

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

1000 FRIENDS OF WASHINGTON)	CPSGMHB Case No. 05-3-0006
)	
Petitioner,)	<i>(1000 Friends VII – Issaquah)</i>
)	
v.)	ORDER FINDING COMPLIANCE
)	
THE CITY OF ISSAQUAH,)	
)	
Respondent.)	
)	

I. BACKGROUND

On July 20, 2005 the Central Puget Sound Growth Management Hearings Board (the **Board**) issued a Final Decision and Order (**FDO**) in the above captioned matter. The Board found that Issaquah’s adoption of Ordinance No. 2404, specifically the continuation in the Zoning Map Update of Single Family Estate zoning on the area comprised of the Overdale Park subdivision, in the absence of policy commitment in the Plan Update to permit appropriate urban densities at the time sewer service becomes available, did not comply with requirements of RCW 36.70A.130 and RCW 36.70A.110 and was not guided by Goal 1 – RCW 36.70A.020(1). The Board remanded the Plan Update and Zoning Map Update, directing the City to comply with the requirements of the Act, and established a compliance hearing date of February 28, 2005.

On January 11, 2005, the Board received Issaquah’s “Statement of Actions Taken to Comply” (**SATC**), a Compliance Index and copies of the items listed in the Compliance Index. The items submitted include a copy of City of Issaquah Ordinance No. 2446 amending the City’s Comprehensive Plan by the addition of the following new policy:

Policy L-3.7 Overdale Park. In compliance with the Central Puget Sound Hearings Board Order in Case 05-3-0006, the City expressly commits to a comprehensive review of appropriate urban densities in the Overdale Park Subdivision at such time that the Sammamish Plateau Water and Sewer District achieves full extension of sewer service throughout the neighborhood. The City shall actively coordinate with the Overdale Park community and the District to ensure the density review takes place at the earliest opportunity after this action. The timing of any rezone proposal would be determined by the actual installation of sewers throughout the neighborhood.*

** The law related to the topic of appropriate urban densities continues to evolve through Hearings Board decisions and Washington State Court decisions (such as Viking v. Holm : 2005 – Supreme Court Docket # 75240-1) as well as through potential legislation by the Washington State Legislature. The City of Issaquah will continue to monitor these sources for direction to ensure continued compliance with Growth Management Act requirements on appropriate urban densities.*

Compliance Index No. 11, at 2 – 3.

The City contends that the adoption of Ordinance No. 2446 achieves compliance with the FDO and the Act. SATC, at 3.

On January 17, 2005, the Board received Issaquah's corrected copy of Exhibit G to Compliance Index No. 5.

On February 28, 2006, the Board received the following e-mail message from Petitioner 1000 Friends (Futurewise):

By this communication Futurewise asserts that it has no objection to the Board's finding that the City's adoption of Ordinance 2446 brings it into Compliance with the Board's Final Decision and Order issued in this case on July 20, 2005. Futurewise commends and thanks the City of Issaquah for its prompt and reasonable action in this matter.

For the convenience of the parties, the Compliance Hearing was conducted by telephone conference call at 10:05 a.m. February 28, 2006, pursuant to the Board's July 20, 2005, FDO. Board member Bruce Laing convened the hearing, with Board member Edward McGuire in attendance¹. Respondent City of Issaquah was represented by Vicki Oricco. Petitioner 1000 Friends (Futurewise) was represented by John Zilavy. The proceedings were recorded by audio tape. The Compliance Hearing was closed at 10:15 a.m., February 28, 2006.

II. DISCUSSION

In its SATC, and at the compliance hearing, the City explained that, in response to the FDO, the City of Issaquah adopted Ordinance 2446, which amends the Comprehensive Plan by adding Policy L-37 Overdale Park and expressly commits to a comprehensive review of appropriate urban densities in the Overdale Park Subdivision at such time that the Sammamish Plateau Water and Sewer District achieves full extension of sewer service throughout the neighborhood. The City asserts the ordinance complies with the FDO because it provides a policy commitment in the Issaquah Comprehensive Plan to

¹ Board member Margaret Pageler was not able to attend the Compliance Hearing.

permit the appropriate densities at the time sewer service becomes available to Overdale Park. SATC, at 2.

At the compliance hearing Petitioner 1000 Friends (Futurewise) agreed that the City has complied with the FDO.

The Board concurs. By enacting Comprehensive Plan Policy L-3.7, Issaquah has made the Comprehensive Plan update and Zoning Map update adopted through Ordinance 2404 compliant with the provisions of RCW 36.70A.130 and RCW 36.70A.110 and Goal 1 [RCW 36.70A.020].

III. FINDING OF COMPLIANCE

Based upon review of the Board's FDO, the SATC, Ordinance No. 2446, the arguments and comments offered at the compliance hearing, the Board finds:

- By adopting Ordinance No. 2446, Issaquah has complied with the goals and requirements of the GMA as set forth in the aforementioned Board FDO and the GMA. The Board therefore enters a **Finding of Compliance** for Issaquah in CPSGMHB Case No. 05-3-0006.

V. ORDER

Based upon review of the July 20, 2005 Final Decision and Order, the SATC, review of Ordinance No. 2446, the statements of the parties at the compliance hearing, and having deliberated on the matter, the Board ORDERS:

- Issaquah's enactment of Ordinance No. 2446, adopting new Comprehensive Plan Policy L-3.7 Overlake Park, complies with RCW 36.70A.130 and RCW 36.70A.110 and Goal 1 [RCW 36.70A.020]. The Board therefore enters a **Finding of Compliance** in CPSGMHB Case No. 05-3-0006, *1000 Friends v. Issaquah* [1000 Friends VII].

So ORDERED this 1st day of March, 2006.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Bruce C. Laing, FAICP
Board Member

Edward G. McGuire, AICP
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.