

**BEFORE THE WESTERN WASHINGTON GROWTH
MANAGEMENT HEARINGS BOARD**

JOHN E. DIEHL, KERRY HOLM, GORDON)	
JACOBSON, and VERN RUTTER, individually,)	No. 95-2-0073
and as members of the MASON COUNTY)	
COMMUNITY DEVELOPMENT COUNCIL)	ORDER RE:
(MCCDC),)	PETITIONER DIEHL'S
)	DISPOSITIVE MOTION
Petitioners,)	AND MOTION TO ADD
)	TO THE RECORD
v.)	
)	
MASON COUNTY,)	
)	
Respondent,)	
)	
and)	
)	
PETER OVERTON, DONALD B. PAYNE,)	
McDONALD LAND COMPANY, HUNTER)	
CHRISTMAS TREES, HUNTER FARMS,)	
SKOOKUM LUMBER COMPANY, MANKE)	
LUMBER COMPANY and MASON COUNTY)	
PRIVATE PROPERTY ALLIANCE (MCPPA),)	
)	
Intervenors.)	
_____)	

On May 17, 2001, we received a motion from John Diehl to add proposed exhibit 2852, a “read me” file, to the record. We received no objections to the motion. MCCDC indicated their support of the motion on May 18, 2001. The motion is granted.

Petitioner Diehl also filed a dispositive motion on May 17, 2001, arguing that no genuine issue of material fact attaches to this hearing pursuant to WAC 242-02-530(4).

MCCDC supported this motion. We received an objection from Intervenors Hunter Farms and

Hunter Christmas Trees. It appeared that they objected on the grounds that this hearing does not involve a limited record. The County objected on grounds that the record is not limited, that there are genuine issues of material fact, and that the motion was based in part on evidence not yet admitted.

We find the County's response to be persuasive. The motion is denied. At Mr. Diehl's request, his motion will stand as his response brief.

So ORDERED this 1st day of June, 2001.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

Les Eldridge
Presiding Officer