

State of Washington
GROWTH PLANNING HEARINGS BOARD
FOR EASTERN WASHINGTON

YAKAMA INDIAN NATION,)	
Petitioner)	Case No. 94-1-0002
)	
)	
v.)	SECOND AMENDED
)	FINAL DECISION AND
ORDER)	
)	
KITTITAS COUNTY,)	
Respondent)	
_____)	

On June 7, 1994, the Growth Planning Hearings Board for Eastern Washington issued an Amended Final Decision and Order directing the Board of Kittitas County Commissioners to designate critical areas and adopt development regulations that protect these critical areas as required by RCW36.70A.060(2) and RCW 36.70A.170(1)(d) on or before July 1, 1994 and to publish notice of this ordinance on or before July 6, 1994 in the County's newspaper of record.

On July 6, 1994, Tim Weaver, Counsel for the Yakama Indian Nation, filed a Notice of Violation alleging that no Critical Areas Ordinance had been adopted by July 1, 1994.

On July 14, 1994, Philip Lamb, Special Counsel for Kittitas County, filed a Compliance Report and Request for Extension of Time to designate critical areas and adopt development regulations.

On July 19, 1994, the Board held a hearing at 1:30 p.m. in the office of the Board. Present were Presiding Officer

Judy Wall, Board members Graham Tollefson and Tom Williams and Confidential Secretary Barbara Hill. Also present were Tim Weaver and Scott Nicolai for the Yakama Indian Nation; David Pitts and Philip Lamb for Kittitas County; Mark Carey, Kittitas County Planning Director as well as the Kittitas County Commissioners Don Sorenson, Mary Seubert and Ray Owens.

The Board heard testimony from Mark Carey and Don Sorenson. Both parties presented their arguments. Exhibits were entered as follows:

Exhibit 1 - Critical Areas Outline displaying study sessions held, hearings held, etc.;

Exhibit 2 - Eleven (11) different revisions of the proposed Critical Areas Ordinance drafted between April 26, 1994 and July 12, 1994; and

Exhibit 3 - Letter dated July 14, 1994 from Gregory S. McElroy attesting to the number of people opposing the proposed Kittitas County Critical Areas Ordinance and their concerns.

After hearing the testimony, arguments and reviewing the exhibits of the July 19, 1994 hearing, the Board

ORDERS:

1. The Board will hold a telephonic compliance hearing on Monday, August 15, 1994 at 1:30 P.M. to determine whether Kittitas County has designated critical areas and adopted development regulations that protect these critical areas as required by RCW36.70A.060(2) and RCW 36.70A.170(1) (d).
2. The parties are put on notice that this extension is final. No additional time will be granted.

SO ORDERED this 20th day of July, 1994.

EASTERN WASHINGTON
GROWTH PLANNING HEARINGS BOARD

Graham Tollefson, Board Member

Tom A. Williams, Board Member

Dissenting opinion:

This critical area ordinance was to have been adopted by March 1, 1992. Pursuant to stipulation, Kittitas County set its own deadline of June 8, 1994 for adoption. The County then requested and we granted an extension until July 1, 1994. No one can say the County has not had ample time nor that they did not know the rules.

Judy Wall, Presiding Officer