

SUPREME COURT
OF THE STATE OF WASHINGTON

WHATCOM COUNTY FIRE DISTRICT
NO. 21,

Petitioner,

vs.

WHATCOM COUNTY, a municipal
corporation; BIRCH POINT VILLAGE,
LLC, a Washington corporation;
SCHMIDT CONSTRUCTING, INC., a
Washington corporation; and BRIGHT
HAVEN BUILDERS, LLC, a Washington
corporation; MAYFLOWER EQUITIES,
INC.; LISA SCHENK and MIKE
SUMNER,

Respondents.

NO. 83611-6

SECOND
STATEMENT OF
ADDITIONAL
AUTHORITY

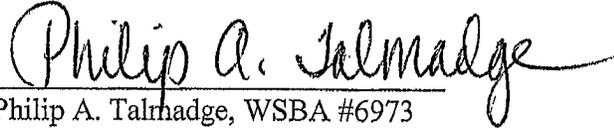
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STATE SUPREME COURT
11 JAN 27 AM 10:44
BY RONALD L. CARPENTER
CLERK

COMES NOW the petitioner Whatcom County Fire Department
No. 21 and submits the following additional authority to the Court
pursuant to RAP 10.8:

- *Davidson Serles & Associates v. City of Kirkland*, __ Wn. App. __, __ P.3d __, 2011 WL 198618 (2011) (Kirkland's design guidelines ordinance was a development regulation within the meaning of RCW 36.70A.030(7) because it provided the Kirkland design review board with an additional set of design guidelines with which to review development permits and placed additional specific controls on development or land use activities by the city).

DATED this 27th day of January, 2011.

Respectfully submitted,



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Attorneys for Petitioner Whatcom County
Fire District No. 21

DECLARATION OF SERVICE

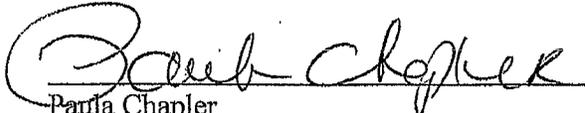
On said day stated below, I emailed and deposited with the U.S. Postal Service a true and accurate copy of: Second Statement of Additional Authorities in Supreme Court Cause No. 83611-6 to the following parties:

| | |
|---|---|
| Thomas Greenan Zender & Thurston PS PO Box 5226 Bellingham, WA 98227-5226 | Phil J. Buri Buri Funston Mumford, PLLC 1601 F Street Bellingham, WA 98225-3011 |
| Karen Frakes Royce Buckingham Whatcom County Prosecutor's Office 311 Grand Avenue Bellingham, WA 98225-4048 | Jonathan Sitkin Chmelik Sitkin & Davis PS 1500 Railroad Avenue Bellingham, WA 98225-4542 |
| Brian K. Snure Snure Law Office, PSC 612 S. 227th Street Des Moines, WA 98198-6826 | |

Original efiled with:
Washington Supreme Court
Clerk's Office
Olympia, WA 98504

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

DATED: January 27, 2011, at Tukwila, Washington.


Paula Chapler
Talmadge/Fitzpatrick