

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

LAURELHURST COMMUNITY CLUB, a)
Washington nonprofit corporation ;)
UNIVERSITY DISTRICT COMMUNITY)
COUNCIL, a Washington nonprofit)
corporation; NORTHEAST DISTRICT)
COUNCIL; and UNIVERSITY PARK)
COMMUNITY CLUB, a Washington)
nonprofit corporation, FRIENDS OF)
BROOKLYN, a Washington nonprofit)
corporation,)
)
Petitioners/Plaintiffs,)
)
vs.)
)
CENTRAL PUGET SOUND GROWTH)
MANAGEMENT HEARINGS BOARD, an)
agency of the State of Washington,)
)
Respondents/)
Defendants;)
and)
)
CITY OF SEATTLE, a municipal corporation)
of the State of Washington,)
UNIVERSITY OF WASHINGTON,)
)
Additional Respondents/Defendants.)

(Case No. 03-2-31087-5SEA)

Re: CPSGMHB Case No. 03-3-0008,
Laurelhurst v. Seattle

[*Laurelhurst I*]

**Order Denying Certificate of
Appealability**

I. PROCEDURAL HISTORY

On June 18, 2003, the Central Puget Sound Growth Management Hearings Board (the **Board**) issued an Order on Motions (the **Order on Motions**) in CPSGMHB Case No. 03-3-0008, *Laurelhurst, et al., v. City of Seattle* [short caption is *Laurelhurst I*]. The Order on Motions

dismissed the Petition for Review filed by the above-captioned Petitioners because the Board determined that it lacked subject matter jurisdiction over the challenged action.

On July 16, 2003, the Petitioners in *Laurelhurst I* filed in King County Superior Court an appeal of the Order on Motions. The Court's assigned case number is 03-2-31087-5SEA.

On August 15, 2003, the Board received from the City of Seattle (the **City** or **Seattle**) and the University of Washington (the **University**) a pleading titled "City of Seattle's and University of Washington's Joint Application for Direct Review by the Court of Appeals and Request for Certificate of Appealability to the Washington State Court of Appeals" (the **Joint Application**). The Joint Application asks the Board to issue a Certificate of Appealability with the Superior Court of Washington for King County certifying the Board's Order Granting Dispositive Motion FDO for direct review by the Court of Appeals.

On September 8, 2003, the Board received "Petitioners' Opposition to City of Seattle's and University of Washington's Request for Certificate of Appealability" (the **Petitioners' Brief Opposing Joint Application**).

II. certificate of appealability

[\[1\]](#)

The Board's jurisdiction is generally limited to addressing whether local governments within the Puget Sound region have complied with the goals and requirements of the state's Growth Management Act (**GMA** - Chapter 36.70A RCW).

The Board's authority regarding Certificates of Appealability is set forth in RCW 34.05.518, which provides in relevant part:

(3)(a) For the purposes of direct review of final decisions of environmental boards, environmental boards include those boards identified in RCW 43.12B.005 and growth management hearings boards identified in RCW 36.70A.250.

(b) An environmental board **may** issue a certificate of Appealability if it finds that delay in obtaining a final and prompt determination of the issues would be detrimental to any party or the public interest and either:

- (i) Fundamental and urgent state-wide or regional issues are raised;
- or
- (ii) The proceeding is likely to have significant precedential value.

(Bold Emphasis supplied.)

The Board is bound by the criteria established in RCW 34.05.518(3)(b)(i-ii) in determining whether to issue a Certificate of Appealability. After reviewing the Order on Motions, considering and weighing the arguments presented in the Joint Application and the Petitioners' Brief Opposing Joint Application, and applying the criteria of RCW 34.05.518(3)(b)(i-ii), the Board finds and concludes as follows:

The Board is not convinced that a delay in obtaining a final and prompt determination of the issues would be detrimental to the general public interest, nor the interests of the parties. The Board also finds and concludes that the questions raised in Superior Court Case No. 03-2-31087-5SEA do not constitute fundamental issues of regional or state-wide scope, nor does the Board find or conclude that the outcome of judicial review is likely to have significant precedential value.

Therefore, pursuant to RCW 34.05.518, the Board **denies** the Joint Application.

So ORDERED this 10th day of September 2003.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Edward G. McGuire, AICP
Board Member

Joseph W. Tovar, AICP
Board Member

[\[1\]](#)

See: RCW 36.70A.280