

1 BEFORE THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

2 OVERTON ASSOCIATES, et al.,

3  
4 Petitioners,

5 v.

6 MASON COUNTY,

7  
8 Respondent,

9 And

10 JACK NICKLAUS, BRIAN PETERSEN, and LES KRUEGER,

11  
12 Intervenor.

CASE NO. 05-2-0009c

**ORDER DISMISSING  
OVERTON PETITION**

13  
14  
15 THIS Matter comes before the Board upon the motion of Petitioner Overton Associates  
16 (Petitioner Overton) for an order dismissing the Overton petition for review. Motion of  
17 Overton for Dismissal, September 27, 2005. Petitioner Overton has advised the Board that  
18 it wishes to withdraw its petition to focus on working with the County. *Ibid.*

19  
20 A petition for review may be dismissed upon petitioner's motion prior to the presentation of  
21 the respondent's case. WAC 242-02-720(2). Therefore, the Board will dismiss Petitioner  
22 Overton's petition for review. However, this is a consolidated case and Petitioners Diehl  
23 and Advocates for Responsible Development (ARD) do not join in the motion for dismissal.  
24 Therefore, the issues set out in the Prehearing Order and Order Extending Deadline for  
25 Final Decision and Order under the heading "Belfair UGA Issues" will go forward for  
26 resolution in this case.  
27  
28

29  
30 **ORDER**

31 Based on the foregoing, the motion to dismiss by Petitioner Overton is hereby GRANTED.  
32 The issues relating to the Belfair UGA in the petition for review filed by Petitioners Diehl and

1 ARD shall go forward to a hearing on the merits October 11, 2005, pursuant to the schedule  
2 set forth in the Prehearing Order and Order Extending Deadline for Final Decision and  
3 Order, June 10, 2005.

4  
5 **Pursuant to RCW 36.70A.300 this is a final order of the Board.**

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

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

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

27  
28  
29  
30  
31  
32  
ENTERED this 4<sup>th</sup> day of October 2005.

\_\_\_\_\_  
Margery Hite, Board Member

\_\_\_\_\_  
Holly Gadbow, Board Member

\_\_\_\_\_  
Gayle Rothrock, Board Member