

**STATE OF WASHINGTON
GROWTH MANAGEMENT HEARINGS BOARD
FOR EASTERN WASHINGTON**

RIDGE,
Petitioner,
v.
KITTITAS COUNTY,
Respondent,
TRENDWEST RESORTS, INC. and
TRENDWEST INVESTMENTS, INC.
Intervenors,
CITY OF CLE ELUM,
Intervenors,
CITIZENS FOR SOUND COMMUNITY
DEVELOPMENT,
Intervenors,
1000 FRIENDS OF WASHINGTON,
Intervenors.

Case No.: 00-1-0017

COMPLIANCE ORDER

On December 8, 2000, David A. Bricklin, representing RIDGE, filed a Petition for Review.

On June 7, 2001 a Final Decision and Order was entered herein, finding the County out of compliance due to their failure to properly coordinate with the city of Roslyn.

On April 1, 2002, the Board held a telephonic compliance hearing to determine if the County has complied with the above Order. Present were Skip Chilberg as Presiding Officer, and Board Members Judy Wall and Dennis Dellwo. Petitioner RIDGE was represented by David A. Bricklin. James A. Hurson, Deputy Prosecuting Attorney,

represented Respondent Kittitas County. Brian L. Holtzclaw represented Intervenors Trendwest Resorts, Inc. and Trendwest Investments, Inc.

DISCUSSION

In compliance hearings where a determination of invalidity has not been entered, the burden of proof remains with the Petitioner. (See RCW 36.70A.320(2)). The Petitioner must convince the Board that the Respondent's efforts to comply are not in compliance with the requirements of the GMA.

The Board found Kittitas County had failed to coordinate with the City of Roslyn regarding approval of plans for the Mountain Star Resort. Petitioner Ridge contends that Kittitas County has taken no action to comply with our Order, and further, requests the Board declare portions of the Kittitas County Comprehensive Plan and development regulations invalid. Those portions concern certain sections of land, those alleged to be most vulnerable to secondary growth resulting from the County's approval of the Master Planned Resort (MPR).

Petitioner provided the Board with a copy of a letter from the City of Roslyn to Kittitas County noting actions which the City desired Kittitas County to take. All parties' briefs, as well as oral arguments, noted that communication was occurring between Kittitas County and the City of Roslyn.

Respondent contends (1) they have continued to coordinate with the City of Roslyn, and cite instances of meetings between the County and the City and (2) the Board has no jurisdiction to declare invalid the sections requested by Petitioners.

Respondent does not accept arguments that the City of Roslyn has an "area of influence" outside its own urban growth area, and further, some of the property included in Petitioner's request is even beyond that claimed area of influence.

The Board sees that coordination has been occurring since our Order. The Board has no authority to order a particular result from that coordination, and is convinced that the City of Roslyn is "at the table" in matters that relate to its interests. Kittitas County has, as a condition of approval of the MPR, required ongoing coordination with Roslyn. This Board cannot and will not police this coordination. These two governments are working together and should continue to do so.

The Board finds no legal authority to declare invalid portions of a comprehensive plan where no order of non-compliance has been issued. Further, under the facts

alleged by the Petitioner, the Board does not believe a finding of Invalidity should be issued. The determination of Invalidity requires a finding of non-compliance and a determination that the continued validity of part or parts of the plan or regulation would substantially interfere with the fulfillment of the goals of the GMA. The Board does not find that this is the case.

CONCLUSION

Petitioners have not convinced the Board that Kittitas County has failed to comply with the GMA and the Final Decision and Order in this matter.

ORDER

The Board finds Kittitas County has complied with the Final Decision and Order herein and has coordinated with the City of Roslyn. Further, the Petitioner's request for a determination of invalidity is denied.

SO ORDERED this 10th day of April 2002.

EASTERN WASHINGTON GROWTH
MANAGEMENT HEARINGS BOARD

D. E. "Skip" Chilberg, Board Member

Dennis A. Dellwo, Board Member

Judy Wall, Board Member