

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

WASHINGTON PROTECTION et al,	)	
	)	<b>CPSGMHB Case No. 06-3-0040c</b>
Petitioners,	)	<i>(Washington Protection)</i>
	)	
v.	)	
	)	
CITY OF TACOMA,	)	<b>ORDER OF DISMISSAL</b>
	)	
Respondent.	)	
	)	
	)	

**I. BACKGROUND**

On December 22, 2006, the Central Puget Sound Growth Management Hearings Board (the **Board**) received a Petition for Review (**PFR**) from Washington Protection and Advocacy System (**Petitioner** or **Washington Protection**). The matter was assigned Case No. 06-3-0040, and is hereafter referred to as *Washington Protection et. al. v. City of Tacoma*. Board member David O. Earling is the Presiding Officer (**PO**) for this matter. Petitioner challenges City of Tacoma’s (**Respondent** or the **City**) adoption of Substitute Ordinance 27539. Additional PFR’s were received from Randy Olson and Tommy Manning, and the State of Washington Department of Social and Health Services. All PFR’S were combined into Case No. 06-3-0040c. The basis for the challenge is noncompliance with various provisions of the Growth Management Act (**GMA** or **Act**).

On December 29, 2006, the Board issued a “Notice of Hearing” (**NOH**) in the above-captioned case scheduling a Prehearing Conference for January 22, 2007.

On January 19, 2006, the Board received a “First Motion and Stipulated Agreement to Stay Proceeding Pending Settlement Discussions” (Request for Settlement Extension) for a period of 90 days.

On January 23, 2007, the Board issued an Order Granting Settlement Extension for 90 days.

On March 26, the Board received a “Second Motion and Stipulated Agreement to Stay Proceedings Pending Settlement Discussions” (2<sup>nd</sup> Request for Settlement Extension) requesting a 90 Day settlement extension.

On March 29, 2007, the Board issued an Order Granting a Second Settlement Extension for 90 days.

1 On May 31, 2007, the Board received a "Third Motion and Stipulated Agreement to Stay  
2 Proceedings Pending Settlement Discussions." (3<sup>rd</sup> Request for Settlement Extension) requesting  
3 a 90 day extension.  
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5 On June 14, 2007, the Board issued an Order Granting a Third Settlement Extension of 90 days.  
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7 On September 28, 2007, the Board received a settlement Status Report from the Parties  
8 requesting an extension for the Prehearing Conference to November 12, 2007, or after. The  
9 reason for the request was to correct a clerical error in the passage of Ordinance 27644 by the  
10 Tacoma City Council. To accommodate the request, the Board rescheduled and extended the  
11 case 30 days.  
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13 On October 16, 2007, the Board received a request for Voluntary Dismissal by the parties.  
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15 Pursuant to the request of the parties through their attorneys, the Board will grant and dismiss the  
16 matter.  
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## 18 **II. ORDER**

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20 Based upon review of the GMA, Board's Rules of Practice and Procedure, briefing and exhibits  
21 submitted by the parties, case law and prior decisions of this Board, and having deliberated on  
22 the matter, the Board enters the following ORDER:  
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- 24 1. Washington Protection et. al. v. the City of Tacoma (Washington Protection),  
25 CPSGMHB Case No. 06-3-0040c is dismissed with prejudice.  
26
- 27 2. CPSGMHB Case No. 06-3-0040c is closed.  
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30 This Order of Dismissal should not be construed as a Board determination as to whether  
31 Washington Protection et. al. substantively complies with the relevant goals and requirements of  
32 the GMA.  
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36 So ORDERED this 23rd day of October, 2007.  
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38 CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD  
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44 David O. Earling  
45 Board Member  
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Margaret A. Pageler  
Board Member

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Edward G. McGuire, 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.