

**BEFORE THE WESTERN WASHINGTON GROWTH  
MANAGEMENT HEARINGS BOARD**

JOHN SERVAIS and C. "TIP" JOHNSON,	)	
	)	No. 00-2-0020
Petitioners,	)	
	)	COMPLIANCE
v.	)	ORDER
	)	
CITY OF BELLINGHAM, WHATCOM COUNTY and	)	
WESTERN WASHINGTON UNIVERSITY,	)	
	)	
Respondents,	)	
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	)	

In the final decision and order (FDO) in this case we held that the memorandum of agreement (MOA) between the City of Bellingham and WWU constituted a development regulation. We concluded that the City had failed to comply with the Growth Management Act (GMA) because of its failure to use GMA processes and adopt the MOA as a development regulation (DR).

On February 26, 2001, we received a request from the City for a compliance finding, indicating that the MOA had been converted to a DR and had wound its way through the public participation process. Both the Planning Commission and the City Council held public hearings and had thoroughly reviewed the proposed ordinance.

On March 2, 2001, we notified the parties that a compliance hearing would be held on April 12, 2001, in Bellingham. We established a deadline of March 21, 2001, to respond to the City's request. On March 21, 2001, we received a request from Petitioners to have the hearing telephonically. Petitioners indicated no objection to a finding of compliance. No written material was submitted by any party except the City.

On April 12, 2001, the telephonic compliance hearing was held. Representatives of the City and WWU along with the three Board members participated. The City of Bellingham stated that the proposed ordinance submitted to us had been passed by the council on March 5, 2001.

We have independently reviewed the record in this case for the compliance hearing. We find that the City has complied with the GMA for the issues in this case.

This is a Final Order under RCW 36.70A.300(5) for purposes of appeal.

Pursuant to WAC 242-02-832(1), a motion for reconsideration may be filed within ten days of issuance of this final decision.

So ORDERED this 16<sup>th</sup> day of April, 2001.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

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William H. Nielsen  
Board Member

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Les Eldridge  
Board Member

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Nan A. Henriksen  
Board Member