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

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

Case No. 02-1-0012c

ORDER FINDING COMPLIANCE

Petitioner,

V.

WALLA WALLA COUNTY,

Respondent.

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I. PROCEDURAL HISTORY

On May 31, 2002, CITIZENS FOR GOOD GOVERNANCE and 1000 FRIENDS OF WASHINGTON, by and through their attorneys, Jeffrey Eustis and John Zilavy and CITY OF WALLA WALLA, by and through its attorney, Tim Donaldson, filed Petitions for Review.

On July 29, 2002, the Board issued an Order Consolidating Cases No. 01-1-0011 and 01-1-0012 under the above number.

A Hearing on the Merits was held in Walla Walla on October 24, 2002. On November 26, 2002, the Board issued its Final Decision and Order.

On July 24, 2003, the Board received a Stipulation signed by the parties, stipulating compliance on all issues except the issue regarding agricultural lands, which has been remanded to the Board from Walla Walla County Superior Court. On July 31, 2003, the Board issued its Order Finding Partial Compliance in this matter.

On November 14, 2003, the Board held the Remand Hearing in the above captioned matter. Present for the Board was the Presiding Officer, D.E. "Skip" Chilberg and fellow Board Members Dennis A. Dellwo and Judy Wall. Present for Petitioners were Jeff Eustis and John Zilavy. Present for Respondent were Dennis Reynolds and Chuck Maduel.

1 On December 16, 2003, the Board entered its Order on Remand.

2 On February 10, 2005, the Board held a compliance hearing. Present were Presiding
3 Officer, John Roskelley and Board Members Judy Wall and Dennis Dellwo. Present for
4 Petitioners was Jeff Eustis. Present for Respondent was Dennis Reynolds.

5 On March 10, 2005, the Board issued its Third Order on Compliance.

6 On May 27, 2005, the parties stipulated to expedited review of the APA appeal and
7 to extend the deadline for compliance with the EWGMHB's Order. In approving the
8 stipulation, Judge Zagelow mandated mediation of the dispute.

9 On July 20, 2005, the parties engaged in mediation and successfully resolved their
10 dispute.

11 On November 7, 2005, the parties reached settlement.

12 On December 7, 2005, Walla Walla County adopted Ordinance No. 325 implementing
13 the parties' settlement agreement and has not been appealed. As amended by Ordinance
14 No. 325, the zoning code provisions relating to recreational uses on agricultural lands of
15 long term commercial significance comply with the goals and requirements of the Growth
16 Management Act.

17 On July 26, 2006, the Parties filed a statement of action taken to comply and a joint
18 request for a finding of compliance in this case.

19 **II. DISCUSSION**

20 Walla Walla County has taken extensive action to bring itself into compliance with
21 the GMA and the October 21, 2002, FDO. This was done pursuant to working with the
22 Petitioners through mediation and reaching agreement on the critical aspects. Because the
23 parties now stipulate to the finding of compliance in this matter and upon review of the
24 actions of the County, the Eastern Washington Growth Management Hearings Board finds
25 that the actions taken bring the County into compliance with the GMA and our order herein.
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III. ORDER

Based upon the foregoing stipulation of the parties and the review of the actions of the County, the Board finds Walla Walla County is in compliance with the Growth Management Act and our order herein.

Pursuant to RCW 36.70A.300 this is a final order of the Board.

Reconsideration:

Pursuant to WAC 242-02-832, you have ten (10) days from the mailing of this Order to file a petition for reconsideration. Petitions for reconsideration shall follow the format set out in WAC 242-02-832. The original and four (4) copies of the petition for reconsideration, together with any argument in support thereof, should be filed by mailing, faxing or delivering the document directly to the Board, with a copy to all other parties of record and their representatives. Filing means actual receipt of the document at the Board office. RCW 34.05.010(6), WAC 242-02-330. The filing of a petition for reconsideration is not a prerequisite for filing a petition for judicial review.

Judicial Review:

Any party aggrieved by a final decision of the Board may appeal the decision to superior court as provided by RCW 36.70A.300(5). Proceedings for judicial review may be instituted by filing a petition in superior court according to the procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil.

Enforcement:

The petition for judicial review of this Order shall be filed with the appropriate court and served on the Board, the Office of the Attorney General, and all parties within thirty days after service of the final order, as provided in RCW 34.05.542. Service on the Board may be accomplished in person or by mail. Service on the Board means actual receipt of the document at the Board office within thirty days after service of the final order.

1 **Service:**

2 **This Order was served on you the day it was deposited in the United States mail. RCW**
3 **34.05.010(19).**

4 **SO ORDERED this 1st day of August 2006.**

5 EASTERN WASHINGTON GROWTH MANAGEMENT
6 HEARINGS BOARD

7 _____
8 John Roskelley, Board Member

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10 Judy Wall, Board Member

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12 Dennis Dellwo, Board Member

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