOC attached copies of Ordinance No. 118722, the Mayor's Report and Recommendation and the Affidavit of Publication for adoption of Ordinance No. 118722.
3. Ordinance No. 118722 amended the Capital Facilities Element (Section C and new Section H) and the Utilities Element (Section E) of the City's Comprehensive Plan -- remand amendments. The remand amendments (to Section C of the CFP, and Section E of Utilities) indicate that the "source materials for the capital facilities and utilities analysis can be found in documents from [lists various City Departments]. A compilation of these documents is available at the City's Office of Management and Planning and the downtown Seattle Library." A list of "Additional Resources" [source documents] was also added to the Capital Facilities Element (Section H).
4. The City's remand amendments, as contained in Ordinance No. 118722, respond to the Board's direction, as contained in the remand portion of the Board's March 24, 1997 FDO.

III. conclusions of law

1. The City of Seattle accomplished the remand amendments to its Comprehensive Plan within the compliance timeframe set forth in the Board's March 24, 1997 FDO. Therefore, the City's action was timely.
2. By amending the Capital Facilities Element of the Plan, to list additional resources; and otherwise indicate or reference where the source documents containing the capital facilities analysis can be found, the City of Seattle has complied with the requirements of the GMA, as set forth in the Board's March 24, 1997 FDO.
3. By amending the Utilities Element of the Plan, to indicate or reference where the source documents containing the utilities analysis can be found, the City of Seattle has complied with the requirements of the GMA, as set forth in the Board's March 24, 1997 FDO.

IV. FINDING OF COMPLIANCE

The Board, having reviewed its March 24, 1997 FDO, the SOC, and based upon the Findings and Conclusions entered in Sections II and III, above, finds that the City of Seattle has **complied** with the requirements of the GMA, as set forth in the Board's March 24, 1997 FDO. Therefore, the Board issues a **Finding of Compliance** to the City of Seattle in CPSGMHB Case No. 96-3-0033, [WSDP IV].

So ORDERED this 13th day of November, 1997.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Edward G. McGuire, AICP
Board Member

Chris Smith Towne
Board Member

Joseph W. Tovar, AICP
Board Member