

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

GEOFFREY J. BIDWELL,)	
)	Case No. 00-3-0009
)	
Petitioner,)	ORDER DENYING MOTION FOR
)	RECONSIDERATION ON BOARD’S
v.)	ORDER ON DISPOSITIVE MOTION
)	
CITY OF BELLEVUE,)	
)	
Respondent.)	
)	
)	
)	

I. PROCEDURAL HISTORY

On May 2, 2000, the Central Puget Sound Growth Management Hearings Board (the **Board**) received a Petition for Review (**PFR**) from Geoffrey J. Bidwell (**Bidwell** or **Petitioner**).

On June 15, 2000, the Board issued the “Prehearing Order” (the **PHO**) in this case. The PHO set forth a schedule for the submittal of motions and briefs.

On June 28, 2000, the Board received the “City of Bellevue’s Dispositive Motion” (the **City’s Dispositive Motion**), together with the “Declaration of Myrna Basich,” the “Declaration of Linda Barton,” and the “Declaration of Lori M. Riordan.”

On July 5, 2000, the Board received “Petitioner’s Response to City of Bellevue’s Dispositive Motion (the **Petitioner’s Response Brief**), together with the “Declaration of Geoffrey J. Bidwell,” and attached Exhibits 1 through 9.”

On July 10, 2000, the Board received “Correction to Petitioner’s Response to City of Bellevue’s Dispositive Motion.”

On this same date, the Board received “City’s Reply to Bidwell’s Response to Dispositive Motion.”

On July 14, 2000, the Board issued an “Order on Dispositive Motion” which dismissed the Bidwell PFR.

On July 24, 2000, the Board received from Bidwell a “Motion for Reconsideration on Board’s Order on Dispositive Motion” (the **Motion for Reconsideration**).

The City made no response to the Motion for Reconsideration.

II. DISCUSSION

The Petitioner essentially offers two bases for the Board to Reconsideration. The first basis is that the Board:

. . . based its decision to dismiss on an issue that had been raised by the City . . . that where a plan is not adopted or amended [it] is beyond the jurisdiction of the Board.” Petitioner argues that he “did not present this issue for resolution by the Board . . . and that he “. . . made no assertion or request to override the City’ Council’s legislative authority.’ Motion for Reconsideration, at 1.

Petitioner is correct that he made no assertion in any of his pleadings that he requested to “override” the Council’s authority. He also correctly characterizes the reason that the Board granted the motion – which the Board has concluded that it has no jurisdiction because the City has not yet taken an action. If the City Council takes an action amending its comprehensive plan, then the Board would have jurisdiction to entertain a petition for reviewing alleging noncompliance with the GMA. Absent a Council action, the Board simply has no jurisdiction to hear Bidwell’s complaints.

The Petitioner’s second basis for reconsideration is that the City served its Motion to Dismiss a day late and that this put him at an unfair disadvantage. Mr. Bidwell asks that “. . . the City’s Dispositive Motion should be dismissed for failure to abide by the Board’s Order.” Motion for Reconsideration, at 2. The City does not dispute this, but correctly points out that the cure for such an error is to grant an additional day for Petitioner’s response, had he requested it. He did not. Even if the Board were to grant the relief requested, i.e., to dismiss the City’s Motion to Dismiss for being a day late, the City would have been able to subsequently raise this same issue as a defense, with the same outcome. The fundamental fact remains that the City has taken no action (yet) over which this Board has jurisdiction.

III. ORDER

The Board is not persuaded by the Petitioner’s stated bases for reconsideration. The Motion for Reconsideration is **denied**.

Lois H. North
Board Member

Joseph W. Tovar, AICP
Board Member