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COURT OF APPEALS, DIVISION III  
OF THE STATE OF WASHINGTON

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CONFEDERATED TRIBES AND BANDS OF THE YAKAMA  
NATION,

Respondent,

v.

YAKIMA COUNTY, GRANITE NORTHWEST, INC., FRANK  
ROWLEY, and THE ROWLEY FAMILY TRUST

Petitioners.

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REPLY BRIEF

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## I. INTRODUCTION

This Court should reverse the trial court's decision and dismiss the Confederated Tribes and Bands of the Yakama Nation's ("Respondent" or "Yakama Nation") untimely appeal with prejudice as it is barred by the statute of limitations. The controlling statute, for purposes of determining when the statute of limitations began to run in this case, is RCW 36.70C.040(4)(b). The only issue in dispute is whether the Board of Yakima County Commissioners ("Board") acted in a quasi-judicial capacity when it conducted a closed record appeal of a local land use decision. If this Court decides that the Board did act in a quasi-judicial manner when it conducted a closed record appeal of a local land use decision, then based on the undisputed facts in this case, RCW 36.70C.040(4)(b) applies and Respondent's appeal is time-barred and must be dismissed.

Respondent argues that a local ordinance should be interpreted to override RCW 36.70C.040(4)(b), in effect rendering the statute a nullity. Respondent points to YCC 16B.09.050(5) as requiring a "written decision" and then rationalizes that RCW 36.70C.040(4)(a) should govern because it also applies to "written decisions." In its response to Petitioners' opening brief, Respondent concedes that Resolution 131-2018 (the "Resolution") is the Board's written decision but argues that this

decision was not publicly available until it was mailed to the parties by the County Planning Department. Respondent so argues notwithstanding that the decision was made during a public meeting that the Respondent attended, and that the Resolution was signed and dated on that same day, April 10, 2018.

Under Respondent's theory, any decision reduced to writing would be governed by RCW 36.70C.040(4)(a), regardless of whether the decision is a resolution passed by a legislative body acting in a quasi-judicial capacity. The legislature foreclosed this interpretation, however, by enacting RCW 36.70C.040(4)(b). Because each and every element of RCW 36.70C.040(4)(b) applies and is satisfied in this case, Respondent's efforts to use the words of a local ordinance to defeat the clear and unambiguous words of the controlling statute should be rejected.

Contrary to Respondent's arguments, prior to considering the application of RCW 36.70C.040(4)(a), the trial court analyzed whether the Board's resolution met the quasi-judicial requirements of RCW 36.70C.040(4)(b). The trial court erroneously found that the Board did not act in a quasi-judicial capacity and thus it misapplied RCW 36.70C.040(4)(a). This was a clear error, and the decision of the trial court should be reversed. The Board had a 56-day period within which it reviewed the record before the Hearing Examiner, the transcript of the

hearing below, the Hearing Examiner's decision, and the Respondent's 19-page appeal statement. Based upon this review, the Board rendered a decision on Respondent's closed record appeal and affirmed the Hearing Examiner's decision in a written resolution. The Board engaged in a quasi-judicial function in ruling on Respondent's closed record appeal. As such, RCW 36.70C.040(4)(b) is dispositive, and Respondent's 2018 Land Use Petition Act ("LUPA") petition is time-barred. This Court should reverse the trial court and dismiss Respondent's untimely appeal with prejudice.

## II. ARGUMENT

### A. **The Trial Court's Failure to Dismiss Respondent's LUPA Petition Is Not Supported by Washington Law.**

Respondent argues that the trial court did "nothing more" than match the words "written decision" in the Yakima County Code with the words in RCW 36.70C.040(4)(a) to determine the applicable statute of limitations. Resp. Br. at 7. This belies the sequence and errors of the trial court's reasoning. The trial court first erred by finding that RCW 36.70C.040(4)(b) did not apply because the Board did not sit in a quasi-judicial capacity and by failing to apply the four-part test in *Raynes v. City of Leavenworth*, 118 Wn.2d 237, 821 P.2d 1204 (1992), to determine if an action is quasi-judicial or legislative. Only then did the trial court erroneously apply RCW 36.70C.040(4)(a) as an alternative statute of

limitations generally applicable to “written decisions.” The trial court’s flawed reasoning is not saved by the misapplication of RCW 36.70C.040(4)(a). On its face, RCW 36.70C.040(4)(b) is the more specific and controlling statute that expressly applies to a “land use decision . . . made by ordinance or resolution by a legislative body sitting in a quasi-judicial capacity.”

**1. The Board of Yakima County Commissioners rendered a decision on a closed record appeal, thereby executing a quasi-judicial function.**

Respondent contends that the trial court’s analysis of the nature of the Board’s action in issuing the land use decision in this case was not necessary to the trial court’s decision. Resp. Br. at 5. However, the trial court found this analysis determinative in its oral opinion.<sup>1</sup> VRP 47:11-25, 48:1-25. In analyzing the issue, the trial court erred by refusing to

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<sup>1</sup> “In the absence of a written finding on a particular issue, an appellate court may look to the oral opinion to determine the basis for the trial court’s resolution of the issue.” *In re Marriage of Booth*, 114 Wn.2d 772, 777, 791 P.2d 519 (1990); *see also Robel v. Roundup Corp.*, 148 Wn.2d 35, 48, 59 P.3d 611 (2002). Here, the trial court’s order states only that the “Court [found]: 1. Cause No. 1820151739 was timely filed under RCW 36.70C.040(4)(a).” CP 264. The trial court did not enter findings of fact related to the nature of the Board’s action when it rendered the land use decision at issue in this case—the Resolution. CP 264-265. Therefore, it is appropriate for this Court to look to the trial court’s oral ruling to determine the basis upon which the trial court decided that Respondent’s LUPA petition was timely. Furthermore, this Court is not bound by the trial court’s findings of fact or conclusions of law. Questions of jurisdiction are subject to de novo review, as are proceedings in which the trial court decides a case on the basis of affidavits. *Brouillet v. Cowles Pub.l’g Co.*, 114 Wn.2d 788, 793, 791 P.2d 526 (1990). *See Pet’rs’ Br.* at 13-14.

apply RCW 36.70C.040(4)(b) based on the erroneous belief that the Board did not sit in a quasi-judicial capacity. VRP 47:11-25, 48:1-25. Only then did the trial court look to RCW 36.70C.040(4)(a) to determine the running of the statute of limitations. VRP 48-50. In doing so, the trial court found that the County Planning Division's April 13, 2018 letter transmitting the Board's Resolution started the clock. VRP 49:14-16. However, because RCW 36.70C.040(4)(b) is more specific and each and every element applies to the facts in this case, the Board's Resolution is a "land use decision" made by a legislative body sitting in a quasi-judicial capacity. The trial court erred when it misapplied RCW 36.70C.040(4)(a) and gave Respondent *twenty-two* days "from the date the body passes the ordinance or resolution" to file its appeal. The court had no authority or jurisdiction to rewrite the statute of limitations.<sup>2</sup>

Fundamentally, in deciding that the Board did not sit in a quasi-judicial capacity, the trial court misunderstood the function that the Board was called upon to perform and disregarded uncontradicted evidence that the Board fully and faithfully performed this function. The Yakima

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<sup>2</sup> Nor did the trial court have the legal or equitable authority to bend the rules. LUPA's twenty-one day filing and service requirements are jurisdictional. RCW 36.70C.040; *Knight v. City of Yelm*, 173 Wn.2d 325, 339, 267 P.3d 973 (2011); *Keep Watson Cutoff Rural v. Kittitas Cty.*, 145 Wn. App. 31, 38, 184 P.3d 1278 (Div. III, 2008).

County Code charged the Board with conducting a closed record review of the Hearing Examiner's land use decision. Per YCC 16B.02.050, a

“Closed Record Appeal” means an *administrative appeal or hearing*, conducted by the Board of County Commissioners following an open record hearing conducted by the Hearing Examiner on a project permit application. The *appeal or hearing* is on the record with only appeal argument allowed. See also RCW 36.70B.020(1).

Pet'rs' Br., App. A at 3 (emphasis added). The ordinance tracks the legislature's definition of a closed record appeal:

“Closed record appeal” means an *administrative appeal* on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the *appeal is on the record with no or limited new evidence or information allowed* to be submitted and only appeal argument allowed.

RCW 36.70B.020(1) (emphasis added).

Neither the ordinance nor the statute requires a hearing in a closed record appeal. In a closed record appeal, no new evidence can be introduced by a party to the appeal or by a member of the public. The Board's task in deciding the closed record appeal is to review the record below, consider the appellant's legal arguments, and to decide the appeal. Providing an opportunity for additional briefing and oral argument was optional under the Yakima County Code. YCC 16B.09.050(1); Pet'rs'

Br., App. A at 5-6. The Board's decision not to hear oral argument does not change the quasi-judicial nature of the Board's action.

When the Board acted, the requirements of a closed record appeal were satisfied. Prior to issuing its decision, the Board had before it Respondent's 19-page appeal statement that addressed the Yakama Nation's standing to appeal, the Board's scope of review, and stated the legal bases for the errors the Yakama Nation alleged the Hearing Examiner committed in rendering his decision. CP 25-26, 227-245. The Board also had the transcripts of the hearing before the Hearing Examiner and the full administrative record, which had been provided to the Board more than a month before it rendered its decision. CP 25-26, 256. In advance of the April 10, 2018 public meeting, the Board advised the Clerk of the Board that it had reviewed the record and would like to schedule a public meeting. CP 256.

After a deliberative period spanning 56 days, the Board announced its decision at a public meeting on April 10, 2018. CP 25-26. Counsel for the Yakama Nation was present at the April 10 meeting and was therefore aware of the Board's decision on the day the Board announced the decision to the public in a public forum. VRP 26:9. The Board rendered its decision in writing and signed Resolution 131-2018 that same day. CP 25-26. The Resolution recites that the record before the Hearing Examiner

and the hearing transcript were provided to the Board for review and that based on its review of these materials, the Board decided to affirm the Hearing Examiner's decision. *Id.*

The Board rendered its decision *after* it completed its review of a robust record, informed by prehearing motions, written discovery, depositions, exhibits, legal briefing, argument, post-hearing briefs, a detailed written decision authored by the Hearing Examiner, the transcripts of that proceeding, and the Yakima Nation's appeal statement. CP 28-63. Based on that review, the Board concluded that it had sufficient information to decide the appeal. This was fully within the Board's discretion per the authority granted to it by YCC 16B.09.050(1) and Chapter 36.70B RCW. Like a court sitting in an appellate capacity, the Board had the authority to uphold the Hearing Examiner's decision or to reverse or remand it. YCC 16B.09.050(3); YCC 16B.09.070; *see also* Pet'rs' Br., App. A at 6; Pet'rs' Reply Br., App. 1 at 1. The exercise of this authority was a quasi-judicial function.

It was this function—deciding an appeal, on the record, having considered Respondent's legal arguments—that makes the Board's action quasi-judicial, not the amount of additional process that could have been afforded to Respondent in the exercise of this function. Nothing about the Board's action was legislative in nature.

This quasi-judicial action is the only element of RCW 36.70C.040(4)(b) that is in dispute in this case. As stated above, the undisputed facts before the Court clearly indicate that the Board's action was indeed quasi-judicial in nature. By operation of RCW 36.70C.040(4)(b), Respondent's appeal is time-barred and must be dismissed.

**2. The requirements of the Open Public Meeting Act do not change the quasi-judicial nature of the Board's April 10, 2018 meeting.**

Respondent claims that the Board's action at its April 10, 2018 meeting was perfunctory and a simple affirmation of the Hearing Examiner's decision, implying that the Board's review was lacking in substance. Resp. Br. at 13-16. The Board's decision on the closed record appeal was not a meeting held in isolation of the Board's 56-day review period. The Board's decision to affirm the Hearing Examiner embodies all of the steps taken by the Board to discharge its quasi-judicial responsibilities to consider and decide this appeal.

Petitioners have never been confused or wavered on the point that the Board's procedures on April 10, 2018 constituted a meeting, not a hearing, and that a hearing was not necessary.<sup>3</sup> Anytime the Board comes

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<sup>3</sup> Respondent alleges that Granite's legal counsel "immediately jumped in by email to confirm this was not going to be an adjudicatory hearing." Resp. Br. at

together to take an action, like deciding a closed record appeal, such action is considered a “meeting” under the Open Public Meetings Act. RCW 42.30.030; *see also* RCW 42.30.020 (definitions of “meeting” and “action”). This does not change the nature of the Board’s 56-day appellate review period, or the deliberations that preceded the meeting. The Board’s closed record review of Respondent’s appeal was not limited to the meeting at which it chose to announce its decision.

**B. Properly applied, the *Raynes* four-part test supports a finding that the Board acted in a quasi-judicial capacity.**

Application of the *Raynes* four-part test confirms that the Board sat in a quasi-judicial capacity in deciding to affirm the Hearing Examiner’s decision. The undisputed record before this Court shows the following:

- The Respondent’s 19-page appeal statement, which addressed the Respondent’s standing to appeal, the Board’s scope of review, and the legal bases for the errors the Respondent alleged the Hearing Examiner committed in rendering his

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17. Granite’s counsel did no such thing. Specifically, Granite’s counsel sought confirmation that the Board would be conducting a closed record review:

To be clear, Granite understands that this is a public meeting, not a public hearing, at which the Board “will decide . . . whether to affirm the decision of the Hearing Examiner, or to invite written memoranda of authorities and direct the Clerk to schedule a closed record public hearing” and that the Board will not take testimony from staff, the applicant or the appellant at this meeting. April 3 (as noted by Mr. Essig) is Granite’s preferred date for this meeting.

CP 259. This reflects caution on counsel’s part and its standard practice to confirm its understanding of local procedures and deadlines.

decision, was provided to the Board for review. CP 25, 227-245, 256.

- The County Planning Division transmitted the record before the Hearing Examiner and the transcript of the open-record hearing to the Board for review. CP 25, 256.
- The Board subsequently reviewed the appeal statement and the record, and thereafter notified the clerk that it was prepared to schedule a closed record public meeting. CP 256.
- At the public meeting on April 10, 2018, the Board announced its decision, based upon its prior review of the appeal and the record, to unanimously uphold and affirm the Hearing Examiner's decision. CP 25-26.

The Board unequivocally exercised a quasi-judicial function when it considered and decided Respondent's appeal and passed the Resolution.

Respondent misapplies the *Raynes*' four-part test<sup>4</sup> and mischaracterizes the Board's actions. As to the first prong, Respondent argues that the Board made its decision "without a full judicial appeal on some sort of record or beyond the record below," implying that the Board (1) did not review the record transmitted to it and (2) should have taken

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<sup>4</sup> The four-part test asks (1) whether the court could have been charged with the duty at issue in the first instance; (2) whether courts have historically performed such duties; (3) whether the action of the municipal corporation involves application of existing law to past or present facts for the purpose of declaring or enforcing liability rather than a response to changing conditions through the enactment of a new general law of prospective application; and (4) whether the action more clearly resembles the ordinary business of courts, as opposed to those of legislators or administrators. *Raynes*, 118 Wn.2d at 244-45.

additional evidence. Resp. Br. at 15. However, Respondent relies on “facts” that are not in evidence. As stated in its Resolution and in communications with the Clerk of the Board, the Board reviewed the record below, the hearing transcript, and the Hearing Examiner’s decision. CP 25-26, 256. To suggest otherwise is speculative and contrary to the record. The Board had no obligation to accept evidence beyond what the Hearing Examiner considered. To do so would have been contrary to the authority granted to the Board in this situation—the authority to decide a *closed record* appeal. YCC 16B.09.050(1); Pet’rs’ Br., App. A at 5-6. The exercise of this authority was a quasi-judicial function.

As to the second prong, Respondent argues that courts have not historically held public meetings as part of a legislative agenda to make quasi-judicial decisions.<sup>5</sup> Resp. Br. at 15. This mischaracterizes both the Board’s actions and the inquiry under this prong of the test. The *Raynes* test relates to the function discharged by the Board; not to the optics of how the Board announced its decision. Courts historically and routinely decide appeals on the record and have the discretion to afford or deny parties additional briefing or oral argument. *See* Pet’rs’ Br. at 20-21. The

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<sup>5</sup> Respondent’s argument here also attempts to introduce evidence about the April 10 meeting that is not in the record. Resp. Br. at 15. The Court should therefore disregard these statements.

fact that the Board elected to announce its decision at a public meeting is, by operation of the Open Public Meetings Act, the only mechanism available to a legislative body sitting in a quasi-judicial capacity to do so, short of convening a public hearing that was not needed or required.

As to the third prong, Respondent argues that the Board did not conduct a substantive legal analysis that applies law to facts in making its decision and that the Board did not even review the record. Resp. Br. at 15-16. Again, Respondent's speculations as to what the Board did or did not do are based on "facts" that are not in evidence. Respondent also implies that a transcript of the proceedings before the Hearing Examiner was not prepared. Resp. Br. at 16.<sup>6</sup> However, the recitals to the Board's Resolution and the Board's communications with the Clerk of the Board clearly reference a transcript of the Hearing Examiner proceedings. CP 25. The evidence before this Court reveals that the Board did receive and review the record. CP 25, 256.

As to the fourth prong, Respondent argues that the Board's action was more traditionally legislative because the Board disallowed legal argument and decided the issue at a "public meeting [that] looked like

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<sup>6</sup> Respondent asserts: "There was no apparent review of the administrative record by the Board, or review of the hearing transcript of the final Hearing Examiner's hearing *to the extent a transcript was even prepared.*" Resp. Br. at 16. Respectfully, this is neither true nor fairly implied.

every other legislative meeting Yakima County holds.” Resp. Br. at 16. Pursuant to the County code, the disposition of Respondent’s administrative appeal by the Board was to occur “[a]t the next *regular meeting* of the Board following receipt of the record from the Administrative Official.” YCC 16B.09.055(3) (emphasis added); *see also* Pet’rs’ Br., App. A at 7. The Board was to “decide at a public meeting whether to affirm the decision of the Hearing Examiner, or to invite written memoranda of authorities and direct the Clerk to schedule a closed record public hearing.” *Id.* The Board did not legislate when it denied Respondent’s appeal just because this decision was rendered at a “regular meeting,” as the ordinance requires.<sup>7</sup> YCC 16B.09.050(1)(a); *see* Pet’rs’ Br., App. A at 6; CP 25-26. By considering and deciding Respondent’s appeal, the Board engaged in a quasi-judicial function.

**C. The statute of limitations in this case is provided by statute, not ordinance.**

Respondent contends that the trial court held that RCW 36.70C.040(4)(b) “does not apply because Yakima County requires a

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<sup>7</sup> In sharp contrast to the procedures followed by the Board in this case, “a legislative hearing may reach a decision in part from the legislator’s personal predilections or preconceptions. Indeed, the election of legislators is often based on their announced views and attitudes [o]n public questions.” *Smith v. Skagit Cty.*, 75 Wn.2d 715, 740-41, 453 P.2d 832 (1969). Neither the scope of the Board’s action—determining the rights of individual parties—nor the process that it followed resembles anything that can be fairly characterized as legislative.

written decision.” Resp. Br. at 11. However, the statute of limitations in this case, as the name suggests, is provided by statute, not a local ordinance. “The statute designates the exact date a land use decision is ‘issued,’ based on whether the decision is written, made by ordinance or resolution, or in some other fashion.” *Habitat Watch v. Skagit Cty.*, 155 Wn.2d 397, 408, 120 P.3d 56 (2005). To determine what subsection of RCW 36.70C.040(4) applies, a reviewing court examines the land use decision before it and determines which of the three subsections applies. *Id.*; see also *Northshore Inv’rs, LLC v. City of Tacoma*, 174 Wn. App. 678, 689, 301 P.3d 1049 (2013) (analyzing RCW 36.70C.040 first before turning to municipal code), *disapproved of on other grounds by Durland v. San Juan Cty.*, 182 Wn.2d 55, 340 P.3d 191 (2014). The inquiry does not begin with the local ordinance. The fact that Respondent may have erroneously interpreted an inferior ordinance to afford Respondent rights it does not have, or to extend jurisdiction to a superior court that does not exist, does not save Respondent’s appeal. LUPA’s stringent statute of limitations must be given full effect “even when its results may seem unduly harsh.” *Chelan Cty. v. Nykreim*, 146 Wn.2d 904, 926, 52 P.3d 1 (2002) (citations omitted).

Contrary to Respondent’s arguments, even if the inquiry were to begin with the local ordinance, YCC 16B.09.050(5)’s use of the term

“written decision” is not enough to apply the “written decision” provision of RCW 36.70C.040(4)(a) to this case. Respondent argues that “a written decision is required here, so regardless of the nature of the resolution it must be a ‘written decision’ according to Yakima County’s own codified prescription.” Resp. Br. at 14. Respondent’s interpretation would read RCW 36.70C.040(4)(b) out of existence, which is clearly disfavored under Washington law. *Ralph v. State Dep’t of Nat. Res.*, 182 Wn.2d 242, 248, 343 P.3d 342 (2014) (court cannot “simply ignore” express terms in statutes (citation omitted)). RCW 36.70C.040(4)(b) applies on all fours to the resolution passed by the Board (a legislative body acting in a quasi-judicial capacity) and should be given effect.

Attaching a copy of the Board’s resolution to a transmittal letter does not transform the resolution into a written decision for purposes of RCW 36.70C.040(4). Respondent argues that *Northshore* and *Foursquare* are inapposite and do not support Petitioners’ arguments. Respondent misreads these cases. Resp. Br. at 8-10. The court in *Northshore* had to decide whether the LUPA statute of limitations was triggered on the date the city clerk sent a notice of appeal results letter or on the date the city council made an oral vote on the appeal. *Northshore Inv’rs*, 174 Wn. App. at 689-95. The council was not required to enter a written decision. *Id.* at 688. The Court of Appeals held that the LUPA statute of limitations

began to run on the day that the city council voted; not the day the clerk issued the letter. *Id.* at 695. Like Respondent, Northshore argued that because the city clerk mailed “‘a written decision’ to the parties the day after the hearing,’ subsection (a) applies.” *Id.* at 693. But the court rejected that argument where another subsection of RCW 36.70C.040(4) applied. The Yakima County Planning Division’s emailed transmittal letter does not transform the resolution into a written decision such that RCW 36.70C.040(4)(b) no longer applies.

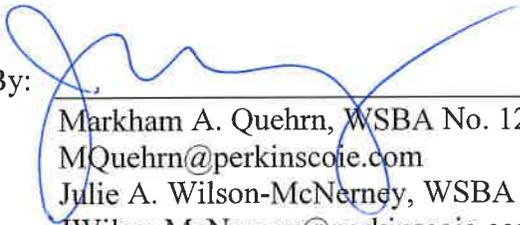
The court in *Foursquare* had to decide whether the LUPA statute of limitations under RCW 36.70C.040(4)(b) was triggered on the date the County Board of Commissioners voted to pass a resolution affirming the Hearing Examiner’s decision or the date the resolution was signed. *King’s Way Foursquare Church v. Clallam Cty.*, 128 Wn. App. 687, 692, 116 P.3d 1060 (2005), *as amended* (Aug. 23, 2005). The court held that the date the resolution was signed started the clock under RCW 36.70C.040(4)(b). In this case, the Board’s decision was final on the date the resolution was signed; not when a letter was sent informing the parties that their administrative appeals had been exhausted, as the trial court ruled. VRP 49:9-20. Because RCW 36.70C.040(4)(b) applies on all fours to the resolution passed by the Board (a legislative body acting in a quasi-judicial capacity), the trial court erred when it misapplied the statute.

### III. CONCLUSION

For the foregoing reasons, Petitioners respectfully ask this Court to reverse the trial court's Order Denying Petitioners' Motion to Dismiss for Lack of Jurisdiction and dismiss this case with prejudice.

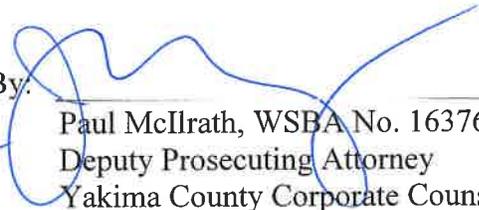
RESPECTFULLY SUBMITTED this 10th day of April 2019.

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*for  
per  
email  
authorization*

# **APPENDIX 1**

(2) This process shall be the exclusive means of judicial review, except for local land use decisions reviewable by a quasi-judicial body created by state law, such as the Shorelines Hearings Board or the Growth Management Hearings Board.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012: Ord. 14-1998 § 1 (part), 1998: Ord. 4-1996 § 1 (part), 1996).

#### **16B.09.070 Appeals Standards and Criteria.**

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The appeal body or Reviewing Official shall issue a decision to grant, grant with modifications, or deny the appeal in accordance with YCC 16B.08.050 for open record appeals, YCC 16B.09.050 for closed record appeals and this Section for all types of appeals. The appeal body or Reviewing Official shall accord substantial weight to the decision of the applicable Administrative Official and the SEPA Responsible Official.

(1) If the appeal body or Reviewing Official determines that the challenged decision is supported by substantial evidence in the record and is a correct application of the law, then the decision shall be upheld.

(2) If the appeal body or Reviewing Official determines that the challenged decision is not supported by substantial evidence, then the decision shall be reversed or remanded.

(3) If the appeal body or Reviewing Official determines that the challenged decision is an incorrect application of the law, then the decision shall be reversed or remanded.

(Ord. 5-2012 § 2 (Exh. A) (part), 2012).

## **Chapter 16B.10 COMPREHENSIVE PLAN AND REGULATORY AMENDMENT PROCEDURES**

### Sections:

- 16B.10.010 Purpose.
- 16B.10.020 Reserved.
- 16B.10.030 Applicability.
- 16B.10.040 Procedures.
- 16B.10.060 Submittal Requirements.
- 16B.10.070 Timing of Amendments.
- 16B.10.080 Public Process and Notice.
- 16B.10.090 Major Rezones.
- 16B.10.095 Approval Criteria.

#### **16B.10.010 Purpose.**

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The purpose of this Chapter is to provide procedures and criteria for adopting, amending and updating the Yakima County Comprehensive Plan and the Yakima Urban Area Comprehensive Plan, as well as their respective implementing development regulations. Plan amendments may involve changes in the written text or policies of the plan, to the Policy Plan Maps, or to supporting documents, including capital facilities plans. Plan amendments will be reviewed in accordance with this Chapter, the state Growth Management Act (GMA), the Yakima County-wide Planning Policy,

**CERTIFICATE OF SERVICE**

I hereby certify under penalty of perjury under the laws of the State of Washington that on April 10, 2019, I caused to be served a true and correct copy of the foregoing **REPLY BRIEF** on the following via the method of service indicated below:

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DATED at Seattle, Washington, this 10th day of April, 2019.

By:   
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**April 10, 2019 - 4:04 PM**

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**Appellate Court Case Number:** 36334-1  
**Appellate Court Case Title:** Confederated Tribes and Bands of the Yakama Nation v. Yakima County  
**Superior Court Case Number:** 18-2-01517-0

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