

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

COALITION FOR HEALTHY ECONOMIC	)	
CHOICES IN KITSAP COUNTY; KITSAP	)	
CITIZENS FOR RURAL	)	
PRESERVATION;	)	<b>CPSGMHB Case No. 07-3-0009</b>
	)	
Petitioners,	)	<b>(CHECK)</b>
	)	
v.	)	
	)	
KITSAP COUNTY,	)	
	)	
Respondent,	)	
	)	<b>ORDER OF DISMISSAL</b>
and	)	
	)	
OVERTON & ASSOCIATES,	)	
	)	
Intervenor	)	
	)	

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**I. BACKGROUND**

On January 22, 2007, the Central Puget Sound Growth Management Hearings Board (the **Board**) received a Petition for Review (**PFR**) from the Coalition for Healthy Economic Choices in Kitsap County (**Petitioner** or **CHECK**). The matter was assigned Case No. 07-3-0009, and is hereafter referred to as CHECK v Kitsap County. Board member Edward G. McGuire is the Presiding Officer (**PO**) for this matter. Petitioner challenges Kitsap County’s (**Respondent** or **Kitsap Co.**) adoption of Ordinance Nos. 367-2006 and 370-2006, relating to specific designations in the Plan and zoning (IMPRA and UHA). The basis for the challenge is noncompliance with various requirements and goals of the Growth Management Act (**GMA** or **Act**).

On January 25, 2007, the Board issued its “Notice of Hearing” (**NOH**) in the above-captioned matter. Following the February 26, 2007 prehearing conference, the Board issued its “Prehearing Order and Order on Intervention.” Great Western Sports Inc. and Overton & Associates were granted status as Interveners on behalf of the County.

On April 5, 2007, the Board issued its “Order Dismissing Legal Issue 4, Granting 90-day Settlement Extension, and Denying Expansion of the Scope of Intervention.”

On May 7, 2007, the Board issued its “Order Acknowledging Withdrawal of Intervener Great Western Sports Inc.”

On June 29, 2007, the Board received a signed “Stipulation and Order of Dismissal of All Claims” (**Stipulation**) from Petitioners and Respondent.

### **III. ORDER**

Based upon review of the Petition for Review, the materials submitted by the parties, the Stipulation, the Growth Management Act, Board rules, and prior decisions of this Board and other Growth Management Hearings Boards, the Board enters the following ORDER:

In light of the Stipulation signed and filed by the Petitioner and Respondent requesting dismissal of the pending matter, the Board agrees. The matter of *CHECK v Kitsap County*, CPSGMHB Case No. 07-3-0009 is **dismissed with prejudice**. All further scheduled hearings on this matter are **cancelled** and the case is **closed**.

So ORDERED this 2<sup>nd</sup> day of July, 2007.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

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David O. Earling  
Board Member

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Edward G. McGuire, AICP  
Board Member

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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.