
Gerend vs City of Sammamish Growth Management Hearings Board Decision

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Statement regarding the decision by the Growth Management Hearings Board:

For a long time, many highly competent people, including transportation engineers, have voiced concerns over the city's view of the Growth Management Act. I felt the Council was not correctly balancing community and regional interests while spending extraordinary sums of money to misapply the GMA. I was therefore left with no other choice but to file a petition with the Growth Management Hearings Board to protect the city I so deeply care for.

I was very pleased to learn that the Growth Management Hearings Board agreed with me and invalidated the City's transportation concurrency ordinance, remanding it back to the City for compliance action. I consider this to be a clear victory because the Board took the extraordinary step of nullifying the city's concurrency standards stating that they substantially interfered with the Growth Management Act.

As the GMA Board noted in its ruling:

"Department of Commerce guidelines have long highlighted the risk that concurrency standards might be used to defeat growth goals:

- Counties and cities should set level of service to reflect realistic expectations consistent with the achievement of growth aims. Setting levels of service too high could, under some regulatory strategies, result in no growth. As a deliberate policy, this would be contrary to the act."

So I look forward to the City rethinking its approach to the Growth Management Act, over the next six months as required by the order.

As the order states in part:

"Based upon review of the Petition for Review, the briefs and exhibits submitted by the parties, the GMA, prior Board orders and case law, having considered the arguments of the parties, and having deliberated on the matter, the Board ORDERS as follows:

- The City's adoption of Ordinance O2019-484 failed to comply with RCW 36.70A.070 and 36.70A.130(1)(d).
- The City's adoption of Ordinance O2019-484 failed to comply with RCW 43.21C.030.
- SMC 14A.10.050(2) as adopted in Ordinance O2019-484 is declared invalid."

At this time I don't see any reason for me to ask for reconsideration or appeal.

Don Gerend, resident of this wonderful city since 1979