

State of Washington
GROWTH MANAGEMENT HEARINGS BOARD
FOR EASTERN WASHINGTON

CONFEDERATED TRIBES AND BANDS)	
OF THE YAKAMA INDIAN NATION,)	
)	
Petitioners)	Case No. 94-1-0022
)	
v.)	SECOND ORDER OF
)	NON-COMPLIANCE
KITTITAS COUNTY,)	
)	
Respondent)	
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Procedural History

On March 27, 1995, the Eastern Washington Growth Management Hearings Board (the Board) issued its Final Decision and Order Case No. 94-12-0022. The Board remanded Ordinance 94-22 to Kittitas County for reconsideration and amendment in accordance with the requirements of the Growth Management Act (the GMA).

On November 27, 1995, the Board held a compliance hearing at its office in Yakima, Washington.

On December 21, 1995, the Board issued its Compliance Hearing Decision and Order. In this order, the Board found, with four exceptions, the revised Kittitas County Critical Areas Ordinance to be in compliance with the GMA.

On March 5, 1996, the Board held a second compliance hearing to consider the four remanded items. Present were Board members, Judy Wall, D. E. "Skip" Chilberg, and Tom A. Williams, Presiding Officer. John Ogan represented Petitioner and Jim Hurson represented Respondent.

Discussion

The Board's Compliance Hearing Decision and Order found the majority of the revised Kittitas County Critical Areas Ordinance to be in compliance with the GMA. The Board, however, found non-compliance as to four items and remanded the case to Kittitas County for revision to bring

these items into compliance.

At the second compliance hearing, the County admitted it had failed to take action to bring these into compliance and requested 90 to 120 days additional time to make these changes.

The Board makes the following findings and order:

1. Kittitas County is in non-compliance with the Growth Management Act.
2. Kittitas County shall make a report to the Board within two weeks of the date of this order laying out its proposed timeline for completing this work in accord with the additional time it requested.
3. The Board will schedule an additional compliance hearing as appropriate in approximately 90 days to review the County's progress and consider whether a determination of invalidity should be made in the event of continuing noncompliance.

SO ORDERED this 17th day of April, 1996.

EASTERN WASHINGTON
GROWTH MANAGEMENT HEARINGS BOARD

Tom A. Williams, Presiding Officer

Judy Wall, Board Member

D. E. "Skip" Chilberg, Board Member