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**State of Washington  
GROWTH MANAGEMENT HEARINGS BOARD  
FOR EASTERN WASHINGTON**

ROBERT PLAYFAIR,

Petitioner,

v.

CITY OF CHEWELAH,

Respondent.

Case No. 03-1-0005

ORDER OF DISMISSAL

**I. BACKGROUND**

On October 24, 2003, ROBERT PLAYFAIR, by and through his attorney, Steve Graham, filed a Petition for Review.

On December 2, 2003, the Board held a telephonic Prehearing conference. Present were, Dennis Dellwo, Presiding Officer, and Board Members Judy Wall and D.E. "Skip" Chilberg. Present for Petitioner was Steve Graham. Present for Respondent was Patrick Monasmith.

On December 5, 2003, the Board issued the Prehearing Order.

On December 23, 2003, Petitioner filed their Dispositive Motion seeking a finding that the Respondent is out of compliance having failed to adopt a Public Participation Program.

On January 20, 2004, the Board held a telephonic Motion hearing. Present were Dennis Dellwo, Presiding Officer, and Board Members Judy Wall and D.E. "Skip" Chilberg.

Present for Petitioner was Steve Graham. Present for Respondent was Patrick Monasmith.

1 After hearing arguments from the parties, the Board found the City of Chewelah was  
2 out of compliance for its failure to adopt a public participation policy under the guidelines of  
3 the Growth Management Act (GMA).

4 On January 21, 2004, the Board issued its Order on Dispositive Motion.

5 On May 12, 2004, the Board received a copy of Resolution 04-02 adopting the City of  
6 Chewelah's Public Participation Policy. May 17, 2004, the Board sent a letter to the parties  
7 stating objections to dismissal of this matter should be received by the Board by May 26,  
8 2004.

9 On June 14, 2004, the Board received Petitioner's Response to City's Submission.

10 On June 23, 2004, the Board received from the Respondent an excerpt from Stevens  
11 County Superior Court Cause No. 99-2-00269-3.

12 On June 23, 2004, 2004, the Board held a telephonic conference. Present were  
13 Dennis Dellwo, Presiding Officer, and Board Members Judy Wall and D.E. "Skip" Chilberg.  
14 Present for Petitioner was Steve Graham. Present for Respondent was Patrick Monasmith.

## 15 **II. DISCUSSION**

16 The City of Chewelah adopted its Public Participation Plan by Resolution. The  
17 Petitioner objected and contended that such a document needs to be adopted by  
18 Ordinance. The City declared that an Ordinance and a Resolution have the same effect and  
19 are enforceable as the law. The Board finds that the Resolution adopting Chewelah's Public  
20 Participation Plan has the effect of law and the City has adopted a Plan as required by the  
21 Growth Management Act. Any objection to the substance of the Plan must be raised in a  
22 new petition.

## 23 **III. ORDER**

24 The Board upon its review of the record, documents provided to the Board and  
25 arguments of the parties, the Board finds the Respondent, City of Chewelah is no longer out  
26 of compliance and this matter is dismissed.

1 Pursuant to RCW 36.70A.300(5), this is a Final Order for purposes of  
2 appeal. Pursuant to WAC 242-02-832, a motion for reconsideration may be filed  
3 within ten days of service of this Final Order.

4 SO ORDERED this 23<sup>rd</sup> day of June 2004.

5 EASTERN WASHINGTON GROWTH MANAGEMENT  
6 HEARINGS BOARD

7 \_\_\_\_\_  
8 Dennis Dellwo, Board Member

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10 Judy Wall, Board Member

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12 D.E. "Skip" Chilberg, Board Member