

State of Washington

**GROWTH MANAGEMENT HEARINGS BOARD
FOR EASTERN WASHINGTON**

CITIES OF EPHRATA, MOSES LAKE)

ROYAL CITY and WARDEN ("CITIES"))

)

)

Petitioners) **Case No. 96-1-0008**

)

vs.) **FINAL DECISION AND ORDER**

)

GRANT COUNTY,)

)

Respondent)

)

Procedural History

On June 10, 1996, the cities of Ephrata, Moses Lake, Royal City and Warden, by and through their attorney, Katherine L. Kenison, filed a Petition for Review with the Eastern Washington Growth Management Hearings Board (the Board).

On June 11, 1996, the Board issued its notice of the petition for review and set the date for the prehearing conference for June 25, 1996 and tentatively scheduled the hearing on the merits for July 25, 1996 under an accelerated timeframe.

On June 13, 1996, Grant County filed a Notice of Appearance by Stephen J. Hallstrom, Chief Deputy Prosecuting Attorney and on June 17, 1996 Dennis D. Reynolds of the law firm of Williams, Kastner and Gibbs, filed his Notice of Association of Counsel for Grant County.

On June 25, 1996, the Board held its prehearing conference in the Ephrata, Washington. City Council meeting room. The legal issues were determined to be as follows:

Legal Issue 1. Whether Grant County failed to designate and adopt all of the Interim Urban Growth Areas (IUGAs) as required by RCW 36.70A.110, on or before October 1, 1994.

Legal Issue 2. Whether Grant County failed to adopt development regulations designating and implementing any IUGAs in the County, as required by RCW 36.70A.110, on or before October 1, 1994.

Legal Issue 3. Whether Grant County failed to hold or convene any public hearings on the adoption of Moses Lake's IUGA or on IUGAs for unincorporated urban areas within the County.

Legal Issue 4. Whether Grant County failed to designate and adopt the IUGAs for several smaller cities and towns whose current corporate limits were proposed as their IUGAs.

Legal Issue 5. Whether Grant County failed to designate and adopt any Final Urban Growth Areas (FUGAs) as required by RCW 36.70A.110 on or before July 1, 1995, and

Legal Issue 6. Whether Grant County failed to adopt the comprehensive plan and final development regulations as required by RCW 36.70A on or before July 1, 1995.

An abbreviated motions and briefing schedule was adopted and a motions hearings and hearing on the merits was scheduled for August 14, 1996 in Ephrata, Washington.

On July 11, 1996, Petitioners filed a dispositive motion requesting the Board to find Grant County in non-compliance on the listed issues.

At the August 14 motions hearing, Respondent did not contest granting the dispositive motion. The Board granted petitioners' dispositive motion, and declared Grant County not in compliance with the Growth Management Act on the disputed issues.

On August 15, 1996, the Board entered its order in this matter on petitioner's dispositive motion. The parties were requested to submit proposed actions to be incorporated into a remand order to bring Grant County into compliance with the Growth Management Act.

Findings Of Fact And Conclusions

1. Grant County has not contested a finding of non-compliance on the listed issues. Therefore, this Board has found Grant County in non-compliance with the Growth Management Act.

ORDER

Based upon the records and files herein, including the administrative record submitted by petitioners herein, and respondent Grant County, as well as the additional declarations of the parties, including the declarations of Chairman Tim Snead, Grant County Board of Commissioners, and Larry Angell, Grant County Director of Planning, with the exhibits and attachments thereto, and Billie Sumrall, and the briefing and argument of counsel, having first, by order dated August 15, 1996 granting petitioners' dispositive motion, entered a FINDING OF NON-COMPLIANCE by Grant County with the requirements of the Growth Management Act (the "GMA"), pursuant to WAC 242-02-890(1), this matter is

HEREBY REMANDED to Grant County ("the County") for 180 days from the date of entry of this remand order, during which time the county shall take the following steps to bring it into compliance with the Growth Management Act:

1. Except as specified below, the County shall take all steps specified in Resolution No. 96-108-CC annexed hereto and by reference made a part of this remand order. The County shall develop a time frame which will ensure approval of a comprehensive plan no later than December 31, 1997;
2. By September 30, 1996, the County shall 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.
3. Grant County will 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 maybe adopted or promulgated pursuant to this Order of remand.

IT IS FURTHER ORDERED, pursuant to WAC 242-02-890(2), that the matters set forth in Step #2 above be reviewed at a compliance hearing set for 1:00 p.m. October 9, 1996.

IT IS FURTHER ORDERED, pursuant to WAC 242-02-890(2), that remaining matters will be reviewed at a compliance hearing set for March 26, 1997.

IT IS FURTHER ORDERED that the petitioner cities request herein to "issue an immediate emergency moratorium in all rezones, plats, PUDs, mobile home parks, recreational vehicle parks, new communities, and segregations of any kind until all IUGAs have been adopted and implemented through appropriate zoning amendments" is DENIED.

IT IS FURTHER ORDERED that petitioners request that this Board declare Grant County's existing zoning ordinances and comprehensive plan invalid is DENIED.

IT IS FURTHER ORDERED that the petitioner cities' request that Grant County complete its GMA planning process within 90 days by preparing and adopting a GMA comprehensive plan, development regulations and final UGAs all with "limited public participation as appropriate" is DENIED. The Board will not agree to an abbreviation of the citizens' participation process as specified and mandated by the Growth Management Act.

This is a Final Order under RCW 36.70A.300 for purposes of appeal.

SO ORDERED this 23rd day of September, 1996.

EASTERN WASHINGTON

GROWTH MANAGEMENT HEARINGS BOARD

D. E. "Skip" Chilberg, Presiding Officer

Judy Wall, Board Member

Dennis A. Dellwo, Board Member

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