

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

DUVALL QUARRY, LLC)	
)	
Petitioner,)	CPSGMHB Case No. 04-3-0026
)	
v.)	<i>[Duvall Quarry]</i>
)	
)	ORDER OF DISMISSAL
KING COUNTY)	
)	
Respondent,)	
)	
and)	
)	
FRIENDS OF CHERRY VALLEY)	
)	
Intervenor)	
)	

I. BACKGROUND¹

On December 1, 2004, the Board received a Petition for Review (**PFR**) from Duvall Quarry, LLC, (**Petitioner** or **Duvall Quarry**). The matter was assigned Case No. 04-3-0026, and is hereafter referred to as *Duvall Quarry*. Board member Bruce Laing is the Presiding Officer (**PO**) for this matter. Petitioner challenges the County’s adoption of Ordinance No. 15028 amending the Comprehensive Plan. The basis for the challenge is noncompliance with various provisions of the GMA.

On January 4, 2005, the Board conducted the prehearing conference, which involved numerous parties all challenging the same or similar ordinances adopted by the County, in Suite 2430, Union Bank of California Building, 900 4th Avenue, Seattle. Present for the Board were members Edward G. McGuire, Margaret Pageler and Bruce C. Laing, PO. Representing the Petitioner in this case was Molly Lawrence. Present for the County were Peter Ramels and Steve Hobbs.

¹ For complete procedural history see Appendix A.

On January 6, 2005, the Board issued its Prehearing Order (**PHO**) setting forth a final schedule and listing eleven legal issues to be resolved by the Board.

On March 17, 2005, the Board issued an Order Granting Settlement Extension and Amending Case Schedule. Board orders granting additional settlement extensions were issued on June 7, 2005, September 8, 2005 and December 9, 2005.

On January 4, 2006, the Board received Petitioner's Voluntary Withdrawal of Petition for Review.

II. DISCUSSION AND ORDER

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;

...

Petitioner has voluntarily withdrawn the PFR and requested the Board to discontinue further proceedings on the appeal. The withdrawal was received prior to the presentation of the Respondent's case.

Having considered the Act, Board rules, previous decisions of the Board, the PFR and Petitioner's Voluntary Withdrawal of Petition for Review, the Board enters the following Order:

- The matter of *Duvall Quarry, LLC v. King County*, CPSGMHB Case No. 04-3-0026, is **dismissed with prejudice**.
- The scheduled hearing on the merits is **cancelled** and this matter is **closed**.

So ORDERED this 5th day of January, 2006

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Bruce C. Laing, FAICP
Board Member

Edward G. McGuire, AICP
Board Member

Margaret A. Pageler
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.

APPENDIX – A

Procedural History – CPSGMHB Case No. 04-3-0026

On December 1, 2004, the Board received a PFR from Duvall Quarry, LLC, (**Petitioner** or **Duvall Quarry**). The matter was assigned Case No. 04-3-0026, and is hereafter referred to as *Duvall Quarry*. Board member Bruce Laing is the Presiding Officer for this matter. Petitioner challenges the County’s adoption of Ordinance No. 15028 amending the Comprehensive Plan. The basis for the challenge is noncompliance with various provisions of the GMA.

On December 10, 2004, the Board received a Notice of Appearance from the legal counsel for the County.

On December 10, 2004, the Board issued a “Notice of Hearing and Potential Consolidation” (the **Notice**) in the above-captioned case and three other related cases. The Notice set a date for a prehearing conference (**PHC**) and established a tentative schedule for the case.

On December 28, 2004, the Board received Petitioner’s First Amended Petition For Review.

On January 3, 2005, the Board received King County’s Initial Index of the Record (**Index**)

On January 4, 2005, the Board conducted the prehearing conference, which involved numerous parties all challenging the same or similar ordinances adopted by the County, in Suite 2430, Union Bank of California Building, 900 4th Avenue, Seattle. Present for the Board were members Edward G. McGuire, Margaret Pageler and Bruce C. Laing, PO. Representing the Petitioner in this case was Molly Lawrence. Present for the County were Peter Ramels and Steve Hobbs.

On January 6, 2005, the Board issued its Prehearing Order (**PHO**) setting forth a final schedule and listing eleven legal issues to be resolved by the Board.

On January 12, 2005, the Board received King County’s Supplemental Index of Record (**Supplemental Index**) containing all of the items in the original Index and additional items.

On January 21, 2005, the Board received a Notice of Association of Counsel from King County indicating that Lisa Lawrence has associated with Darren E. Carnell and Peter G. Ramels as counsel for King County.

On January 26, 2005, the Board received the following Core documents from King County: : King County Ordinance 15028 (**Core Doc. 1**); King County Comprehensive Plan & Maps (**Core Doc. 2**); King County Countywide Planning Policies (**Core Doc. 3**); Addendum to Environmental Documents for the 2004 Amendments to the King County Comprehensive Plan (**Core Doc. 4**).

On February 4, 2005, the Board received King County's Second Supplemental Index (**Second Supplemental Index**) containing only items not contained in the Supplemental Index.

On February 8, 2005, the Board received a Motion to Intervene from Friends of Cherry Valley, with attachments. No response to the Motion to Intervene was filed with the Board.

On February 18, 2005, the Board issued its Order on Intervention (**Order On Intervention**) granting the Friends of Cherry Valley Motion to Intervene.

On February 25, 2005, the Board received correspondence from King County with concurrence from Petitioner requesting a modification to the scheduled date for filing Petitioner's prehearing brief (**Stipulated Request for Schedule Change**).

On February 28, 2005, the Board issued its Order Amending Case Schedule in this matter.

On March 8, 2005, the Board received Petitioner's Opening Brief with attached exhibits.

On March 8, 2005, the Board issued its Order Amending Time of Hearing on the Merits.

On March 16, 2005, the Board received a Request for Settlement Extension signed by counsel for the Respondent and counsel for the Petitioner (**Stipulated Request for Settlement Extension**).

On March 17, 2005, the Board issued its Order Granting Settlement Extension and Amending Case Schedule.

On June 3, 2005, the Board received a Second Request for Settlement Extension signed by counsel for the Respondent and counsel for the Petitioner (**Stipulated Request for Second Settlement Extension**).

On June 7, 2005, the Board issued its Order Granting Second Settlement Extension and Amending Case Schedule.

On September 6, 2005, the Board received Third Request for Settlement Extension from Petitioner and Respondent.

On September 8, 2005, the Board issued its Order Granting Third Settlement Extension and Amending Case Schedule.

On December 7, 2005, the Board received Joint Status Report and Fourth Request for Settlement Extension from Petitioner and Respondent.

On December 9, 2005 the Board issued its Order Granting Fourth Settlement Extension and Amending Case Schedule.

On January 4, 2006, the Board received Petitioner's Voluntary Withdrawal of Petition for Review.