

1 BEFORE THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

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4 The BUILDING ASSOCIATION OF CLARK COUNTY,  
5 the CLARK COUNTY ASSOCIATION OF REALTORS,  
6 the RESPONSIBLE GROWTH FORUM, and the  
7 GREATER VANCOUVER CHAMBER OF  
8 COMMERCE, et al,

9 Petitioners,

10 v.

11 CLARK COUNTY and STATE OF WASHINGTON,  
12 OFFICE OF FINANCIAL MANAGEMENT,

13 Respondents.

14 and,

15 GRAMOR OREGON, INC., JOHN SOMARAKIS,  
16 ROBERT FRASIER and GARY RADEMACHER,

17 Intervenors.  
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19

No. 04-2-0038c

ORDER DISMISSING

ISSUE NO. 15

AND OFM AS A PARTY

20 On February 22, 2005, the Western Washington Growth Management Hearings Board (Board) issued  
21 an Order To Show Cause, RE: Dismissal of Issue No. 15 based on the failure of the Petitioners in this  
22 case to file an opening brief as scheduled in the Prehearing Order on Issue No. 15. On February 23,  
23 2005, the Board received Stipulation and Motion To Dismiss the Office of Financial Management  
24 (OFM) signed by the following Petitioners: Building Association of Clark County, the Clark County  
25 Association of Realtors, the Responsible Growth Forum, and the Greater Vancouver Chamber of  
26 Commerce, Donald Blair, Richard and Pamela Marini, Roger and Bonnie Gregg, Mark and Kathy  
27 Leathers, Richard and Barbara Salas, Sharon Y. Miller, Judith and Bruce Wood, and Jerry and  
28 Michele Winters (Petitioners in Case No. 04-2-0024); and the Washington Office of Financial  
29 Management and Clark County, Respondents in Case No. 04-2-0024 (collectively, the “Stipulating  
30 Parties”). The Petitioners who filed the motion to dismiss OFM are the Petitioners in Case No.  
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1 04-2-0024, which was consolidated with other petitions challenging Ordinance Nos. 2004-09-02  
2 and/or 2004-09-02A. Order Consolidating Cases (December 16, 2004). These consolidated cases  
3 were given Case No. 04-2-0038c. The Petitioners in Case No. 04-2-0024 were the only petitioners to  
4 challenge OFM's 2025 population projections. This issue was included in both the Prehearing Order  
5 (January 28, 2005) and the Amended Prehearing Order (February 22, 2005) and was listed as Issue  
6 No. 15:  
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8           Should the OFM 20-year growth management planning population projection for Clark  
9           County for the year 2025 be adjusted upwards pursuant to RCW 36.70A.280?

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11 The Stipulating Parties agree that, pursuant to WAC 242-02-720(2), the challenge to OFM's 2025  
12 population projections should be dismissed. The Stipulating Parties further agree that dismissal  
13 should be without prejudice to any party but that any future challenge to an OFM population  
14 projection by any of the petitioners cannot be brought unless they first notify OFM of the claim and  
15 provide OFM 60 calendar days' notice in which to come to agreement with the challenging parties.  
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18 The Stipulating Parties move that the Board dismiss OFM from Case No. 04-2-0024 and Case No.  
19 04-2-0038c.  
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22 While not all the parties to the consolidated case have moved for dismissal of the issue against OFM,  
23 all the parties to the petition which raises that issue have moved for dismissal of that issue. As the  
24 Board stated in its Order Denying Motion To Dismiss (February 15, 2005): "A party to one petition  
25 does not become a party to a consolidated petition by virtue of the consolidation." Order on Motion  
26 To Dismiss (February 15, 2005) at 4. Additionally, the Board said: "The Board will entertain  
27 motions to dismiss any individual petitions in the consolidated case PROVIDED that they are signed  
28 by all the parties to the petition upon which dismissal is sought." *Ibid* at 6. Since all the parties to  
29 the petition alleging a violation of the Growth Management Act on the part of OFM have moved to  
30 dismiss that issue, this issue will be dismissed and, consequently, OFM will no longer be a party to  
31 this action.  
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**ORDER**

Therefore, pursuant to WAC 242-02-720(2), because the parties to Case No. 04-2-0024 have agreed to dismiss the challenge to OFM’s 2025 population projections and OFM as a party to this case, Issue No. 15 is hereby DISMISSED and OFM shall no longer be a party to this action. Further, the briefing schedule for adjudication of Issue No. 15 and the Hearing on the Merits on Issue No. 15 is CANCELLED.

The Board further notes that any other agreements made by the parties pursuant to the Stipulation and Motion To Dismiss the Office of Financial Management (February 22, 2005) must be enforced among the parties themselves and not by the Board, which has only authority to grant extensions for the purpose of settlement and to dismiss issues brought to the Board in Petitions for Review when all parties to the petition raising the issues agree. ((RCW 36.70A.300(2)(b), WAC 242-02-560, and WAC 242-02-270)).

SO ORDERED on this 2nd day of March 2005.

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

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Holly Gadbaw, Presiding Officer

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Margery Hite, Board Member

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Gayle Rothrock, Board Member