



FOR IMMEDIATE RELEASE
September 12, 2011

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Lawsuit Filed Against Snohomish County and Blue Square Real Estate - Point Wells over Controversial Development Project

Action has Statewide Significance for Growth Management Act and Environmental Protections

Richmond Beach, WA. - The Town of Woodway and Save Richmond Beach, an organization of Shoreline, Woodway, Edmonds and Seattle citizens, announced today that they filed suit against Snohomish County and BSRE-Point Wells, the developer of a controversial condo/retail project, over development plans for the former refinery site on Puget Sound in unincorporated Snohomish County.

At the heart of the conflict is a 2009 decision by Snohomish County - which altered its Comprehensive Plan policy and land use map - to allow the re-designation of Point Wells from Urban Industrial to Urban Center, the most dense development classification available in Snohomish County. In order to carry out the Urban Center designation, the County also adopted ordinances which amended its development regulations for Urban Centers to accommodate the proposed re-development of Point Wells. The County's actions, which were undertaken at the request of the developer, would pave the way for a high-density urban development at Point Wells.

The Town of Woodway, Save Richmond Beach, and the City of Shoreline filed an appeal with the Growth Management Hearing Board ("Board") challenging the County's ordinances as well as the State Environmental Policy Act ("SEPA") process utilized by the County. Among other things, Woodway, Save Richmond Beach, and Shoreline argued that the Point Wells site did not have adequate access or urban infrastructure for such a large development, and that Snohomish County had not adequately resolved conflicts with neighboring jurisdictions.

The Board agreed and found that the County's designation of Point Wells as an Urban Center violated the Growth Management Act ("GMA") and was declared invalid. The Board also found that the County failed to comply with SEPA with respect to the Comprehensive Plan amendments as well as the amendments to the development regulations. The Board ordered that the County comply with both GMA and SEPA.

After the hearing, but a few weeks prior to the Board's decision, BSRE - Point Wells filed applications to subdivide the Point Wells property and develop it as an Urban Center with approximately 3000 condominium units and 100,000 square feet of retail space. This application was filed to lock in their development application prior to an unfavorable ruling. Under the GMA, if an applicant submits a

completed permit application prior to a Board decision, that application is considered “vested” to the regulations in question and the applicant may be able to proceed with the permit process under those regulations – even if they’re subsequently found to be invalid.

Both the County and BSRE-Point Wells consider the BSRE-Point Wells permit application complete and therefore vested to the ordinances that were found invalid under GMA and void under SEPA. Thus, despite the Board’s strong ruling rejecting the Point Wells Urban Center designation, the County continues to process the BSRE-Point Wells permit application under the invalid ordinances adopted in violation of the SEPA.

“Snohomish County’s approach would allow development projects to vest to ordinances that have not only been found to be invalid under the GMA, but have been adopted in violation of the processes required by our state’s environmental laws – and that’s dangerous precedent.” Zach Hiatt, Graham & Dunn attorney representing Save Richmond Beach.

The vesting issue of GMA is not new to policy makers in Olympia and has been taken up by the Washington State legislature over the past few years. State Senator Adam Kline has tried several times to make Washington’s vesting law more like those in most other states, where building rights aren’t locked in until construction starts.

“Members of Save Richmond Beach appreciate the value of responsible development that benefits both the economy and the environment,” said Caycee Holt, Director of Save Richmond Beach. “We also fully understand and appreciate the value of and assurances that vesting provides to developers. However, in this case we are very concerned about Snohomish County and the developer’s apparent efforts to exploit the vesting rules to negate critical environmental protections.”

“This lawsuit seeks to address a local problem, but it is also part of a broader conversation about planning, environmental considerations, and sound public policy in our region,” said Hiatt. “And it’s a call for Snohomish County and the developer to respect the Growth Board decision and engage the local community in a meaningful discussion that can lead to a win-win outcome at Point Wells rather than more litigation.”

"If the developer and Snohomish County would like to address our issues regarding the scope, density and transportation issues related to the site, we welcome a meaningful conversation about how to create an economically-viable, appropriately-sized development for that location," said Holt.

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Save Richmond Beach is a 501 (c) 4 non-profit organization with a mission to promote responsible and sustainable planning. For information visit us at www.saverichmondbeach.org