

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

STATE OF WASHINGTON	)	
DEPARTMENT OF CORRECTIONS	)	<b>Case No. 00-3-0007</b>
AND DEPARTMENT OF SOCIAL	)	
AND HEALTH SERVICES,	)	<i>(DOC/DSHS)</i>
	)	
Petitioners,	)	
	)	
v.	)	
	)	
CITY OF TACOMA,	)	<b>finding of compliance [Re: DSHS</b>
	)	<b>portion of case - juvenile correction</b>
Respondent,	)	<b>facilities]</b>
	)	

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**I. background**

On November 20, 2000, the Central Puget Sound Growth Management Hearings Board (the **Board**) issued its Final Decision and Order (**FDO**) in CPSGMHB Case No. 00-3-0007 (*DOC/DSHS v. Tacoma*). The FDO remanded the Ordinance 26565 back to the City, and directed the City to take appropriate legislative action to comply with the requirements of the GMA as it applied to both juvenile community facilities and work release facilities. The FDO established separate compliance schedules for the DSHS and DOC portions of the Case. A compliance hearing date was established for DOC, but not for DSHS.

Regarding DSHS and juvenile correction facilities, the FDO, provided in relevant part:

1. In order to comply with the provisions of RCW 36.70A.200, .210(3), .035, .106, .130 and .140, as set forth in the October 25, 2000, “Agreed Stipulation Between DSHS and City of Tacoma,” and as reflected in this FDO, as they apply to *juvenile community facilities*, the Board directs the City of Tacoma as follows:
  - By no later than **4:00 p.m. Monday – December 11, 2000**, the City shall take appropriate legislative action to comply with the requirements of the GMA, as agreed to in the Settlement Agreement, and as mirrored in this FDO, regarding juvenile community facilities.

- By no later than **4:00 p.m. Monday – December 18, 2000**, the City shall file with the Board an original and four copies of a Statement of Actions to Comply (SATC) with the GMA, as set forth in the Agreement and this FDO. The City shall simultaneously serve a copy of the SATC on Petitioner DSHS.
- DSHS may comment on the SATC by no later than **4:00 p.m. Monday - January 8, 2001**. The Board will then schedule a compliance hearing.

*DOC/DSHS v. City of Tacoma v. City of Tacoma*, CPSGMHB Case No. 00-3-0007, Final Decision and Order (November 20, 2000), at 17.

On December 4, 2000, the Board received “Statement of Actions Taken by City of Tacoma” (SATC). The SATC indicated that the City had adopted Ordinance No. 26731 in order to comply with the terms of the “Stipulated Agreement” and the Board’s FDO regarding juvenile correction facilities. DSHS did not object or comment on the City’s SATC or its adoption of Ordinance No. 26731.

On January 30, 2001, the Board issued a “Notice of Change in Compliance Schedule and Hearing” that scheduled a telephonic Compliance Hearing date, for the DSHS portion of this matter.

On February 5, 2001, the Board held a telephonic Compliance Hearing (CH) in Case No. 00-3-0007, at the Board’s offices. Present for the Board were Board Members Joseph W. Tovar, Lois H. North and Edward G. McGuire, Presiding Officer. Brian Norkus, Legal Intern to the Board was also present at the Board’s office. Parties participating in the telephonic hearing included: 1) Linda Sullivan, representing DSHS, and 2) Kyle Crews, representing the City of Tacoma. The hearing was recorded.

## **II. FINDINGS OF FACT**

1. RCW 36.70A.330 requires the Board to conduct a compliance hearing. The Board conducted a compliance hearing, telephonically, on February 5, 2001.
2. The Board’s November 20, 2000 FDO directed the City to “to comply with the provisions of RCW 36.70A.200, .210(3), .035, .106, .130 and .140, as set forth in the October 25, 2000, “Agreed Stipulation Between DSHS and City of Tacoma,” and as reflected in this FDO, as they apply to *juvenile community facilities*.” FDO, at 17.
3. To comply with the Stipulation Between DSHS and the City of Tacoma and the Board’s FDO, the City adopted Ordinance No. 26731. SATC, at 2.

4. Petitioners did not contest the City's compliance with the provisions of the GMA as set forth in the Board's November 20, 2000 FDO.

5. At the telephonic compliance hearing, Petitioners spoke in support of the City's compliance efforts. Tape of February 5, 2001 Compliance Hearing.

### **III. conclusions of law**

1. The City's adoption of Ordinance No. 26731 satisfies the terms of the Stipulated Agreement Between DSHS and the City of Tacoma and the direction given by the Board in its FDO, as they apply to *juvenile correction facilities*.

### **IV. FINDING OF COMPLIANCE**

Having reviewed its November 20, 2000 FDO, the Statements of Actions Taken to Comply, provisions of the GMA, testimony provided by the parties, and considering Findings of Fact 1 - 5 and Conclusion of Law 1, *supra*, the Board finds that, regarding *juvenile correction facilities*, the City of Tacoma has **complied** with the requirements of the GMA, as set forth in the Stipulated Agreement and the Board's November 20, 2000 FDO. Therefore, the Board issues this **Finding of Compliance** to the City of Tacoma in that portion of CPSGMHB Case No. 00-3-0007 (*DOC/DSHS v. City of Tacoma*), related to *juvenile correction facilities*.

So ORDERED this 5<sup>th</sup> day of February 2001.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

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Edward G. McGuire, AICP  
Presiding Officer

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Joseph W. Tovar, AICP  
Board Member

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Lois H. North  
Board Member

**NOTICE:** This Order constitutes a final order as specified by RCW 36.70A.300 unless a party files a petition for reconsideration pursuant to WAC 242-02-832.