



1 application and issued a Mitigated Determination of Nonsignificance (MDNS) on January 13,  
2 2020. Brandsrud filed a Notice of Appeal of the SEPA MDNS on January 27, 2020.

3 2. On April 3, 2020, Hearing Examiner issued *Decision on Applicant's Motion to*  
4 *Dismiss* which held that Brandsrud "...lacks standing to bring this SEPA Appeal...". Brandsrud  
5 filed a timely Petition for Review under the Land Use Petition Act (LUPA) on April 17, 2020.  
6 This proceeding was for the purpose of reviewing the dismissal of the administrative appeal as  
7 well as land use authorizations within the Easton Type III LAMIRD.

8 3. On April 22, 2020, Love's Travel Stop advised Kittitas County Community  
9 Development Services that it "...would like to formally withdraw its SEPA Application and have  
10 the County terminate any reviews currently being completed as a result of the SEPA appeal.  
11 Love's will not be pursuing this project any further." With the withdrawal of the land use  
12 application, further proceedings are moot.

13 4. The parties agree to a dismissal of the Land Use Petition upon the following  
14 stipulations:

15 1. Hearing Examiner's *Decision on Applicant's Motion to Dismiss* is vacated;  
16 2. Kittitas County's *Mitigated Determination of Nonsignificance* dated January  
17 13, 2020 is vacated.

18 3. Love's Travel Stops SEPA application is withdrawn and shall not be further  
19 processed; and

20 4. This LUPA Petition may be dismissed with prejudice and without cost to any  
21 party.

22 Dated this \_\_\_\_\_ day of May, 2020.

23 MEYER, FLUEGGE & TENNEY, P.S.  
24 Attorneys for Defendants

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26 \_\_\_\_\_  
27 JAMES C. CARMODY, WSBA #5205  
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STIPULATED ORDER OF DISMISSAL WITH  
PREJUDICE AND WITHOUT COSTS - 2

LAW OFFICES OF  
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1 KITTITAS COUNTY PROSECUTING ATTORNEY OFFICE  
2 Attorneys for Kittitas County

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4  22822 for  
5 NEIL A. CAULKINS, WSBA # 31759  
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8 PHILLIPS BURGESS, PLLC  
9 Attorneys for Respondent Love's Travel Stops & Country Stores, Inc.  
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12 Heather L. Burgess, WSBA #28477  
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14 II. ORDER

15 Based upon the foregoing stipulation of the parties, and after being otherwise fully  
16 advised on the premises, it is hereby,

17 **ORDERED, ADJUDGED AND DECREED** as follows:

- 18 1. Hearing Examiner's *Decision on Applicant's Motion to Dismiss* is hereby vacated;  
19 2. Kittitas County's Mitigated Determination of Nonsignificance (MDNS) is hereby  
20 vacated;  
21 3. Love's Travel Stops SEPA application is withdrawn and shall not be further  
22 processed; and  
23 4. This LUPA Petition is hereby dismissed with prejudice and without cost to any party.  
24 DONE IN OPEN COURT THIS 14 day of May, 2020.  
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26 L. CANDACE HOOPER  
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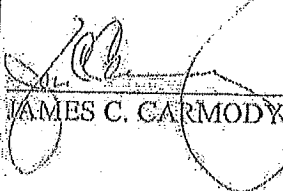
28 Judge  
29  
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STIPULATED ORDER OF DISMISSAL WITH  
PREJUDICE AND WITHOUT COSTS - 3

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1 Presented by:

2 MEYER, FLUEGGE & TENNEY, P.S.  
3 Attorneys for Defendants

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6 JAMES C. CARMODY, WSBA #5205

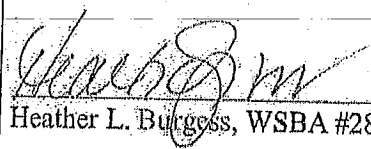
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8 Approved for Entry and Notice of Presentation Waived:

9 KITTITAS COUNTY PROSECUTING ATTORNEY OFFICE  
10 Attorneys for Kittitas County

11   
12 NEIL A. CAULKINS, WSBA # 31759

13  
14 Approved for Entry and Notice of Presentation Waived:

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16 PHILLIPS BURGESS, PLLC  
17 Attorneys for Respondent Love's Travel Stops & Country Stores, Inc

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20 Heather L. Burgess, WSBA #28477

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STIPULATED ORDER OF DISMISSAL WITH  
PREJUDICE AND WITHOUT COSTS - 4

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