High court upholds county OK of Boeing building near Sea-Tac

Times news services

OLYMPIA — Washington's Supreme Court has upheld King County's approval of The Boeing Company's proposal to build corporate headquarters near Seattle-Tacoma Airport.

Although the opinion was unanimous in rejecting challenges to the plan to build an office on a 30-acre site west of the airport, two justices differed sharply over an appearance-of-fairness issue in the case.

The court ruled that the appearance-of-fairness doctrine it has established through cases since 1969 was not violated by two King County Council members who accepted campaign contributions from Boeing Co. employees, then voted for the construction plan.

In a series of cases developing the doctrine, the court has held that local government bodies, in quasi-judicial actions such as rezones, not only should act fairly but should appear to act fairly by avoiding contacts and pressure from advocates for specific projects.

Yesterday's opinion upholds judgments of the King County Superior Court, which held that despite the Boeing employees' contributions, the County Council acted properly in approving the company's project.

The Westside Hilltop Survival Committee, a Highline-area citizens' group, had challenged the project and said the Council had illegally rezoned the comprehensive plan it had approved earlier for the area.

But the court said the action wasn't a rezone because the issue of the airport building was recognized in the original adoption of the comprehensive plan and was deliberately deferred for public hearings.

Thus, the court said, the approval was only a continuation of the process of adopting the plan. It was a legislative action, not a quasi-judicial rezone, and hence the appearance-of-fairness doctrine did not apply.

As for the Council members' acceptance of $700 from Boeing employees, the court, in an opinion by Justice Floyd Hicks, said it's up to the public to judge the two at election time.

Justice James Dolliver, in his concurring opinion, said the court should abandon the appearance-of-fairness doctrine.

But Justice Hugh Rosellini strenuously objected, writing that "the action of a quasi-judicial board may change a marginal plan developer into a millionaire. In the public-utility field, a board may grant a rate increase as high as $60 million a year. The appearance-of-fairness doctrine is designed to assure unbiased review."

In another land-use case, the state's high court rejected challenges to the Snohomish County Commission's approval of two massive residential developments.

The court held that environmental-impact statements for the proposed 500-acre Silver Firs and 1,300-acre Snohomish-Cascade developments could be submitted piecemeal. Justice Robert Utter wrote that it is extremely difficult to assess the full effect of the whole project now, and that a piecemeal-impact statement "appears to be an unavoidable necessity."

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