

1
2
3
4 **State of Washington**
5 **GROWTH MANAGEMENT HEARINGS BOARD**
6 **FOR EASTERN WASHINGTON**
7

8 LARSON BEACH NEIGHBORS and JEANIE
9 WAGENMAN,

10 Petitioner,

11 v.

12 STEVENS COUNTY,

13 Respondent.

Case No. 04-1-0010

ORDER ON MOTION TO
CONSOLIDATE

14
15
16 **I. PROCEDURAL HISTORY**

17 On September 10, 2004, LARSON BEACH NEIGHBORS and JEANIE WAGENMAN, by
18 and through its representative, Jeanie Wagenman, filed a Petition for Review.

19 On October 5, 2004, the Board held a telephonic Prehearing conference. Present
20 were Dennis Dellwo, Presiding Officer, and Board Member John Roskelley. Board Member
21 Judy Wall was unavailable. Present for Petitioners was Jeanie Wagenman. Present for
22 Respondent was Peter Scott and Lloyd Nickel.

23 On October 11, 2004, the Board issued its Prehearing Order.

24 On October 15, 2004, the Respondent County filed a Motion to Dismiss the Petition in
25 this matter.

1 On October 26, 2004, the Board received Petitioners' Motion Additions to the Index
2 of Record Clarification of Admitted Exhibits October 26, 2004.

3 On November 9, 2004, the Board received Petitioners Response 11/9/04 to
4 Respondent's Motion to Dismiss.

5 After receiving the briefing of the parties, a telephonic motion hearing was held on
6 the 22nd day of November 2004. Present were Dennis Dellwo, Presiding Officer, and Board
7 Members John Roskelley and Judy Wall. Present for the Petitioner was Jeanie Wagenman.
8 Present for the Respondent was Peter Scott.

9 On November 29, 2004, the Board issued an Order on Motions.

10 On December 27, 2004, the Board received Respondent's Motion to Consolidate Case
11 Nos. 04-1-0010 and 04-1-0011 and Affidavit of Peter G. Scott in Support of Motion to
12 Consolidate.

13 II. DISCUSSION

14 The Respondent, Stevens County, asked this Board to consolidate cases 04-1-0010
15 and 04-1-0011, contending the issues are similar and consolidation would be a more
16 efficient use of the party's time. Both Petitioner Simmons and Petitioner/Intervenor
17 Wagenman oppose this consolidation. They contend the issues are different and such a
18 consolidation would confuse the cases and make it difficult to decide. Although supporting
19 a postponement of 04-1-0011 for mediation, Petitioner Wagenman indicated that she would
20 not support a postponement of the hearing date for mediation purposes if the cases were
21 consolidated.

22 The Growth Management Act requires all parties to stipulate for a continuance of the
23 case for mediation. (RCW 36.70A.300) Because of the possible confusion that might occur
24 as a result of consolidation and the lack of consent of all the parties to a continuation for
25 mediation, this Board finds such a consolidation inappropriate.
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

III. ORDER

The Board, after review of the arguments of the parties and the Growth Management Act and its Regulations, denies the motion of the Respondent. Cases **04-1-0010 and 04-1-0011** will not be consolidated.

SO ORDERED this 29th day of December 2004.

EASTERN WASHINGTON GROWTH MANAGEMENT
HEARINGS BOARD

Dennis Dellwo, Board Member

Judy Wall, Board Member

John Roskelley, Board Member