

1
2
3 **State of Washington**
4 **GROWTH MANAGEMENT HEARINGS BOARD**
5 **FOR EASTERN WASHINGTON**
6

7 SUPERIOR ASPHALT & CONCRETE CO.,

Case No. 05-1-0012

8 Petitioner,

ORDER FINDING COMPLIANCE

9 v.

10 YAKIMA COUNTY,

11 Respondent,

12 COLUMBIA READY-MIX, INC.,

13 Intervenor.
14
15

16 **II. PROCEDURAL HISTORY**

17 On December 22, 2005, SUPERIOR ASPHALT & CONCRETE CO., by and through its
18 representatives, Charles Flower and Patrick Andreotti, filed a Petition for Review.

19 On January 5, 2006, the Board received Columbia Ready-Mix, Inc., Motion to
20 Intervene on behalf of Respondent Yakima County.

21 On January 20, 2006, the Board heard the Motion to Intervene before the Prehearing
22 conference. Having received no objections to intervention, the Board granted intervention
23 status to Columbia Ready-Mix, Inc. on behalf of Respondent Yakima County.

24 On January 20, 2006, the Board held a telephonic Prehearing conference. Present
25 were, Dennis Dellwo, Presiding Officer, and Board Member John Roskelley. Board Member
26

1 Judy Wall was unavailable. Present for Petitioners was Charles Flower. Present for
2 Respondent was Terry Austin. Present for Intervenors was Kenneth Harper.

3 On January 20, 2006, the Board issued its Prehearing Order.

4 On February 3, 2006, the Board received Petitioner's Motion to Supplement the
5 Record and Petitioner's Additions to Index.

6 On March 23, 2006, the Board held the motion hearing. Present were, Dennis
7 Dellwo, Presiding Officer, and Board Members John Roskelley and Judy Wall. Present for
8 Petitioners was Charles Flower. Present for Respondent was Yakima County Prosecutor,
9 Terry Austin. Present for Intervenors was Kenneth Harper.

10 On March 30, 2006, the Board issued its Order on Dispositive Motions.

11 On April 18, 2006, the Board received Petitioner's Second Motion and Affidavit to
12 Supplement the Record.

13 On May 1, 2006, the Board issued Order on Petitioners Second Motion to Supplement
14 Record.

15 On May 23, 2006, the Board held the hearing on the merits. Present were, Dennis
16 Dellwo, Presiding Officer, and Board Members John Roskelley and Judy Wall. Present for
17 Petitioners was Charles Flower Patrick Andreotti. Present for Respondent was Yakima
18 County Prosecutor, Terry Austin. Present for Intervenors was Kenneth Harper.

19 On June 20, 2006, the Board issued it Final Decision and Order finding the actions of
20 the County were clearly erroneous in their failure to properly conduct the environmental
21 review as required by RCW 43.21C and the Growth Management Act.

22 On September 25, 2006, the Board received Respondent's Statement of Action Taken
23 to Comply.

24 On November 2, 2006, the Board received a letter from Petitioner's attorney, Patrick
25 Andreotti indicating Superior Asphalt & Concrete Co. will not be filing objections to Yakima
26 County's compliance with the Board's Order issued June 20, 2006.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

II. ORDER

Based on the parties' positions, the Board hereby finds Yakima County in Compliance with the Board's Final Decision and Order.

SO ORDERED this 12th day of January 2007.

EASTERN WASHINGTON GROWTH MANAGEMENT
HEARINGS BOARD

Dennis Dellwo, Board Member

John Roskelley, Board Member

Joyce Mulliken, Board Member