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

YAKIMA COUNTY FARM BUREAU, INC.,  
YAKIMA COUNTY CATTLEMEN'S ASSOC.,  
LARRY DYKES,  
  
Petitioners,  
  
v.  
  
YAKIMA COUNTY,  
  
Respondent.

Case No. 08-1-0009

ORDER ON MOTION FOR DISMISSAL

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**I. PROCEDURAL HISTORY**

In February 2008, YAKIMA COUNTY FARM BUREAU, INC., YAKIMA COUNTY CATTLEMENS' ASSOCIATION, and LARRY DYKES, by and through their representatives, Richard Stephens and Samuel Rodabough (collectively Petitioners), filed a Petition for Review (PFR).<sup>1</sup> With this PFR, Petitioners challenged Yakima County's adoption of Ordinance 13-2007.

In April 2008, Yakima County filed a Motion for Summary Judgment seeking dismissal of two issues which related to the application of RCW 36.70A.480 and 36.70A.560 to the challenged Ordinance. The parties then filed a Joint Motion for Extension and, based on this motion and representations to the Board during a May 2008 Motions Hearing, the Board

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<sup>1</sup> This PFR was consolidated with a PFR (Case No. 08-1-0004) also filed against Yakima County by the Sunnyside Division Board of Control (SDBOC). The consolidated matter was referenced with Case No. 08-1-0009c. Pursuant to a request by the Board after Petitioners filed a Stipulated Order, Petitioners and SDBOC filed a Joint Motion to Bifurcate the consolidated matter in October 2008 which the Board granted thereby returning the parties and their related issues to the pre-consolidated status. See, October 27, 2008, Order on Joint Motion to Bifurcate.

1 granted the parties request for extension and did not rule on the issues presented by the  
2 County's in its Motion for Summary Judgment.<sup>2</sup>

3 In September 2008, the parties filed a Stipulated Order with the Board. With this  
4 Order, the parties, with the exception of issues raised in regards to RCW 36.70A.480 and  
5 RCW 36.70A.560, sought dismissal of all other issues. For the remaining issues, the parties  
6 sought a ruling by the Board as to the application of Ordinance 13-2007 in relationship to  
7 the two cited GMA provisions.

8 On November 10, 2008, the Board held a telephonic status conference with the  
9 parties to discuss the pending Stipulated Order and requested that the parties revise the  
10 Stipulated Order. This the parties did and a Revised Stipulated Order was received by the  
11 Board on November 17, 2008.

12 On November 21, 2008, the Board issued its Order on Dismissal.

13 On November 26, 2008, the Board received a Stipulated Motion for Extension of Case  
14 Schedule signed by the parties requesting a thirty (30) day extension.

15 On December 1, 2008, the Board issued its Order on Stipulated Motion for Extension  
16 of Case Schedule.

17 On December 23, 2008, the Board received Petitioners' Motion for Dismissal.

## 18 **II. DISCUSSION**

19 On November 17, 2008, Petitioners<sup>3</sup> filed a Motion for Dismissal with the Eastern  
20 Washington Growth Management Hearings Board (Board) to dismiss Issues 4.3 through 4.8  
21 of their Amended Petition for Review (PFR) and, in addition, requested the dismissal of  
22 Issues 4.1 and 4.2 "premised upon the Board's acceptance and execution" of a Revised  
23 Stipulated Order filed simultaneously. The Board issued an Order on Motion for Dismissal on  
24 November 21, 2008, granting dismissal of Issues 4.3 through 4.8, but denying dismissal of

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25 <sup>2</sup> May 9, 2008 Order on Motions.

26 <sup>3</sup> Yakima County Farm Bureau, Inc., Yakima County Cattlemen's Association, and Larry Dykes.

1 Issues 4.1 and 4.2 based on the language presented by the Petitioners in the Revised  
2 Stipulated Order.

3 On December 23, 2008, Petitioners filed a second Motion for Dismissal and asked the  
4 Board to dismiss the remaining two issues, Issues 4.1 and 4.2, stating the parties "reached  
5 a settlement agreement with respect to issues 4.1 and 4.2 of the Amended Petition for  
6 Review."<sup>4</sup>

### 7 III. ORDER

8 Pursuant to WAC242-02-720, the Board **grants** the Motion for Dismissal and,  
9 therefore, Case No. 08-1-0009 is **dismissed**.

10 **SO ORDERED** this 7<sup>th</sup> day of January 2009.

11 EASTERN WASHINGTON GROWTH MANAGEMENT  
12 HEARINGS BOARD

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14 John Roskelley, Board Member

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16 Joyce Mulliken, Board Member

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18 Raymond L. Paoella, Board Member

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26 <sup>4</sup> Petitioners' Motion for Dismissal at 2 (Dec. 23, 2008).