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**State of Washington
GROWTH MANAGEMENT HEARINGS BOARD
FOR EASTERN WASHINGTON**

FUTUREWISE,

Case No. 05-1-0011

Petitioner,

ORDER OF DISMISSAL

v.

PEND OREILLE COUNTY,

Respondent.

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I. PROCEDURAL HISTORY

On December 14, 2005, FUTUREWISE, by and through its representative, John Zilavy, filed a Petition for Review.

On January 18, 2006, the Board held a telephonic Prehearing conference. Present were, Judy Wall, Presiding Officer, and Board Members Dennis Dellwo and John Roskelley. Present for Petitioners was John Zilavy. Present for Respondent was Thomas Metzger.

On January 18, 2006, the Board issued its Prehearing Order.

On April 6, 2006, the Board received a Joint Motion for Extension of Case Schedule signed by the parties requesting a ninety (90) day extension. The parties are currently pursuing settlement discussions. The Board is asked by the parties to grant a ninety (90) day extension.

On April 7, 2006, the Board issued an Order of Extension.

1 On July 6, 2006, the Board received a Joint Motion for Extension of Case Schedule
2 signed by the parties requesting a thirty (30) day extension. The parties are currently
3 pursuing settlement discussions. The Board is asked by the parties to grant a thirty (30) day
4 extension.

5 On July 14, 2006, the Board issued its Order on Extension.

6 On July 28, 2006, the Board received a Joint Motion for Extension of Case Schedule
7 signed by the parties requesting a thirty (30) day extension. The parties are currently
8 pursuing settlement discussions. The Board is asked by the parties to grant a thirty (30) day
9 extension.

10 On July 31, 2006, the Board issued an Order of Extension.

11 On October 4, 2006, the Board held the Hearing on the Merits. Present were, acting
12 Presiding Officer, John Roskelley and Board Member Dennis Dellwo. Presiding Officer, Judy
13 Wall was unavailable. Present for Petitioner was Alexandria Doolittle. Present for
14 Respondent was Tom Metzger and Michael Kenyon.

15 On November 1, 2006, the Board issued its Final Decision and Order.

16 On May 3, 2007, the Board received Respondent's Statement of Actions Taken to
17 Comply.

18 On May 18, 2007, the Board received Petitioner's Response to Statement of Actions
19 Taken to Comply.

20 On June 18, 2007, the Board held a telephonic compliance hearing. Present were,
21 acting Presiding Officer, John Roskelley and Board Members Dennis Dellwo and Joyce
22 Mulliken. Present for Petitioner was Keith Scully. Present for Respondent was Prosecuting
23 Attorney Tom Metzger.

24 On June 19, 2007, the Board issued its Order Finding Non-Compliance.

25 On December 13, 2007, the Board received a Joint Motion for Extension of Case
26 Schedule signed by the parties. The parties are asking for a sixty-day extension of the
compliance schedule previously set by the Board to allow the Respondent, Pend Oreille

1 County, the appropriate time to complete the legislative actions to bring themselves into
2 compliance.

3 On December 20, 2007, the Board issued its Order of Extension.

4 On February 8, 2008, the Board received Respondent's Statement of Actions Taken
5 to Comply.

6 On March 3, 2008, the Board received Petitioner's Response to Statement of Actions
7 Taken to Comply.

8 II. DISCUSSION

9 On October 17, 2005, Pend Oreille County (County) adopted its first Comprehensive
10 Plan and Future Land Use Map under Resolution No. 2005-33. The County adopted a variety
11 of rural densities in the Comprehensive Plan, including Rural-2.5, a one dwelling unit per
12 2.5 acres.

13 The Petitioner, Futurewise, filed a timely petition for review with the Eastern
14 Washington Growth Management Hearings Board (Board) asking for a review of the Rural-
15 2.5 land use designation. On November 1 2006, the Board found the County's low-density
16 Rural-2.5 designation failed to comply with RCW 36.70A.020(1), RCW 36.70A.020(2) and
17 RCW 36.70A.070(5), was clearly erroneous in light of the entire record and out of
18 compliance with the GMA.

19 On January 22, 2008, the County adopted Resolution No. 2008-7, which eliminated
20 the Rural-2.5 acre designation and made all 2.5 acre zones into five acre minimum parcels.
21 Pend Oreille County filed a "Statement of Actions Taken to Comply" with the Board on
22 February 8, 2008, which included a copy of Resolution No. 2008-7 signed by the Board of
23 County Commissioners.

24 On March 4, 2008, the Petitioner submitted a "Response to Statement of Actions
25 Taken to Comply". The Petitioner reviewed Resolution No. 2008-7 and agrees that the
26 County is in compliance with the GMA on this issue and requests that the Board find the
County in compliance and dismiss Case No. 05-1-0011.

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III. ORDER

The Board, upon its review of the record and documents recently provided, finds the Respondent, Pend Oreille County, no longer out of compliance. Case No. 05-1-0011 is dismissed. All further scheduled hearings in this matter are **cancelled** and the case is **closed**.

SO ORDERED this 25th day of March 2008.

EASTERN WASHINGTON GROWTH MANAGEMENT
HEARINGS BOARD

John Roskelley, Board Member

Joyce Mulliken, Board Member

Dennis Dellwo, Board Member