

FILED

JUN 16 2009

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

Case No. 265471
Consolidated with no. 265480

84187-0

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

KITTITAS COUNTY, a political subdivision of the State of Washington, BUILDING INDUSTRY ASSOCIATION OF WASHINGTON (BLAW), CENTRAL WASHINGTON HOME BUILDERS (CWHBA), MITCHELL WILLIAMS, d/b/a MF WILLIAMS CONSTRUCTION CO., TENAWAY RIDGE, LLC, KITTITAS COUNTY FARM BUREAU, and SON VIDA II,

Petitioners,

v.

EASTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD; KITTITAS COUNTY CONSERVATION; RIDGE; FUTUREWISE; and WASHINGTON DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

Respondents.

**INTERVENOR-PETITIONER AMERICAN FOREST
LAND COMPANY'S REPLY BRIEF**

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I. INTRODUCTION

Intervenor-Petitioner American Forest Land Company ("AFLC") respectfully submits this Reply Brief in the appeal of a Final Decision and Order of the Eastern Washington Growth Management Hearings Board ("Hearings Board") in Hearings Board Cause No. 07-1-0004c.

II. ARGUMENT AND AUTHORITY

In order to avoid presenting duplicative or redundant arguments, AFLC incorporates and adopts the arguments made by Kittitas County in its Reply Brief as to why the County's three-acre zoning fully complies with the Growth Management Act ("GMA"), and why Respondents are incorrect in their arguments to the contrary.¹

III. CONCLUSION

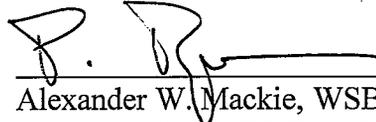
Based on the arguments advanced by Kittitas County in its Reply Brief, and the prior briefs submitted by Petitioners in this case, AFLC respectfully requests that the Hearings Board's Final Decision and Order be reversed.

¹ AFLC also previously joined in the Opening Brief submitted by co-petitioner the Building Industry Association of Washington ("BIAW"). AFLC continues to join the arguments of BIAW as to the other assignments of error at issue in this litigation.

Respectfully submitted this 15th day of June, 2009.

PERKINS COIE LLP

By



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