

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

JAMES SCHLATTER,	)	
	)	No. 95-2-0078
Petitioner,	)	
	)	
vs.	)	ORDER DENYING
	)	RECONSIDERATION
CLARK COUNTY, a municipal corporation,	)	
	)	
Respondent.	)	
_____	)	

On August 11, 1995, James Schlatter filed a petition which was assigned case #95-2-0078. An order dismissing the petition was entered August 16, 1995. A motion for reconsideration was filed August 28, 1995. WAC 242-02-830(2) provides that a motion for reconsideration must be filed within ten days of service of the final order. Clark County did not contest the date of filing the motion for reconsideration and we will assume that it complied with our rules.

In response to the motion for reconsideration we set a telephonic hearing for September 25, 1995, at 1:30 p.m. The date and time of the hearing was established during a telephonic conference involving petitioner's attorney and Clark County. On September 25, 1995, we opened the hearing at 1:30 p.m. All three Board members were present, as was Richard Lowry representing Clark County. At 1:45 p.m. we adjourned the hearing after comments from Mr. Lowry. Mr. Sellers did not participate. During the 15 minute wait, we contacted his office, who indicated a lack of knowledge as to his whereabouts.

We have consistently held that the GMA does not invest us with jurisdiction to entertain constitutional challenges. *Mahr v. Thurston County*, #94-2-0007 (Dispositive Order, September 7, 1994). Nothing in petitioner's motion convinces us to change that holding.

Petitioner also contended, in the motion, that authority exists to review the notice of adoption published by Clark County. Petitioner contended that the GMA, particularly RCW 36.70A.140, provided sufficient authority to review petitioner's claims. Regardless of the merits of that

position, the petition filed in this case did not allege that a violation of the GMA had occurred. No amended petition has been presented that included an allegation of failure to comply with GMA requirements as a basis for petitioner's claim.

Petitioner's motion for reconsideration is denied.

This is a Final Order under RCW 36.70A.300 for purposes of appeal.

So ordered this-- 10th day of October, 1995.

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William H. Nielsen  
Presiding Officer

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Les Eldridge  
Board Member

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Nan A. Henriksen  
Board Member