

The Honorable Dean Lum
Date of Hearing: 11/23/11 - 10:30 AM

FILED
KING COUNTY, WASHINGTON

NOV 23 2011

SUPERIOR COURT CLERK
EILEEN L. MCLEOD
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

TOWN OF WOODWAY and SAVE
RICHMOND BEACH, INC., a Washington
non-profit corporation,

Petitioners,

v.

SNOHOMISH COUNTY and BSRE POINT
WELLS, LP

Respondents.

No. 11-2-31315-8 **SEA**

~~PROPOSED~~ *DSL*
ORDER GRANTING PETITIONERS'
MOTION FOR SUMMARY JUDGMENT

THIS MATTER, having come on regularly this day before the undersigned judge of the
above court, and based upon the declarations and briefs submitted by the parties as follows:

1. Petitioners' Motion for Summary Judgment
2. Declaration of Caycee Holt
3. Declaration of Eric Faison
4. Declaration of Zachary Hiatt
5. Pleadings on file, including Answers of the Respondents
6. Snohomish County's Motion for Summary Judgment

- 1 7. Declaration of ^{Dr}Derryl Eastin
- 2 8. BSRE's Motion for Summary Judgment
- 3 9. Declaration of D. Mark Wells
- 4 10. Snohomish County's Response to Petitioners' Motion for Summary Judgment.
- 5 11. Declaration of Martin Rollins
- 6 12. BSRE's Response to Petitioners' Motion for Summary Judgment
- 7 13. Petitioners' Joint Response to Respondents' Motion for Summary Judgment
- 8 14. Declaration of Catherine Holt
- 9 15. Petitioners' Reply Briefs (2)
- 10 16. Respondents' Reply Briefs (2)
- 11 17. Second Declaration of Martin Rollins

18. *Two handouts, selected MA statutes and excerpts from Seattle's treatise.*

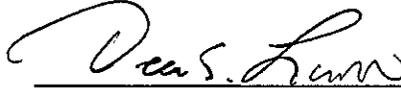
And the court being otherwise fully advised, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

- 1. Respondents' cross-motion for summary judgment is hereby denied.
- 2. The Petitioners' motion for summary judgment is hereby granted. The court concludes that BSRE is not vested to the Snohomish County ordinances in effect at the time BSRE made application for the urban center permits.

3. Snohomish County is hereby enjoined from processing BSRE's urban center permits until Snohomish County has complied with SEPA with respect to its comprehensive plan amendments and development regulations as ordered by the Growth Management Hearing Board's Final Decision and Order in Shoreline III and Shoreline IV.

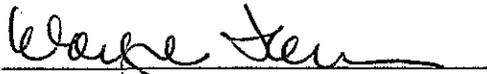
1 DONE IN OPEN COURT this 23 day of November, 2011.

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3 

4 Judge Dean Lum

5 Presented by:

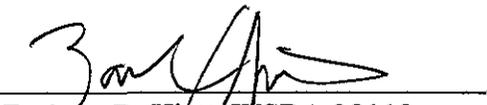
6 OGDEN MURPHY WALLACE, PLLC

7
8 By: 

9 Wayne D. Tanaka, WSBA 6303
Attorney for Petitioner Woodway

10 And:

11 GRAHAM & DUNN, PC

12
13 By: 

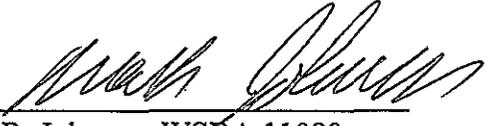
14 Zachary R. Hiatt, WSBA 38118
15 Attorney for Petitioner Save Richmond Beach
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1 Approved as to form:
2 Notice of presentation waived:

3 SNOHOMISH COUNTY, CIVIL DIVISION

4 By: 
5 John R. Moffat, WSBA 5887
6 Attorney for Snohomish County

7 KARR TUTTLE CAMPBELL

8
9 By: 
10 Mark R. Johnsen, WSBA 11080
11 Attorney for BSRE Point Wells

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