BEFORE THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

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

On August 11, 1995, we received a "second" petition for review in the above entitled matter. The petition erroneously used a prior case number. It is correctly denominated as #95-2-0078.

The petition stated that the ordinance being challenged, #1995-04-16, was adopted April 11, 1995, and that a notice of adoption was published April 14, 1995. The petition alleged that the April 14, 1995, notice "was constitutionally inadequate to provide the notice required by the Fourteenth Amendment to the United States Constitution and by Article 1, § 3 of the Washington Constitution...".

We have consistently held that the Growth Management Act does not invest us with authority to decide constitutional issues. *Mahr v. Thurston County*, #94-2-0007. Additionally, RCW 36.70A.290 (2) provides that a petition "must" be filed within 60 days after the notice of publication. Once that notice of publication date has been determined, the Act does not provide for any expansion of the 60-day filing period.

RCW 36.70A.290 (3) directs that we fix a hearing date unless the petition is found to be "frivolous." In this case, the statements contained in the petition show that the 60-day period for filing of the petition has expired. Therefore, we find that

the petition is "frivolous" under the GMA and it is dismissed.

ORDER

The petition for the above entitled cause filed August 11, 1995, is dismissed.

This is a Final Order under RCW 37.70A.300 for purposes of appeal.

DATED this _____ day of August, 1995.

_____
William H. Nielsen
Board Member

_____
Les Eldridge
Board Member

_____
Nan A. Henriksen
Board Member