

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

STATE OF WASHINGTON,)	
DEPARTMENT OF SOCIAL AND)	CPSGMHB Case No. 05-3-0036
HEALTH SERVICES (DSHS),)	(<i>DSHS V</i>)
)	
Petitioner,)	
)	
v.)	ORDER OF DISMISSAL
)	
CITY OF LAKEWOOD,)	
)	
Respondent.)	
)	

I. BACKGROUND

On June 29, 2005, the Central Puget Sound Growth Management Hearings Board (**CPSGMHB** or the **Board**) received a Petition for Review (**PFR**) from State of Washington, Department of Social and Health Services (*DSHS* or *Petitioner*). The matter was assigned Case No. 05-3-0036. On the following day, Board received a petition for review from State of Washington, Department of Corrections, which was assigned Case No. 05-3-0037. Both state agencies challenged the City of Lakewood (**City** or **Lakewood** or **Respondent**) adoption of Resolution No. 2005-13, continuing a moratorium on the filing of applications for licenses and permits and approvals for group homes, correctional facilities, in-patient facilities and mental health facilities located within Public Institutional Districts.

On July, 6, 2005, the Board issued its Notice of Hearing and Order of Consolidation, consolidating Case No. 05-3-0036 (*DSHS V*) and Case No. 05-3-0037 (*DOC III*) as Consolidated Case No. 05-3-0037c, and setting a Prehearing Conference (**PHC**) and tentative case schedule.

On August 1, 2005, the Board conducted the PHC at Room 2430, Union Bank of California Building, 900 Fourth Avenue, Seattle. During the PHC, the City indicated it had conversed with DSHS, but not with DOC, about the subject of settlement. The Board indicated that if one Petitioner and the City decided to request a settlement extension, the Board would have the option of dividing the consolidated case in order to accommodate settlement discussions.

The following day, the Board issued the Prehearing Order (**PHO**) establishing the schedule for the consolidated matter and setting the Legal Issues to be decided by the Board.

On August 4, 2005, the Board received “Agreed Motion and Order for Extension to Pursue Settlement” (**Settlement Extension Request**) signed by representatives of Petitioner DSHS and the City of Lakewood. The parties asked for a ninety day extension in order to pursue settlement discussions.

Accordingly, on August 8, 2005, the Board issued its Order Dividing Consolidated Case No. 05-3-0037c into Case No. 05-3-0036 (*DSHS V*) and Case No. 05-3-0037 (*DOC III*), and Granting a Ninety Day Settlement Extension in Case No. 05-3-0036.

On August 22, 2005, the Board received the City of Lakewood’s “Notice of Legislative Action Affecting Pending Petitions for Review.” The Notice attached a copy of Ordinance No. 390, which appears to modify the City’s moratorium, narrowing it to apply exclusively to Department of Corrections facilities, not to Department of Social and Health Services facilities.

On September 26, 2005, the Board received a Notice of Voluntary Dismissal from Carrie L Bashaw, Assistant Attorney General, representing Petitioner DSHS in this matter, stating: “The parties have reached a final settlement in this matter. Therefore, the Petitioner [through its attorneys] ...voluntarily dismiss this petition.”

Pursuant to the settlement and stipulation of the parties, the Board will **grant** the request and **dismiss** the matter.

II. ORDER

Pursuant to the request of the parties, the stipulation and acknowledgement that all matters in dispute have been settled in the *DSHS V v. Lakewood* matter, the Board ORDERS:

- *Department of Social and Health Services v. City of Lakewood (DSHS V)*, CPSGMHB Case No. 05-3-0036, is **dismissed with prejudice**.
- CPSGMHB Case No. 05-3-0036 is **closed**.

So ORDERED this 5th day of October, 2005.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Bruce C. Laing, FAICP
Board Member

Edward G. McGuire, AICP
Board Member

Margaret A. Pageler
Board Member