

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

SAVE RICHMOND BEACH, INC.,

Petitioner,

vs.

SNOHOMISH COUNTY,

Respondent.

) Case No.

) PETITION FOR REVIEW

**I. IDENTITY OF PARTIES**

1.1 Petitioner Save Richmond Beach, Inc., is a Washington non-profit corporation. Save Richmond Beach is a grass-roots community organization dedicated to preserving quality of life in Richmond Beach and surrounding neighborhoods through responsible, sustainable planning. The contact information for Save Richmond Beach is:

Save Richmond Beach  
P.O. Box 60191  
Shoreline, WA 98177  
(206) 356-5356  
info@saverichmondbeach.org

Save Richmond Beach is represented in this proceeding by:

Zachary R. Hiatt  
Elaine Spencer  
Claire L. Molesworth

PETITION FOR REVIEW -- 1

**GRAHAM & DUNN PC**  
Pier 70 ~ 2801 Alaskan Way ~ Suite 300  
Seattle, Washington 98121-1128  
(206) 624-8300/Fax: (206) 340-9599



1 including Shoreline and Woodway, “ensure that those facilities and services necessary to support  
2 development shall be adequate to serve the development at the time the development is available  
3 for occupancy and use without decreasing current service levels below locally established  
4 minimum standards.”

5 3.3 Did the Ordinances fail to be guided by RCW 36.70A.020(9) because they make  
6 inadequate provisions to “retain open space, enhance recreational opportunities . . .” or to  
7 “develop park and recreation facilities” that would be necessary to support development of a  
8 magnitude and mix contemplated by the “Urban Centers” designation?

9 3.4 Did the Ordinances fail to be guided by RCW 36.70A.020(3) because, “efficient  
10 multimodal transportation systems that are based on regional priorities” do not serve Point Wells  
11 and transit agencies responsible for providing bus and rail service in Snohomish County, i.e.,  
12 Community Transit and Sound Transit, have explicitly pointed out in the record that no such  
13 service to Point Wells is planned?

14 3.5 Did the County fail to comply with the requirements of Chapter 43.21C RCW, the  
15 State Environmental Policy Act, where the Determination of Non-Significance (DNS) prepared  
16 for the Ordinances was issued in error because the Urban Center development regulations applied  
17 to Point Wells through the Urban Center rezone will have probable significant adverse impacts  
18 on the environment requiring an Environmental Impact Statement under RCW  
19 43.21.C.030(2)(c), including but not limited to inadequate police, fire and emergency medical  
20 response to support projected growth; impacts to parks and other services in neighboring  
21 communities such as Shoreline and Woodway; and implementation of transportation projects in  
22 neighboring communities such as Shoreline and Woodway to mitigate projected growth without  
23 interlocal agreements or development agreements supporting such projects; greenhouse gas  
24 emissions and other environmental impacts associated with increased traffic congestion caused  
25 by the development of Point Wells as permitted by the Ordinances. These impacts are different  
26 than those addressed, or are inadequately addressed, in the Environmental Impact Statement

1 prepared in 2005 for the GMA Comprehensive Plan Update by the County ("EIS"), and a 2009  
2 Supplemental Environmental Impact Statement prepared for Point Wells ("SEIS") and relied  
3 upon in issuing the DNS.

4 3.6 Did the County fail to comply with the requirements of Chapter 43.21C RCW, the  
5 State Environmental Policy Act, because the DNS prepared for the Ordinances and the EIS and  
6 SEIS relied upon in issuing the DNS failed to identify the specific units of local government that  
7 would provide parks, police, fire and emergency services to an Urban Center at Point Wells, in  
8 view of the fact that the Shoreline Police Department and the Shoreline Fire Department have  
9 explicitly stated in this record that they will not provide such services?

10 3.7 Did the County fail to comply with requirements of RCW 36.70A.140, RCW  
11 36.70A.040(4), and Chapter 43.21 RCW by adopting a SEPA review process for the Urban  
12 Center zoning district for Point Wells without a non-project environmental impact statement, an  
13 action which was inconsistent with and failed to implement Snohomish County Comprehensive  
14 Plan LU Policy 5.B.12, and which violated the principle of early and continuous public  
15 participation that was contemplated by requiring this environmental impact statement as a  
16 planning tool.

17 3.8 Did the Ordinances fail to comply with RCW 36.70A.040(4) by adopting  
18 development regulations that were not consistent and failed to implement the provisions of the  
19 Snohomish County Comprehensive Plan (Centers Section of the LU Urban Center Chapter, LU  
20 Policy 3.A.3, Center Designation "Urban Center" of the Future Land Use Map Section of the LU  
21 Chapter, and "Urban Center" Definition of the Glossary- Appendix) by designation of Point  
22 Wells as an Urban Center zone where the location of Point Wells is not in proximity to existing  
23 or planned high capacity transit routes, transportation corridors, or public transportation stations.

24 3.9 Did Snohomish County fail to be guided by RCW 36.70A.020(11) and fail to  
25 comply with RCW 36.70A.140 because it introduced and then adopted new significant,  
26

1 substantive provisions in the Ordinances without providing the public notice or an opportunity to  
2 provide comment?

3 **IV. STANDING**

4 4.1 Save Richmond Beach has standing to bring this Petition for Review under RCW  
5 36.70A.280(2)(b), as a person who has participated both orally and in writing before Respondent  
6 Snohomish County regarding the matter on which review is requested. Save Richmond Beach's  
7 participation before the County was reasonably related to the issues presented in this Petition for  
8 Review. Save Richmond Beach also has standing under RCW 36.70A.280(2)(d) because its  
9 members stand to be aggrieved or adversely affected by Snohomish County's action as defined  
10 by RCW 34.05.530.

11 **V. LENGTH OF HEARING**

12 5.1 The estimated length of hearing is four hours.

13 **VI. RELIEF SOUGHT**

14 6.1 Save Richmond Beach requests that the Board rule that the Ordinances are not in  
15 compliance with the GMA, issue an order of invalidity, and remand the challenged action to  
16 Snohomish County for action consistent with the GMA.

17 6.2 In the alternative, Save Richmond Beach seeks an order from the Board declaring  
18 the Ordinances (namely, amendments to the development regulations and zoning map for urban  
19 centers) invalid *as to Point Wells* pursuant to RCW 36.70A.302, and remanding these provisions  
20 to Snohomish County to be amended for consistency with the Act.

21 6.3 Save Richmond Beach also seeks such other and further relief that the Board  
22 deems just and equitable.

23  
24 ///

25 ///

26

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**VII. VERIFICATION**

The undersigned attorneys for Save Richmond Beach have read this petition and believe its contents to be true.

RESPECTFULLY SUBMITTED THIS 25<sup>th</sup> day of July 2010.

GRAHAM & DUNN PC

By 

Zachary R. Hiatt

WSBA# 38118

Email: zhiatt@grahamdunn.com

Attorneys for Save Richmond Beach, Inc.