

State of Washington
GROWTH MANAGEMENT HEARINGS BOARD
FOR EASTERN WASHINGTON

CITIZENS FOR GOOD GOVERNANCE, 1000
FRIENDS OF WASHINGTON and CITY OF
WALLA WALLA,

Petitioner,

v.

WALLA WALLA COUNTY, and the BOARD OF
COUNTY COMMISSIONERS FOR WALLA WALLA
COUNTY, its legislative body,

Respondents.

Case No. 01-1-0014cz

And

Case No. 01-1-0015c

ORDER ON COMPLIANCE

I. PROCEDURAL HISTORY

On July 5, 2001, CITIZENS FOR GOOD GOVERNANCE, a non-profit, unincorporated association, by and through their counsel, Jeffrey M. Eustis, and 1000 FRIENDS OF WASHINGTON, a Washington non-profit corporation, by and through its counsel, Steve Stuart, filed a Petition for Review regarding the adoption of Walla Walla County Ordinance 264, the Walla Walla 2021 Comprehensive Plan (case No. 01-1-0013). On July 20, 2001, CITY OF WALLA WALLA, by and through its counsel Tim Donaldson, filed a Petition for Review regarding the adoption of Walla Walla County Ordinance 264, the Walla Walla 2021 Comprehensive Plan (case No. 01-1-0015).

The Board consolidated Case Nos. 01-1-0013 and 01-1-0015 under case No. 01-1-0015c.

On July 9, 2001, the City of Walla Walla, by and through their attorney Tim Donaldson, filed a Petition for review of Walla Walla County Amended Ordinance 259. (01-1-0014).

On November 2, 2001, Citizens for Good Governance and 1000 Friends, both Washington Non Profit Corporations, filed a petition for Review for Interim Zoning Controls-Ordinance 266. (01-1-0012).

The Board consolidated Case Nos. 01-1-0012 and 01-1-0014 under case No. 01-1-0014cz.

On May 1, 2002, a joint Final Decision and Order was entered in the above cases, Nos. 01-1-0014cz and 0015c, finding Walla Walla County out of compliance in the following manner:

1. The County is out of compliance for failure to develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of the GMA.
2. The County is out of compliance for the failure to maintain the rural character of the Rural Residential area due to the authority to develop lots at a density of less than du/5-acres.
3. The County's Rural Transition zone of Blalcok Orchards, as presently configured, is out of compliance.
4. The County's Rural Floating zone is out of compliance as it is presently established and fails to maintain the rural character of the area.

On December 17, 2002, a telephonic compliance hearing was held to determine if Walla Walla County was in compliance.

DISCUSSION:

The County submitted a summary of what it has done in its effort to bring itself into compliance. It was clear that the County remains out of compliance on all noncompliant issues. The County has sent a revised compliance schedule dated December 20, 2002. The Board will review this and adopt an appropriate schedule for compliance together with set times for status conferences.

During the December 17, 2002 hearing, the County committed to this Board that the Walla Walla Comprehensive Plan would be amended to clearly recognize the five-acre minimum lot size in Rural Residential areas. The clarification will state that legal lots of record under five acres are non-conforming.

The Petitioners sought access to all documents containing information of the County's efforts to come into compliance with the Board's ruling of May 1, 2002. The County agreed that such information should be provided when available and to the extent authorized by the GMA and the Freedom of Information Act. It is understood that information available at this time should be provided as soon as possible and

information not yet ready, be provided no later than January 13, 2003.

II. ORDER

It is hereby **Ordered**:

1. Walla Walla County continues to be out of compliance in this matter and should bring themselves into compliance with the GMA and the Board's May 1, 2002, FDO within the time provided by the Schedule to be approved at a later time.
2. Walla Walla County shall provide the Petitioners as soon as possible, access to all documents legally available, containing information concerning the County's efforts to bring themselves into compliance with the Board's ruling of May 1, 2002. The GIS data is to be provided to the Petitioners no later than January 13, 2003.

SO ORDERED this 23rd day of December 2002.

EASTERN WASHINGTON GROWTH MANAGEMENT HEARINGS
BOARD

Dennis Dellwo, Board Member

Judy Wall, Board Member

D.E. "Skip" Chilberg, Board Member