

**FILED**

**MAR 17 2009**

COURT OF APPEALS  
DIVISION III  
STATE OF WASHINGTON

No. 26547-1  
con w/ 265480

84187-0

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

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KITTITAS COUNTY,

Petitioner,

and

CENTRAL WASHINGTON HOME BUILDERS ASSOCIATION, a Washington not-for-profit corporation; BUILDING INDUSTRY ASSOCIATION OF WASHINGTON, a Washington not-for-profit corporation; MITCHELL F. WILLIAMS, d/b/a/ MF WILLIAMS CONSTRUCTION CO. INC.; TEANAWAY RIDGE, LLC; and KITTITAS COUNTY FARM BUREAU,

Petitioners/Intervenors,

v.

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

Respondents.

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**OPENING BRIEF OF TEANWAY RIDGE LLC**

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## **I. INTRODUCTION**

Teanaway Ridge LLC, is a Washington limited liability company that owns real property in Kittitas County, Washington. Teanaway Ridge LLC was granted intervenor status before the Eastern Washington Growth Management Hearings Board in Case No. 07-1-0004c, the case which is on appeal. Teanaway Ridge LLC participated in the briefing and argument before the Eastern Washington Growth Management Board which led up to the Growth Board's August 20, 2007 Final Decision and Order (FDO). At the Growth Board level, the Intervenors, as a condition of their intervention, filed combined briefs.

## **II. ASSIGNMENTS OF ERROR**

Teanaway Ridge LLC, in an effort to avoid duplicative briefing, adopts the Assignments of Error set forth in the Opening Brief of Kittitas County and the Assignments of Error set forth in the Opening Brief of the Building Industry Association of Washington.

## **III. STATEMENT OF CASE**

Teanaway Ridge LLC, in an effort to avoid duplicative briefing, adopts and joins in the Statement of the Case set forth in the Opening Brief of Kittitas County and the Statement of the Case set forth in the Opening Brief of the Building Industry Association of Washington.

## **IV. DISCUSSION**

Teanaway Ridge LLC, in an effort to avoid duplicative briefing, adopts and joins in the arguments set forth in the Opening Brief of Kittitas

County and the arguments set forth in the Opening Brief of the Building Industry Association of Washington.

## V. CONCLUSION

Based upon the arguments advanced by Kittitas County in the Opening Brief of Kittitas County and the arguments advanced by the Building Industry Association of Washington, Teanaway Ridge LLC respectfully requests that this Court reverse the Growth Management Hearings Board and determine that Kittitas County's Comprehensive Plan which allows rural densities of one dwelling unit per three acres; which provides for a variety of rural densities; and, lastly, which allows cluster plats and planned unit developments be deemed GMA compliant.

Teanaway Ridge LLC reserves the right to file additional briefing in reply to responsive arguments made in the answering Brief of Kittitas County Conservation Coalition, RIDGE, Futurewise and the Washington State Department of Community Trade and Economic Development.

RESPECTFULLY SUBMITTED this 16 day of March, 2009.

LATHROP, WINBAUER, HARREL,  
SLOTHOWER & DENISON, L.L.P.



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