

**FILED**

**NOV 26 2007**

COURT OF APPEALS  
DIVISION III  
STATE OF WASHINGTON  
By \_\_\_\_\_

84187-0

No. 265480-III  
Kittitas County Superior Court No. 07-2-00552-1

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**COURT OF APPEALS, DIVISION III  
OF THE STATE OF WASHINGTON**

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CENTRAL WASHINGTON HOME BUILDERS ASSOCIATION et al.,

Petitioners,

v.

EASTERN WASHINGTON GROWTH MANAGEMENT HEARINGS  
BOARD et al.,

Respondents.

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**WASHINGTON STATE DEPARTMENT OF COMMUNITY,  
TRADE AND ECONOMIC DEVELOPMENT'S ANSWER TO  
MOTION FOR DISCRETIONARY REVIEW**

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## I. INTRODUCTION

Kittitas County Conservation, RIDGE, and Futurewise (KCC) filed a Notice of Discretionary Review and Motion for Discretionary Review of a Final Decision and Order issued by the Eastern Growth Management Hearings Board (Board) on August 20, 2007, in *Kittitas County Conservation v. Kittitas County*, Case No. 07-1-0004c. Pursuant to RCW 34.05.518 and RAP 6.3, their motion is supported by a Certificate of Appealability issued by the Board on October 22, 2007.

This answer is filed by the Washington State Department of Community, Trade, and Economic Development (CTED), pursuant to RAP 6.2, 6.3, and 17.4.<sup>1</sup> CTED supports KCC's Notice of Discretionary Review and Motion for Discretionary Review, and CTED agrees with KCC that this matter satisfies the criteria for direct review set forth in RCW 34.05.518.

## II. ARGUMENT

CTED is a party to this matter, aligned with KCC. CTED and KCC filed separate petitions for review with the Board, alleging amendments to the Kittitas County Comprehensive Plan did not comply with the goals and requirements of the Growth Management Act (GMA),

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<sup>1</sup> Although KCC did not request oral argument on its motions, the Court scheduled oral argument for January 8, 2008. Accordingly, this answer is timely filed under RAP 6.2(c), 6.3, and 17.4(e)

chapter 36.70A RCW. The petitions were consolidated.<sup>2</sup> The four issues raised by CTED were also raised by KCC, although KCC raised a number of issues in addition to those argued by CTED. In its Final Decision and Order, the Board ruled in favor of CTED on all four issues CTED raised and argued; KCC prevailed on all but two of the issues they raised.

Two separate petitions were filed in Kittitas County Superior Court seeking judicial review of the Board's decision. KCC has filed parallel motions for discretionary review in both cases.<sup>3</sup> On November 13, 2007, the Superior Court granted an uncontested motion to consolidate the two petitions. CTED appeared in response to both petitions. This Court therefore should consider KCC's two motions for discretionary review together and agree to accept review of the consolidated appeal.<sup>4</sup>

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<sup>2</sup> The Superior Court consolidated the cases under Kittitas County Superior Court No. 07-2-00552-1, which corresponds with this appeal, No. 265480-III.

<sup>3</sup> The other motion for discretionary review was filed in *Kittitas County Conservation v. Kittitas County*, No. 265471-III.

<sup>4</sup> In its answer to the motion for discretionary review in *Kittitas County Conservation v. Kittitas County*, No. 265471-III, CTED asks that this Court clarify that in the consolidated appeal, CTED and the Eastern Washington Growth Management Hearings Board, along with Kittitas County Conservation, RIDGE, and Futurewise, are properly denominated as respondents in this appeal. That request would clarify the inconsistency between the caption in that case and the correctly denominated caption in this case.

**III. CONCLUSION AND RELIEF REQUESTED**

This Court should grant KCC's Motion for Discretionary Review of this consolidated appeal.

RESPECTFULLY SUBMITTED this 21st day of November, 2007.

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**PROOF OF SERVICE**

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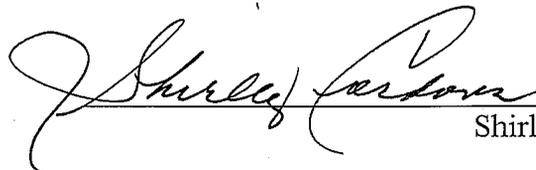
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I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 21<sup>st</sup> day of November, 2007, at Olympia,  
Washington.

  
Shirley Cordova