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GROWTH MANAGEMENT HEARINGS BOARD
CENTRAL PUGET SOUND REGION
STATE OF WASHINGTON

CITY OF SHORELINE, TOWN of
WOODWAY, and SAVE RICHMOND
BEACH, et al,

Petitioners,

vs.

SNOHOMISH COUNTY,

Respondent,

and

BSRE Point Wells, LP,

Intervenor.

Coordinated Case Nos.

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

(Shoreline III and Shoreline IV)

SNOHOMISH COUNTY'S
OBJECTIONS AND SUGGESTED
CORRECTIONS TO LEGAL ISSUES

This provides Snohomish County's comments on the pleading entitled
Petitioner Save Richmond Beach's Proposed Statement of Issues filed on
December 13. The County has the following objections and suggested corrections.

Legal Issue 1: The County objects to the word "including" on page 1, line 21
to the extent it arguably fails to limit Petitioners' challenges only to those specific
GPP goals and policies enumerated in that issue. The County requests that the
language of the legal issue be modified to clarify that point, such as by inserting
"the following" before the word "other" on line 21, placing a colon after
"GMACP/GPP," and deleting "including." The reference to "Policy LU 2" on line 21
should be to "Goal LU 2."

1 In addition, the County objects to the general language “and provisions in
2 the GMACP/GPP” on page 1, lines 22-23, to the extent the legal issue fails to
3 identify specifically all provisions of the GPP that it claims the challenged
4 enactments are inconsistent with.

5 Legal Issue 2: The County objects to the inclusion of Shoreline PFR 3.9 in
6 footnote 2. The issue raised in that paragraph of the Shoreline PFR is already
7 covered in Legal Issue 1 (footnote 1).

8 Legal Issue 3: The County has the same objection to the use of the word
9 “including” on p. 2, line 9 that it did in Legal Issue 1 above. The County requests a
10 similar amendment to the statement of the Legal Issue. In addition, the County
11 requests that the word “Center” after “FLUM” on p. 2, line 10, be deleted as
12 redundant.

13 Legal Issue 6: The County objects to the inclusion of “RCW 36.70A.010” in
14 the statement of this issue. The County is required to comply with the goals and
15 requirements of the GMA. RCW 36.70A.010 imposes neither a goal nor a
16 requirement. Rather, by its express terms, it is merely a statement of legislative
17 findings.

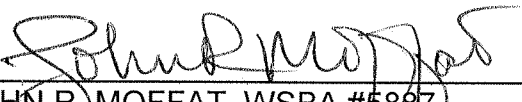
18 The County notes that none of the PFR paragraphs cited in footnote 8
19 relating to the Shoreline III case raise a challenge to GMA Goal (9). The County
20 requests that the Statement of Legal Issue 6 be clarified to reflect that the
21 challenge to GMA goal (9) only pertains to the Shoreline IV case.


22 Legal Issue 7: The County objects to the addition of a claim under RCW
23 36.70A.035 that was not specifically raised in the PFR. That is tantamount to
24 raising a new issue beyond the time period for amending a petition.

1 In addition, the County objects to the use of the word "including" on page 4,
2 line 3, for the reasons stated in Legal Issues 1 and 3 above.

3
4 DATED this 14th day of December, 2010.

5 MARK K. ROE
6 Snohomish County Prosecuting Attorney

7
8 By 
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DECLARATION OF SERVICE

I, Regina McManus, declare under the penalty of perjury under the laws of the State of Washington that on the undersigned date, the foregoing Objections and Suggested Corrections to Legal Issues that was served on the GMHB and the following persons by the method indicated:

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DATED this 14 day of December, 2010, at Everett, Washington.


Regina McManus