

CENTRAL PUGET SOUND
GROWTH MANAGEMENT HEARINGS BOARD
STATE OF WASHINGTON

LOW INCOME HOUSING)	
INSTITUTE,)	Case No. 00-3-0017
)	[LIHI]
)	
Petitioner,)	
)	
v.)	ORDER FINDING COMPLIANCE
)	
CITY OF LAKEWOOD,)	
)	
Respondent.)	

I. PROCEDURAL HISTORY

On March 9, 2001, the Central Puget Sound Growth Management Hearings Board (the **Board**) issued its Final Decision and Order (**FDO**) in CPSGMHB Case No. 00-3-0017, *Low Income Housing Institute, et al., v. City of Lakewood*. The Board found that the City of Lakewood (**Lakewood** or the **City**) challenged comprehensive plan was in compliance with the requirements of the GMA, but determined that the City was not in compliance with the Act's requirements to adopt development regulations. The FDO provides, in relevant part:

Having reviewed and considered the above-referenced documents, having considered the arguments of the parties, and having deliberated on the matter, the Board ORDERS:

1. The Board issues the City of Lakewood a **finding of noncompliance** with RCW 36.70A.040(3)(d) because it has not adopted development regulations consistent with and that implement its Plan.
2. The Board establishes **4:00 p.m. on Wednesday, September 5, 2001** as the deadline for the City to adopt development regulations that are consistent with and implement its Plan. In the event that Lakewood adopts development regulations consistent with this Order and the GMA earlier than this deadline, the City may file a motion for the Board to move forward the date for the compliance hearing and the schedule for associated pre-compliance hearing briefing.
3. By **Wednesday, September 12, 2001, at 4:00 p.m.**, the City shall submit to the Board, with a copy to LIHI, an original and four copies of its Statement of Actions Taken to Comply (the **SATC**). Attached to the SATC shall be a copy of any legislative action taken by the City in response to this Order.
4. By **Wednesday, September 26, 2001, at 4:00 p.m.**, Petitioner LIHI shall submit to the Board, with a copy to the City, an original and four copies of any Response to the City's SATC.

5. The Board schedules a **Compliance Hearing** in this matter for **10:00 a.m.** on **Thursday, October 4, 2001**. The Compliance Hearing will be held in Suite 1022 of the Financial Center, 1215 Fourth Avenue, in Seattle.

FDO, at 17-18.

On September 13, 2001, the Board received from the City a “Statement of Actions Taken to Comply” together with a copy of the “City of Lakewood Land Use and Development Code.”

On September 25, 2001, the Board received from petitioner Low Income Housing Institute (**LIHI**) “LIHI’s Response to City’s Statement Concerning Compliance.”

The Board conducted a telephonic compliance hearing in this matter beginning at 10:00 a.m. on October 8, 2001. Present in the Board’s Seattle office were Edward G. McGuire and Joseph W. Tovar, presiding officer. Representing Lakewood telephonically was J. Tayloe Washburn. Also participating for the City were Deborah Johnson and David Burgher of the City staff. Representing LIHI telephonically was Michael Mirra. The parties presented oral argument. In response to a Board question, the City clarified that it had published notice of adoption of the Lakewood Land Use and Development Code on August 23, 2001.

II. Findings of Fact

1. RCW 36.70A.330 requires the Board to conduct a compliance hearing. The Board conducted the compliance hearing in this matter telephonically on October 8, 2001.
2. On August 20, 2001, the City of Lakewood City Council adopted “City of Lakewood Land Use and Development Code” (the **Land Use and Development Code**).
3. On August 23, 2001, the City published notice of adoption of the Land Use and Development Code.
4. Lakewood filed with the Board on September 12, 2001, a “Statement of Actions Taken to Comply” together with a copy of the adopted Land Use and Development Code.
5. Petitioner filed a response on September 25, 2001, opposing the City’s Statement of Actions.

III. Conclusions of Law

1. The City of Lakewood’s action adopting the City of Lakewood Land Use and Development Code cures the noncompliance found by the Board in its March 9, 2001 Final Decision and Order.
2. If the Petitioner wishes to challenge the substance of the City of Lakewood Land Use and Development Code, it may file a new Petition for Review, pursuant to the requirements of the Act.

IV. finding of compliance

Based upon review of the Board’s March 9, 2001 FDO, , the City’s Statement of Actions Taken to Comply, the Petitioner’s Response, and the comments of the parties at the compliance hearing, and considering Findings of Fact 1-4 and Conclusion of Law, *supra*, the Board finds that the City of Lakewood has **complied** with the

requirements of the GMA as set forth in the FDO.

So ORDERED this 11th day of October, 2001

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Edward G. McGuire, AICP
Board Member

Joseph W. Tovar, AICP
Board Member

Note: This order constitutes a final order as specified by RCW 36.70A.300 unless a party files a motion for reconsideration.