

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

HARVARD VIEW ESTATES

Petitioner,

v.

SPOKANE COUNTY,

Respondent.

Case No. 02-1-0004

ORDER OF DISMISSAL

I. Procedural History

On January 30, 2002, HARVARD VIEW ESTATES, by and through Gene Cohen, filed a Petition for Review.

On February 7, 2002, Respondent Spokane County filed their Motion and Memorandum in Support of Motion to Dismiss.

On February 15, 2002, Petitioner filed their Request to Deny Motion to Dismiss.

The Board received Respondent Spokane County's Reply Memorandum in Support of Motion to Dismiss on February 20, 2002.

On February 25, 2002, Harvard View Estates filed a Reply to Reply Memorandum on Motion to Dismiss with the Board.

On March 7, 2002, the Board heard Motions prior to the Prehearing conference. Judy Wall, Presiding Officer, participated by teleconference. Present were Board Members D. E. "Skip" Chilberg, and Dennis Dellwo. Present for Petitioner was Gene Cohen. Present for Respondent was Robert Binger, Deputy Prosecuting Attorney.

Spokane County published Decision #1-1059 on November 11, 2001, the expiration of the 60-day time frame to appeal was January 9, 2002. Harvard View Estates filed its Petition for Review on January 30, 2002.

CONCLUSION

The Petitioner filed his petition more than 60 days after publication by the County of

notice that it has adopted the comprehensive plan or development regulations or amendments thereto. (RCW 36.70A.290(2)). Further the Petitioner failed to timely serve the County pursuant to WAC 242-02-230(1). The Board concludes that due to untimely filing of the Petition, the Board has no jurisdiction over the issues raised in case number 02-1-0004, Harvard View Estates v. Spokane County.

ORDER

Respondent Spokane County's Motion to Dismiss is granted.

This is a final order for purposes of appeal pursuant to RCW 36.70A.300(5). Pursuant to WAC 242-02-832, a motion for reconsideration may be filed within ten days of service of this final decision and order.

SO ORDERED this 8th day of March 2002.

EASTERN WASHINGTON GROWTH MANAGEMENT
HEARINGS BOARD

Judy Wall, Board Member

Dennis Dellwo, Board Member

D.E. "Skip" Chilberg, Board Member