

1 BEFORE the WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

2  
3 FUTUREWISE,

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5 Petitioner,

CASE NO. 05-2-0014

6 v.

**ORDER OF DISMISSAL**

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8 CLALLAM COUNTY,

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10 Respondent.

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12 This matter comes before the Board on Petitioner's Motion to Dismiss, dated October 25,  
13 2007. The County has not responded or otherwise objected to this motion in the time  
14 allotted for a response to motions. WAC 242-02-534.  
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17 **DISCUSSION**

18 This matter first came before the Board on April 6, 2005, upon Futurewise's filing of a  
19 Petition for Review challenging the County's failure to adequately review and revise several  
20 pre-existing land use designations, policies, and zoning provisions based on a claim that  
21 these fail to comply with the GMA. Since then, several settlement extensions have been  
22 granted to allow the parties to continue good-faith settlement negotiations.  
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24 The County has recently enacted Resolution No. 77 and Ordinance No. 827. Petitioner has  
25 challenged those enactments in a Petition for Review assigned WWGMHB Case No. 07-2-  
26 0015 which also challenges the County's alleged failure to review the issues raised in the  
27 petition from Case No. 05-2-0014 when it passed Resolution No. 77 and Ordinance No.  
28 827. Because the remaining issues in this case will be addressed in Case No. 07-2-00015,  
29 Petitioner moves for dismissal of the Petition for Review in Case No. 05-2-0014.  
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32 Dismissal is appropriate under the Board's Rules of Practice and Procedure:

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- (1) When all parties stipulate;
- (2) Upon motion of the petitioner or respondent prior to the presentation of the respondent's case;
- (3) Upon motion by the respondent alleging that the petitioner has failed to prosecute the case, failed to comply with these rules, or failed to follow any order of the board; or
- (4) Upon a board's own motion for failure by the parties to comply with these rules or any order of the board.

WAC 242-02-720

In this instance, the Petitioner has moved for dismissal prior to the presentation of the Respondent's case and Respondent (the County) has not objected to dismissal. Dismissal is appropriate.

**ORDER**

Based on the foregoing, Case No. 05-2-0014 is **DISMISSED**.

ENTERED this 30th day of October, 2007.

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James McNamara, Board Member

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Holly Gadbow, Board Member

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Margery Hite, Board Member