

1 BEFORE THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

2
3 KIPP DUNLAP,
4 Petitioner,
5
6 v.
7 CITY OF EVERSON,
8 Respondent.

CASE NO. 05-2-0004

ORDER OF DISMISSAL

9
10 This matter comes before the Board on a Stipulation and Order of Dismissal, signed by
11 Mr. Kipp Dunlap and Jonathan Sitkin for the City of Everson. Stipulation and Order of
12 Dismissal (May 11, 2005). This matter first came before the Board on February 8, 2005,
13 with the filing of a Petition for Review challenging the City's update of its comprehensive
14 plan, particularly as it related to agricultural lands and critical areas of the City very close to
15 Kipp and Marilyn Dunlap's property, which is outside the municipality. A prehearing
16 conference was held, Petitioner reviewed his issues, an index was filed, and proposed
17 additions or supplements to the index were filed by Petitioner Dunlap. At prehearing
18 conference, an interest was expressed in mediating or settling the challenges and dispute.
19 The matter was clearly an excellent candidate for a mediator's services.

20
21
22
23 In the Stipulation and Order of Dismissal submitted to the Board on May 10, 2005, the
24 parties each stipulated and agreed as follows:

- 25 1. The parties have engaged in a mediation process offered by the Presiding Officer in
26 the above-entitled matter, and said mediation having been conducted by Mr. Dennis
27 Dellwo, a member of the Eastern Washington Growth Management Hearings Board;
28 2. All proceedings herein shall be dismissed without prejudice and with the Petitioner's
29 reservation of the right to re-file this action, or a separate action should the
30 Respondent fail to act and adopt an updated Critical Areas Ordinance (CAO) within
31 the timeframe required by law. Further, should the City adopt an updated CAO within
32 the time frames required by law, the Petitioner shall have the right to challenge said
amended CAO as allowed by the Growth Management Act within the time frames
provided and required by law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

3. The City has also agreed that as part of its review and update of the City’s CAO, the City will review and consider Whatcom County’s proposed amendments to the Whatcom County Critical Areas Ordinance related to existing and ongoing agricultural activities, as they may relate to critical areas as contained in the proposed Appendix A “Conservation Program on Agricultural Lands” attached to the Whatcom County draft amended Critical Areas Ordinance.

The parties have come to an accommodation and settlement that is satisfactory. Both parties agree the matter before the Board should be dismissed. Under the terms of WAC 242-02-720(1), any matter may be dismissed by the Board when all parties stipulate.

ORDER

Based on the stipulation and agreed order signed by both parties, case 05-2-0004 is DISMISSED without prejudice and the file is CLOSED.

Done this 24th day of May 2005.

Gayle Rothrock, Board Member

Holly Gadbow, Board Member

Margery Hite, Board Member