

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

SUQUAMISH TRIBE	)	
	)	<b>Case No. 06-3-0006</b>
Petitioner,	)	
	)	<i>(Suquamish Tribe)</i>
v.	)	
	)	<b>ORDER OF DISMISSAL</b>
CITY OF BAINBRIDGE ISLAND,	)	
	)	
Respondent.	)	
	)	
	)	
	)	

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**I. BACKGROUND**

On February 16, 2006, the Central Puget Sound Growth Management Hearings Board (the **Board**) received a Petition for Review from Suquamish Tribe (**Petitioner or Tribe**) challenging the City of Bainbridge Island’s (**Respondent or City**) adoption of Ordinance No. 2005-003, adopting revised critical areas regulations.

The parties subsequently entered into settlement negotiations, and the City prepared an ordinance in response to the Tribe’s concerns. However, at the same time, the controlling legal issue was under consideration in the state courts. In response to a series of joint stipulations and requests to extend time, the Board has issued fourteen consecutive settlement extension orders.<sup>1</sup> The controlling legal issue was recently resolved by the Division II Court of Appeals in *Kitsap Alliance of Property Owners v. Central Puget Sound Growth Management Hearings Board, et al.*, Case No. 38017-0-II.

On October 20, 2009, the Board received Suquamish Tribe’s Motion to Dismiss, voluntarily withdrawing its petition for review.

**II. DISCUSSION**

WAC 242-02-720 provides:

Dismissal of Action.

Any action may be dismissed by a board:

- (2) Upon motion of the petitioner or respondent prior to the respondent’s case.

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<sup>1</sup> The GMA allows 90-day extensions for settlement negotiations. RCW 36.70A.300(2)(b).

The Tribe's Motion to Dismiss was filed prior to the submission of any substantive briefing by any party to this case.

### III. ORDER

Based upon review of the GMA, Board's Rules of Practice and Procedure, case law and prior decisions of this Board, the Board enters the following ORDER:

1. The Petitioner's Motion to Dismiss in the matter is **granted**.
2. The matter of *Suquamish Tribe v. City of Bainbridge Island*, CPSGMHB Case No. 06-3-0006, is **closed**.

So ORDERED this 21st day of October, 2009.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

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David O. Earling  
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.<sup>2</sup>

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<sup>2</sup> Pursuant to RCW 36.70A.300 this is a final order of the Board.

Reconsideration. Pursuant to WAC 242-02-832, you have ten (10) days from the date of mailing of this Order to file a motion for reconsideration. The original and three copies of a motion for reconsideration, together with any argument in support thereof, should be filed with the Board by mailing, faxing or otherwise delivering the original and three copies of the motion for reconsideration directly to the Board, with a copy served on all other parties of record. Filing means actual receipt of the document at the Board office. RCW 34.05.010(6), WAC 242-02-240, WAC 242-020-330. The filing of a motion for reconsideration is not a prerequisite for filing a petition for judicial review.

Judicial Review. Any party aggrieved by a final decision of the Board may appeal the decision to superior Court as provided by RCW 36.70A.300(5). Proceedings for judicial review may be instituted by filing a petition in superior Court according to the procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. The petition for judicial review of this Order shall be filed with the appropriate Court and served on the Board, the Office of the Attorney General, and all parties within thirty days after service of the final order, as provided in RCW 34.05.542. Service on the Board may be accomplished in person or by mail, but service on the Board means actual receipt of the document at the Board office within thirty days after service of the final order. A petition for judicial review may not be served on the Board by fax or by electronic mail.

Service. This Order was served on you the day it was deposited in the United States mail. RCW 34.05.010(19)

*Suquamish Tribe v. City of Bainbridge Island (October 21, 2009)*

**06-3-0006 Order of Dismissal**