

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

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7 CNB PROPERTIES, LLC, a Delaware) **CPSGMHB Case No. 07-3-0030**
8 Limited Liability Company,)
9) **(CNB)**
10)
11 Petitioner,)
12)
13 v.)
14) **ORDER OF DISMISSAL**
15 THE CITY OF AUBURN,)
16)
17 Respondent.)
18)
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I. BACKGROUND

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22 On January 19, 2007, the Central Puget Sound Growth Management Hearings Board (the **Board**)
23 received a Petition for Review (**PFR**) from CNB Properties LLC (**Petitioner** or **CNB**). The
24 matter was consolidated with Skills, Inc. v. the City of Auburn, CPSGMHB Case No. 07-3-0007
25 and assigned Case No. 07-3-0008c. Both Petitioners challenged the City of Auburn's
26 (**Respondent** or **Auburn**) adoption of Ordinance No. 6064, amending the City's Future Land
27 Use Map. (FLUM) The basis for the challenge is noncompliance with various provisions of the
28 Growth Management Act (**GMA** or **Act**).
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31 On May 31, 2007, in order to allow CNB and Auburn the opportunity to settle their dispute
32 without impacting the challenge brought by Skills Inc., the Board segregated the CNB portion of
33 Case No. 07-3-0008c, assigned it No. CPSGMHB Case No. 07-3-0030, and granted a settlement
34 extension to the parties.
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36 Over the following ten months, the parties requested and were granted a series of five extensions
37 as they continued to negotiate to resolve their issues.
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39 On April 2, 2008, the Board received a Stipulation of Dismissal of Pending Appeal stating all
40 issues had been compromised and settled between the parties in Case No. 07-3-0030 and
41 requested that the Board immediately dismiss the case with prejudice.
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II. FINDINGS

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47 1. The Board's Rules of Practice and Procedure provide at WAC. 242-02-720:

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49 Any action may be dismissed by a Board: (1) When all parties stipulate; ...
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- 1 2. Both Petitioner and Respondent in CPSGMHB Case No. 07-3-0030 have stipulated to
2 dismissal of the appeal.
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6 **III. ORDER**
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8 Based upon review of the GMA, Board's Rules of Practice and Procedure, briefing and exhibits
9 submitted by the parties, case law and prior decisions of this Board, and having deliberated on
10 the matter, the Board enters the following ORDER:
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- 12 1. PFR No. 07-3-0030 is **dismissed with prejudice**.
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14 2. CPSGMHB Case No. 07-3-0030 is **closed**.
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16 So ORDERED this 7th day April, 2008 .
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18 CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD
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24 David O. Earling
25 Board Member
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30 Margaret A. Pageler
31 Board Member
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36 Edward G. McGuire
37 Board Member
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