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BEFORE THE
GROWTH MANAGEMENT HEARINGS BOARD
OF CENTRAL PUGET SOUND REGION
STATE OF WASHINGTON

BSRE Point Wells, LP,

 Petitioner,

 vs.

CITY OF SHORELINE,

 Respondent,

Case No. 11-3-0007

**JOINT STATUS REPORT AND
REQUEST FOR TWENTIETH
EXTENSION**

In April 2011, Petitioner BSRE Point Wells, LP (BSRE) filed a petition for review with the Growth Management Hearings Board. With its petition, BSRE challenged the City of Shoreline's adoption of Ordinance No. 596. Ordinance No. 596 amended the City's Comprehensive Plan and imposed a maximum daily vehicle trip limit on Richmond Beach Drive, effectively limiting the level of traffic flowing in to and out of BSRE's property.

Since this time, the Board has granted 19 extensions in this matter so as to allow the parties the opportunity to settle the matter without the Board's assistance. Prior requests by the

1 parties for extensions of this matter have delineated the numerous activities that have been
2 undertaken so as to achieve settlement.¹

3
4 **I. Joint Status Report.**

5 In the Board's Order Granting Limited Nineteenth Settlement Extension, issued
6 November 18, 2015, the Presiding Officer expressed her desire to have this matter resolved prior
7 to the end of her term. 19th Extension Order at 1. While the parties recognize the desirability of
8 disposing of this matter prior to the expiration of the Presiding Officer's term, the parties also
9 agree that the timing of the City Council review of the results of the transportation analyses
10 regrettably justify an additional extension. Thus, given the progress made since the Board's
11 November 18, 2015 Order as noted below, the parties still require additional time to achieve an
12 amicable resolution and request as much.

13 As suggested by the Presiding Officer, the parties recognize that the GMA provides a
14 means for the City to adopt amendments to its comprehensive plan outside of the annual docket
15 process where such action is taken in conjunction with the settlement of litigation, it is not the
16 annual docketing process but the complexity of the issue and the multi-jurisdictional approval
17 process that is impacting resolution. In addition, given the high visibility of the proposed Point
18 Wells development and the City Council's prior commitment to a full review of the Richmond
19 Beach Corridor Study prior to taking any action,² the parties believe it is not possible for
20 resolution to occur prior to the Board's current June 30, 2016 deadline and, if so, it would be at
21 odds with the public commitments of both the City and BSRE.

22 While in the 19th Extension Order, the Presiding Officer opined that "... it appears the
23 matter is at a stalemate which is unlikely to be resolved by the continued extension of additional

24 ¹ The parties hereby incorporate by reference all prior requests for settlement extensions and the basis for
such requests.

25 ² Which now includes a feasibility study on the potential to impose a toll on the corridor.

1 time,"³ which based on the history of this matter is not an untenable view, a stalemate has not
2 occurred. BSRE is under the belief that the County has accepted its consultant's third revision to
3 the Assumptions and Methodologies memorandum, a memorandum which will provide a basis by
4 which the Point Wells DEIS transportation analysis will be completed. Transpo, Snohomish
5 County's independent traffic consultant, has provided peer review comments on this
6 memorandum and Snohomish County has instructed these comments be provided to DEA,
7 BSRE's transportation consultant. Based on their communications with Snohomish County,
8 BSRE represents that the County-required DEIS transportation analysis is now fully underway,
9 with an anticipated completion date of March 1, 2016. After this analysis is completed, Shoreline
10 and BSRE should be in a position to complete the work needed to finalize joint recommendations
11 to be made to the Shoreline City Council for its completion of the Richmond Beach Corridor
12 Study.

13 As noted in prior extension requests, the Point Wells Draft EIS by Snohomish County is
14 largely complete, with the much discussed traffic analysis being the sole significant exception. In
15 addition, while the Richmond Beach Corridor Study described in prior extension requests has
16 been largely completed, and BSRE and Shoreline have agreed on the methodology to be utilized
17 in finalizing the transportation analysis, it is only recently that BSRE believes Snohomish County
18 has removed an obstacle so as to allow the DEIS Transportation Impact Analysis to move
19 forward. BSRE expects this analysis to be completed on or before March 1, 2016. This analysis
20 should largely resolve any outstanding issues surrounding the completion of the Shoreline
21 Richmond Beach Corridor Study which requires review by the Shoreline City Council.
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25 ³ 19th Extension Order at 1.

1 Following the City Council's approval of the Richmond Beach Corridor Study, which is
2 now subject to a tolling feasibility study, the City can begin the review and possible amendment
3 process for portions of its Comprehensive Plan provisions which are the subject of this appeal. In
4 preparation, City Staff has included on the 2016 Comprehensive Plan Amendment Docket (2016
5 Docket) this proposed amendment. With detailed Planning Commission and City Council
6 review, possible amendments to the Point Wells Subarea Plan, the Capital Facilities Element, and
7 the Transportation Element are still expected to come to the Shoreline City Council later in 2016
8 after the public has been afforded an opportunity to review and comment.
9

10 11 **II. Joint Motion for Settlement Extension.**

12 As provided in RCW 36.70A.300(2)(b) and WAC 242-03-575, the parties jointly request
13 that the Board grant a 90-day extension to provide the parties with the opportunity to settle this
14 matter. The above Status Report, in conjunction with the numerous activities delineated in prior
15 requests for extensions, demonstrates that the parties are engaged in a good-faith effort to resolve
16 their differences in a mutually agreeable manner that satisfies the mandates of the Growth
17 Management Act, 36.70A RCW.
18

19 Therefore, the parties jointly request that the Board grant the extension, extending the
20 tentative date for issuance of a Final Decision and Order, if necessary, by 90 days to September
21 28, 2016, and to adjust the Board's Case Schedule accordingly.
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DATED this 21ST day of January, 2016.

KARR TUTTLE CAMPBELL

CITY OF SHORELINE

Gary D. Huff
Gary D. Huff, WSBA #6185
Counsel for Petitioner

Julie Ainsworth-Taylor
Julie Ainsworth-Taylor, WSBA #36777
Assistant City Attorney
Counsel for Respondent
*per telephonic
confirmation*

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DECLARATION OF SERVICE

I declare under penalty of perjury under the laws of the state of Washington, that on January 21, 2016, at Seattle, Washington, the foregoing Status Report and Request for Settlement Extension was served on the GMHB and the following persons by the method indicated:

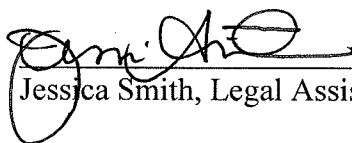
Via Email, with Original and 4 Copies via U. S. Mail to:

Central Puget Sound Growth Management Hearings Board
Office of the Growth Management Hearings Board
PO Box 40953
Olympia, WA 98504-0953
Email: central@elaho.wa.gov

Via Email and U. S. Mail to:

Julie Ainsworth-Taylor
Assistant City Attorney
Counsel for Respondent
17500 Midvale Avenue N.
Shoreline, WA 98133-4921
Email: jainsworth-taylor@shorelinewa.gov

DATED this 21st day of January, 2016 at Shoreline, Washington.



Jessica Smith, Legal Assistant to Gary D. Huff