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

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| RICHARD L. GRUBB,<br><br>Petitioner,<br><br>v.<br><br>CITY OF REDMOND,<br><br>Respondent,<br><br>and<br><br>LAKE WASHINGTON YOUTH SOCCER ASSOCIATION,<br><br>Intervenor. | ) | **Case No. 00-3-0004**<br><br>**ORDER FINDING COMPLIANCE** |

## I. PROCEDURAL HISTORY

On August 11, 2000, the Central Puget Sound Growth Management Hearings Board (the **Board**) issued its Final Decision and Order (**FDO**) in CPSGMHB Case No. 00-3-0004, *Grubb v. City of Redmond*. The Board found that Redmond was not in compliance with the goals and requirements of the GMA and entered a determination of invalidity as to Ordinance No. 2050's application to the Benaroya and Muller parcels. The FDO provides:

> Having reviewed and considered the above-referenced documents, having considered the arguments of the parties, and having deliberated on the matter, the Board orders:
>
> - City of Redmond Ordinance 2050 is in compliance with the goals and requirements of the Growth Management Act, except for the Urban Recreation land use designation and the associated "UR" zoning designation assigned to the Benaroya and Muller parcels in the North Sammamish Valley area.
> - The Board finds that the City's action de-designating the Benaroya

and Muller parcels from "agricultural" and designating it "urban recreation" was **clearly erroneous**.

- The Board has determined that the continued validity of the "Urban Recreation" land use designation and zoning for the Benaroya and Muller parcels would substantially interfere with the fulfillment of RCW 36.70A.020(8). Pursuant to RCW 36.70A.300(1)(b), the Board enters a **determination of invalidity** as to the part of Ordinance 2050 which designates the Benaroya and Muller parcels for urban recreation.
- The Board **remands** Ordinance 2050 with direction to the City to take the necessary legislative actions to comply the GMA as set forth and interpreted by this Final Decision and Order by no later than **4:00 p.m.** on **January 10, 2001.**
- By no later than **4:00 p.m.** on **January 17, 2001**, the City shall file with the Board an original and four copies of a Statement of Actions Taken to Comply with this Final Decision and Order (the **SATC**) and shall simultaneously serve a copy on Petitioner.
- By no later than **4:00 p.m.** on **January 24, 2001**, or seven calendar days after the City submits its SATC, whichever comes first, the Petitioner may file with the Board an original and four copies of its Memorandum in Response to the SATC, and shall simultaneously serve a copy on the City.

Pursuant to RCW 36.70A.330(1), the Board gives Notice of Compliance Hearing in this matter to be held at **10 a.m.** on **February 1, 2001** in Room 1022 of the Financial Center, 1215 Fourth Avenue, Seattle. . . .

FDO, at 17.

On January 10, 2001, the Board received "City of Redmond's Statement of Actions Taken in Response to Board's Final Decision and Order and Motion for Extension of Compliance Deadline." (**City Response to FDO**). The City Response to FDO had 9 exhibits attached.

On January 22, 2001, the Board received Lake Washington Youth Soccer Association's (**LWYSA**) "Motion to Intervene." On January 23, 2001, the Board granted LWYSA's motion to intervene.

On February 1, 2001, the Board held a compliance hearing in this matter.

On February 16, 2001, the Board issued its "Order Finding Continued Noncompliance and Invalidity, Denying Motion to Extend and Providing Notice of Second Compliance

Hearing" (**Noncompliance/Invalidity Order**) The Board established May 24, 2001[1] as the City's compliance deadline and set June 14, 2001 as the date for the second compliance hearing. Pursuant to RCW 36.70A.330(3), the Board transmitted a copy of its Order to Governor Locke.

On May 31, 2001 the Board received "City of Redmond's Second Statement of Actions Taken to Comply" (**2nd SATC**). The 2nd SATC included a copy of Ordinance No. 2105, which re-designated and rezoned the Muller and Benaroya properties from Urban Recreation to Agriculture. The Ordinance also made several amendments to the text of the Plan and zoning to further implement the re-designation.

The Board did not receive any comments of the City's 2nd SATC from either Petitioner Grubb or Intervenor LWYSA.

On June 14, 2001, the Board held the second compliance hearing – telephonically. Present for the Board were Lois H. North, Presiding Officer, Edward G. McGuire and Joe W. Tovar.[2] Participants in the telephonic hearing included: James E. Haney, representing the City of Redmond; Richard L. Grubb, Petitioner *pro se*; and H. Pete Sorg, Intervenor.

## II. Findings of Fact

1. RCW 36.70A.330 requires the Board to conduct a compliance hearing. The Board conducted the 2nd compliance hearing in this matter telephonically on June 14, 2001.
2. On May 15, 2001, the City of Redmond enacted Ordinance No. 2105, which re-designated the Muller and Benaroya properties from Urban Recreation to Agriculture in its Plan and zoning regulations. The Ordinance also made additional text amendments to implement the re-designation. 2nd SATC, at 2-5.
3. Petitioner Grubb did not file comments or a response to the 2nd SATC, however, at the compliance hearing, Petitioner concurred that the City had complied with the Board's FDO and indicated satisfaction with the City's action.
4. Intervenor LWYSA did not file comments or a response to the 2nd SATC and did not comment or object to the City's action at the compliance hearing.

## III. Conclusions of Law

1. The City of Redmond's enactment of Ordinance No. 2105 cures the noncompliance found by the Board in its August 11, 2000 FDO, by re-designating the noncompliant properties as Agriculture and making the necessary text amendments.

## IV. <u>finding of compliance</u>

Based upon review of the Board's August 11, 2000 FDO, the Board's February 16, 2001 Noncompliance/Invalidity Order, the City's 2nd SATC, Ordinance No. 2105, the comments of the parties at the compliance hearing, and considering Findings of Fact 1-4 and Conclusion of Law, *supra*, the Board finds that the City of Redmond has **complied** with the requirements of the GMA as set forth in the aforementioned Board Orders.

The Board **rescinds** its determination of invalidity in *Grubb v. Redmond* and issues this **Finding of Compliance** to the City of Redmond in CPSGMHB Case No. 00-3-0004.

The Board will transmit a copy of this **Finding of Compliance** to the Governor and notify him that the Board's review of this case is now closed.

So ORDERED this 15th day of June, 2001

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

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Edward G. McGuire, AICP
Board Member

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Lois H. North
Board Member

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Joseph W. Tovar, 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.

[1] The May 24, 2001 deadline was established with the understanding that the City's appeal of the FDO was to be heard on April 9, 2001 before the Honorable Glenna Hall of King County Superior Court. Judge Hall issued an oral ruling on May 2, 2001 denying the City's appeal and upholding the Board's FDO.

[2] Board Member Tovar participated telephonically.