

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

MARCIA MORRIS, et al.,)	Consolidated
Petitioners,)	Case No. 97-3-0029c
v.)	ORDER of DISMISSAL
CITY OF LAKE FOREST PARK,)	
Respondent.)	
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I. Procedural Background

On October 10, 1997, the Central Puget Sound Growth Management Hearings Board (the **Board**) received a Petition for Review (**PFR**) from Marcia Morris and a PFR from Susan Fodor and Margaret Anderson. Both PFRs challenged the City of Lake Forest Park’s (**City**) adoption of Ordinance No. 722, specifically Section 4. The challenged Ordinance amended the City’s Sensitive Area Regulations. The PFRs were consolidated into CPSGMHB Case No. 97-3-0029c.

On January 9, 1998, the Board issued an “Order Denying Dispositive Motion re: Standing to Raise Legal Issue 5 (SEPA).”

On January 22, 1998, pursuant to RCW 36.70A.300(2) and WAC 242-02-560, the parties jointly requested a settlement extension. The same day, the Board issued an “Order Granting 30 Day Settlement Extension and Amending Prehearing Order -- Final Schedule.” The purpose of the settlement extension was to allow time for the City Council to take final action on the repeal of §4 and §5 of Ordinance No. 722, thereby resolving the dispute.

On February 26, 1998, the Board received a “Stipulation and (Proposed) Order of Dismissal” (**Stipulation**), signed by Petitioners’ and Respondent’s attorneys.

II. FINDINGS OF FACT -- CONCLUSIONS OF LAW

The Board finds:

1. Petitioners challenged the City of Lake Forest Park's process for and adoption of Ordinance No. 722, specifically, those sections (§4 and §5) amending the sensitive area regulations to require a setback from sensitive area buffers. (PFRs, at 2.)

2. Subsequent to challenging these sensitive area regulation amendments, the City adopted Ordinance No. 744, which repealed the challenged provisions of Ordinance No. 722 (§4 and §5). (Stipulation, at 2.)

The Board concludes:

1. The City's repeal of §4 and §5 of Ordinance No. 722 renders this appeal moot.

III. ORDER

Based on the foregoing stipulation, the Board enters the following ORDER:

Petitioners' Petition for Review (CPSGMHB Case No. 97-3-0029c), challenging Lake Forest Park's adoption of Ordinance No. 722 is **dismissed with prejudice** and without costs to either party.

The hearing on the merits for CPSGMHB Case No. 97-3-0029c (Morris), scheduled for March 26, 1998, is **canceled**.

So ORDERED this 26th day of February, 1998.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Edward G. McGuire, AICP
Board Member

Joseph W. Tovar, AICP
Board Member

Chris Smith Towne
Board Member

Note: This Order constitutes a final order as specified by RCW 36.70A.300 unless a party files a motion for reconsideration pursuant to WAC 242-02-832.