

**STATE OF WASHINGTON  
GROWTHMANAGEMENT HEARINGS BOARD  
FOR EASTERN WASHINGTON**

SADDLE MOUNTAIN MINERALS, L.  
L.C., a Washington corporation, GARY  
MAUGHAN, and MICHAEL J.  
ALBERG,  
Petitioners,  
v.  
GRANTCOUNTY, WASHINGTON  
Respondents

Case No.: No. 99-1-0015  
ORDER ON MOTION

On January 20, 2000, Respondent Grant County filed a Motion for Partial Summary Judgment Dismissing allegation re Plan Invalidity, Petitioners' Issues No. 3(i).

On February 14, 2000, the Board held a Motions Hearing by teleconference. All parties were represented.

Discussion:

Petitioners' Issue 3 (i) alleges that Grant County's Comprehensive Plan is invalid because the action of adopting the plan occurred before the plan text was approved and ready for publication. Respondent Grant County argues that Petitioners' issue 3 (i) should be dismissed because indisputable facts in the record clearly indicate there is no basis for the allegation.

At the motion hearing, Petitioners conceded they had no evidence to present to support their allegation. However, Petitioners requested that should the Board dismiss issue 3 (i), it should be done in such a way as not to prejudice the remaining issues.

The Board concurs.

ORDER

Petitioners' Issue 3(i) is hereby dismissed without prejudice.

SO ORDERED this 23<sup>rd</sup> day of February, 2000.

EASTERN WASHINGTON

GROWTH MANAGEMENT HEARINGS BOARD

D. E. "Skip" Chilberg, Presiding Officer

Judy Wall, Board Member

Dennis A. Dellwo, Board Member