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SHORELINE CITY ATTORNEY

GROWTH MANAGEMENT HEARINGS BOARD  
CENTRAL PUGET SOUND REGION  
STATE OF WASHINGTON

TOWN OF WOODWAY,

Petitioner,

NO. 09-3-0013

v.

TOWN OF WOODWAY'S PETITION FOR  
REVIEW

SNOHOMISH COUNTY,

Respondent.

COMES NOW the petitioner, the Town of Woodway by and through its attorneys of record, Ogden Murphy Wallace, P.L.L.C., and petitions the Growth Management Hearings Board, Central Puget Sound Region, for review of the actions specified herein.

**I. PETITIONER'S IDENTITY, ADDRESS AND REPRESENTATIVE**

1.1 The petitioner is the Town of Woodway (Town), 23920 113th Place West, Woodway, Washington, 98020. Telephone (206) 542-4443.

1.2 The Town is represented by Wayne D. Tanaka of Ogden Murphy Wallace, P.L.L.C., 1601 5th Avenue, Suite 2100, Seattle, WA 98101-1686, (206) 447-7000.

**II. IDENTITY OF RESPONDENT**

2.1 Snohomish County (County) is a county that is required to plan pursuant to Chapter 36.70A RCW.

**III. DATE OF ACTION**

3.1 On May 12, 2010, the Snohomish County Council adopted Amended Ordinance No. 09-079 relating to urban center design standards. On the same day, the Snohomish County Council adopted Amended Ordinance 09-080 which purported to adopt area wide rezones of certain

1 properties to Urban Center. The Town is only challenging that portion of Amended Ordinance 09-  
2 080 that relates to the Point Wells property. Notice of the Ordinances' adoption was published on  
3 May 26, 2010. These ordinances implement the changes to the Comprehensive Plan adopted in  
4 Ordinances 09-038 and 09-051 which the Town has already challenged under Board file number 09-  
5 3-0013. Hereafter, the Town will refer to the challenged actions as "the Ordinances".

#### 6 **IV. STATEMENT OF ISSUES**

7 4.1 The Ordinances are invalid because they do not comply with RCW 36.70A.070, as  
8 they are internally inconsistent with other provisions of the GMACP/GPP.

9  
10 4.1.1 Point Wells is a 61 acre enclave of unincorporated land lying to the south and  
11 west of the Town and just north of the Snohomish/King County line at the dead end of  
12 Richmond Beach Drive, the only traffic access. Richmond Beach Drive intersects with  
13 Richmond Beach Road, which provides the only arterial to SR99 and the outside world. The  
14 site is currently used for petroleum product storage, processing and distribution. The  
15 Burlington Northern Santa Fe (BNSF) tracks bisect the parcel, with the majority of the  
16 property being located west of the railroad right of way. Designating and zoning the property  
17 as Urban Center would allow up to 3,500 residential units and up to 85,000 square feet of  
18 retail/commercial space.

19 4.1.2 The Land Use Chapter of the General Policy Plan (GPP) goes into  
20 considerable detail regarding the purpose and intent of the Urban Centers. "Urban Centers  
21 have been identified...where significant employment growth can be located...These centers  
22 are intended to be compact and centralized living, working, shopping and or activity areas  
23 linked to each other by high capacity or local transit...The pedestrian and transit-oriented  
24 design of centers helps reduce vehicle generated trips...Urban Centers provide a mix of high  
25 density residential, office and retail developments with public and community facilities and  
26 pedestrian connections located along a designated high capacity route." Goal LU 2 states that  
27 Urban Centers are designed to be linked with other centers "by high capacity or regular  
28 transit service." Goal LU 3.A.2 states that Urban Centers shall have "good access to higher  
frequency transit and urban services." Goal LU 3.A.3 states, "Urban Centers shall be located  
adjacent to a freeway/highway and a principal arterial road, and within one-fourth mile  
walking distance from a transit center, park and ride lot, or be located on a regional high  
capacity transit route." Finally, the Glossary-Appendix E to the GPP defines Urban Center as  
"An area...located along an existing or planned high capacity transit route." The only high  
capacity transit route is the Sounder commuter rail route. While Sounder is a high capacity  
transit operation, the only problem is that the nearest station is located in Edmonds which  
cannot be accessed except by a roundabout route over local access streets. The programmatic  
FSEIS noted that there was no current plan to include a Sounder station at Point Wells and  
concluded: "Thus, for the 2025 transportation analysis reflected in the SEIS it was  
determined that assumption of a high capacity rail station is not reasonable."



1 **VI. ESTIMATED LENGTH OF HEARING**

2 6.1 The Town estimates that its portion of the hearing should take one day.

3 **VII. RELIEF SOUGHT**

4 7.1 The Town of Woodway seeks an order from the Growth Management Hearings  
5 Board, holding Ordinance 09-079 and portions of Ordinance 09-080 dealing with Point Wells to be  
6 invalid and not in compliance with the provisions of Chapter 36.70A RCW, as set forth in this  
7 Petition.

8 DATED this 23<sup>rd</sup> day of July, 2010.

9 OGDEN MURPHY WALLACE, P.L.L.C.

10  
11 By: Wayne D. Tanaka, WSBA #36994 FOR  
12 Wayne D. Tanaka, WSBA #6303  
13 Attorneys for Petitioner  
14 Town of Woodway  
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DECLARATION OF SERVICE

I, Gloria Zak, make the following true statement.

On the 26th day of July, 2010, I provided Town of Woodway's Petition for Review in the following manner:

**Via e-mail and Regular Mailing of original and 4 copies:**

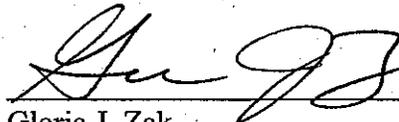
Linda Stores, Exec. Secretary  
Growth Management Hearings Board  
Central Puget Sound Region  
319 - 7th Avenue SE, Suite 103  
Olympia WA 98501

**Copy Via Legal Messenger Process Service:**

Carolyn Weikel, Snohomish County Auditor  
3000 Rockefeller Avenue  
Everett WA 98201

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED at Seattle, Washington this 26th day of July, 2010.

  
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Gloria J. Zak

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