

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

THE CITIES OF BOTHELL, MILL)	
CREEK, and LYNNWOOD and)	Case No. 07-3-0026c
LORRAINE LUSCHEN, LARRY HATCH,)	(Bothell)
STEVEN MEISSNER, BJORN)	
TONNESSEN, DAVID CARLSON,)	
ANDREW CALLACI and THE ESTATE)	
OF DOUGLAS ERLANDSEN,)	ORDER OF DISMISSAL Re:
)	PETITION of LUSCHEN, <i>et al.</i>
Petitioners,)	
)	
v.)	
)	
SNOHOMISH COUNTY,)	
)	
Respondent,)	
)	
and)	
)	
McNAUGHTON GROUP LLC, FAIRVIEW)	
MINISTRIES and SCRIBER CREEK)	
INVESTMENTS,)	
)	
Intervenors.)	
)	

I. BACKGROUND

On March 16, 2007, the Central Puget Sound Growth Management Hearings Board (the **Board**) received a Petition for Review (**PFR**) from Lorraine Luschen, Larry Hatch, Steven Meissner, Bjorn Tonnessen, David Carlson, Andrew Callaci, Douglas Greenway, Ruth Coleman, and the Estate of Douglas Erlandsen (**Luschen**). The matter was assigned Case No. 07-3-0024. Board Member Margaret A. Pageler is the PO in this matter. The challenge of these Petitioners is *limited* to Snohomish County's adoption of Amended Ordinance 06-111, which revises the Southwest Urban Growth Area, for noncompliance with various provisions of the GMA.

On March 16, 2007, and subsequently, the Board received PFR's from the Cities of Bothell, Mill Creek and Lynnwood, also challenging, *inter alia*, Snohomish County Amended Ordinance 06-111.

On April 19, 2007, the Board held its Prehearing Conference, and on April 14, issued its “Prehearing Order, Order of Consolidation, and Order on Intervention” (PHO).¹ The PHO consolidated the four PFRs as CPSGMHB Case No. 07-3-0026c, established the final schedule for the case and set forth the Legal Issues to be decided by the Board. The Legal Issues posed by the Luschen Petitioners were set forth on page 12 of the PHO as “Luschen, *et al.*, Legal Issues.”

On May 2, 2007, the Board received “Notice of Voluntary Withdrawal” from Petitioners Luschen, *et al.* These petitioners “respectfully withdraw their petition for review in this matter.” Notice, at 2.

II. ORDER

Based upon review of the Notice of Voluntary Withdrawal, the Board enters the following ORDER:

In light of Petitioner Luschen, *et al* Notice of Voluntary Withdrawal of their petition for review, the matter of *Luschen et al v Snohomish County*, CPSGMHB Case No. 07-3-0024 is **dismissed with prejudice**. Luschen, *et al* Legal Issues 1 and 2 [PHO, at 12] are **dismissed** from the consolidated case, and the case caption is revised to delete Petitioners Luschen *et al.* All further scheduled hearings on the Luschen matter are **cancelled** and the case is **closed**.

So ORDERED this 7th day of May, 2007.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

David O. Earling
Board Member

Edward G. McGuire, AICP
Board Member

Margaret A. Pageler
Board Member

¹ A “Corrected” PHO was issued on May 7, 2007.

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.