

SUPREME COURT OF WASHINGTON

Clark County v. W. Wash. Growth Mgmt. Hearings Review Bd.

Clark County · No. 85989-2 · Decided March 21, 2013

SUMMARY

The Washington Supreme Court held that an appellate court may not adjudicate separate and distinct claims that were resolved below and were not raised on appeal, absent a necessity to resolve the issues properly presented. The court vacated the Court of Appeals' opinion insofar as it addressed claims concerning annexed lands. A concurrence would have dismissed those claims as moot.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	Gonzalez, J.; Stephens, J.
JURISDICTION	Washington
DECIDED	March 21, 2013
DOCKET	85989-2
DISPOSITION	vacated
PROCEDURAL POSTURE	Discretionary review of a Court of Appeals decision reviewing a Growth Management Hearings Board decision and addressing the validity and effect of annexations that were not challenged on appeal.
STANDARD OF REVIEW	De novo review of the scope of appellate jurisdiction and whether the Court of Appeals properly addressed claims not raised on appeal.
PRECEDENTIAL VALUE	precedential
PARTIES	Clark County, Washington, City of La Center, GM Camas, LLC v. MacDonald Living Trust, Renaissance Homes, Birchwood Farms, LLC, Western Washington Growth Management Hearings Review Board, John Karpinski, Clark County Natural Resources Council, Futurewise

TOPICS

appellate procedure

appellate jurisdiction

administrative law

judicial review of agency action

municipal law

PRACTICE AREAS

appellate procedure

administrative law

municipal law

land use

QUESTIONS PRESENTED

1. Whether an appellate court may review separate and distinct claims that were resolved below and were not raised by any party on appeal.
2. Whether the Court of Appeals erred by addressing the status and effect of annexations involving parcels that were not at issue in the appeal.

HOLDINGS

1. An appellate court must not adjudicate claims that were resolved below, are separate and distinct from the claims actually raised, and were not challenged on appeal, unless review of those claims is necessary to properly resolve the appealed issues.
2. The Court of Appeals erred by addressing the resolved claims concerning the annexed lands, and its opinion must be vacated insofar as it relates to those claims.

KEY QUOTATIONS

“In order to promote finality, judicial economy, predictability, and private settlement of disputes, and to ensure vigorous advocacy for appellate review, we prohibit review of separate and distinct claims that have not been raised on appeal.” (at 1)

“Simply put, an appellate court errs by adjudicating separate and distinct claims resolved below and not raised on appeal.” (at 13)

FACTUAL BACKGROUND

Clark County adopted a 2007 ordinance removing certain lands from agricultural-land status and designating them as urban growth areas under the Growth Management Act. After challenges were filed with the Growth Management Hearings Board, Camas and Ridgefield annexed several affected parcels. The Board later invalidated the county's designations without knowing that the lands had been annexed. The superior court resolved claims concerning those parcels, but the Court of Appeals addressed them despite the absence of an appellate challenge.

PROCEDURAL HISTORY

The Growth Management Hearings Board found Clark County out of compliance with the Growth Management Act and invalidated certain land-use designations, including designations affecting lands later annexed by Camas and Ridgefield. The superior court resolved the claims concerning the annexed lands through stipulation, dismissal, and reversal. The Challengers appealed, but did not seek review of those claims. The Court of Appeals nevertheless addressed the annexed-land issues sua sponte and held that the annexations did not deprive the Board of jurisdiction. The Washington Supreme Court granted review on the appellate-jurisdiction and CA-1 issues and vacated the Court of Appeals opinion insofar as it addressed the annexed lands.

DISPOSITION

vacated

CASES CITED

- Cook v. Commellini, 200 Wash. 268, 93 P.2d 441 (1939)
- Hilltop Terrace Homeowner's Ass'n v. Island County, 126 Wash. 2d 22, 891 P.2d 29 (1995)
- Orwick v. City of Seattle, 103 Wash. 2d 249, 692 P.2d 793 (1984)
- State v. Olson, 126 Wash. 2d 315, 893 P.2d 629 (1995)
- Sargent v. Selvar, 46 Wash. 2d 271, 280 P.2d 683 (1955)
- Stewart v. Larkin, 74 Wash. 681, 134 P. 186 (1913)
- In re Dependency of Brown, 149 Wash. 2d 836, 72 P.3d 757 (2003)
- State v. Sims, 171 Wash. 2d 436, 256 P.3d 285 (2011)
- Johnson v. Johnson, 53 Wash. 2d 107, 330 P.2d 1075 (1958)
- Matthews v. Parker, 163 Wash. 10, 299 P. 354 (1931)
- Ajax v. Gregory, 177 Wash. 465, 32 P.2d 560 (1934)
- Krutz v. Dodge, 66 Wash. 178, 119 P. 188 (1911)
- Littell v. Miller, 8 Wash. 566, 36 P. 492 (1894)
- Grignon v. Wechselberger, 70 Wash. 2d 99, 422 P.2d 25 (1966)
- Hinchman, 14 Wash. at 356
- City of Seattle v. McCready, 123 Wash. 2d 260, 868 P.2d 134 (1994)
- Hall v. American National Plastics, Inc., 73 Wash. 2d 203, 437 P.2d 693 (1968)
- Conard v. University of Washington, 119 Wash. 2d 519, 834 P.2d 17 (1992)
- Seguin v. Barei, 163 Wash. 702, 299 P. 655 (1931)