

1 BEFORE THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

2
3 WHIDBEY ENVIRONMENTAL ACTION
4 NETWORK,

5 Petitioner,

6 v.
7

8 ISLAND COUNTY,

9 Respondent.
10

Case No. 07-2-0001

**ORDER OF DISMISSAL OF PETITION
FOR REVIEW**

11
12 **This Matter** comes before the Board upon the statement of withdrawal of its petition for
13 review by Whidbey Environmental Action Network (WEAN).¹ WEAN states that it
14 hereby withdraws the Petition for Review in WWGMHB case no. 07-2-0001.
15 Because of the Board's decision and determination of invalidity in case no. 06-2-
16 0023, the issues raised in this petition are moot.²
17

18 No response is required from Island County for dismissal of the petition for review prior to
19 the presentation of the County's case.
20

21 **DISCUSSION**

22 Pursuant to WAC 242-02-720, any action may be dismissed by the board:

23 Upon motion of the petitioner or respondent prior to the presentation of the
24 respondent's case.
25 WAC 242-02-720(2).
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31 ¹ WEAN correspondence of January 28, 2008[sic] to Margery Hite, Presiding Officer and David Jamieson,
32 Attorney for Island County

² *Ibid.*

1 WEAN's withdrawal of its petition for review is tantamount to a motion to dismiss the action
2 (there is no rule specifically allowing a "withdrawal" of a petition for review.) WEAN
3 acknowledges that the issues in its petition for review in this case are moot.
4

5 **ORDER**

6
7 Based on WEAN's statement that it withdraws its petition for review in this case, the Board
8 hereby DISMISSES the petition for review in this case.

9
10 Entered this 1st day of February 2007.

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12 _____
13 Margery Hite, Board Member

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15 _____
16 Holly Gadbaw, Board Member

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18 _____
19 James McNamara, Board Member

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21 Pursuant to RCW 36.70A.300 this is a final order of the Board.

22
23 **Reconsideration.** Pursuant to WAC 242-02-832, you have ten (10) days from the date
24 of mailing of this Order to file a petition for reconsideration. The original and three
25 copies of a motion for reconsideration, together with any argument in support
26 thereof, should be filed with the Board by mailing, faxing, or otherwise delivering the
27 original and three copies of the motion for reconsideration directly to the Board, with
28 a copy to all other parties of record. **Filing means actual receipt of the document at**
29 **the Board office.** RCW 34.05.010(6), WAC 242-02-240, and WAC 242-02-330. The filing
30 of a motion for reconsideration is not a prerequisite for filing a petition for judicial
31 review.

32 **Judicial Review.** Any party aggrieved by a final decision of the Board may appeal the
decision to superior court as provided by RCW 36.70A.300(5). Proceedings for
judicial review may be instituted by filing a petition in superior court according to the
procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil

1 Enforcement. The petition for judicial review of this Order shall be filed with the
2 appropriate court and served on the Board, the Office of the Attorney General, and all
3 parties within thirty days after service of the final order, as provided in RCW
4 34.05.542. Service on the Board may be accomplished in person or by mail, but
5 service on the Board means actual receipt of the document at the Board office within
6 thirty days after service of the final order. A petition for judicial review may not be
served on the Board by fax or by electronic mail.

7 Service. This Order was served on you the day it was deposited in the United States
8 mail. RCW 34.05.010(19)

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