

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

MASTER BUILDERS ASSOCIATION OF	)	
KING AND SNOHOMISH COUNTIES;	)	<b>CPSGMHB Case No. 03-3-0024</b>
and IVAN LUND,	)	
	)	<i>(MBA/Lund)</i>
Petitioners,	)	
	)	
v.	)	
	)	
CITY OF STANWOOD,	)	<b>ORDER OF DISMISSAL</b>
	)	
Respondent.	)	
	)	

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**I. BACKGROUND AND DISCUSSION**

On December 15, 2003, the Central Puget Sound Growth Management Hearings Board received a petition for review from the Petitioners noted in the caption above. Petitioners challenged the City of Stanwood’s adoption of Ordinance No. 1140.

The Board issued a notice of hearing (12/22/03), conducted a prehearing conference (1/15/04) and issued a prehearing order (1/22/04) that established the briefing schedule and the Legal Issues to be resolved in this matter. The schedule required the Petitioners’ Prehearing Brief on March 15, 2004 and the Respondent’s Prehearing Brief on March 29, 2004.

On February 11, 2004, the Board received “Plaintiff’s Motion for Voluntary Dismissal” (**MBA/Lund Motion**). Petitioners evoke the provisions of WAC 242-02-720(2) as the basis for the motion, noting that the motion for voluntary dismissal precedes either parties briefing on the merits.

WAC 242-02-720 provides in relevant part:

Any action may be dismissed by a board:

...

(2) Upon motion of the petitioner or respondent prior to the presentation of the respondent’s case;

...

The MBA/Lund Motion was received by the Board prior to presentation of the respondent’s case. Therefore, the Board will **grant** Petitioners’ motion.

## II. ORDER

Based upon review of the voluntary motion to dismiss filed by Petitioners, the Board's Rules of Practice and Procedure, the Board ORDERS:

- Petitioners' Motion for Voluntary Dismissal is **granted**.
- *MBA/Lund v. City of Stanwood*, CPSGMHB Case No. 03-3-0024 is **dismissed with prejudice**. All further scheduled hearings on this matter are **cancelled** and the case is **closed**.

So ORDERED this 12<sup>th</sup> day of February 2004.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

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Bruce C. Laing, FAICP  
Board Member

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Edward G. McGuire, AICP  
Board Member

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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.