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Whatcom County
Bellingham, WA

BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD
WESTERN WASHINGTON REGION
STATE OF WASHINGTON

ERIC HIRST, LAURA LEIGH BRAKKE,
WENDY HARRIS, DAVID STALHEIM, AND
FUTUREWISE

Petitioners,

v.

WHATCOM COUNTY,

Respondent.

Case No. 12-2-0013

**ORDER GRANTING SETTLEMENT
EXTENSION AND AMENDING
PRELIMINARY SCHEDULE**

I. SETTLEMENT EXTENSION

This matter comes before the Board on a Joint Motion for Extension for Settlement Purposes filed October 30, 2012. The parties jointly request a 45-day extension of the case schedule to enable the Board to issue its Compliance Order in Case No. 11-2-0010c prior to considering this new petition and to allow the parties to engage in settlement discussions that could narrow the issues in this case. The parties request an extension pursuant to WAC 242-03-575(3).¹

The Board will grant a 60-day extension due to the complexity of the Compliance Order for Case No. 11-2-0010c and the Board's current workload. This extension gives the parties sufficient time to review the Board's Compliance Order and take action in accordance with the amended case schedule below. The Board anticipates the Compliance Order for Case No. 11-2-0010c will be available by early December.

¹ In their motion, the parties cite WAC 242-02-560(3). The Board's Rules of Practice and Procedure are now found at Chapter 242-03 WAC.

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II. AMENDED PRELIMINARY SCHEDULE

The Board provides the following amended schedule:

October 10, 2012	Petition for Review filed
October 22, 2012	Notice of Hearing and Preliminary Schedule
January 4, 2013	Index Due (Respondent to file)
January 7, 2013 2:00 p.m.	Telephonic Prehearing Conference Call 1 (800) 704-9804 and use pin code 7579646#
January 22, 2013	Additions to Index Due
February 4, 2013	Deadline for Dispositive Motions and for Motions to Supplement the Record (proposed supplements to be attached)
February 14, 2013	Deadline for Responses to Dispositive Motions and to Motions to Supplement the Record
February 25, 2013	Anticipated date of Orders on Motions
March 22, 2013	Deadline for Petitioner's Prehearing Brief (with exhibits)
April 5, 2013	Deadline for Respondent's Prehearing Brief (with exhibits)
April 19, 2013	Deadline for Petitioner's Reply Brief (optional)
April 26, 2013 9:00 a.m.	Hearing on Merits of Petition Location to be determined
June 7, 2013	Final Decision and Order Deadline

23 DATED this 2nd day of November, 2012.

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Nina Carter, Presiding Officer

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

Case No. 12-2-0013

Eric Hirst, Laura Leigh Brakke, Wendy Harris, David Stalheim, and Futurewise
v. Whatcom County

DECLARATION OF SERVICE

I, LYNN TRUONG, under penalty of perjury under the laws of the State of Washington, declare as follows:

I am the Office Assistant for the Growth Management Hearings Board. On the date indicated below a copy of the ORDER GRANTING SETTLEMENT EXTENSION AND AMENDING PRELIMINARY SCHEDULE in the above-entitled case was sent to the following through the United States postal mail service:

Jean O. Melious
Nossaman LLP
1925 Lake Crest Dr
Bellingham WA 98229

Tim Trohimovich
Futurewise
816 2nd Ave Ste 200
Seattle WA 98104

Karen Frakes
Civil Deputy Prosecuting Attorney
311 Grand Ave Ste 201
Bellingham WA 98225

DATED this 2nd day of November, 2012.



Lynn Truong, Office Assistant

