

**BEFORE THE WESTERN WASHINGTON GROWTH  
MANAGEMENT HEARINGS BOARD**

VINCE AND MARY PANESKO,	)	
	)	No. 98-2-0004
Petitioners,	)	
	)	ORDER FINDING
v.	)	COMPLIANCE AND
	)	PARTIAL
LEWIS COUNTY,	)	NON-COMPLIANCE
	)	
Respondent.	)	
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On July 8, 1999, we held a telephonic compliance hearing. Petitioners were represented by Ms. Jennifer Dold. The County was represented by Alexander Mackie. Amicus Curiae John T. Mudge was also present. Les Eldridge, Presiding Officer, was present for the Board. Board Members Henriksen and Nielsen have listened to the tape of the hearing.

In our Final Decision and Order (FDO) entered June 12, 1998, we had found Lewis County in non-compliance for failure to adopt a comprehensive plan (CP) and implementing development regulations (DRs) by the statutorily-required deadlines. On June 8, 1999, we received notice of the adoption of the Lewis County Comprehensive Plan, as well as Emergency Ordinance 1159A, (interim DRs) and Resolution 99-257, all dated June 1, 1999.

**DISCUSSION**

Petitioners noted that this was a “failure to act” case and acknowledged that the CP had been adopted. Petitioners raised concerns regarding the possibility of delay in adopting the DRs. Petitioners expressed their disappointment that, in their view, the County’s CP provisions had not adequately responded to the Board’s findings of non-compliance in a related case, 98-2-0011c, *Smith et.al., v. Lewis County*, regarding rural densities and the Curtis Industrial Interim Urban Growth Area. Petitioners acknowledged that these concerns would be appropriately raised in a new and separate proceeding, rather than at this compliance hearing.

The County responded that the record of a new proceeding would demonstrate that the Board's non-compliance findings in Case #98-2-0011c had been extensively addressed by the Planning Commission and County Commissioners. The County asserted that the record would further demonstrate the reasons why the County's response may have been different than the expectations expressed by Petitioners, and the solutions called for by the Board.

The County indicated that its adoption of Emergency Ordinance 1159A, and its expressed intent to hold further hearings as required under RCW 36.70A.390, were intended to serve as the progress report we required regarding progress on the adoption of DRs. The County noted that it will request an extension of our September 1, 1999 deadline for adoption of the DRs to allow more time for public participation. More time is necessary, it contended, in a County which for the first time is adopting rural zoning regulations.

### CONCLUSION

We note, in response to Petitioners' concerns that adoption of DRs may be unduly delayed, that a County motion for extension will afford Petitioners an opportunity to fully express their concerns and offer any alternative they may wish to present.

We conclude that the County has satisfied the requirements of the Growth Management Act (GMA, Act), and our Order, that they adopt a CP. We find them in compliance with the GMA in this regard. We find the County in continuing non-compliance regarding adoption of permanent implementing DRs. We note the County's progress in addressing DR non-compliance and congratulate it on its adoption of a CP. We do not address any issues regarding the CP in this proceeding.

So ORDERED this 14<sup>th</sup> day of July, 1999.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

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Les Eldridge  
Board Member

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Nan A. Henriksen  
Board Member

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William H. Nielsen  
Board Member