

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

FUTUREWISE,	)	<b>CPSGMHB Case No. 05-3-0033</b>
	)	
Petitioners,	)	<b>(Futurewise IV)</b>
	)	
v.	)	
	)	
CITY OF BOTHELL,	)	<b>ORDER OF DISMISSAL</b>
	)	
Respondent.	)	
	)	

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**I. BACKGROUND**

On March 11, 2005, the Central Puget Sound Growth Management Hearings Board (the **Board**) issued the “Prehearing Order and Order on Intervention” (**PHO**) in the above captioned case [*Fuhriman II v. City of Bothell*, CPSGMHB Consolidated Case No. 05-3-0025c. The *Fuhriman* matter involved the consolidation of six separate petitions for review<sup>1</sup> (**PFRs**) filed that challenged the City of Bothell’s Growth Management Act required Plan Update. The PHO established the schedule for the consolidated matter and set the Legal Issues to be decided by the Board.

The PHO indicated, “[I]f a settlement extension was pursued by any of the Petitioners and the City, the Board would likely bifurcate, or segregate, that portion of the case from the consolidated proceeding.” PHO, at 3.

On May 31, 2005, the Board received a “Stipulated Agreement Between Respondent City of Bothell and Petitioner Futurewise, and Order Extending the Time for Issuing a Decision and All Other Actions” signed by representatives of Petitioner Futurewise and Respondent the City of Bothell. The parties ask for a 90-day settlement extension in order to pursue settlement discussions.

On June 3, 2005, the Board issued an “Order Segregating Futurewise Petition for Review [CPSGMHB Case No. 05-3-0025 hereafter 05-3-0033] from the Consolidated Case and Granting a 90-day Settlement Extension.”

Pursuant to requests of the parties, the Board subsequently issued six settlement extensions.

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<sup>1</sup> The six PFRs were: 05-3-0005 [Fuhriman], 05-3-0021 [MBA], 05-3-0022 [North Creek Village], 05-3-0023 [Phillips], 05-3-0024 [Gateway-segregated and extension], and 05-3-0025 [Futurewise-segregated and extension].

On January 29, 2007, the Board received: 1) Fourth Report to the Board on the Status of Settlement Discussions; and 2) Stipulated Agreement for Order Dismissing Petition for Review (**Stipulation**).

The Stipulation indicates that the City of Bothell has updated the Housing Element in its Comprehensive Plan – *Imagine Bothell* – and that the City’s action renders Futurewise’s PFR moot. The Board agrees.

## **II. ORDER**

Based upon review of the Petition for Review, prior briefing and materials submitted by the parties, Settlement Status Reports and the Stipulation, the Board enters the following ORDER:

In light of the Stipulation of the parties that the City of Bothell Plan Update, specifically related to the Housing Element, renders the Futurewise PFR moot. Therefore, the matter of *Futurewise IV v. City of Bothell*, CPSGMHB Case No. 05-3-0033 is **dismissed with prejudice**. All further scheduled hearings on this matter are **cancelled** and the case is **closed**.

So ORDERED this 29<sup>th</sup> day of January, 2007.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

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David O. Earling  
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.