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

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WILMA et al.,

Petitioners,

v.

STEVENS COUNTY,

Respondent.

Case No. 06-1-0009c

ORDER ON CTED's MOTION TO
FILE A MOTION AFTER THE DATE
SET FORTH IN THE PREHEARING
ORDER AND TO FILE AMICUS
CURIAE BRIEF

I. PROCEDURAL HISTORY

On September 8, 2006, SAUNDRA WILMA and ROBERT BERGER, filed a Petition for Review.

On September 11, 2006, JAMES DAVIES and LARSON BEACH NEIGHBORS and JEANIE WAGENMAN, filed Petitions for Review.

On October 10, 2006, the Board held a telephonic Prehearing conference for Case Nos. 06-1-0007, 06-1-0008, and 06-1-0009 collectively. Present were, John Roskelley, Acting Presiding Officer, Board Members Judy Wall and Dennis Dellwo were unavailable. Present for Petitioners were Sandra Wilma, Robert Berger, James Davies, and Jeanie Wagenman. Present for Respondent was Peter Scott.

The Board at the Prehearing conference consolidated Case Nos. 06-1-0007-06-1-0009. The new Case Name and Number is as follows and shall be captioned accordingly: WILMA et al. v. STEVENS COUNTY, 06-1-0009c. The acting Presiding Officer instructed the Petitioners to consolidate the issues and provide the Board and Respondent with copies of consolidated issues by October 16, 2006. The Petitioners advised they were unable to meet the October 16, 2006, deadline for submitting the proposed consolidated issues and would provide the Board and Respondent the issues as soon as possible.

1 On October 24, 2006, the Board received the proposed consolidated issues.

2 On October 25, 2006, the Board asked the Respondent to advise the Board if it
3 objected to the rewritten issues. Mr. Scott on October 31, 2006, filed with the Board
4 Respondent's Objection and Motion for Extension.

5 On October 31, 2006, the Board received Petitioners' Motion to Supplement the
6 Record.

7 On November 1, 2006, the Board issued its Prehearing Order.

8 On November 8, the Board received Respondent's Motion to Dismiss Issue Nos. 11,
9 12, and 13, filed by Petitioner James Davies.

10 On November 15, 2006 the Board received from Petitioner James Davies, Response
11 to Motion to Dismiss, Respondent Stevens County's Response to Motion to Supplement the
12 Record, and Request for Extension.

13 On November 20, 2006, the Board received Respondent's Reply in Support of Motion
14 to Dismiss and Response to Petitioners' Request for Extension.

15 On November 27, 2006, the Board received Larson Beach Neighbors & Jeanie
16 Wagenman's Response to Stevens County's Response to Motion to Supplement Record.

17 On November 27, 2006, the Board held the telephonic motion hearing. Present were,
18 John Roskelley, Presiding Officer, and Board Members Dennis Dellwo and Joyce Mulliken.
19 Present for Petitioners were, Sandra Wilma, James Davies, Larson Beach Neighbors, &
20 Jeanie Wagenman. Present for Respondent was Peter Scott, Clay White, and the Stevens
21 County Board of County Commissioners.

22 On December 4, 2006, the Board issued its Order on Motions.

23 On December 18, 2006, the Board received from Stevens County's PUD No. 1 a
24 Request for Permission to File a Motion After the Date Set Forth in the Prehearing Order;
25 and Motion to File Amicus Curiae Brief.

26 On December 20, 2006, the Board issued its Order on Motion to File Amicus Brief.

1 On December 29, 2006, the Board received Petitioners' Wilma et al. Response to
2 Stevens County P.U.D. Request to File Late Motion and Response to PUD Motion to File
3 Amicus Curiae Brief.

4 On January 3, 2007, the Board received CTED's Request for Permission to File a
5 Motion After the Date Set Forth in the Prehearing Order and Motion to File Amicus Brief.

6 On January 4, 2007, the Board issued its Order on Stevens County PUD's Motion to
7 File Amicus Curiae Brief.

8 II. DISCUSSION

9 The Washington State Department of Community, Trade and Economic Development
10 (CTED) submitted a request for Permission To File A Motion After The Date Set Forth In The
11 Pre-hearing Order in order to file a Motion to File Amicus Curiae Brief in Case No. 06-1-
12 0009c, *Wilma et al., v Stevens County*, on January 3, 2007. Pursuant to WAC 242-02-
13 532(2), "[If] a pre-hearing order or other order has been entered establishing a deadline for
14 filing motions, no written motion may be filed after the date specified in the order without
15 written permission of the board or presiding officer." The Board grants CTED permission to
16 file a motion as requested and will consider this Order as written permission to do so.
17 Further the Board will consider the motion already filed to be a motion seeking permission
18 to file an Amicus Curiae Brief. Nothing further need be filed unless desired by the moving
19 party.

20 Pursuant to WAC 242-02-280, "[A]ny person whose interest may be substantially
21 affected by a proceeding before a board may by motion request status as an amicus in the
22 case." WAC 242-02-280(2) states that a motion to file an amicus curiae brief must include
23 a statement of the applicant's interest and the person or group applicant represents; the
24 applicant's familiarity with the issues involved; the specific issues to which the amicus curiae
25 brief will be directed; and the applicant's reason for believing that additional argument is
26 necessary on these specific issues. CTED has done so in its motion and nothing further is
required unless desired.

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III. ORDER

The Board will allow CTED to seek amicus status for Issues 2, 6, and 21 in the Board's Pre-hearing Order. Any objections to the Washington State Department of Community, Trade and Economic Development filing an amicus brief addressing only the three previously mentioned issues is due **January 11, 2007**. The Board will issue a final order on the motion seeking Amicus status by **January 12, 2007**. The Board has rescheduled the Hearing on the Merits date to **February 7, 2007, at 10:00 a.m., 215 S. Oak Street, Colville, Washington**. Respondent's hearing on the merits brief and exhibits are due **January 17, 2007**. Petitioners' optional hearing on the merits reply brief is due **January 31, 2007**. The Final Decision and Order will be issued on **March 12, 2007**.

SO ORDERED this 4th day of January 2007.

EASTERN WASHINGTON GROWTH MANAGEMENT
HEARINGS BOARD

John Roskelley, Board Member

Dennis Dellwo, Board Member

Joyce Mulliken, Board Member