

**CENTRAL PUGET SOUND
GROWTH MANAGEMENT HEARINGS BOARD
STATE OF WASHINGTON**

HIGA BURKHOLDER, ASSOCIATES, LLC; and TOM EHRLICHMAN,)	CPSGMHB Case No. 03-3-0022
)	
Petitioners,)	(HIGA Burkholder)
)	
v.)	
)	
CITY OF ARLINGTON)	ORDER of DISMISSAL
)	
Respondent.)	
)	

I. BACKGROUND

On November 20, 2003, the Central Puget Sound Growth Management Hearings Board (the **Board**) received a Petition for Review (**PFR**) from Higa Burkholder Associates, LLC, and Tom Ehrlichman (**HIGA** or collectively, **Petitioners**). Petitioners challenge the adoption by the City of Arlington (the **City** or **Arlington**) of Ordinance No. 1309. The basis for the challenge is alleged noncompliance with various provisions of the Growth Management Act (the **GMA** or **Act**). The matter was assigned Case No. 03-3-0022, and captioned as *Higa Burkholder, et al., vs. Arlington*. Board member Joseph W. Tovar¹ was assigned as the Presiding Officer (**PO**) for this matter.

On December 1, 2003, the Board issued the “Notice of Hearing” in this matter, which set December 22, 2003 as the date for the Prehearing Conference (the **PHC**) and established a tentative schedule for this case.

On December 18, 2003, April 9, 2004 and July 7, 2004 the Board issued a settlement extensions in order for the parties to negotiate settlement to their dispute. The July 7, 2004 Extension established October 14, 2004 as the date for the continued Prehearing Conference.

On October 13, 2004, the Board received “Petitioner’s Motion for Voluntarily Dismissal” (HIGA Motion). Later that same day the Board received a letter from the City of Arlington concurring with the HIGA Motion.

II. DISCUSSION

The Board’s rules provide:

¹ On July 1, 2004, Board Member Edward G. McGuire assumed the role of Presiding Officer in this matter.

Any action may be dismissed by a board:

- (1) When all parties stipulate;
- (2) Upon motion of the petitioner or respondent prior to the presentation of respondent's case;

WAC 242-02-720. Here Petitioner has filed a timely motion to dismiss, with the City's concurrence. Therefore it is appropriate for the Board to dismiss the petition for review based upon the provisions of WAC 242-02-720(1) and (2).

III. ORDER

Based upon review of Petitioner's Motion, the City's letter, the GMA, and the Board's rules of practice and procedure, and having deliberated on the matter, the Board hereby issues the following ORDER;

- The Petitioner's Motion is **granted**.
- CPSGMHB Case No. 03-3-0022, *HIGA Burkholder Associates, LLC and Tom Ehrlichman v. City of Arlington* is **dismissed**.
- All further scheduled proceedings in this matter are cancelled, CPSGMHB Case No. 03-3-0022 is **closed**.

So ORDERED this 14th day of October, 2004.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Bruce C. Laing, FAICP
Board Member

Edward G. McGuire, AICP
Board Member

Margaret A. Pageler,
Board Member

Note: This Order constitutes a final order as specified by RCW 36.70A.300.