

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

MUCKLESHOOT INDIAN TRIBE,	)	
	)	<b>Case No. 07-3-0002</b>
	)	
Petitioners,	)	<i>(Muckleshoot)</i>
	)	
v.	)	
	)	
PIERCE COUNTY,	)	<b>ORDER OF DISMISSAL</b>
	)	
Respondent.	)	
	)	
	)	
	)	
	)	

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**I. BACKGROUND**

On January 4, 2007, the Central Puget Sound Growth Management Hearings Board (the **Board**) received a Petition for Review (**PFR**) from the Muckleshoot Indian Tribe (**Petitioner** or **Muckleshoot**). The matter was assigned Case No. 07-3-0002 and designated *Muckleshoot v. Pierce County*. The Muckleshoot appealed certain provisions of the Graham Community Plan and its implementing development regulations adopted by Pierce County (**Respondent** or **County**) with its adoption of Ordinance Nos. 2006-52s and 2006-53s.

The case was at first consolidated with two other challenges to the Graham Community Plan and was subsequently bifurcated to accommodate the request of the Muckleshoot and Pierce County to pursue settlement discussions. Order Segregating Muckleshoot PFR [CPSGMHB Case No. 07-3-0002] from Consolidated Case and Granting Settlement Extension (March 2, 2007).

On stipulated requests from the parties pursuant to RCW 36.70A.300(2), the Board has issued five subsequent settlement extensions, most recently on April 2, 2008.

On June 25, 2008, the Board received “Settlement Status Report of the Parties and Stipulation for Order Further Extending the Time for Issuing a Final Decision and Order and Taking All Other Actions.” The Status Report and Stipulation, signed by both parties, stated that the County on June 24, 2008, had adopted Ordinance 2008-39, which included changes to the Graham Community Plan and implementing regulations negotiated with the Muckleshoot. The Stipulation stated that the language of this Ordinance had been reviewed and approved by the Tribal Council.

The Board requested a copy of Ordinance No. 2008-39, which was provided by Pierce County on June 26. On June 27, the Board received emails from each of the parties further explaining the status and content of their pending settlement.

On June 30, 2008, the Board issued its Order Denying Seventh Settlement Extension and Amending Case Schedule. The amended schedule set the Hearing on the Merits on October 9, 2008. On July 11, 2008, in response to indications from the parties with respect to the case schedule, the Board issued its Order Amending Case Schedule re-scheduling the Hearing on the Merits to October 1, 2008.

On September 10, 2008, the Board received the parties' Stipulation to Dismissal of the Muckleshoot appeal, stipulating that the matter should be dismissed with prejudice in view of the parties' settlement and the County's enactment of Ordinance No. 2008-39.

## **II. ORDER**

Based upon the stipulation of the parties, the county's adoption of Ordinance No. 2008-39, the Board's Rules of Practice and Procedure, the GMA and prior case law, the Board ORDERS:

- In light of the Stipulation for Dismissal, the Petition for Review in *Muckleshoot Indian Tribe v. Pierce County* is **dismissed with prejudice**.
- All further scheduled hearings in this matter are **cancelled** and CPSGMHB Case No. 07-3-0002 is **closed**.

So ORDERED this 15<sup>th</sup> day of September, 2008.

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.