

**CENTRAL PUGET SOUND
GROWTH MANAGEMENT HEARINGS BOARD
STATE OF WASHINGTON**

JAMES and CARMEN NARDO,)	
)	Case No. 01-3-0012
Petitioners,)	
)	<i>(Nardo)</i>
v.)	
)	
CITY OF POULSBO,)	ORDER ON DISMISSAL
)	
Respondent.)	
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I. PROCEDURAL BACKGROUND

On May 24, 2001 the Central Puget Sound Growth Management Hearings Board (The **Board**) received a Petition for Review (PFR) from James and Carmen Nardo (**Petitioners**) of the Wool Hat Farm. Petitioners alleged that the City of Poulsbo (the **City**) failed to comply with the requirements of the Growth Management Act (the **GMA**). The matter was assigned Case No. 00-3-0012, and captioned *Nardo v. City of Poulsbo* (Short case title is *Nardo*).

On May 31, 2001, the Board received a Notice of Appearance from counsel for the City of Poulsbo.

On June 12, 2001 the Board received a Restatement of Legal Issues for CPSGMHB Case No. 00-3-0012 from James and Carmen Nardo of the Wool Hat Farm.

On June 25, 2001 the Board received a Stipulation for Dismissal of Petition for Review from counsel for the City of Poulsbo.

II. DISCUSSION OF STIPULATION FOR DISMISSAL

Dated June, 21, 2001, the Stipulation for Dismissal of Petition for Review, sign by the Petitioner and the City, states;

The Petitioner, James and Carmen Nardo, and the Respondent, the City of Poulsbo, Washington, hereby stipulate as follows:

1. The Central Puget Sound Growth Management Hearings Board may dismiss the Petition for Review in this action.

2. The dismissal should be without prejudice to the rights of the Petitioners, James and Carmen Nardo, to file a subsequent Petition for Review of any future action taken by the City of Poulsbo or Kitsap County that may be appealed to the Central Puget Sound Growth Management Hearings Board, including but not limited to, any action to amend the urban growth area boundary or to adopt or amend a comprehensive plan, subarea plan, or any land use regulation that in any way that affects the Nardos' property.

3. The dismissal should be without prejudice to the rights of the Respondent, the City of Poulsbo, to assert any and all available defenses it may have to any subsequent Petition for Review filed by the Nardos, except that the City agrees that the Nardos' failure to pursue the current appeal does not preclude the Nardos from filing any subsequent appeal.

In recognition of the parties' Stipulation for Dismissal, an Order on Dismissal by the Board in this case would not preclude the Petitioner's rights to any subsequent appeals before this Board, nor would it preclude any rightful defenses available to the Respondent in any subsequent actions.

III. ORDER

Based upon review of the stipulation of the parties, the Board enters the following Order:

The Board **grants** the parties' Stipulation for Dismissal of Petition for Review, and thus **enters** an ORDER ON DISMISSAL in Case No. 00-3-0012 before the Central Puget Sound Growth Management Hearings Board.

So ORDERED this 29th day of June, 2001.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Edward G. McGuire, AICP
Board Member

Lois H. North
Board Member

Joseph W. Tovar, AICP
Board Member