

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

CASCADE BICYCLE CLUB and KING COUNTY,)	CPSGMHB Case No.07-3-0010c
)	
)	<i>(Cascade Bicycle)</i>
Petitioner,)	
)	
v.)	ORDER FINDING
)	COMPLIANCE
CITY OF LAKE FOREST PARK,)	
)	
Respondent,)	
)	

I. BACKGROUND

On July 23, 2007, the Central Puget Sound Growth Management Hearings Board (the **Board**) issued its “Final Decision and Order” (**FDO**) in CPSGMHB Case No. 07-3-0010c (**Cascade Bicycle**). The Board found the City of Lake Forest Park (**City** or **Lake Forest Park**) noncompliant with the GMA, issued an Order of Invalidity, and established a compliance schedule.

On February 7, 2008, the Board received the “City’s Statement of Actions Taken to Comply” along with the “City’s Compliance Index.”

On February 21, 2008, the Board received “King County’s Response to City’s Statement of Actions Taken to Comply.”

On February 22, the Board received “Response by Cascade Bicycle Club to City’s Statement of Actions Taken to Comply.”

On March 6, 2008, Presiding Officer David O. Earling convened a telephonic Compliance Hearing at 10:15 a.m. Board Members Margaret A. Pageler and Edward G. McGuire were present from the Board. Respondent Lake Forest Park was represented by Rosemary Larson. King County was represented by Andrew Marcuse. Cascade Bicycle Club did not participate in the hearing.

II. DISCUSSION

The Board’s July 23, 2007 FDO in this matter stated, in relevant part:

1. The City of Lake Forest Park’s adoption of Ordinance No. 951 was **clearly erroneous** and **does not comply** with the requirements of RCW 36.70A.200 (5) and **is not guided** by GMA goals RCW 36.70A.020 (3), (7), (9) and (12). Further,

in adopting the Ordinance, the City failed to comply with RCW 36.70A.130 (1), RCW 36.70A.106 (1), and SEPA.

2. Therefore, the Board **remands** Ordinance No. 951 to the City of Lake Forest Park with the direction to the City to take legislative action to comply with the requirements of the GMA set forth in this Order.
3. The Board further finds and concludes that the enactment of Ordinance No. 951 substantially interferes with the goals and requirements of the GMA. The Board therefore enters an **order of invalidity**.

FDO, at 30; (emphasis supplied).

Ordinance No. 951 adopted specific development criteria under which a multi-use or multi-purpose trail may be authorized as a conditional use as an amendment to the Lake Forest Park Comprehensive Plan.

On December 13, 2007, the City Council considered a new Ordinance No. 963. After discussion the Council determined to not adopt any new regulations to replace the invalidated Ordinance No. 951, and to leave that Ordinance invalidated. The Council's action took the form of approval of a motion to postpone indefinitely the consideration of the Ordinance. (City's Statement of Actions, at 4).

King County and Cascade Bicycle Club concurs that (1) the City has abandoned its efforts to bring Ordinance 951, which is invalid, into compliance with the Growth Management Act and (2) is instead relying on its pre-existing development regulations.

The Board agrees with the parties that by the lack of action by the City of Lake Forest Park to bring Ordinance 951 into compliance with the GMA, and by motion postponing indefinitely the consideration of the Ordinance, the City has abandoned its efforts in regard to the Ordinance. Consequently, the Board rescinds the determination of invalidity, and enters a **Finding of Compliance** for the City of Lake Forest Park pertaining to CPSGMHB Case No. 07-3-0010c. The matter of Cascade Bicycle Club is closed.

III. ORDER

Based upon review of the GMA, case law, the Board's July 23, 2007 FDO, the City of Lake Forest Park's SATC, King County's and Cascade Bicycle Club's Response, the attachments provided, having considered the arguments offered and having deliberated on the matter, the Board ORDERS:

1. The City of Lake Forest Park, by its motion to postpone indefinitely consideration of the invalidated Ordinance No. 951, complies with the GMA as interpreted by the Board's FDO. The Board enters a **Finding of Compliance** for the City of Lake Forest Park.

2. The matter of Cascade Bicycle Club and King County v. City of Lake Forest Park, CPSGMHB Case No. 07-3-0010c, is closed.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Edward G. McGuire, AICP
Board Member

David O. Earling
Board Member

Margaret A. Pageler
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 242-02-832.¹

¹ Pursuant to RCW 36.70A.300 this is a final order of the Board.

Reconsideration. Pursuant to WAC 242-02-832, you have ten (10) days from the date of mailing of this Order to file a motion for reconsideration. The original and three copies of a motion for reconsideration, together with any argument in support thereof, should be filed with the Board by mailing, faxing or otherwise delivering the original and three copies of the motion for reconsideration directly to the Board, with a copy served on all other parties of record. Filing means actual receipt of the document at the Board office. RCW 34.05.010(6), WAC 242-02-240, WAC 242-020-330. The filing of a motion for reconsideration is not a prerequisite for filing a petition for judicial review.

Judicial Review. Any party aggrieved by a final decision of the Board may appeal the decision to superior Court as provided by RCW 36.70A.300(5). Proceedings for judicial review may be instituted by filing a petition in superior Court according to the procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. The petition for judicial review of this Order shall be filed with the appropriate Court and served on the Board, the Office of the Attorney General, and all parties within thirty days after service of the final order, as provided in RCW 34.05.542. Service on the Board may be accomplished in person or by mail, but service on the Board means actual receipt of the document at the Board office within thirty days after service of the final order. A petition for judicial review may not be served on the Board by fax or by electronic mail.

Service. This Order was served on you the day it was deposited in the United States mail. RCW 34.05.010(19)