

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

BEVERLY GAGNIER,	)	
	)	<b>Case No. 02-3-0001</b>
Petitioner,	)	<b>[GAGNIER]</b>
	)	
v.	)	
	)	
CITY OF BELLEVUE,	)	
	)	
Respondent.	)	
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	)	
BETSY SWENSON,	)	<b>Case No. 02-3-0002</b>
	)	<b>[SWENSON]</b>
Petitioner,	)	
	)	
v.	)	
	)	
CITY OF BELLEVUE,	)	<b>ORDER ON DISMISSAL</b>
	)	
Respondent.	)	
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**I. PROCEDURAL BACKGROUND**

On January 11, 2002 the Central Puget Sound Growth Management Hearings Board (The **Board**) received a Petition for Review (**PFR**) from Beverly Gagnier (**Gagnier**). The matter was assigned Case No. 02-3-0001, and captioned *Gagnier v. City of Bellevue*.

Also on January 11, 2002 the Board received a PFR from Betsy Swenson (**Swenson**). The matter was assigned Case No. 02-3-0002, and captioned *Swenson v. City of Bellevue*.

On January 18, 2002, the Board issued a Notice of Hearing with respect to both the PFRs identified above.

On February 4, 2002, the Board conducted a prehearing conference in this matter beginning at

10:30 a.m. in Suite 1022 of the Financial Center, 1215 Fourth Avenue, Seattle, WA. Present for the Board was Joseph W. Tovar, presiding officer. Representing themselves, *pro se*, were Petitioners Beverly Gagnier and Betsy Swenson. Representing the City of Bellevue was Lori Riordan. After a discussion of the legal issues, the schedule and other procedural matters, the presiding officer directed the Petitioners to submit a re-statement of legal issues by February 11, 2002 and the City to submit an Index of the Record by February 19, 2002.

On February 13, 2002, the Board received a "Stipulation for Dismissal" signed by all three parties to these cases.

## **II. DISCUSSION OF STIPULATION FOR DISMISSAL**

Dated the 13<sup>th</sup> day of February, 2002, the Stipulation for Dismissal signed by Petitioner Gagnier, Petitioner Swenson, and the City, states;

The Petitioners, Beverly Gagnier and Betsy Swenson, and the Respondent, the City of Bellevue, Washington, hereby stipulate as follows:

1. The Petitioners have filed the above-captioned appeals with the Central Puget Sound Growth Management Hearings Board, challenging the City's threshold Determination of Nonsignificance relating to a proposed amendment to the City's land use regulations that would affect the Factoria Mall property. The Respondent has taken the position that the Petitions are premature pursuant to provisions of the City's Land Use Code requiring consolidation of certain appeals. The Petitioners wish to preserve their ability to challenge the issuance of the Determination of NonSignificance in the event that the City Council acts to amend the City's land use regulation affecting the Factoria Mall property.
2. The Central Puget Sound Growth Management Hearings Board may dismiss the Petitions for Review in these consolidated actions.
3. The dismissals should be without prejudice to the rights of the Petitioners, Beverly Gagnier and Betsy Swenson, to file subsequent Petitions for Review of any future action taken by the City of Bellevue that may be appealed to the Central Puget Sound Growth Management Hearings Board, including but not limited to, any action to amend any land use regulation that in any way affects the Factoria Mall property.
4. The dismissal should be without prejudice to the rights of the Respondent, the City of Bellevue, to assert any and all available defenses it may have to any subsequent Petitions for Review filed by Beverly Gagnier or Betsy Swenson, except that the City agrees that the failure of Beverly Gagnier or Betsy Swenson to pursue the current appeals does not preclude Beverly Gagnier or Betsy Swenson

from challenging the Determination of NonSignificance that is the subject of these Petitions in any subsequent Petitions.

Stipulation for Dismissal, at 1-2.

In recognition of the parties' Stipulation for Dismissal, an Order on Dismissal by the Board in this case would not preclude the Petitioners' 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, and thus **enters** an ORDER ON DISMISSAL in Case No. 02-3-0001 and Case No. 02-3-0002 before the Central Puget Sound Growth Management Hearings Board. The Hearing on the Merits is **stricken** and the Gagnier PFR and the Swenson PFR are hereby **dismissed with prejudice**.

So ORDERED this 14<sup>th</sup> day of February, 2002.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

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Edward G. McGuire, AICP  
Board Member

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Lois H. North  
Board Member

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Joseph W. Tovar, AICP  
Board Member