

# **Bond Case Briefs**

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## **ZONING - WASHINGTON**

### **International Longshore and Warehouse Union, Local 19 v. City of Seattle**

**Court of Appeals of Washington, Division 1 - September 9, 2013 - P.3d - 2013 WL 4788953**

Chris Hansen, a private investor, acquired land on which he proposed to develop and operate a new sports arena south of downtown Seattle. Hansen approached the city of Seattle and King County proposing that they participate in the development and ownership of the arena on his property. Last December, King County and the city signed a "Memorandum of Understanding" that contemplates the use of public funds for an arena on Hansen's proposed site. The memorandum lays out the particulars of how the venture will be financed and operated if King County and Seattle ultimately decide to participate in it. Environmental review of the proposal as required by the State Environmental Protection Act (SEPA), chapter 43.21C RCW, is currently underway.

In this lawsuit, the International Longshore and Warehouse Union, Local 19 (ILWU), contended that by signing the memorandum before analyzing the environmental consequences of the project, the city and county had illegally stacked the deck in favor of the south Seattle location.

The trial court dismissed the suit on summary judgment and the appeals court affirmed. The memorandum did not predetermine where an arena will be built or even that an arena will be built at all. Whether the city and county will agree to Hansen's proposal is a decision expressly reserved until after environmental review is complete. Because there has not yet been a government "action" as that term is defined by SEPA, the courts are not a forum for the union's opposition to Hansen's proposal.