

WAC 242-03-860 Stay. The board pursuant to RCW 34.05.550(1) may stay the effectiveness of a final order upon motion for stay.

A stay may be granted if the presiding officer or board finds:

(1) An appeal is pending in court, the outcome of which may render the city or county compliance efforts futile or unduly burdensome; and

(2) Delay in application of the board's order will not substantially harm the interest of other parties to the proceedings; and

(3)(a) Delay in application of the final order is not likely to result in actions that substantially interfere with fulfillment of the goals of the GMA, including the goals and policies of the Shoreline Management Act or the State Environmental Policy Act; or

(b) The parties have agreed to halt implementation of the noncompliant ordinance and undertake no irreversible actions regarding the subject matter of the case during the pendency of the stay; and

(4) Delay in application of the final order furthers the orderly administration of justice.

The board's order granting a stay will contain appropriate findings and conditions. The board may require periodic status reports from the parties. An order denying stay is not subject to judicial review.

[Statutory Authority: RCW 36.70A.270 (4) and (7). WSR 16-02-114, § 242-03-860, filed 1/6/16, effective 2/6/16. Statutory Authority: RCW 36.70A.270(7). WSR 11-13-109, § 242-03-860, filed 6/21/11, effective 7/22/11.]