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

8 SCOTT SIMMONS,

Case No. 04-1-0011

Petitioner,

ORDER ON MOTION TO INTERVENE

9
10 v.

11 STEVENS COUNTY,

Respondent,

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13
14 LARSON BEACH NEIGHBORS and JEANIE
WAGENMAN,

Intervenors.
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17 **I. PROCEDURAL HISTORY**

18 On September 13, 2004, SCOTT SIMMONS, by and through his representative, Scott
19 Simmons, filed a Petition for Review.

20 On October 4, 2004, Larson Beach Neighbors and Jeanie Wagenman filed a Motion
21 to Intervene.

22 On October 8, 2004, the Board received a Notice of Appearance filed by Peter Scott.

23 On October 11, 2004, the Board held a telephonic Prehearing conference. Present
24 were, John Roskelley, Presiding Officer, and Board Members Judy Wall and Dennis Dellwo.
25 Present for Petitioner was Scott Simmons. Present for Respondent was Lloyd Nickel and Mr.
26 Scott.

1 The Board asked for any objections to Larson Beach Neighbors and Jeanie
2 Wagenman's Motion to Intervene to be filed by Petitioner and Respondent no later than
3 Monday, October 18, 2004. Ms. Wagenman is to file her response no later than Monday,
4 October 25, 2004. The Board will make a decision without hearing oral arguments.

5 On October 18, 2004, the Board received Petitioner's and Respondent's Objection to
6 Larson Beach Neighbors and Jeanie Wagenman's Motion to Intervene.

7 On October 25, 2004, the Board received from Jeanie Wagenman's Response to
8 Respondent and Petitioner's Objection to Larson Beach Neighbors and Jeanie Wagenman's
9 Motion to Intervene.

10 II. DISCUSSION

11 WAC 242-02-270 (1) states, "Any person at any time may by motion request status as
12 an Intervenor in a case." WAC 242-02-270 (2) states in part, "in determining whether a
13 person qualifies as an Intervenor, the presiding officer shall apply any applicable provisions
14 of law and may consider the applicable superior court civil rules (CR) of this state."
15 Washington State Superior Court Civil Rule 24 provides that, "anyone may be permitted to
16 intervene in an action." This rule is broadly interpreted in favor of intervention. Larson
17 Beach Neighbors and Jeanie Wagenman have historical standing in this case as parties
18 previously challenging Stevens County's Critical Areas documents, including Resolution 32-
19 2003 and Interim Critical Areas Ordinances #75-2000 and #109-2004.

20 WAC 242-02-270 (2) continues, "The granting of intervention must be in the interests
21 of justice and shall not impair the orderly and prompt conduct of the proceedings." Larson
22 Beach Neighbors' and Jeanie Wagenman's Motion to Intervene is sought to ensure Stevens
23 County does not back off of the protections adopted and abide by state law and protect the
24 interests of all its citizens. Intervenors have an interest in the Petitioner's challenge to
25 Amended Title 13 because of the years they have worked to ensure a comprehensive
26 Critical Areas Ordinance in Stevens County. The Respondent fails to show that intervention
by Larson Beach Neighbor's and Jeanie Wagenman will, "impair the orderly and prompt
conduct of the proceedings" and speculates only that the Intervenor's "will not contribute to

1 the timely resolution of this matter." (page 1, lines 21-22). WAC 242-02-270(2) only
2 requires the Intervenor's not to, "impair" the process, not improve upon it. The
3 intervention will not impair the process.

4 The Respondent and Petitioner have failed to convince the Board that the intervention
5 of Larson Beach Neighbors and Jeanie Wagenman should not be granted. The discussion of
6 unbriefed issues or a waiver of a challenge in another petition is found not relevant here.
7 Both the Washington State Legislature [WAC 242-02-270(1 & 2)] and the Superior Courts
8 (Civil Rule 24) have strongly supported the right of the individual to intervene.

9 **III. ORDER**

10 The Board has considered the briefing and arguments of the parties and enters the
11 following Order:

12 Larson Beach Neighbors and Jeanie Wagenman's Motion to Intervene is hereby
13 **GRANTED**. Jeanie Wagenman will be intervening on the side of Respondent Stevens
14 County. The parties will follow the schedule provided in the Board's Prehearing Order issued
15 on October 12, 2004.

16 **SO ORDERED** this 1st day of November 2004.

17 EASTERN WASHINGTON GROWTH MANAGEMENT
18 HEARINGS BOARD

19 _____
20 John Roskelley, Board Member

21 _____
22 Judy Wall, Board Member

23 _____
24 Dennis Dellwo, Board Member