

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

VINE STREET INVESTORS, LLC,)	
)	Case No. 01-3-0011
Petitioners,)	
)	<i>(Vine Street)</i>
v.)	
)	
CITY OF STANWOOD,)	
)	ORDER of DISMISSAL
Respondent.)	
)	
)	
)	
)	

I. PROCEDURAL Background

On May 18, 2001, the Central Puget Sound Growth Management Hearings Board (the **Board**) received a Petition for Review (**PFR**) from Vine Street Investors (**Petitioner** or **Vine Street**). The matter was assigned Case No. 01-3-0011, and is hereafter referred to as ***Vine Street v. Stanwood***. Board member Lois H. North is the Presiding Officer for this matter. Petitioner challenges the Stanwood City Council’s decision to deny the Petitioner’s application for an amendment to the comprehensive plan. The City Council adopted Ordinance No. 1108, adopting the 2000-2001 amendments to the City of Stanwood Comprehensive Plan on March 19, 2001. The basis for the challenge is noncompliance with the Growth Management Act (**GMA or Act**), RCW 36.70A.020, and with various sections of the Stanwood Municipal Code, Sec. 17.157.080.

On May 29, 2001, the Board issued a notice of hearing (**NOH**) in this matter; on June 18, 2001, the Board conducted a prehearing conference (**PHC**); and on June 20, 2001, the Board issued the prehearing order (**PHO**).

On June 29, 2001, the Board received “City of Stanwood’s Dispositive Motion.” The motion challenged the Board’s subject matter jurisdiction over the PFR since the City had not adopted an Ordinance adopting or amending its plan or development regulations.

On July 10, 2001, the Board received a letter from Petitioner Vine Street Investors stating: “Counsel for the Petitioner has reviewed the City’s Dispositive Motion, and the authorities cited therein. The Petitioner concurs with the City’s Motion and will not, therefore, file a response.” 7/10/01 letter, at 1.

FINDINGS OF FACT – CONCLUSION OF LAW

The Board finds that the Petitioner filed a PFR which challenged the City of Stanwood's decision to deny the Petitioner's application for an amendment to the City's Plan. The Board further finds that Petitioner filed a letter concurring in the City's motion to dismiss for lack of subject matter jurisdiction.

Therefore, the Board concludes that because the Petitioner has concurred in the City's motion to dismiss for lack of subject matter jurisdiction and, in essence, withdrawn the challenge stated in the PFR, it is appropriate for the Board to dismiss Case No. 01-3-0011 in its entirety.

ORDER

Based on the above findings and conclusions, the Board enters the following ORDER:

Petitioners PFR (CPSGMHB Case No. 01-3-0011, *Vine Street Investors v. City of Stanwood*), challenging the City's decision not to adopt a Plan amendment proposed by Petitioner, is **dismissed with prejudice**.

The hearing on the merits for CPSGMHB Case No. 01-3-0011, scheduled for September 9, 2001, is **cancelled**.

So ORDERED this 12th day of July, 2001.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Lois H. North,
Presiding Officer

Edward G. McGuire, AICP
Board Member

Joseph W. Tovar, AICP
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.