

No. 84369-4

SUPREME COURT OF THE STATE OF WASHINGTON

JACK and DELAPHINE FEIL, husband and wife; JOHN TONZ and
WANDA TONZ, husband and wife; and THE RIGHT TO FARM
ASSOCIATION OF BAKER FLATS,

Appellants,

v.

(No. 82399-5)

THE EASTERN WASHINGTON GROWTH MANAGEMENT
HEARINGS BOARD, DOUGLAS COUNTY, WASHINGTON STATE
DEPARTMENT OF TRANSPORTATION, WASHINGTON STATE
PARKS AND RECREATION COMMISSION, and PUBLIC UTILITY
DISTRICT NO. 1 OF CHELAN COUNTY,

and

(No. 82400-2)

DOUGLAS COUNTY, DOUGLAS COUNTY BOARD OF COUNTY
COMMISISONERS, WASHINGTON STATE DEPARTMENT OF
TRANSPORTATION, WASHINGTON STATE PARKS AND
RECREATION COMMISSION, and PUBLIC UTILITY DISTRICT
NO. 1 OF CHELAN COUNTY,

Respondents.

**STATEMENT OF ADDITIONAL AUTHORITIES
BY RESPONDENT DOUGLAS COUNTY**

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STATE OF WASHINGTON
CLERK OF SUPERIOR COURT
DOUGLAS COUNTY
vs

CASES

1. *Feil v. Eastern Washington Growth Management Hearings Board*, 153 Wn.App. 394, 401-402, 220 P.3d 1248 (2009):

In February 2007, the Hearings Board concluded that it had no jurisdiction to review this permit, since it was a site-specific project, and dismissed the Orchardists' GMA petition. The Orchardists appealed that decision to the superior court; the court affirmed the dismissal of the GMA petition in July 2007.

* * *

The Orchardists again petitioned . . . for review by the Hearings Board. Once again, the Hearings Board ruled that it did not have jurisdiction to review a site-specific rezone and dismissed the petition. The Orchardists appealed this ruling to the superior court. The superior court . . . dismissed the petition for review of the Hearings Board's decision.

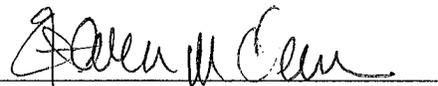
2. *Gold Star Resorts, Inc. v. Futurewise*, 167 Wn.2d 723, 735-738, 222 P.3d 791 (2009) (Court acknowledged application of res judicata and collateral estoppel principles to proceedings before Growth Management Hearings Board)
3. *City of Arlington v. Central Puget Sound Growth Management Hearings Board*, 138 Wn.App. 1, 24-28, 154 P.3d 936 (2007), *affirmed* 164 Wn.2d 768, 791-795, 193 P.3d 1077 (2008) (Court acknowledged application of res judicata and collateral estoppel principles to proceedings before Growth Management Hearings Board)
4. *Truck Insurance Exchange v. Vanport Homes, Inc.*, 147 Wn.2d 751, 766, 58 P.3d 276 (2002) (Court may affirm the trial court on any grounds established by the pleadings and supported by the record.)
5. *Mountain Park Homeowners Ass'n v. Tydings*, 125 Wn.2d 337, 344, 883 P.2d 1383 (1994) (Court may sustain a lower court's judgment upon any theory established by the pleadings and supported by the record.)

6. *Ertman v. City of Olympia*, 95 Wn.2d 105, 108, 621 P.2d 724 (1980) (Court held, where a judgment or order is correct, it will not be reversed merely because the trial court gave the wrong reason for its rendition.)

RECORD

1. Respondent's Motion to Dismiss for Lack of Subject Matter Jurisdiction, *Feil, et al. v. Douglas County, et al.*, EWGMHB Case No. 08-1-0011, EWGMHB Index of Record, 33-58.
2. Respondent's Memorandum, *Feil, et al. v. Douglas County, et al.*, EWGMHB Case No. 08-1-0011, EWGMHB Index of Record, 166-213.
3. Petitioners' Response/Objection to Douglas County's Dismissal Motion, *Feil, et al. v. Douglas County, et al.*, EWGMHB Case No. 08-1-0011, EWGMHB Index of Record, 151-159.
4. Respondent's Reply Memorandum, *Feil, et al. v. Douglas County, et al.*, EWGMHB Case No. 08-1-0011, EWGMHB Index of Record, 341-348.
5. Order on Motion to Dismiss, p. 6, (February 16, 2007), *Feil, et al. v. Douglas County, et al.*, EWGMHB Case No. 06-1-0012, CP 6577, Vol. 34, CD Copy of Record, Litigation Chronology and Exhibits, Bates stamp 4884-4889.
6. Order on Respondent's Motion to Dismiss (June 17, 2008), *Feil, et al. v. Douglas County, et al.*, EWGMHB Case No. 08-1-0011, EWGMHB Index of Record, 384-404.

Respectfully submitted this 6th day of January, 2011.



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For Respondent Douglas County