

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

HARVEY AIRFIELD, INC.,)	Case No. 05-3-0047
)	
Petitioners,)	<i>(Harvey Airfield II)</i>
)	
v.)	
)	ORDER OF DISMISSAL
SNOHOMISH COUNTY,)	
)	
Respondent.)	
)	

I. BACKGROUND

On November 15, 2005, the Central Puget Sound Growth Management Hearings Board (the **Board**) received a Petition for Review (**PFR**) from Harvey Airfield, Inc. (**Petitioner** or **Harvey Airfield**). The matter was assigned Case No. 05-3-0047, and is hereafter referred to as *Harvey Airfield II v. Snohomish County*. Board member Bruce Laing is the Presiding Officer for this matter. Petitioner challenges the Snohomish County's (**Respondent** or **County**) adoption of Ordinance No. 05-068, which amended certain provisions of the Snohomish County Code (**SCC**) relating to Flood Hazard Regulations including SCC 30.65.240 – Density fringe area. Petitioners contend that the Ordinance is noncompliant with Chapter 36.70A RCW the Growth Management Act (**GMA**) and with Chapter 36.70 RCW the Planning Enabling Act.

On November 18, 2005, the Board issued its Notice of Hearing (**NOH**) setting a Prehearing Conference (**PHC**) date of December 12, 2005 and establishing a tentative schedule for proceedings in the case.

On November 22, 2005, the Board received a Notice of Appearance from Respondent Snohomish County.

On December 7, 2005, the Board received Petitioner's Notice of Voluntary Withdrawal of Petition for Review which states:

Petitioner Harvey Airfield, Inc. ("Harvey Field"), through its undersigned counsel of record, hereby voluntarily withdraws its Petition for Review filed November 15, 2005 and assigned Case No. 05-3-00047, and requests that the Board discontinue any further proceedings related thereto.

II. DISCUSSION AND ORDER

Petitioner has voluntarily withdrawn its PFR and requested the Board to discontinue further proceedings on the appeal. The withdrawal was received prior to the Prehearing Conference. Petitioner and Respondent Snohomish County are the only parties to the appeal.

Having considered the Act, Board rules, previous decisions of the Board, the Petition for Review and Petitioner's Notice of Voluntary Withdrawal, the Board enters the following Order:

- The matter of *Harvey Airfield II v. Snohomish County*, CPSGMHB Case No. 05-3-0047, is **dismissed with prejudice**.
- The scheduled prehearing conference and hearing on the merits are **cancelled** and this matter is **closed**.

So ORDERED this 9th day of December, 2005.

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 unless a party files a motion for reconsideration pursuant to WAC 242-02-832.