

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

C.U.S.T.E.R. ASSOCIATION and DR. JOHN S.	)	
HRUBY, WATERSHED DEFENSE FUND and	)	
WHATCOM ENVIRONMENTAL COUNCIL,	)	
	)	
Petitioners,	)	No. 96-2-0008
	)	
v.	)	ORDER RE:
	)	MOTIONS
WHATCOM COUNTY,	)	
	)	
Respondent,	)	
	)	
JIM & RUTH TRULL, husband and wife, TRILLIUM	)	
CORPORATION, a Washington corporation, LEE &	)	
BARBARA DENKE, CITY OF LYNDEN, CITY OF	)	
BLAINE, and CITY OF BELLINGHAM, MICHAEL )	)	
and JEAN FREESTONE,	)	
	)	
Intervenors.	)	
_____	)	

On July 21, 1996, we received a series of "requests for ruling" from intervenors Freestone. Pursuant to the requirements of WAC 242-02-534 we waited to see if any party wished to file a response within 10 days. No responses or supporting statements were timely filed. Mr. Brickland's material was not considered. Pursuant to the request of intervenors Freestone, the entire Board has considered these motions. We determine that further argument was unnecessary and make the following order with regard to the "requests".

1. Motion to recuse due to prejudice.

The motion is denied. The requirements of WAC 242-02-530 (5) have not been complied with. Additionally, we do not find any credible evidence to support a conclusion that the presiding officer "has demonstrated extreme prejudice in the matter toward *pro se* intervenors."

2. Motion to dismiss.

The motion as it relates to the concept of *res judicata* is denied. The motion based upon a contention that the C.U.S.T.E.R.'s brief is misleading or inaccurate, frivolous, unnecessary, repetitive, and disingenuous is denied. The portions of the motion concerning SEPA review and the substance of the C.U.S.T.E.R. IUGA issues are reserved for the Hearing on the Merits and will be decided as part of the case.

3. Motion to dismiss.

The motion attacking the “credibility of these petitioners and of their motives” is denied.

4. Motion to dismiss for lack of standing.

The motion is denied. Standing is determined by participation under the provisions of RCW 36.70A.280(2).

5. Motion for summary judgment.

The motion is denied.

6. Objection to submission of inadmissible evidence.

The issue is moot. The evidence has not been and will not be admitted for purposes of the Hearing on the Merits.

7. Reconsideration of intervention.

The motions for reconsideration of the Order on Intervention are denied. The order was entered May 22, 1996. Pursuant to WAC 242-02-830 (2) a request for reconsideration must be filed within 10 days of the final decision. Additionally, a Final Decision and Order in this case must be entered not later than September 28, 1996. It is impossible to once again reschedule the Hearing on the Merits from its August 12, 1996, date and still have time to complete the Final

Decision and Order by September 28, 1996. Existing parties can and have represented the interests asserted by the potential intervenors.

DATED this 9th day of August, 1996.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

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William H. Nielsen  
Board Member

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Les Eldridge  
Board Member

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Nan A. Henriksen  
Board Member