

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

SADDLE MOUNTAIN MINERALS, )	Case No. 97-1-0022
L.L.C., a Washington corporation, and )	
GARY MAUGHAN, )	
Petitioners )	ORDER ON MOTIONS
	)
vs. )	
	)
	)
CITY OF RICHLAND, )	
	)
Respondent )	

On December 4, 1997, Saddle Mountain Minerals, a Washington corporation, and Gary Maughan, by and through their attorney Gregory S. McElroy, filed a Petition for Review relating to the City of Richland Comprehensive Plan adopted by Ordinance No. 26-97 on October 6, 1997.

On December 31, 1997, Petitioners filed an Amended and Restated Petition for Review.

After the prehearing conference, on April 17, 1998 the parties entered into an agreement to stay this appeal pending good faith progress and satisfactory completion of tasks outline in the agreement.

In December, 1998, the City of Richland conducting hearings and adopted an Amended Comprehensive Plan.

In January, 1999, Petitioners filed Motion to Set Briefing Schedule.

On January 29, 1999, after holding a motions hearing, the board amended the briefing schedule.

On February 22, 1999, Petitioners filed Motion for Extension of Time and Motion for Leave to Amend.

On February 23, 1999, the Board held a telephonic hearing. All parties were present or represented.

On February 24, 1999, the Board issued its order granting the extension of time and making the Motion for Leave to Amend the first item on March 10, 1999 Motions Hearing docket.

On March 10, 1999, the Board held a motions hearing by teleconference. The hearing was continued on March 11, 1999. All parties were present or represented. Present were Board members Judy Wall, presiding officer, as well as Skip Chilberg and Dennis Dellwo.

Motion No. 1: The City's Motion to Dismiss Petition.

After hearing arguments and reviewing the parties' briefs and exhibits, the Board finds the issue contending the City failed to designate mineral resource lands is not moot. The board will hear that issue. The other issues are moot and therefore dismissed.

Motion No. 2: Petitioners' Motion for Leave to Amend.

Because of the resolution on the motion to dismiss, the Board finds the petitioners' motion for leave to amend is inappropriate. Motion denied.

Motion No. 3: Petitioners' Cross Motion for Dispository Ruling is denied.

### **ORDER**

1. The City's Motion to Dismiss is partially granted. Issues a., b., c., d., f., g., and h. of the December 31, 1997 petition are dismissed. Issue e. of the December 31, 1997 petition is not dismissed and will be heard at the April 22, 1999 Hearing on the Merits.
2. Petitioners' motion for leave to amend is denied.
3. Petitioners' cross motion for dispository ruling is denied.

**SO ORDERED** this 17<sup>th</sup> day of March, 1999.

EASTERN WASHINGTON  
GROWTH MANAGEMENT HEARINGS

BOARD

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Judy Wall, Presiding Officer

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D. E. "Skip" Chilberg, Board Member

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Dennis A. Dellwo, Board Member