

**State of Washington**  
**GROWTH MANAGEMENT HEARINGS BOARD**  
**FOR EASTERN WASHINGTON**

CITIES OF EPHRATA, MOSES LAKE )  
ROYAL CITY and WARDEN ("CITIES") )  
 )  
Petitioners )  
 )  
vs. )  
 )  
GRANT COUNTY, )  
 )  
Respondent )  
\_\_\_\_\_ )

Case No. 96-1-0008

**ORDER OF COMPLIANCE**

On September 23, 1996, the Board entered its Final Decision and Order in this matter. The County was ordered to 1) take all steps specified in Resolution No. 96-108-CC and to develop a time frame which will ensure approval of a comprehensive plan no later than December 31, 1997; 2) by September 30, 1996, adopt effective and adequate ordinances or amendments to existing ordinances, including its zoning code and short and long plat ordinances, to prevent lot spin-offs, land segregations, exemptions, and other variances that contribute to urban sprawl in rural areas of Grant County, and 3) commence a process to review its existing zoning code, long and short plat ordinances, and other land use regulatory controls, in order to update said ordinances and laws to ensure compliance: (1) with amendments and changes to the general laws of the state regarding land use development since adoption of said ordinances or laws; (2) to comply with requirements of the Washington legislature relating to regulatory reform; and (3) as necessary to comply with the interim zoning and other ordinances or code amendments which may be adopted or promulgated pursuant to this Order of remand.

A compliance hearing for condition 2 was held October 9, 1996 and on October 18, 1996, the Board issued its Order of Continuance on Compliance Hearing wherein this matter was again remanded to Grant County to take the following steps by November 6, 1996: 1) The County shall have enacted additional amendments or supplements to its Short Plat Ordinance and Zoning Code, rescinding exemptions nos. (4) and (7) to the Short Plat Ordinance, under Section II of said Ordinance; 2) the County will further consider and adopt amendments to Section V (B)(8) of the Grant County Zoning Code, relating to farm segregations, or the replacement thereof by new ordinances such that, as drafted, any amendment or new ordinance allowing segregation of agricultural lands for financing purposes or for reasons relating to the use and occupation of

agricultural lands for purposes of housing owners of agricultural property now retired from farming and their spouses, or family members or employees actively engaged in farm operations, will not contribute to urban sprawl within the rural areas of Grant County; 3) the County will issue appropriate notices to the title insurance, bank financing, agriculture, building, and realtor industries within Grant County, to the effect that certain lot segregations that occurred in the past may not comply with local, state or federal laws, thereby placing into question the ability to develop said lots. Additionally, the County will provide a list of potentially affected parcels to the Grant County Auditor, and to the title insurance and realtor businesses, with explanation to interested citizens, insurers, realtors, property owners and developers that any parcel shown on the list may be questionable as to its future development, and its status is “being reviewed” by the Grant County Office of Planning and Office of Prosecuting Attorney; 4) the County will complete development of guidelines to assess whether development permits can be issued for lot segregations of land located within rural areas of the County outside of established interim urban growth areas; and 5) the County will issue a SEPA notice for its proposed ordinance to establish interim development densities for rural areas of Grant County which are not located within an established interim urban growth area.

On November 6, 1996, a second compliance hearing was held in Ephrata, Washington to consider the remand. All parties were represented and the full board was present.

The Board received testimony from Grant County on the compliance matters. The record was left open one week for petitioners’ comments and an additional week for respondent’s rebuttal.

Having considered all presentations and arguments presented before us on the issues enumerated in “Order of Continuance of Compliance Hearing” dated October 18, 1996, the Board issues the following compliance order:

**Remand item 1:** This Board finds that Grant County has complied with our order, rescinding exemptions nos. (4) and (7) to the Short Plat Ordinance, under Section II of said ordinance.

**Remand item 2:** This Board finds that actions completed by Grant County amending Section V (B) (8) and adding Section V (B) (10) are not in conflict with RCW 36.70A.020(2), reduction of urban sprawl.

**Remand item 3:** This Board finds that constructive notice as proposed by Grant County, plus the recording of a “Master Form Instrument” with the County Auditor as proposed by petitioners, including parcel numbers for those parcels with questionable segregation history, mailing notice to the owner of record of the affected properties, publication of notice, including affected parcel numbers, in a newspaper of record within Grant County, constitutes compliance with this Board’s order.

**Remand item 4:** This Board finds that Grant County has complied with the Board's order.

**Remand item 5:** This Board finds that Grant County has complied with the Board's order.

Final Decision and Order steps 1 and 3 will be considered at a compliance hearing on March 26, 1997 in Ephrata, Washington.

SO ORDERED this 4<sup>th</sup> day of December, 1996.

EASTERN WASHINGTON  
GROWTH MANAGEMENT HEARINGS

BOARD

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D. E. "Skip" Chilberg, Presiding Officer

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Judy Wall, Board Member

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Dennis A. Dellwo, Board Member