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**State of Washington
GROWTH MANAGEMENT HEARINGS BOARD
FOR EASTERN WASHINGTON**

SUNNYSIDE DIVISION BOARD OF CONTROL,

Petitioners,

Case No. 08-1-0004

v.

ORDER OF DISMISSAL

YAKIMA COUNTY,

Respondent.

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I. PROCEDURAL HISTORY

On February 15, 2008, SUNNYSIDE DIVISION BOARD OF CONTROL, by and through their representative, Lawrence Martin, filed a Petition for Review.

On February 22, 2008, YAKIMA COUNTY FARM BUREAU, INC., YAKIMA COUNTY CATTLEMENT'S ASSOCIATION, and LARRY DYKES, by and through their representatives, Richard Stephens and Samuel Rodabough, filed a Petition for Review.

On March 20, 2008, the Board held the telephonic Prehearing conference. Present were John Roskelley, Presiding Officer, and Board Member Joyce Mulliken. Board Member Dennis Dellwo was unavailable. Present for the Petitioners were Lawrence Martin, Paul Dempsey and Samuel Rodabough. Present for the Respondent was Paul McIlrath.

On March 21, 2008, the Board received Petitioners Yakima County Farm Bureau, Inc., Yakima County Cattlemen's Association, and Larry Dykes Amended Petition for Review.

On March 26, 2008, the Board issued its prehearing order.

On April 10, 2008, the Board received Respondent's Motion for Summary Judgment.

On April 24, 2008, the Board received Petitioners' Response to Summary Judgment Motion.

1 On April 30, 2008, the Board received a Joint Motion for Extension of Case Schedule
2 or Bifurcation of Appeal signed by Petitioners Sunnyside Division Board of Control and
3 Respondent Yakima County.

4 On May 1, 2008, the Board received Respondent's Rebuttal to Petitioner Farm
5 Bureau's Reply to Motion for Summary Judgment.

6 On May 5, 2008, the Board received Petitioner Yakima County Farm Bureau, Inc.,
7 Yakima County Cattlemen's Association, and Larry Dykes' Response to Joint Motion for
8 Extension of Case Schedule or Bifurcation for Appeal.

9 On May 7, 2008, the Board held the telephonic motion hearing. Present were, John
10 Roskelley, Presiding Officer, Board Members Joyce Mulliken, Dennis Dellwo, and Staff
11 Attorney Julie Taylor. Present for the Petitioners were Lawrence Martin, Paul Dempsey, Dick
12 Stevens, and Samuel Rodabough. Present for the Respondent were Paul McIlrath and Terry
13 Austin.

14 On May 5, 2008, the Board issued its Order on Motions.

15 On August 5, 2008, the Board received a Stipulated Motion for Extension of Case
16 Schedule signed by the parties requesting a ninety (90) day extension.

17 On August 6, 2008, the Board issued its Order on Stipulated Motion for Extension,
18 granting the extension and providing a revised schedule.

19 On October 3, 2008, the Board received a signed Joint Motion to Bifurcate.

20 On October 27, 2008, the Board issued its Order on Joint Motion to Bifurcate
21 EWGMHB Case No. 08-1-0009c to EWGMHB Case No. 08-1-0004 and 08-1-0009.

22 On November 10, 2008, the Board received a Stipulated Motion for Extension of Case
23 Schedule signed by the parties requesting a ninety (90) day extension. The parties are
24 currently involved in settlement negotiations.

25 On November 13, 2008, the Board issued its Order on Stipulated Motion for
26 Extension.

1 On February 6, 2009, the Board received a Stipulated Motion for Extension of Case
2 Schedule signed by the parties requesting a ninety (90) day extension. The parties are
3 currently involved in settlement negotiations.

4 On February 10, 2009, the Board issued Order on Stipulated Motion for Extension.

5 On April 27, 2009, the Board received a Stipulated Motion for Dismissal of Case
6 signed by the parties.

7 II. DISCUSSION

8 On April 27, 2009, the Eastern Washington Growth Management Hearings Board
9 (Board) received a Stipulated Motion for Dismissal of Case for Case No. 08-1-0004,
10 *Sunnyside Division Board of Control v. Yakima County*. According to the motion, the parties
11 claim "this matter has been fully settled by a Memorandum of Understanding for the
12 Resolution of SVID Petition for Review by the EWGMHB." The Memorandum, labeled as
13 Exhibit "A", is signed by both parties and attached to the motion.

14 III. ORDER

15 Pursuant to WAC 242-02-720(1), where any action may be dismissed by the board
16 when all parties stipulate, which is the case here, the Board **GRANTS** the Stipulated Motion
17 for Dismissal.

18 **SO ORDERED** this 5th day of May 2009.

19 EASTERN WASHINGTON GROWTH MANAGEMENT
20 HEARINGS BOARD

21 _____
22 John Roskelley, Board Member

23 _____
24 Raymond L. Paoella, Board Member

25 _____
26 Joyce Mulliken, Board Member