

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

)	
JOHN NELSON, FREDERICK)	Case No. 01-3-0009
NELSON and NANCY BAUER,)	
)	<i>(Nelson)</i>
Petitioners,)	
)	
v.)	
)	ORDER OF DISMISSAL
KING COUNTY,)	
)	
Respondent.)	
)	

I. Background

On May 10, 2001, the Central Puget Sound Growth Management Hearings Board (the **Board**) received a Petition for Review (**PFR**) from John Nelson, Frederick Nelson and Nancy Bauer (**Petitioners**). The matter was assigned Case No. 01-3-0009, and is hereafter referred to as *Nelson v. King County*. Petitioners challenge King County Ordinance No. 14044 which removed the entire Lower Green Valley Agricultural Production District, including the Nelson property, from the urban growth area. The basis for the challenge was noncompliance with various provisions of the Growth Management Act (**GMA** or the **Act**).

On June 4, 2001, the Board received a stipulated request from Petitioners John Nelson, Frederick Nelson, and Nancy Bauer and the Respondent, King County, for a 90-day continuance of the schedule of Case No. 01-3-0009 so they may attempt to negotiate a settlement. On June 6, 2001, the Board **granted** the stipulated request.

Over the course of the next eighteen months, the Board received five additional stipulated requests from both parties for 90-day continuances of the schedule of Case No. 01-3-0009 for the purposes of settlement negotiation. The Board granted all stipulated requests.

On December 10, 2002, the Board received a Stipulation to Dismiss Appeal in this case. “The parties have resolved this dispute and now request that this case be dismissed.” Letter from King County Prosecuting Attorney.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board finds:

On December 10, 2002, the Petitioners and Respondent in Case No. 01-3-0009 submitted a Stipulated Motion to the Board requesting dismissal with prejudice.

The Board concludes:

Because the parties have indicated a wish for dismissal of Case No. 01-3-0009, it is appropriate for the Board to do so.

Iii. ORDER

Based upon review of the stipulation of the parties, the relevant law, and the findings and conclusions noted above, the Board enters the following Order:

The Petition for Review filed by John Nelson, Frederick Nelson and Nancy Bauer challenging King County's adoption of Ordinance No. 14044 (CPSGMHB Case No. 01-3-0009) is **dismissed with prejudice**.

The Hearing on the Merits of the petition, scheduled for March 10, 2003, is hereby **cancelled**.

So ORDERED this 12th day of December, 2002.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Edward G. McGuire, AICP
Board Member

Lois H. North
Board Member

Joseph W. Tovar, AICP

Board Member