

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

4 CITY of SHORELINE, TOWN of
5 WOODWAY, and SAVE RICHMOND
6 BEACH, et al.,

7 Petitioners,

8 v.
9

10 SNOHOMISH COUNTY,

11 Respondent,
12

13 and
14

15 BSRE Point Wells, LP,

16 Intervenor.
17

Coordinated Case Nos.

09-3-0013c and 10-3-0011c

(Shoreline III and Shoreline IV)

**ORDER COORDINATING CASES,
GRANTING INTERVENTION,
GRANTING SETTLEMENT
EXTENSIONS AND AMENDING
PRELIMINARY SCHEDULES**

18 **COORDINATION OF CASES**

19 This matter comes before the Board on the stipulation of all the parties to Case No. 09-3-
20 0013c (*Shoreline III*) and Case No. 10-3-0011c (*Shoreline IV*). The parties request that the
21 cases be coordinated for briefing and hearing. The parties also request extension of time to
22 pursue settlement discussions.
23

24 The Board finds that the consolidated cases involve the same parties and that the
25 Ordinances challenged concern the same disputed issue, which is the designation of Point
26 Wells as an Urban Center. The Board therefore **coordinates the cases** for briefing and
27 hearing.
28

29 **INTERVENTION**

30 In *Shoreline III*, Paramount of Washington, LLC, is an Intervenor. The Fourth Request for
31 Settlement Extension indicates Paramount has changed its name to BSRE Point Wells, LP.
32

1 In *Shoreline IV*, the Board has received motions to intervene on the side of Respondent
2 from BSRE Point Wells, LP (BSRE), as property owner at Point Wells. No party has
3 objected to the intervention. In accordance with WAC 242-02-270, the Board finds that the
4 motion to intervene is timely. BSRE has an interest relating to the subject of the action,
5 such that disposition of the action may impair that interest. The Board therefore **grants the**
6 **intervention** of BSRE on the side of the Respondent.
7

8 Pleadings and briefs of BSRE shall be filed concurrently with pleadings and briefs of
9 Snohomish County. BSRE is not permitted to raise new issues. BSRE may participate in
10 oral argument at the Hearing on the Merits, sharing the time allotted to Respondent as
11 Respondent may determine.
12

13 **SETTLEMENT EXTENSION**

14
15 In *Shoreline III*, the parties have requested a fourth ninety-day extension of the period of
16 time for issuing a decision so as to enable them to pursue settlement. The request was
17 timely filed and was stipulated to by all the parties.
18

19 In *Shoreline IV*, the parties have requested a settlement extension on a coordinated
20 schedule.
21

22 The request for coordinated settlement extension is **granted**. In accordance with the terms
23 of RCW 36.70A.300(2) the period of time for issuing a decision in *Shoreline III* is extended
24 for a period of 78 days and the period of time for issuing a decision in *Shoreline IV* is
25 extended for a period of 90 days for the purpose of exploring settlement in both matters.
26

27 Pursuant to this extension, the new deadline for a Final Decision and Order in the
28 coordinated cases is **April 25, 2011**. The parties must be prepared to proceed regarding
29 the issues in this case according to the following schedule or file a joint motion for an
30 extension or dismissal no later than **November 18, 2010**. **If a further extension is**
31 **requested, it must be supported by a statement of the progress of the parties** (such as
32

1 meetings held, ordinances under consideration) and an expected timeline for resolution.
2 The Board may require an in-person prehearing conference before considering additional
3 settlement extensions. If no further extension is requested, the Petitioners will file a **Status**
4 **Report** no later than November 18, 2010, so that the case may go forward.
5

6 **AMENDED AND COORDINATED CASE SCHEDULE**

7 The coordinated case schedule for *Shoreline III* and *Shoreline IV* is as follows:
8

9 November 18, 2010	Status report due (Petitioners to file)
10 November 29, 2010	Index Due (Respondent to file)
11 November 29, 2010 12 10:00 a.m.	Prehearing Conference – Location to be determined
13 December 1, 2010	Prehearing Order
14 December 15, 2010	Deadline for Dispositive Motions and for Motions to 15 Supplement the Record (proposed supplements to be 16 attached)
17 December 29, 2010	Deadline for Response to Dispositive Motions or Motions 18 to Supplement the Record
19 January 5, 2011	Deadline for Reply to Dispositive Motions or Motions to 20 Supplement the Record
21 January 19, 2011	Anticipated date of Order on Motions
22 February 2, 2011	Deadline for Petitioners' Prehearing Briefs (with exhibits)
23 February 16, 2011	Deadline for Respondent's Prehearing Brief (with exhibits)
24 February 23, 2011	Deadline for Petitioners' Reply Briefs (optional)
25 March 2, 2011 26 10:00 am	Hearing on Merits of Petition Location to be determined
27 April 25, 2011	Final Decision and Order Deadline

28
29 DATED this 23rd day of August, 2010.

30 

31

Margaret A. Pageler, Presiding Officer
32