

1
2
3
4
5
6
7
8
9
10
11
12
13
14

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

FUTUREWISE

Petitioner,

Case No. 09-1-0003

v.

ORDER OF DISMISSAL

FERRY COUNTY,

Respondent,

WASHINGTON FARM BUREAU and
STEVENS COUNTY FARM BUREAU,

Intervenors.

15
16
17
18
19
20
21
22
23
24
25
26

I. PROCEDURAL HISTORY

On February 2, 2009, FUTUREWISE filed a Petition for Review (PFR) challenging Ferry County's adoption of Ordinance No. 2008-02. This matter was assigned Case No. 09-1-0003, with Board member Joyce Mulliken serving as Presiding Officer.

On March 5, 2009, the Board held telephonic Prehearing Conferences in this matter, with the Board issuing its Prehearing Order on March 10, 2009 which set the briefing and hearing schedule. The Hearing on the Merits is scheduled for June 22, 2009, with the Board expecting briefing from the parties starting on May 18, 2009.

On May 11, 2009, the Board, based on the Motion to Intervene filed on April 7, 2009, granted intervention in this matter to the Washington Farm Bureau and the Stevens County Farm Bureau. Intervention was limited to Legal Issues 1 and 2.

On May 24, 2009, the Board received a Motion to Dismiss from Futurewise, voluntarily withdrawing their PFR pursuant to WAC 242-02-720(2).

1 **II. DISCUSSION AND ANALYSIS**

2 Petitioner Futurewise has moved to withdraw their PFR stating:¹

3 Petitioner ... respectfully requests that the Board dismiss the above entitled
4 action pursuant to WAC 242-02-720(2).

5 The Board's February 13, 2009, Compliance Order in Case No. 97-1-0018 and
6 the February 24, 2009, letter to the Governor in Case No. 01-1-0019 appear to
7 largely address the issues raised in the Petition for Review in this case.

8 WAC 242-02-720(2) provides:

9 [Any action may be dismissed by a board:] ... (2) Upon motion by the
10 petitioner or respondent prior to the presentation of the respondent's case

11 Futurewise's motion was filed prior to the submission of any substantive briefing in this
12 matter by any party. WAC 242-02-720(2) does not require concurrence by any other party
13 in order for the PFR to be dismissed

14 **III. ORDER**

15 Based upon the motion of Petitioner, the Growth Management Act, RCW 36.70A, and
16 the Board's Rule of Practice and Procedure, WAC 242-02-270(2), the Board ORDERS:

- 17 1. Futurewise's Petition for Review in Case No. 09-1-0003 is **DISMISSED**.
18 2. EWGMHB Case No. 09-1-0003 is **CLOSED**.

19 **SO ORDERED** this 15th day of May 2009.

20 EASTERN WASHINGTON GROWTH MANAGEMENT
21 HEARINGS BOARD

22 _____
23 Joyce Mulliken, Board Member

24 _____
25 John Roskelley, Board Member

26 ¹ Motion to Dismiss, at 1.