

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

MARGE GISSBERG and PAULIE)	
WILLIAMS,)	Case No. 07-3-0034
)	
Petitioners,)	<i>(Gissberg)</i>
)	
v.)	ORDER OF
)	DISMISSAL
)	
CITY OF PORT ORCHARD,)	
)	
Respondent.)	
)	
)	
)	

I. BACKGROUND

On November 20, 2007, the Central Puget Sound Growth Management Hearings Board (the **Board**) received a Petition for Review (**PFR**) from Marge Gissberg and Paulie Williams (**Petitioners** or **Gissberg**) *pro se*. The matter was assigned Case No. 07-3-0034, and is hereafter referred to as *Gissberg v. City of Port Orchard*. Board member Margaret A. Pageler is the Presiding Officer (**PO**) for this matter. Petitioners challenge the City of Port Orchard's (**Respondent** or the **City**) adoption of Ordinance No. 025-07, adopting the Downtown Overlay District, and amending the City's plan and zoning. The basis for the challenge is noncompliance with various provisions of the Growth Management Act (**GMA** or **Act**).

On November 26, 2007, the Board received a Notice of Appearance from Gregory A. Jacoby of McGavick Graves on behalf of Respondent City of Port Orchard.

On November 26, 2007, the Board issued its Notice of Hearing, requesting Petitioners to submit Restated Legal Issues and establishing a tentative schedule for the case.

On December 10, 2007, the Board received from Petitioners the Complete Copy of Ordinance No. 025-07.

On December 10, 2007, Petitioners contacted the Board's office to inquire about revising the case schedule. With the concurrence of the City, the Board on December 11, 2007, issued its Order Amending Schedule. The Order amended the date for Petitioners' submittal of Restated Legal Issues and set a new date and time for the Prehearing Conference.

On December 17, 2007, Petitioners notified the Board and the City by email of their withdrawal of the petition.

WAC 242-02-720 provides: “Any action may be dismissed by a board ... (2) upon motion of the petitioner ... prior to the presentation of the respondent’s case.” The Board reads Petitioners’ email message as a motion to dismiss the petition.

II. ORDER

Based upon the request for withdrawal by the Petitioners, the Growth Management Act, Board rules and decisions, the Board enters the following ORDER:

- The Petition for Review in this matter has been withdrawn. Therefore the matter of *Gissberg v. City of Port Orchard*, CPSGMHB Case No. 07-3-0034, is **dismissed**.
- All further scheduled hearings on this matter are **cancelled** and the case is **closed**.

SO ORDERED this 17th Day of December, 2007.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Margaret Pageler, Presiding Officer

David O. Earling, Board Member

Edward G. McGuire, Board Member