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

LORA PETSO,)
) **Case No. 09-3-0005**
Petitioner,)
) **(Petso II)**
v.)
)
THE CITY OF EDMONDS,) **ORDER FINDING COMPLIANCE**
) **[Re: Ordinance No. 3772 –**
Respondent) **2008 Parks Plan]**
)
)
)

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I. BACKGROUND

15 On August 19, 2009, the Board issued its Final Decision and Order (**FDO**) in this case. The Board
16 ruled that the City's adoption of the 2008 Parks, Recreation and Open Space Comprehensive Plan
17 complied with the Growth Management Act with respect to most of the allegations of Petitioner but
18 found noncompliance in two instances and remanded the plan to the City to correct the errors. The
19 FDO provided:

20 ...

- 21 3. The City of Edmonds's adoption of Ordinance 3717 was **clearly erroneous** in two respects:
- 22 • The City did not comply with RCW 36.70A.035 and .140 by failing to provide effective
23 notice of the proposed amendments to its 2001 Parks Plan.
 - 24 • The City has not demonstrated consistency with Comprehensive Plan Policy B on
25 page 2 (abandonment policy) with respect to the Sherwood Park playfields, thus
26 failing to comply with RCW 36.70A.070(preamble) and .120.
- 27 4. Therefore the Board **remands** Ordinance 3717 to the City of Edmonds with direction to the
28 City to take legislative action to comply with the requirements of the GMA as set forth in this
29 Order.

30 FDO, at 50.

1 The Final Decision and Order established December 15, 2009, as the deadline for the City to take
2 appropriate legislative action.

3 On January 4, 2010, the Board received the City of Edmonds's Statement of Actions Taken to
4 Comply (**SATC**), attaching Ordinance No. 3772,¹ Resolution No. 1215,² and the Hearing Examiner's
5 Advisory Report to the City Council. The City also provided its Compliance Index, documenting the
6 public process undertaken in connection with these enactments.

7 On January 19, 2010, the Board received Petitioner's Response to Statement of Actions Taken to
8 Comply (**Petso Response**), with seven Exhibits.

9
10 On February 2, 2010, the Board received Respondent's Reply to Petitioner's Response to SATC
11 (**City Reply**), with five Exhibits.

12 The Compliance Hearing was convened at 10:10 a.m. and adjourned at 10:45, February 8, 2010, in
13 the offices of Ogden Murphy Wallace, P.L.L.C., at 1601 Fifth Avenue, Suite 2100, in Seattle.
14 Presiding Officer Margaret Pageler and Board member Dave Earling conducted the hearing. The
15 City of Edmonds was represented by its attorney Scott Snyder, with Edmonds Parks Director Brian
16 McIntosh also in attendance. *Pro se* Petitioner Lora Petso was present, along with an observer Alvin
17 Rutledge.

18 At the hearing, the City made an offer of proof, presenting a CD of the City Council October 20,
19 2009, Public Hearing.³ Petitioner had no objection, and the CD is accepted as Compliance Hearing
20 Exhibit No. 1.

21 **II. DISCUSSION**

22 **The Remanded Issues**

23
24 In the FDO, the Board ruled that the City of Edmonds 2008 Parks Plan failed to comply with the
25 requirements of the GMA in two respects:
26
27

28 ¹ "An Ordinance of the City of Edmonds, Washington, reaffirming the adoption of the 2008 Park Plan, and
29 fixing a time when the same shall become effective."

30 ² "A Resolution of the City Council of the City of Edmonds, Washington, terminating a 1997 interlocal
31 agreement and acknowledging expiration of a 1999 interlocal agreement."

32 ³ The City indicated that the relevant portion of the CD begins at the 2-hour point and continues for the next 20
minutes.

- The City failed to provide effective notice of the proposed amendments to the plan, as required by RCW 36.70A.035 and .140; and
- The City's action was inconsistent with its Comprehensive Plan because land previously used for parks purposes was abandoned without a hearing examiner review as required by Comprehensive Plan policy B on page 2 (abandonment policy).

The City's Compliance Action

On remand, the Edmonds City Council first adopted a resolution setting a public hearing regarding adoption of the Parks Plan.⁴ Then the City Council adopted a resolution referring the abandonment question to the Hearing Examiner.⁵ The re-noticed public hearing on the Parks Plan was held at the City Council meeting on October 20, 2009.⁶ The Hearing Examiner's review was held on November 19, 2009. The examiner's opinion was issued on December 4, 2009,⁷ and included in the City Council materials for its December 15, 2009 Council meeting.

At the December 15 City Council meeting, after public testimony and Council discussion, the Council enacted Ordinance 3772 reaffirming the 2008 Parks Plan and Resolution 1215 terminating the interlocal agreements relating to the Sherwood playfields.

Petitioner Petso was present and testified at the October 20 public hearing, the November 19 hearing examiner proceeding, and the December 15 City Council meeting. Nevertheless, she contends that the City's action fails to comply with the GMA and the Board's Order. The Board addresses each of the compliance issues in turn.

A. Was the City's Notice for the October 20 Public Hearing "Effective?"

In the FDO the Board stated:

This Board has long held that the requirement of "effective notice" includes not just the *distribution* of notice but its *content*. ... In the City's record, the Board finds multiple notices of the Parks Plan process, but, except for more detailed press releases and publications, the notices simply announce meetings "on" the Parks Plan or, perhaps, on the Parks Plan "update."

In the Board's view:

⁴ Resolution 1205, September 15, 2009.

⁵ Resolution 1209, October 6, 2009, City Reply, Ex. C.

⁶ October 20, 2009 City Council Minutes, City Reply, Ex. A, at 13-15.

⁷ Advisory Report to City Council, Petso Response, Ex. F.

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Order Finding Compliance

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A notice that is reasonably calculated to reach the intended public ... must also be measured against whether it is effective in alerting the public to the key questions in play.

....

The Board recognizes that the Edmonds Parks Plan update involved many changes, some of which were not apparent prior to the 2007 workshops and advisory committee process. However, by the time notice was required for the Planning Board and City Council public hearings in 2008, the primary proposed revisions had been framed. A few of these were site specific;⁸ others were more general.⁹ Ms. Petso's pleadings focus on only a few aspects of the Plan, and the Board is not fully aware of other amendments that might have been highlighted for public attention. However, the Board does not construe its *McVittie VI* and *Orton Farms* decisions as creating "bright line" rules; rather "the general nature or magnitude of the proposed amendments" must be described.

FDO, at 14, citations omitted.

The City's notice after remand reads as follows:¹⁰

PUBLIC HEARING REGARDING THE 2008 PARKS COMPREHENSIVE PLAN AMENDMENT OF THE 2001 PARKS PLAN. IN ADDITION TO A WIDE VARIETY OF MINOR CHANGES, THE 2008 PARKS PLAN WOULD IMPLEMENT THE FOLLOWING CHANGES TO THE 2001 PARKS PLAN:

1. Replace recommendation to develop a year-round 50-meter indoor pool with amenities and retention of Yost Pool as a seasonal outdoor pool with a feasibility study to examine Yost Pool and other community options for an aquatics facility. The proposed feasibility study would provide information on which to base a future course of action.
2. "Connections" was added as an underlying theme for the Plan and a new section focuses on implementing connectivity throughout the Plan.

⁸ [FDO footnote 17] For example: add skateboard facility at City Center Park; develop neighborhood park at Old Woodway Elementary site; expand Downtown Waterfront Activity Center.

⁹ [FDO footnote 18] For example: incorporate trails and bikeway plan; recalculate needs' assessment, generally reducing LOS; prioritize waterfront opportunities.

¹⁰ Petitioner's Response, Ex. A; City Reply, Ex. A, at 13.

3. The 2008 Plan contains an Executive Summary not contained in the 2001 Plan. The Executive Summary contains new language stressing the benefits and importance of the parks, recreation and cultural resources to the economic development, physical health, and overall quality of life of the City.
4. The Plan and Executive Summary include potential acquisition and development of properties for public purposes in the Downtown Waterfront Activity Center in both the Executive Summary and at other places within the Plan.
5. The 2008 Plan removes cultural services to a separate element in order to recognize and build on Edmonds' identity as a cultural destination. Cross references to the Community Cultural Plan and Streetscape Plan are included.
6. In order to recognize the lack of large tracts of land and the expense of acquiring new land within the City as it approaches "build out," the 2008 Plan places a stronger emphasis on improving the utility of existing facilities and working with partners in overlapping and adjacent jurisdictions.
7. The 2008 Plan changes the methodology and presentation of level of service by facility type presented in the 2001 Plan. Changes also address current financial constraints and state the City's long-term aspirational goal of reaching recommended national standards.
8. The 2008 Plan revises and updates the City's park land inventory to reflect acquisitions and delete expired or terminated interlocal agreements.

The Board notes, first, that the City's notice after remand contained a succinct summary of differences between the 2001 Parks Plan and the proposed 2008 update. These included changes in emphasis and presentation, as well as project-specific proposals. As the FDO language quoted above indicates, the Board was cognizant that "Ms. Petso's pleadings focus on only a few elements of the Plan." The City's notice after remand provided ample information to alert citizens of the main areas of proposed Plan revision.

Petitioner objects to Paragraphs 7 and 8, contending that the notice still does not comply with RCW 36.70A.035 and .140.¹¹ As to Paragraph 7, Petitioner asserts that the 2008 Parks Plan constituted a real reduction in service levels, not merely a change in "methodology and presentation." As to Paragraph 8, Petitioner states that notice of revision of parkland inventory and deletion of inoperative interlocal agreements is ineffective to alert the public to the proposed abandonment of the Sherwood Park playfields. Further, Petitioner asserts that the City failed to reconsider the plan after the additional public hearing.

The Board has previously explained that a jurisdiction found to be out of compliance with the GMA may achieve compliance through means other than those discussed in the Board's order.¹² While the Board's FDO may suggest ways to reword notice or remove inconsistencies, the jurisdiction that

¹¹ Petitioner's Response, at 2-5.
¹² *LMI/Chevron v. Snohomish County*, CPSGMHB Case No. 98-3-0012, Order on Compliance (Dec. 20, 1999), at 6; *Screen II v. Kitsap County*, CPSGMHB Case No. 99-3-0012, Order on Compliance (Nov. 22, 1999) at 6. 09-3-0005 February 18, 2010

1 seeks to comply may make other choices. The Board presumes that the jurisdiction will act in good
2 faith and reviews the action for compliance with the GMA.

3 Notice re: Levels of Service. The Board views Paragraph 7 of the City's notice as clarifying that the
4 changes between the 2001 and 2008 Plan have to do with "the methodology and presentation" of
5 service levels. This is consistent with the Board's analysis of the 2001 Plan language, which referred
6 to "present ratio" and "recommended demand standard," as compared to the "ELOS" and "PLOS"
7 terminology of the 2008 Plan.¹³ The Board finds that the notice appropriately informed the public of
8 the "general nature and magnitude of the proposed amendments" relating to service levels.

9 Notice re: Sherwood Playfields. Paragraph 8 of the City's notice does not refer to the Sherwood
10 playfields explicitly, but states that parkland inventory has been updated to reflect acquisitions. As
11 indicated in the FDO, the Board is cognizant that the 2008 Plan contained a number of site-specific
12 changes, not limited to the acquisition of Hickman Park (on a portion of the former Sherwood site).
13 Mindful of the cost of publication of legal notices, the Board is unwilling in this case to impose a
14 "bright-line requirement" that each individual site-specific change be separately referenced in the
15 notice, particularly where changes in the Plan simply document acquisitions or actions already
16 taken by the City – or its partners - in the interval since 2001.

17 Paragraph 8 also states that the 2008 Plan deletes "expired or terminated interlocal agreements."
18 Again, Petitioner objects that the notice does not specifically reference the Sherwood playfields. In
19 light of the simultaneous notice of the Hearing Examiner review which specifically identified the
20 playfields site [see below], the Board finds this to be harmless error. As the Board explained in *Orton*
21 *Farms*, "If existing land use designations are potentially being changed, this should be so noted."¹⁴
22 Here the "designations" at issue were linked to "expired or terminated interlocal agreements," and
23 notice of deletion of the agreements was therefore sufficient.

24 Reconsideration after Effective Notice. Petitioner contends that the Board's remand was "for
25 reconsideration after a public hearing with effective notice," and that there was no genuine
26 reconsideration of the designation of the Sherwood playfields.¹⁵

27 The Board finds that the Council was cognizant of testimony that had been introduced at the public
28 hearing following more detailed notice. It is apparent from the minutes of the October 20¹⁶ and the
29 December 15 City Council meetings that Council members considered a range of options, including

30 ¹³ FDO, at 46-47.

31 ¹⁴ *Orton Farms, et al v Pierce County*, CPSGMHB No. 04-3-007c, Final Decision and Order (Aug. 2, 2004), at
32 13.

¹⁵ Petitioner's Response, at 5-6.

¹⁶ The Board does not find it necessary to view the Council's October 20 proceeding (Compliance Hearing
Exhibit No. 1). The City's action is the vote taken by the elected officials, not their colloquy nor the advice of
counsel.

1 making amendments to the Parks Plan and/or requesting an extension of time to comply with the
2 Board's FDO. Plainly, Council members thought again about the matters disputed by Petitioner
3 Petso. Council members were divided in their opinions, but at the close of discussion, the majority of
4 Council members voted to reaffirm the 2008 Parks Plan.¹⁷ The Board finds no merit in Petitioner's
5 argument that the City failed to reconsider the 2008 Parks Plan.

6 **Conclusion**

7
8 The Board finds that the process undertaken by the City of Edmonds cured the deficiency in notice.
9 The Board concludes that the City has **complied** with RCW 36.70A.035 and .140 with respect to the
10 2008 Parks Plan.

11 **B. Was the City's Action Consistent with the Comprehensive Plan Abandonment Policy?**

12
13 In the FDO the Board stated:

14
15 *Abandonment of Parks.* The Comprehensive Plan provides that no park or other
16 public facility shall be abandoned without a hearing examiner review and
17 determination of consistency with the Comprehensive Plan. ... The Abandonment
18 Policy does not, on its face, distinguish between city-owned and other publicly-owned
19 facilities. Since the 2008 Parks Plan abandons the Sherwood Park playfields without
20 the required hearing, Ms. Petso contends that the Parks Plan is inconsistent with the
21 Comprehensive Plan. The Board notes that 5.6 acres of the 11-acre Sherwood site
22 have been acquired by the City and developed as a neighborhood park. For the
23 remainder of the site, which has been sold for private development, the City has not
24 provided the Board with any information about the required hearing examiner review.

25
26 The Board is remanding this matter to the City for a re-noticed public hearing. The
27 Board will also require the City, at the Compliance Hearing, to demonstrate
28 consistency with its Comprehensive Plan Policy on abandonment of public facilities.¹⁸

29 FDO, at 35, citations omitted.

30
31 ¹⁷ City Reply, Ex. E, Dec. 15, 2009, Council Meeting Minutes, at 20.

32 ¹⁸ [FDO Footnote 52] The remainder of the site has been purchased by a private developer for residential
development. Generally such development requires sub-division and other permits, entailing hearing examiner
review to determine, among other criteria, consistency with the Comprehensive Plan. Alternatively, the City
might hold the required hearing examiner review at the time that it votes on termination of the ILA or
acknowledges its expiration.

1
2 Petitioner asks the Board to set aside the City's action, first, because notice of the hearing examiner
3 review did not specify "abandonment of Sherwood Park," second, because the examiner failed to
4 rule on consistency with the Comprehensive Plan, and third, because the examiner's report did not
5 precede the City Council action.¹⁹

6 The City asserts that the Sherwood playfields were never a "park," that the land was property of the
7 School District and has now been sold - one portion to the City for the new Hickman Park and one
8 portion to a residential developer, and that re-designation of the property was accomplished in the
9 City's Comprehensive Plan, which can no longer be challenged.²⁰

10 The City's Comprehensive Plan policy that we refer to here as the Abandonment Policy reads as
11 follows.²¹

12 No street, park or other public way, ground, place, space or public building or
13 structure, or utility [whether publicly or privately owned] shall be abandoned,
14 constructed or authorized until the Hearing Examiner has reviewed and reported to
15 the City Council on the location, extent, and consistency with the Comprehensive
16 Plan. The Hearing Examiner's report shall be advisory only. Notice of the hearing by
17 the Hearing Examiner shall be given in the manner specified in each case by the City
18 Council.

18 The Board notes that this policy refers not only to parks but to any *other public ground, place, or*
19 *space*. As the Board indicated in the FDO, the policy does not appear to distinguish between City-
20 owned and other public parks, grounds or spaces. The policy allows the City Council to specify the
21 manner of notice for the hearing examiner hearing in each case.

22 To be clear, the GMA itself does not require park construction or abandonment to be reviewed by a
23 hearing examiner. This policy is a part of the City of Edmonds' Comprehensive Plan and is not a
24 precedent for other jurisdictions.²² However, the GMA requires that the City's actions be consistent
25 with its own Comprehensive Plan,²³ and the Board's FDO determined that Edmonds had not
26 demonstrated action consistent with this provision of its Comprehensive Plan.

27 ¹⁹ Petitioner's Response, at 6-7.

28 ²⁰ City Reply, at 3-6.

29 ²¹ Comprehensive Plan, Effect of Plan, Policy B, on page 2.

30 ²² At the Compliance Hearing, the City indicated, in response to questions from the Presiding Officer, that this
31 language has been in the City's plan since the 1970s and has not been called to the City's attention recently
32 except for this case. Under the GMA, local comprehensive plan policies must be implemented or amended,
but may not be ignored as mere "boiler plate."

²³ RCW 36.70A.070 (preamble) and .120.

1
2 Notice of Hearing Examiner Review. The City's policy requires a hearing examiner review and
3 advisory report on consistency with the Comprehensive Plan prior to abandonment, construction, or
4 authorization of any park or public ground. The City Council may specify the manner of notice.

5 Given the City Council's view that the Sherwood playfields were not a City park, it was within the
6 Council's discretion to phrase the issue for the hearing examiner as a question of terminating the
7 City's remaining interest, if any, under the relevant interlocal agreements (ILAs).²⁴ The City's notice
8 states: "Hearing Examiner review and recommendation regarding termination of an Interlocal
9 Agreement between the City of Edmonds, the Edmonds School District and Snohomish County to
10 maintain playfields..." Further, the notice clearly identifies the playfields at issue: "at a location
11 formerly known as Old Woodway Elementary School which is west of and adjacent to Hickman
12 Park."²⁵

13 As the Board's FDO suggested,²⁶ hearing examiner findings of consistency with the Comprehensive
14 Plan will frequently be a part of a proceeding which may have another name – SEPA review or
15 permit appeal, for example. It is not apparent that the Abandonment Policy requires a unique
16 process. The Board finds that it was within the City Council's discretion to request the hearing
17 examiner to review the termination/expiration of the ILAs. The Board further finds that the notice
18 accurately identified the playfields.

19 Hearing Examiner's Findings of Consistency with the Comprehensive Plan. As required by the
20 Abandonment Policy, the hearing examiner reported on "the extent and location of the playfields"
21 and "whether terminating/acknowledging expiration of the interlocal agreements to maintain the
22 playfields would be consistent with the Comprehensive Plan." City Exhibit D, at 2. The examiner
23 reached the following conclusions concerning consistency with the Comprehensive Plan [as
24 paraphrased by the Board]:

25 ²⁴ The Board has no jurisdiction to review ILAs. The following facts are from Findings 7-15 in the hearing
26 examiner's advisory report. There are two ILAs regarding this site: a 1997 ILA between the City and School
27 District, providing for the City to maintain and use the School District site, and a 1999 ILA which added
28 Snohomish County as a funding partner. The 1999 ILA expired on its own terms in June, 2009. The 1997 ILA
29 had no fixed term but was terminable by either party on 60-days' notice. The School District sold the property
30 in 2006. The City purchased 5.6 acres, developing it into Hickman Park, and a private developer purchased
31 the remainder, which contained the playfields.

32 ²⁵ See, *Cossalman et al v. Town of Eatonville*, CPSGMHB Case No. 05-3-0046c, Final Decision and Order
(May 1, 2006), at 12 (notice for comprehensive plan amendment deleting a park was sufficient when the park
land was identified by location, rather than by name; interested parties participated and testified at all stages of
the process and were not misled.)

²⁶ FDO, footnote 52, cited *supra*.

- 1 A. Consistency with State Goal J and the drainage and vegetation/wildlife provisions of
2 the 2008 Comprehensive Plan is not relevant to the termination question. Future use
3 of the property for something other than playfields would still have to comply with the
4 City's drainage and critical areas regulations.
5 B. [Relying on the reasoning of the Board's FDO,] the City's action is consistent with
6 Growth Management Policy B.2 and State Goals I and L.
7 C. The action is consistent with the 2008 CIP.
8 D. The Comprehensive Plan contains an open space policy (Policy B.2 on p. 62) to use
9 "all feasible means" to preserve certain types of open spaces, including "lands which
10 would have unique suitability for future recreational uses both passive and active."
11 Although the subject property is uniquely suitable for future recreation uses,
12 enforcement of the ILAs to allow public use of the land is no longer feasible because
13 the land is now privately owned.
14 E. The action is consistent with the 2008 Parks Plan.
15 F. The action is consistent with the 2001 Parks Plan, which identifies the property as
16 school recreation land and recommends City acquisition of three acres for a
17 neighborhood park. The City has acquired 5.6 acres and developed Hickman Park.

18 City Exhibit D, Hearing Examiner's Advisory Report, at 13-14.

19 Thus the hearing examiner thoroughly assessed whether the City's action in abandoning the
20 Sherwood playfields by terminating and recognizing the expiration of the ILAs was consistent with
21 the 2008 Comprehensive Plan, the 2008 CIP, the 2001 Parks Plan, and the 2008 Parks Plan. The
22 hearing examiner provided her advisory report to the City Council. The question before the Board is
23 not whether the examiner's analysis was correct in every point, but whether the requirements of the
24 Abandonment Policy were fulfilled. Without a doubt, the City complied with the process set forth in
25 its policy.

26 Reaffirmation of 2008 Park Plan. Petitioner asserts that the hearing examiner's review should have
27 preceded the abandonment of the playfields, rather than being produced as *post hoc* justification.

28 The Board finds that the hearing examiner's advisory report was submitted to the City Council for
29 their review prior to their December 15 vote on the re-submitted 2008 Park Plan. It is apparent from
30 the minutes of the December 15 City Council meeting that the Council members were informed of
31 the report and took into consideration the examiner's findings concerning consistency with the
32 Comprehensive Plan. Plainly, Council members thought again about the matters disputed by
33 Petitioner Petso. Council members were divided in their opinions, but at the close of discussion, the
34 majority of Council members chose to reaffirm the 2008 Parks Plan. The Board finds no merit in
35 Petitioner's argument that the hearing examiner proceeding was ineffectual or that it failed to inform
36 the City's action.²⁷

37 _____
38 ²⁷ The Board appreciates that Petitioners are often frustrated when a matter is remanded to a jurisdiction
39 because of procedural errors and then the jurisdiction, having amended its procedures to comply with the
40 GMA, re-enacts the same or virtually the same ordinance.

41 09-3-0005 February 18, 2010

42 **Order Finding Compliance**

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Conclusion

The Board finds that the process undertaken by the City of Edmonds cured the deficiency of inconsistency with its Comprehensive Plan Policy B on page 2 (abandonment policy). The Board concludes that the City has **complied** with RCW 36.70A.070 (preamble) and .120.

III. FINDING OF COMPLIANCE

Based upon review of the August 17, 2009 Final Decision and Order, the City of Edmonds Statement of Actions Taken to Comply, Petitioner Petso's Response, the Board's review of Ordinance No. 3772, Resolution No. 1215, the Hearing Examiner's Advisory Report to the City Council and other documents in the record, the arguments and comments offered in the briefing and at the compliance hearing, the Board finds:

- By adopting Ordinance No. 3772 and Resolution No. 1215, the City of Edmonds has complied with the goals and requirements of the GMA as set forth in the Board's FDO and the GMA. The Board therefore enters a **Finding of Compliance** for the City of Edmonds Re: Ordinance No. 3772 [2008 Parks Plan].

IV. ORDER

Based upon review of the August 17, 2009 Final Decision and Order, the City of Edmonds Statement of Actions Taken to Comply, Petitioner Petso's Response, the Board's review of Ordinance No. 3772, Resolution No. 1215, the Hearing Examiner's Advisory Report to the City Council and other documents in the record, the arguments and comments offered in the briefing and at the compliance hearing, and having deliberated on the matter, the Board ORDERS:

- The City of Edmonds's adoption of Ordinance No. 3772 corrects the deficiencies found in Ordinance No. 3717 and **complies** with the goals and requirements of the GMA as set forth in the Board's August 17, 2009 Final Decision and Order. The Board therefore enters a **Finding of Compliance** for the City of Edmonds Re: Ordinance No. 3772 [2008 Parks Plan].
- CPSGMHB Case No. 09-3-0005, *Lora Petso v City of Edmonds* is **closed**.

So ORDERED this 18th day of February, 2010.

1 CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

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5 _____
6 David O. Earling, Board Member
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10 Margaret Pageler, Board Member
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12 Note: This order constitutes a final order as specified by RCW 36.70A.300 unless a party files a
13 motion for reconsideration pursuant to WAC 242-02-832.²⁸
14

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22 _____
23 ²⁸ Pursuant to RCW 36.70A.300 this is a final order of the Board.

24 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
25 reconsideration. The original and three copies of a motion for reconsideration, together with any argument in support thereof, should be filed
26 with the Board by mailing, faxing or otherwise delivering the original and three copies of the motion for reconsideration directly to the Board, with
27 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-
28 240, WAC 242-020-330. The filing of a motion for reconsideration is not a prerequisite for filing a petition for judicial review.

29 Judicial Review. Any party aggrieved by a final decision of the Board may appeal the decision to superior Court as provided by RCW
30 36.70A.300(5). Proceedings for judicial review may be instituted by filing a petition in superior Court according to the procedures specified in
31 chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. The petition for judicial review of this Order shall be filed with the
32 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)