

1 BEFORE THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

2
3 GROVER AND PAT HARADER, et al.,

4 Petitioners,

5 v.

6 CITY OF NAPAIVINE,

7 Respondent,

8 and

9 KATHLEEN HEIKKILA and ALTA J. WACHTER,

10 Amicus Curiae.

11 Case No. No. 04-2-0017c

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**ORDER DENYING
RECONSIDERATION**

THIS Matter comes before the Board upon the motion of Petitioner Panesko for reconsideration of the Board's Final Decision and Order, issued February 2, 2005. Motion for Reconsideration, February 10, 2005. The City of Napavine opposes the Petitioner's motion for reconsideration. Response to Motion for Reconsideration, February 15, 2005. We decline to reconsider our final decision and order in this case.

I. DISCUSSION

Petitioner Panesko claims that the Board was in error in finding that its jurisdiction is limited to comprehensive plans, development regulations and amendments to them. Petitioner argues that the same conclusion reached by the Washington State Supreme Court in *Wenatchee Sportsmen's Association v. Chelan County*, 141 Wn.2d 169, 4 P.3d 123, 2000 Wash. LEXIS 472 (2000) was mere "dicta" and not legal precedent. Motion for Reconsideration at 5-6. The City responds that the state Supreme Court in *Wenatchee Sportsmen* had to determine the scope of the review authority of growth boards in order to determine the central issue in that case and so it was proper for this Board to rely upon that determination. Response to Motion for Reconsideration at 2.

1 We have reviewed the arguments of Petitioner and find they are without merit. We based
2 our final decision and order upon an analysis of RCW 36.70A.280 and 36.70A.290, read
3 together, to determine the jurisdiction of the hearings boards. The state Supreme Court
4 engaged in an analysis of the same provisions of the Growth Management Act to reach the
5 same conclusion in the *Wenatchee Sportsmen's Association* case.
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8 **II. ORDER**

9 The motion for reconsideration is hereby DENIED.

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11 Entered this 23rd day of February 2005.
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13 WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD
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19 Gayle Rothrock, Board Member
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23 Holly Gadbaw, Board Member
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27 Margery Hite, Board Member
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