

State of Washington

**GROWTH MANAGEMENT HEARINGS BOARD
FOR EASTERN WASHINGTON**

CITY OF ELLENSBURG,)

Petitioner)

)

CASCADE COLUMBIA ALLIANCE,) Case No. 96-1-0017

Petitioner)

)

RIDGE,) ORDER ON MOTIONS

Petitioner)

)

MIKE WILLIAMS AND)

PAULINE DIEFENBACH,)

Petitioners)

)

CITIES OF CLE ELUM AND SOUTH)

CLE ELUM,)

Intervenors)

vs.)

)

KITTITAS COUNTY,)

Respondent)

)

JELD-WEN AND TRENDWEST RESORTS,)

Intervenor)

)

PLUM CREEK TIMBER COMPANY,)

Intervenor)

)

In the Prehearing Order issued by the Eastern Washington Growth Management Hearings Board, the Board set December 16, 1996 for a Motions Hearing.

On December 16, 1996, the Board convened its Motions Hearing at the Holmes Community Center in Ellensburg at 1:30 p.m. Present were all three board members with Dennis Dellwo presiding. Also present were Paul Sullivan, attorney for City of Ellensburg; Jim Hurson, attorney for Kittitas County, Elaine Spencer, attorney for Olympic Pipe Line Company, Bill H. Williamson attorney for Cities of Cle Elum and South Cle Elum; Pat Proebsting, attorney for City of Roslyn; John Hempelmann, attorney for JELD-WEN et al.; David Bricklin, attorney for Cascade Columbia Alliance and RIDGE.

The following motions were presented for consideration:

1. On November 25, 1996, Kittitas County filed a motion to dismiss RIDGE'S petition in whole or in part.
2. On November 27, 1996, Bill H. Williamson filed a motion to intervene on behalf of the Cities of Cle Elum and South Cle Elum.
3. On November 27, 1996, Olympic Pipe Line Company, by and through its attorney, Elaine Spencer, filed a motion to intervene.
4. On December 2, 1996, the City of Roslyn filed a motion to intervene.
5. On December 3, 1996, Intervenor JELD-WEN et al. filed a motion to dismiss RIDGE's forest land issues.
6. On December 10, 1996, Cascade Columbia Alliance filed a motion to withdraw its petition for review. (**Formerly known as Petition no. 96-1-0014**)
7. On December 11, 1996, Intervenor JELD-WEN withdrew its motion to dismiss Ridge's forest land issues.
8. On December 12, 1996 Kittitas County filed a motion to dismiss the Cascade Columbia Alliance petition and request by Olympic Pipe Line Company to intervene.
9. On December 12, 1996, Kittitas County filed its motion to dismiss portions of the City of Ellensburg's petition relating to designation of the urban growth boundaries for the City of Ellensburg.

10. On December 12, 1996, Kittitas County filed a motion to supplement the record with resolutions clarifying the legislative intent in the drafting of the master planned resort and major industrial development portions of the comprehensive plan and an amendment to the plan where the cities of Ellensburg, Kittitas and Cle Elm's boundaries were rescinded and redesign Ted to their current city limits.

The Board heard arguments from the concerned parties.

Motion No. 1: Kittitas County's motion to dismiss RIDGE's petition was withdrawn at the motion hearing.

Motion No. 2: Motion by Cities of CleElum and South CleElum to intervene is granted with the following conditions: The Cities of Cle Elum and South Cle Elum will raise no new legal or factual issues not already raised by the remaining parties relating to the appealed Kittitas County Comprehensive Plan. The Cities of Cle Elum and South Cle Elum will neither brief nor argue issues except to the extent that they directly impact those cities. The existing Motions will bind these cities and Briefing Schedule already established by the Board.

Motion No. 3: Motion by Olympic Pipe Line to intervene was withdrawn.

Motion No. 4: Motion by City of Roslyn to intervene was withdrawn at the request by City attorney Ms. Proebsting.

Motion No. 5: Motion by Intervenor JELD-WEN to dismiss RIDGE's forest land issues was withdrawn.

Motion No. 6: Motion by Cascade Columbia Alliance to withdraw its petition for review is granted.

Motion No. 7: See motion no. 5.

Motion No. 8: Motion by Kittitas County to dismiss Cascade Columbia Alliance petition and intervention request of Olympic Pipe Line Company was withdrawn.

Motion No. 9: Motion by Kittitas County to dismiss portions of the City of Ellensburg's petition relating to designation of the urban growth boundaries for the City of Ellensburg was withdrawn.

Motion No. 10: Motion by Kittitas County to supplement the record to include solutions clarifying the legislative intent of both the master planned resort and clarifying the major

industrial development sections of the comprehensive plan and an amendment to the plan is granted.

The parties have resolved a related issue by the Stipulation cited below. David Bricklin on behalf of RIDGE, John Hempelmann on behalf of JELD-WEN, Trendwest Resorts and Plum Creek Timber Company and Jim Hurson on behalf of Kittitas County stipulated to the following.

1. Ridge filed a petition wherein Master Planned Resort policies were challenged.
2. County passed a resolution reflecting legislative intent for those policies.
3. December 10, 1996, the County passed an amendment to the Comprehensive Plan incorporating that legislative intent into the Plan itself.
4. RIDGE intends to challenge the most recent Comprehensive Plan amendment.

Based on the foregoing, the parties stipulate:

1. The parties shall brief in this action the Master Planned Resort issues including the County's recent resolutions and amendment relating to the legislative intent.
2. The Board's ruling on the MPR policies in this action will take into account the recent legislative intent language adopted by the BOCC through the resolution and amendment.
3. The Parties will be bound by the Board's decision in this appeal of those issues. Ridge does not need to file a new petition on the amendment.
4. The record will be supplemented to include the resolutions and the amendment to the Comprehensive Plan.

The briefing schedule previously established remains in effect.

SO ORDERED this 24th day of December, 1996.

**EASTERN WASHINGTON
GROWTH MANAGEMENT HEARINGS BOARD**

Dennis A. Dellwo, Presiding Officer

Not Available

Judy Wall, Board Member

D. E. "Skip" Chilberg, Board Member

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