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**State of Washington  
GROWTH MANAGEMENT HEARINGS BOARD  
FOR EASTERN WASHINGTON**

COVE HEIGHTS CONDOMINIUM  
ASSOCIATION,

Petitioner(s),

Case No. 08-1-0013

v.

ORDER ON STIPULATED MOTION  
FOR DISMISSAL

CHELAN COUNTY,

Respondent.

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**I. PROCEDURAL HISTORY**

On June 19, 2008, COVE HEIGHTS CONDOMINIUM ASSOCIATION, by and through their representatives, Steve Smith and Amy Vira, filed a Petition for Review (PFR) challenging Chelan County Resolution No. 2008-27.

On July 8, 2008, the Board held the telephonic Prehearing conference. Present were, Raymond Paoella, Presiding Officer, and Board Members, John Roskelley and Joyce Mulliken. Present for the Petitioners were Steve Smith and Amy Vira. Present for the Respondent was Susan Hinkle. During the prehearing conference, the Board noted that Petitioners' issue statements do not contain a citation to the GMA statute that Petitioners allege the County has violated. The Board requested Petitioners clarify their issue statements to provide such a statutory citation.

On July 10, 2008, the Board issued its Prehearing Order. In the Prehearing Order, the Board reiterated its request for Petitioners to clarify their issue statements to include

1 statutory citations. The Board indicated it would issue an Amended Prehearing Order once  
2 the revised issue statement was received.

3 On July 16, 2008, the Board received Petitioners' First Amended Petition for Review.

4 On July 17, 2008, the Board issued its Amended Prehearing Order.

5 On July 25, 2008, the Board received Respondent's Motion for Dismissal of Petition  
6 for Review and First Amended Petition for Review, Memorandum in Support of Motion to  
7 Dismiss, and Affidavits of Janet Merz, Cindy Dietz, John Guenther, Freeman Moore, Jr., and  
8 Susan Hinkle.

9 On July 29, 2008, the Board received Respondent's First Amended Index of Record,  
10 Second and Third Motions to Dismiss, and Memorandum in Support of.

11 On August 2, 2008, the Board received Petitioner's Response to Respondent's  
12 Motions to Dismiss.

13 On August 19, 2008, the Board received Respondent Chelan County's Reply to  
14 Petitioner's Response to Motions to Dismiss.

15 On August 26, 2008, the Board held its telephonic motion hearing. Present were,  
16 Raymond Paoella, Presiding Officer, and Board Members, John Roskelley and Joyce  
17 Mulliken. Present for the Petitioners were Steve Smith and Amy Vira. Present for the  
18 Respondent was Susan Hinkle.

19 On September 3, 2008, the Board issued its Order on Motions to Dismiss.

20 On September 17, 2008, the Board received a Request for Settlement Extension from  
21 the parties requesting a thirty (30) day continuance signed by the parties.

22 On September 23, 2008, the Board issued its Order on Request for Settlement  
23 Extension.

24 On October 31, 2008, the Board received a Stipulated Motion for Dismissal signed by  
25 all parties. Attached to the Stipulated Motion for Dismissal is a copy of Chelan County  
26 Resolution No. 2008-136, which rescinded Chelan County Resolution No. 2008-27.

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**II. DISCUSSION**

On September 23, 2008, Chelan County adopted Resolution No. 2008-136, which rescinded the challenged action, Resolution 2008-27. The parties have stipulated to dismissal of this case. WAC 242-02-720 provides that a case may be dismissed by the Board when all parties stipulate to dismissal. The Board grants the Stipulated Motion for Dismissal of this case.

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**III. ORDER**

Eastern Washington Growth Management Hearings Board Case No. 08-01-0013 is hereby dismissed.

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**SO ORDERED** this 26<sup>th</sup> day of November 2008.

EASTERN WASHINGTON GROWTH MANAGEMENT  
HEARINGS BOARD

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Raymond L. Paoella, Board Member

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John Roskelley, Board Member

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Joyce Mulliken, Board Member