CENTRAL PUGET SOUND
GROWTH MANAGEMENT HEARINGS BOARD
STATE OF WASHINGTON

DAVID AND MEREDITH KENYON AND GOLD HILL COMMUNITY CLUB, Petitioner(s), v. PIERCE COUNTY, Respondent, and DANA MEEKS AND ASSOCIATES, INC., Intervenors.	**Case No. 01-3-0001** ***(Kenyon II)*** **ORDER FINDING COMPLIANCE**

I. Background

On August 27, 2002, the Central Puget Sound Growth Management Hearings Board (the **Board**) issued the Final Decision and Order (**FDO**) in the above-captioned case. The FDO provided in part:

1. The Board finds and concludes that Pierce County's adoption of Ordinance No. 2000-34S, specifically the adoption of M-8 Amendment, was **clearly erroneous** and **does not comply** with the requirements of the Growth Management Act [RCW 36.70A.362].
2. Additionally, the Board finds and concludes that Pierce County's adoption of Ordinance No. 2000-35S, specifically the adoption of Amendment M-8, was **clearly erroneous** and **does not comply** with the requirements of the GMA [RCW 36.70A.362].
3. The Board **remands** Ordinance Nos. 2000-34S and 2000-35S with direction to the County to take the necessary legislative actions to comply with the GMA (RCW 36.70A.362) as set forth and interpreted by this Final Decision and Order by no later than 4:00 p.m. on

February 13, 2003.

4. By no later than 4:00 p.m. on **February 20, 2003**, the County shall file with the Board an original and four copies of a Statement of Actions Taken to Comply with the Final Decision and Order (the **SATC**) and shall simultaneously serve a copy on Petitioner.
5. By no later than 4:00 p.m. on **February 27**, 2003, or seven calendar days after the County submits its SATC, whichever comes first, the Petitioner may file with the Board an original and four copies of its Memorandum in the Response to the SATC, and shall simultaneously serve a copy on the County.
6. 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 **March 6, 2003**, in room 1022 of the Financial Center, 1215 Fourth Avenue, Seattle. In the event that the County files its SATC earlier than February 20, 2003, the Board will issue an Order amending the date for the Compliance Hearing.

FDO, at 19-20.

On February 18, 2003, the Board received "Statement of Actions Taken by Respondent Pierce County," with Pierce County Ordinance No. 2002-100 attached as Exhibit A.

Neither the Petitioner nor the Intervenor filed a Memorandum in Response to the SATC.

Beginning at 10:00 a.m. on March 6, 2003, the Board conducted a compliance hearing in this matter by telephonic conference at the Board's office, Suite 2470, 900 Fourth Avenue, Seattle. Present for the Board were Edward G. McGuire and Lois H. North, presiding officer in this case. Representing the County was Lloyd P. Fetterly. Representing the Intervenor, Dana Meeks and Associates, was Margaret Y. Archer. James V. Handmacher, representing the Petitioner, was not in attendance. Sherman Snow, the Board's Legal Extern, was also present.

II. FINDINGS OF FACT

1. The Pierce County Council passed Ordinance No. 2002-100 on November 5, 2002 to comply with the FDO of this Board. Respondent's SATC, at 2.

2. Ordinance No. 2002-100 repealed the challenged County Ordinance Nos. 2000-34s and 2000-35s. Ordinance No. 99-93s2 was amended to delete map amendment "M-8" relating to the designation of Crystal Mountain Resort, Gold Hill, and Eagle's Lair as formerly designated Master Planned Resort Lands. Respondent's SATC, at 3.

3. County Ordinance No. 99-93s2 was amended to delete Findings of Fact No. 18, relating to Map Amendment M-8 from Exhibit D of said ordinances. Respondent's SATC, at 3.

4. The Council reinstated the preexisting land use designations of "Rural 20" as applicable to

Gold Hill subdivision, and "Forest Lands" as applicable to Eagles Lair. Respondent's SATC, at 3.

5. RCW 36.70-A.330 requires the Board to conduct a compliance hearing. The Board conducted the Compliance Hearing in this matter on March 6, 2003.

6. The Petitioners and the Intervenor did not contest the County's compliance with the provisions of the GMA as set forth in the Board's August 27, 2002 FDO.

III. CONCLUSION OF LAW

The Board concludes that the County's adoption of Ordinance No. 2002-100 satisfies the direction given by the Board in its FDO, that, on remand, the County take the necessary legislative actions to comply with the GMA (RCW 36.70A.362) as set forth and interpreted by the FDO, no later than 4:00 p.m. on February 13, 2003.

IV. FINDING OF COMPLIANCE

Based upon review of the Board's FDO, the County's SATC, comments of the parties at the compliance hearing, and considering Findings of Fact 1-6 and Conclusion of Law, *supra* the Board finds that the County has **complied** with the requirements of the GMA as set forth in the FDO.

So ORDERED this 10th day of March 2003.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

_____

Edward G. McGuire, AICP
Board Member

_____

Lois H. North
Board Member

_____

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.