

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

KITSAP COUNTY; OVERTON &)	
ASSOCIATES; COULTER CREEK LP;)	Case No. 05-3-0017c
NORTH BAY PROPERTIES; NORTH)	
MASON LP; SOUTH WEST KITSAP LP,)	<i>(Kitsap County III)</i>
)	
Petitioners,)	
)	
ALPINE EVERGREEN COMPANY, INC.,)	ORDER OF DISMISSAL
)	
Intervenor,)	
)	
v.)	
)	
CITY OF BREMERTON,)	
)	
Respondent.)	

I. BACKGROUND

On February 4, 2005, the Central Puget Sound Growth Management Hearings Board (the **Board**) received a Petition for Review (**PFR**) from Kitsap County (**Petitioner or Kitsap County**). The matter was assigned Case No. 05-3-0014. Board member Bruce C. Laing is the Presiding Officer for this matter. Petitioners challenge the City of Bremerton (**Respondent or City**) adoption of Ordinance No. 4917 adopting a new Bremerton Comprehensive Plan. The basis for the challenge is noncompliance with the Growth Management Act (**GMA or Act**).

On February 4, 2005, the Board received a PFR from Overton & Associates, Coulter Creek LP, North Bay Properties LP, North Mason LP, and South West Kitsap LP (**Petitioners or Overton**). The matter was assigned Case No. 05-3-0017. Board member Bruce C. Laing is the Presiding Officer. Petitioners challenge the City’s adoption of Ordinance No. 4917 adopting a new Bremerton Comprehensive Plan. The basis for the challenge is noncompliance with the GMA.

On February 10, 2005, the Board issued its Notice of Hearing (**NOH**) and Order of Consolidation consolidating Case No. 05-3-0014 and Case No. 05-3-0017 under the designation *Kitsap III v. City of Bremerton* and CPSGMHB Consolidated Case No. 05-3-0017c. The NOH set a Prehearing Conference date of March 10, 2005 and included a tentative schedule for proceedings in the consolidated case.

On February 14, 2005, the Board received the following filings: City of Bremerton Notice of Appearance; Notice of Association of Counsel from Carol A. Morris for the City.

On March 7, 2005, the Board received Motion of Alpine Evergreen Company, Inc. to Intervene as a Petitioner.

On March 10, 2005, the Board received a stipulated request for settlement extension signed by all of the parties.

On March 11, 2005, the Board issued its Order Granting Settlement Extension and Amending Case Schedule.

On March 18, 2005, the Board issued its Order on Intervention.

On April 19, 2005, the Board received a stipulated request for a second settlement extension signed by all of the parties.

On April 20, 2005, the Board issued its Order Granting Second Settlement Extension and Amending Case Schedule.

On May 25, 2005, the Board received a Stipulation and Order of Dismissal With Prejudice signed by all parties to this case.

II. FINDINGS

A. The Board's Rules of Practice and Procedure provide in part:

Any action may be dismissed by a Board: (1) When all parties stipulate; ...

WAC 242-02-720.

B. All parties to CPSGMHB Consolidated Case No. 05-3-0017c have stipulated to dismissal of the consolidated appeals.

III. ORDER

Based upon review of the Petitions for Review, the filings of the parties, the Board's Rules and having deliberated on the matter, the Board ORDERS:

- PFR No. 05-3-0014 and PFR No. 05-3-0017 are **dismissed with prejudice**.

- CPSGMHB Case No. 05-3-0014, CPSGMHB Case No. 05-3-0017 and CPSGMHB Consolidated Case No. 05-3-0017c are **closed**.

So ORDERED this 1st day of June, 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.