

1 BEFORE THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

2
3 SEAVIEW COAST CONSERVATION COALITION,

4 Petitioner,

Case No. 95-2-0076

5
6 v.

7 PACIFIC COUNTY,

8
9 Respondent.

**ORDER FINDING
COMPLIANCE
(CORRECTED)**

10 THIS Matter came before the Board upon the request of Pacific County for a finding of
11 compliance and report of actions taken to achieve compliance. Pacific County's Report of
12 Action Taken to Achieve GMA Compliance, March 28, 2006. By order dated March 22,
13 2006, the Board required that any written objections to a finding of compliance were due
14 April 10, 2006. Order Setting Compliance Hearing. No objection to a finding of compliance
15 was timely filed by any person and a telephonic compliance hearing was held on April 12,
16 2006.
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19 David Burke represented Pacific County at the compliance hearing. Also present for the
20 County was Bryan Harrison, Pacific County Administrative Officer. Jeffrey Eustis, attorney
21 for Seaview Coast Conservation Coalition, also appeared although he explained that his
22 client is now inactive, due to the death of its primary member. Board members Holly
23 Gadbow and Margery Hite attended the hearing telephonically. Board member Gayle
24 Rothrock was unavailable at the time of the hearing and has therefore not taken part in this
25 decision.
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27

28 PROCEDURAL HISTORY

29 As set out in the Board's Compliance Order and Finding of Invalidity of July 31, 1996, the
30 County stipulated to a failure to adopt development regulations to protect critical areas in
31 1995 and the Board entered an order setting a compliance date on December 5, 1995. The
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1 Board found non-compliance and entered a finding of invalidity on July 31, 1996.
2 Compliance Order and Finding of Invalidity. A determination of invalidity was also entered
3 on February 6, 1997. Both determinations of invalidity were rescinded in May of 1997.
4 Order Rescinding Invalidity, May 28, 1997. Then, another determination of invalidity was
5 entered in July of 1997. This was rescinded on January 11, 2000, but no finding of
6 compliance was ever entered.
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8 **COMPLIANCE HEARING**

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10 The County provided the Board with an extensive packet of ordinances and resolutions
11 adopted by the County to achieve GMA compliance. According to the County's list, the
12 County has enacted 15 ordinances since the Board's last order. Pacific County's Report of
13 Action Taken to Achieve GMA Compliance at 2. The County explains that Ordinance 149,
14 the County's critical areas ordinance, was not fully compliant until Ordinance 153, the land
15 use/zoning ordinance, was adopted in February of 2004. The County also represents that
16 the comprehensive plan map and the zoning map are now in place, accurately representing
17 the designations and zoning applicable throughout the County.
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20 Petitioner offered no opposition to a finding of compliance but also expressed no agreement
21 that a finding of compliance was proper.
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23 The Board had the opportunity to ask questions of the County at the compliance hearing.
24 The County candidly reviewed the "long and winding road" that it has followed in its efforts
25 to achieve compliance, noting the significance of the critical areas ordinance passed in
26 1999, followed by the zoning ordinance in 2004. The County's update of its critical areas
27 regulations will be due in December 2010, the County noted, but now the County is "where
28 it should have been."
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30 Given the long duration of this case and all the County's efforts, the Board is pleased that
31 this case has been resolved.
32

1 **ORDER**

2 **Based on** Pacific County's Report of Action Taken to Achieve GMA Compliance, the
3 arguments of counsel, and the lack of opposition to a finding of compliance, the Board finds
4 that the County has taken action to adopt development regulations, including critical areas
5 regulations, and those are deemed COMPLIANT. RCW 36.70A.302(1). This case is
6 therefore DISMISSED.
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9 Pursuant to RCW 36.70A.300 this is a final order of the Board.

10 **Reconsideration.** Pursuant to WAC 242-02-832, you have ten (10) days from the date of
11 mailing of this Order to file a motion for reconsideration. The original and three copies
12 of a motion for reconsideration, together with any argument in support thereof, should
13 be filed with the Board by mailing, faxing or otherwise delivering the original and three
14 copies of the motion for reconsideration directly to the Board, with a copy served on all
15 other parties of record. Filing means actual receipt of the document at the Board office.
16 RCW 34.05.010(6), WAC 242-02-240, WAC 242-020-330. The filing of a motion for
17 reconsideration is not a prerequisite for filing a petition for judicial review.

18 **Judicial Review.** Any party aggrieved by a final decision of the Board may appeal the
19 decision to superior court as provided by RCW 36.70A.300(5). Proceedings for judicial
20 review may be instituted by filing a petition in superior court according to the
21 procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil
22 Enforcement. The petition for judicial review of this Order shall be filed with the
23 appropriate court and served on the Board, the Office of the Attorney General, and all
24 parties within thirty days after service of the final order, as provided in RCW 34.05.542.
25 Service on the Board may be accomplished in person or by mail, but service on the
26 Board means actual receipt of the document at the Board office within thirty days after
27 service of the final order. A petition for judicial review may not be served on the Board
28 by fax or by electronic mail.

29 **Service.** This Order was served on you the day it was deposited in the United States
30 mail. RCW 34.05.010(19).
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32 Corrected and Reissued this 25th day of April 2006.

Margery Hite, Board Member

Holly Gadbow, Board Member