

1 BEFORE THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

2
3 GRIFFIN BAY PRESERVATION COMMITTEE,

4 Petitioners,

5
6 v.

7 SAN JUAN COUNTY,

8
9 Respondent.

Case No. 07-2-0014

ORDER DISMISSING THE CASE

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12 THIS Matter comes before the Board upon the Stipulation as to Mootness filed with the
13 Board by the Griffin Bay Preservation Committee (GBPC) and San Juan County on
14 February 8, 2008. The GBPC and the County stipulate and agree that the remaining issues
15 in this case are made moot by the San Juan County's adoption of Resolution 4-2008
16 passed on January 15, 2008. GBPC's petition is therefore withdrawn as moot. Both
17 parties request the Board dismiss this matter.¹

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19 **DISCUSSION**

20 The Boards' Rules of Practice and Procedure provide that an action may be dismissed:

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22 (1) When all parties stipulate;
23 (2) Upon motion of the petitioner or respondent prior to the presentation of the
24 respondent's case.
25 (3) Upon motion by the respondent alleging that the petitioner has failed to prosecute
26 the case, failed to comply with these rules, or failed to follow any order of the
27 board; or
28 (4) Upon a board's own motion for failure by the parties to comply with these rules or
29 any order of the board.

30 WAC 242-02-720.

31 Here, the parties have stipulated and agreed that issues in this case are made moot by the
32 County's adoption of Resolution 4-2008. Based on this action and agreement, GBPC

¹ Stipulation as to Mootness.

1 withdraws its petition. The parties have both requested dismissal of this case prior to the
2 presentation of the County's case. For these reasons, dismissal is appropriate.

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4 **ORDER**

5 Based on the foregoing, this case is hereby DISMISSED.

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7 Entered the 20th day of February 2008.

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Holly Gadbaw, Board Member

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Margery Hite, Board Member

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14 _____
James McNamara, Board Member

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

20 **Reconsideration.** Pursuant to WAC 242-02-832, you have ten (10) days from the
21 mailing of this Order to file a petition for reconsideration. Petitions for
22 reconsideration shall follow the format set out in WAC 242-02-832. The original and
23 three copies of the petition for reconsideration, together with any argument in
24 support thereof, should be filed by mailing, faxing or delivering the document directly
25 to the Board, with a copy to all other parties of record and their representatives.
26 **Filing means actual receipt of the document at the Board office.** RCW 34.05.010(6),
27 WAC 242-02-330. The filing of a petition for reconsideration is not a prerequisite for
filing a petition for judicial review.

28 **Judicial Review.** Any party aggrieved by a final decision of the Board may appeal the
29 decision to superior court as provided by RCW 36.70A.300(5). Proceedings for
30 judicial review may be instituted by filing a petition in superior court according to the
31 procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil

32 **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

1 parties within thirty days after service of the final order, as provided in RCW
2 34.05.542. Service on the Board may be accomplished in person, by fax or by mail,
3 but service on the Board means actual receipt of the document at the Board office
4 within thirty days after service of the final order.

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