

State of Washington

**GROWTH MANAGEMENT HEARINGS BOARD
FOR EASTERN WASHINGTON**

KITTITAS COUNTY,)

Petitioner) **Case No. 95-1-0007**

v.)

)

CITY OF ELLENSBURG,)

Respondent)

CITY OF ELLENSBURG,)

Petitioner)

) **Case No. 96-1-0017**

RIDGE,)

Petitioner)

) **ORDER ON MOTION**

MIKE WILLIAMS AND) TO DISMISS

PAULINE DIEFENBACH,)

Petitioners) **(City of Ellensburg original
Petition**

vs.) **No. 96-1-0012)**

)

KITTITAS COUNTY,)

Respondent)

)

JELD-WEN AND TRENDWEST RESORTS,)

Intervenor)

)

PLUM CREEK TIMBER COMPANY,)

Intervenor)

_____))
THIS MATTER having come on to be heard before the Eastern Washington Growth Management Hearings Board upon the joint motion and stipulation of the City of Ellensburg and Kittitas County and the Board having reviewed the files and records in this matter, and having heard argument of counsel:

IT IS HEREBY ORDERED as follows:

0. Kittitas County is hereby authorized to designate an interim urban growth area in the county's comprehensive plan for the City of Ellensburg that is the same area which was designated as the City of Ellensburg final UGA in the July 1996 version of the county comprehensive plan. Such designation is pursuant to a stipulation of the parties and is to resolve a dispute on the comprehensive plans See RCW 36.70A.130(2)(b). Such designation is without prejudice to the rights of Kittitas County to undertake its right to review and amend its comprehensive plan in the year 1997 and each succeeding year. Such designation shall also supersede the December 1996 amendments to the Kittitas County comprehensive plan relative to the Ellensburg UGA designation due to its subsequent date of passage. The parties agree that such designation shall be completed on or before February 18, 1997.
1. All claims and causes of action brought by the City of Ellensburg against Kittitas County in Case No. 96-1-0017 and all claims and causes of action brought by Kittitas County against the City of Ellensburg in Case No. 95-1-0007 be and the same are hereby dismissed.
2. This dismissal is made with the understanding that the City and County will be amending their comprehensive plans during 1997 and that each parties will have standing to appeal and challenge the substance of the specified areas contained in the attached resolution including a non action on such issues. The City and County each retains its right to appeal any other amendments to the comprehensive plan which they may otherwise be entitled to challenge as otherwise provided by law. In the unlikely event that the City or County fail to take any action to a mend any portion of their comprehensive plans in 1997 such an action would be in total violation of this agreement and this dismissal shall be deemed null and void.
3. Cause No. 96-1-0017 shall proceed to hearing as scheduled based upon the petitions of RIDGE, Mike Williams and Pauline Diefenbach as Petitioners. The remaining parties to such action are Kittitas County as Respondent, and Jeld-wen, Trendwest Resorts, Plum Creek Timber Company, the City of Cle Elum and the City of South Cle Elum as intervenors.

SO ORDERED this 4TH day of February, 1997.

EASTERN WASHINGTON
GROWTH MANAGEMENT HEARINGS BOARD

Dennis A. Dellwo, Presiding Officer

Judy Wall, Board Member

D. E. "Skip" Chilberg, Board Member

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