

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

FUTUREWISE	)	<b>CPSGMHB Case No. 05-3-0013</b>
	)	
Petitioner,	)	<i>(Futurewise v. Bellevue)</i>
	)	
v.	)	
	)	
THE CITY OF BELLEVUE,	)	<b>ORDER OF DISMISSAL</b>
	)	
Respondent.	)	
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**I. BACKGROUND**

On February 1, 2005, the Central Puget Sound Growth Management Hearings Board (the **Board**) received a Petition for Review (**PFR**) from Futurewise (**Petitioner** or **Futurewise**). The matter was assigned Case No. 05-3-0013 and is hereafter referred to as *Futurewise v. Bellevue*. Board member Bruce C. Laing is the Presiding Officer (**PO**) for this matter. Petitioner challenges the City of Bellevue's (**Respondent** or the **City**) adoption of Ordinance Nos. 5563 and 5570 which amend the City's Comprehensive Plan. The basis for the challenge is noncompliance with various provisions of the Growth Management Act (**GMA** or **Act**).

On February 9, 2005 the Board issued a Notice of Hearing (**NOH**) setting a prehearing conference on March 7, 2005, a Hearing on the Merits on June 9, 2005 and a Deadline for Final Decision and Order of August 1, 2005. The NOH set forth a tentative schedule for filing of motions, briefs and related activities for this case.

On February 10, 2005 the Board received a Notice of Appearance from the City.

On March 4, 2005 the Board received a Motion to Dismiss from Futurewise.

On March 4, the Board Administrative Officer received a telephone request from counsel for Futurewise that the PHC scheduled for March 7, 2005 be cancelled based on the Motion to Dismiss and agreement between Petitioner and Respondent. The Board Administrative Officer then received an e-mail message from counsel for the City stating that City of Bellevue has reached agreement with Futurewise to resolve this matter, and that the City has no objection to dismissal of this petition nor to striking the pre-hearing conference scheduled for Monday, March 7. The Presiding Officer in this case then approved the request for cancellation of the PHC and the Board Administrative Officer advised the parties in this matter of the cancellation.

## II. FINDINGS

The Board's Rules of Practice and Procedure provide in part:

Any action may be dismissed by a Board:

(1) When all parties stipulate;<sup>1</sup>

(2) Upon Motion by the petitioner or respondent prior to the presentation of the respondent's case;

...

WAC 242-02-720.

The deadline for Respondent's prehearing brief was tentatively scheduled for May 25, 2005. Petitioner's Motion to Dismiss was received by the Board on March 4, 2005, prior to the presentation of the respondent's case.

Petitioner's Motion to Dismiss states in part:

And Whereas petitioner Futurewise and respondent City of Bellevue have reached and formalized an agreement that resolves all issues raised in the petition for review;

Petitioner Futurewise hereby Moves this Board for an Order of Dismissal of the Central Puget Sound Growth Management Hearings Board Case No. 05-3-0013.

Futurewise and the City of Bellevue are the only parties to this case.

Petitioner's Motion to Dismiss is a withdrawal of the Petition for Review.

## III. ORDER

Based upon review of the Petition for Review, the filings of the parties, the Board's Rules and having deliberated on the matter, the Board ORDERS:

- PFR No. 05-3-0013 is **dismissed with prejudice** and CPSGMHB Case No. 05-3-0013 is **closed**.

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<sup>1</sup> In the absence of a written stipulation by both parties to dismiss this matter, the Board is acting on the Motion to Dismiss under the provisions of WAC 242-02-720(2).

So ORDERED this 7<sup>th</sup> day of March, 2005.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

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Bruce C. Laing, FAICP  
Board Member

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Edward G. McGuire, AICP  
Board Member

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Margaret A. Pageler  
Board Member

Note: This Order constitutes a final order as specified by RCW 36.70A.300 unless a party files a motion for reconsideration pursuant to WAC 242-02-832.