

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

FUTUREWISE, PILCHUCK AUDUBON))	
SOCIETY and TOM MATLACK,))	Case No. 07-3-0031
)	
Petitioners,))	<i>(Futurewise VI)</i>
)	
v.))	
)	ORDER OF DISMISSAL
CITY OF LAKE STEVENS,))	
)	
Respondent, and))	
)	
MASTER BUILDERS ASSOCIATION OF))	
KING AND SNOHOMISH COUNTIES,))	
)	
Intervenor.))	
)	

I. BACKGROUND

On July 2, 2007, the Central Puget Sound Growth Management Hearings Board (the **Board**) received a Petition for Review (**PFR**) from Futurewise, Pilchuck Audubon Society and Tom Matlack (**Petitioners** or **Futurewise**). The matter was assigned Case No. 07-3-0031, and is hereafter referred to as *Futurewise VI v. City of Lake Stevens*. Petitioners challenge the City of Lake Stevens’s (**Respondent** or **Lake Stevens**) adoption of Ordinance No. 741, revising and updating the City’s critical areas regulations.

The Board issued a Notice of Hearing setting a Prehearing Conference. Subsequently the parties requested and were granted a series of settlement extensions while Lake Stevens developed and adopted revisions to its critical areas regulations. On April 7, 2008, Lake Stevens adopted Ordinance No. 773, amending the City’s critical areas regulations.

On May 1, 2008, the Board issued a Revised Notice of Hearing, amending the Prehearing Conference agenda to provide that the first item for discussion will be whether the Petitioners’ PFR challenging Ordinance No. 741 is rendered moot by the City’s enactment of Ordinance No. 773. On May 12, 2008, the Board issued an Order Revising Case Schedule, extending the Prehearing Conference date at the request of the parties.

On May 21, 2008, the Board received Futurewise’s, Pilchuck Audubon Society’s, and Tom Matlack’s Motion to Dismiss. The Petitioners moved to dismiss their appeal due to the City of Lake Stevens’ adoption of Ordinance No. 773, which amends the critical areas regulations at issue in this case.

II. DISCUSSION and ORDER

WAC 242-02-720 provides:

Any action may be dismissed by a board:

(2) Upon motion of the petitioner or respondent prior to the presentation of the respondent's case...

The Petitioners have moved to dismiss this action. The motion is timely, as the City of Lake Stevens has not yet presented its case. The motion to dismiss is therefore **granted**.

Based upon motion of Petitioners, the Board's Rules of Practice and Procedure, the GMA and prior case law, Board ORDERS:

- The Petition for Review in *Futurewise VI v. City of Lake Stevens* is **dismissed**.
- CPSGMHB Case No. 07-3-0031 is **closed**.

So ORDERED this 22nd day of May, 2008.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Margaret Pageler
Presiding Officer

Edward G. McGuire, AICP
Board Member

David O. Earling
Board Member