

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

KENT C.A.R.E.S. and DON B. SHAFFER,)	
individually,)	Case No. 03-3-0012
)	
Petitioner,)	(Kent C.A.R.E.S. III)
)	
v.)	ORDER FINDING
)	COMPLIANCE
)	
CITY OF KENT,)	
)	
Respondent.)	
_____)	

I. PROCEDURAL HISTORY

On December 1, 2003, the Central Puget Sound Growth Management Hearings Board (the **Board**) issued the Final Decision and Order (the **FDO**) in the above-captioned case. The FDO provided in part:

1. The Board issues the City of Kent a **finding of noncompliance** with RCW 36.70A.020(6) and (7) with regards to Ordinance No. 3639, and remands it to the City with the following direction.
2. The Board establishes **4:00 p.m. on Wednesday, March 31, 2004** as the deadline for the City of Kent to take appropriate legislative action to achieve compliance with the goals and requirements of the GMA as interpreted and set forth in this Order.
3. By **Wednesday, April 7, 2004, at 4:00 p.m.**, or within one week of taking the legislative action described in paragraph 2 above, whichever comes first, the City shall submit to the Board, with a copy to the Petitioner, 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 in response to this Order.
4. By **Wednesday, April 21, 2004, at 4:00 p.m.**, or within two weeks of receiving the SATC, whichever comes first, the Petitioner shall submit to the Board, with a copy to all opposing counsel, an original and four copies of any Response to the SATC.
5. The Board schedules a **Compliance Hearing** in this matter for **10:00 a.m. on Monday, May 3, 2004**. The Compliance Hearing will be held at the Board's offices at 900 Fourth Avenue, Suite 2470, in Seattle, WA. In the event that the City takes

legislative action earlier than the date established in paragraph 2 above, the Board will issue a subsequent Order setting the revised date for Compliance Hearing.

FDO, at 13-14.

On March 9, 2004, the Board received “City of Kent’s Statement of Actions Taken to Comply.”

On March 22, 2004, the Board received from Petitioners a letter dated March 17, 2004 with the subject heading “Kent Cares III Acceptance of City’s Actions Taken to Comply” (the **Petitioners’ Comment Letter**).

On May 5, 2004, beginning at 10:00 a.m., the Board conducted the compliance hearing in this matter. Present in the Board’s Seattle office were members Bruce C. Laing, Edward G. McGuire and Joseph W. Tovar, presiding officer. Appearing telephonically were Kim Pratt Adams for the City and Donald B. Shaffer for Petitioners.

II. FINDINGS OF FACT

1. The Kent City Council passed Ordinance No. 3681 on March 2, 2004. Respondent’s SATC, at 2.
2. Ordinance No. 3681 amended Section 15.08.400(I) of the Kent City Code entitled “Modifications of Plan” by adding criteria to guide determinations by the planning manager regarding modifications to approved planned action ordinances in certain city zones. SATC, Attached Ordinance No. 3681.
3. RCW 36.70A.330 requires the Board to conduct a compliance hearing. The Board conducted the Compliance Hearing in this matter on May 3, 2004.
4. Petitioners did not contest the City’s compliance with the GMA as set forth in the Board’s December 1, 2003 FDO. Petitioners’ Comment Letter.

III. CONCLUSION OF LAW

The Board concludes that the City’s adoption of Ordinance No. 3681 satisfies the direction given by the Board in the FDO that, on remand, the City take the necessary legislative actions to comply with the GMA (RCW 36.70A.020(6) and (7)) as set forth and interpreted by the FDO, by no later than 4:00 p.m. on March 31, 2004.

IV. FINDING OF COMPLIANCE

Based upon review of the Board’s FDO, the City’s SATC, the Petitioners’ Comment Letter, 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 has complied with the provisions of the GMA as set forth in the FDO.

So ORDERED this 6th day of May, 2004

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Bruce C. Laing, FAICP
Board Member

Edward G. McGuire, AICP
Board Member

Joseph W. Tovar, FAICP
Board Member

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