

State of Washington

**GROWTH MANAGEMENT HEARINGS BOARD
FOR EASTERN WASHINGTON**

CITY OF ELLENSBURG and MIKE)

WILLIAMS,)

Petitioners) **Case No. 94-1-0019**

)

)

v.) **STIPULATED AGREEMENT**

) **AND FINAL DECISION**

KITTITAS COUNTY,) ORDER

Respondent)

)

On May 18, 1994, the City of Ellensburg, by and through its attorney Paul Sullivan, filed a Petition for Review with the Growth Management Hearings Board for Eastern Washington (the **Board**) alleging that Kittitas County was required under the Growth Management Act to designate agricultural lands of long-term commercial significance and adopt development regulations to assure the conservation of those lands and had failed to do so.

On May 19, 1994, Mike Williams, by and through his attorney James D. Maloney III, filed a Petition for Review alleging that Kittitas County had failed to designate agricultural lands of long term commercial significance, had failed to adopt development regulations to assure the conservation of agricultural resource lands; and appealed a decision by Kittitas County Board of County Commissioners affirming a Mitigated Determination of Nonsignificance issued for the County's proposed Interim Agricultural Lands Policy.

On May 24, 1994, the Board issued an order of consolidation with the Case No. of 94-1-0019. Also on that date the Board issued a Notice of Hearing.

On June 15, 1994, the Respondent, by and through its attorney, Philip Lamb, filed a Motion for Adjustment of Calendar. On June 21, 1994, both Petitioners filed letters of agreement with the County's Motion to Adjust.

On June 21, 1994, due to scheduling conflicts for both Respondent and Petitioner City, the Presiding Officer held a live/teleconference to discuss the possible resolution of scheduling problems as well as Respondent's Motion to Adjust Calendar.

After discussion between the parties and the Board, the parties orally stipulated to the following:

- 1) Respondent County failed to adopt interim designations of agricultural lands of long-term commercial significance and associated development regulations in a timely manner as required by the Growth Management Act.
- 2) A compliance hearing will be held in this Board's office on October 19, 1994 at 10:00 a.m.
- 3) A conference will also be conducted at 10:00 a.m. on October 19, 1994 to determine the status of Petitioner Williams' SEPA complaint; there will be no action by any party on the SEPA claims until that time.

FINDINGS

The Board FINDS that:

- 1) Kittitas County has failed to designate agricultural lands of long-term commercial significance; and,
- 2) Kittitas County has failed to adopt regulations for the protection of agricultural lands of long-term commercial significance as required by the Act.

DECISION AND ORDER

The Board makes the following **ORDER**:

- 1) Kittitas County shall adopt an ordinance designating agricultural lands of long-term commercial significance and development regulations that protect these lands as required by RCW36.70A.060 (2), RCW 36.70A.170(1)(d) and WAC365-190-050 (1).
- 2) The Growth Management Hearings Board will hold a compliance hearing on October 19, 1994 at 10:00a.m. in the Board's office in Yakima, Washington.
- 3) A status conference will be held on October 19, 1994 at 10:00 a.m. to determine the status of Petitioner Williams' SEPA complaint. None of the parties shall initiate any action on the SEPA

claims prior to October 19, 1994.

SO ORDERED this 22nd day of June, 1994.

EASTERN WASHINGTON

GROWTH MANAGEMENT HEARINGSBOARD

Judy Wall, Presiding Officer

Graham Tollefson, Board Member

Tom A. Williams, Board Member
