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IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

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TOWN OF WOODWAY and SAVE RICHMOND BEACH,

Petitioners,

v.

SNOHOMISH COUNTY and BSRE POINT WELLS, LP,

Respondents.

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ANSWER TO PETITIONS FOR REVIEW

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TABLE OF CONTENTS

	<u>Page</u>
I. IDENTITY OF RESPONDENT .....	1
II. ISSUES PRESENTED FOR REVIEW .....	1
III. COUNTER-STATEMENT OF THE CASE .....	2
IV. ARGUMENT .....	4
A. The Court of Appeals Properly Held That the BSRE Permit Applications Were Vested to the Regulations in Effect in February/March 2011 .....	4
B. The GMA Provides that a Permit Application Vests to Current Regulations Even if the Regulations Are Later Found to be Unlawful. ....	7
C. The Court of Appeals’ Decision is in Conformance With Existing Washington Caselaw. ....	10
D. The Caselaw Upon Which Petitioners Rely is Clearly Distinguishable.....	13
E. There Is No Need to Formally “Overrule” Pre-GMA Caselaw. ....	18
F. Woodway’s Public Policy Argument is Not Persuasive. ....	19
V. CONCLUSION.....	20

TABLE OF AUTHORITIES

Page

**CASES**

Association of Rural Residents v Kitsap County, 141 Wn.2d 185, 4 P.3d 115 (2000)..... 5

Beach v. Board of Adjustment, 73 Wn.2d 343, 488 P.2d 617 (1968)..... 5, 8

Davidson Serles & Associates v. City of Kirkland, 159 Wn. App. 616, 246 P.3d 822 (2011)..... 11, 16, 19

Davidson Serles v. Hearings Board, 159 Wn. App. 148, 224 P.3d 1003 (2010)..... 16

Erickson & Associates, Inc. v. McLerran, 123 Wn.2d 864, 872 P.2d 1090 (1994)..... 5

Hale v. Island County, 88 Wn. App. 764, 94 P.2d 1192 (1997)..... 11, 12

Juanita Bay Valley Community v. Kirkland, 9 Wn. App. 59, 510 P.2d 1140 (1973), rev. denied, 83 Wn.2d 1002 ..... 5, 14

Lassila v. Wenatchee, 89 Wn.2d 804, 576 P.2d 54 (1978)..... 14

Noble Manor v. Pierce County, 133 Wn.2d 269, 943 P.2d 1378 (1997)..... 5

Noel v. Cole, 98 Wn.2d 375, 655 P.2d 245 (1982)..... 14

South Tacoma Way, LLC v. State of Washington, 169 Wn.2d 118, 233 P.3d 871 (2010)..... 14

Talbot v. Gray, 11 Wn. App. 807, 525 P.2d 801 (1974), rev. denied, 85 Wn.2d 1001 ..... 5

**STATUTES**

RCW 19.27.095 ..... 5

RCW 36.70A..... 4, 8

RCW 36.70A.280(1)..... 8, 11, 18, 19

RCW 36.70A.300..... 15, 16

RCW 36.70A.300(3)(a) ..... 12

RCW 36.70A.300(4)..... 9

RCW 36.70A.302..... 9, 16

RCW 36.70A.302(2)..... 8, 10, 16, 17

RCW 36.70A.320(1).....	9
RCW 36.70A.330.....	15
RCW 36.70C.302(2).....	18
RCW 43.21C.....	8
RCW 58.17.033 .....	5
RCW 90.58 .....	8

## I. IDENTITY OF RESPONDENT

BSRE Point Wells, LP (“BSRE”) is a Respondent with respect to the Petitions for Review. BSRE was one of the appellants at the Court of Appeals. BSRE asks this Court to deny discretionary review.

## II. ISSUES PRESENTED FOR REVIEW

BSRE believes the issues presented for review may best be stated as follows:

A. Whether the Court of Appeals properly concluded that a landowner’s development permit application vests to a local jurisdiction’s land use regulations at the time a complete application is submitted, even if a Growth Board subsequently determines that the local jurisdiction did not fully comply with SEPA’s procedural requirements in its enactment of the regulations.

B. Whether Petitioners Town of Woodway and Save Richmond Beach have raised any valid grounds for Supreme Court review under RAP 13.4(b), where the Court of Appeal’s decision is in conformance with Washington’s Vested Rights Doctrine and the unambiguous language of the Growth Management Act.

C. Whether it is necessary to “overrule” pre-GMA caselaw even though the Court of Appeals clearly distinguished such caselaw as inapposite in its Opinion.

### III. COUNTER-STATEMENT OF THE CASE

BSRE is the owner of waterfront property in southern Snohomish County known as Point Wells. For approximately 100 years, the property has been used for petroleum-based industrial uses. (CP 3). In the fall of 2009 and the spring of 2010, Snohomish County adopted ordinances for the redesignation of Point Wells from Urban Industrial to Urban Center, and also adopted an Urban Center Code to accommodate the development of Urban Centers in designated locations in the County, including Point Wells. The County's adoption of these ordinances was appealed to the Central Puget Sound Growth Management Hearings Board (the "Growth Board"). (CP 4).

In February and March 2011, BSRE submitted Master Permit Applications for an Urban Center development at Point Wells. Those submittals were expressly found by Snohomish County to be complete and in compliance with the Snohomish County application process. (CP 329).

On April 25, 2011, many weeks after the BSRE applications were deemed complete and vested, the Growth Board issued a Final Decision and Order ("FDO") on the appeal of Snohomish County's Comprehensive Plan and Development Regulations ordinances. The Growth Board determined that the County had failed to comply with certain provisions of the GMA and SEPA with respect to adoption of the ordinances.<sup>1</sup> The

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<sup>1</sup> Significantly, the County's SEPA noncompliance did not involve a refusal to follow SEPA or an avoidance of SEPA review. Rather, the Growth Board merely

Board remanded to Snohomish County to bring its Comprehensive Plan amendments and development regulations into compliance. The Board also declared the Comprehensive Plan amendment for Point Wells invalid as of April 25, 2011. The Board did not invalidate the Urban Center Code (the development regulations). (CP 166-167).

Many months later, Woodway and Save Richmond Beach filed a collateral declaratory action, seeking to nullify Snohomish County's determinations that BSRE's Urban Center applications were vested to the regulations in place at the time of application. All parties filed motions for summary judgment under CR 56. Following the hearing, the trial court granted summary judgment to Woodway and Save Richmond Beach. The order effectively overturned Snohomish County's vesting decision and prohibited the County from processing BSRE's applications until the County's development regulations were brought into full compliance with SEPA. (CP 487-488).

BSRE and Snohomish County filed appeals in Division I of the Washington Court of Appeals. The Court of Appeals issued a unanimous published decision on January 7, 2013, reversing the trial court and entering summary judgment in favor of Snohomish County and BSRE. The decision of the Court of Appeals was based on the application of Washington's Vested Rights Doctrine and the express language of the

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concluded that the County's Environmental Impact Statement should have analyzed one additional alternative proposal for use of the property. Slip Op. at 16, footnote 23.

Growth Management Act, RCW 36.70A, which provide that a landowner's development permit application vests to a local jurisdiction's land use regulations at the time a complete application is filed, notwithstanding a subsequent determination by a Growth Board that the jurisdiction did not fully comply with SEPA's procedural requirements in its enactment of those regulations.<sup>2</sup>

Woodway and Save Richmond Beach each filed petitions for discretionary review which have been consolidated. BSRE requests that this Court deny review.

#### IV. ARGUMENT

A. The Court of Appeals Properly Held That the BSRE Permit Applications Were Vested to the Regulations in Effect in February/March 2011.

Discretionary review by this Court is unnecessary because the Court of Appeals properly applied Washington's Vested Rights Doctrine and the language of the Growth Management Act to the permit applications which were submitted by BSRE in February and March of 2011. The Court of Appeals' decision was fully supported by statute and by settled Washington judicial precedent regarding vesting of permit applications.

The Vested Rights Doctrine refers to the notion that a land use application will be considered under the statutes and ordinances in effect

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<sup>2</sup> BSRE also argued that the lawsuit filed by Woodway and Save Richmond Beach was subject to dismissal because of their failure to comply with the Land Use

at the time of the filing of a complete application. Noble Manor v. Pierce County, 133 Wn.2d 269, 275, 943 P.2d 1378 (1997). Washington's vesting rule originally applied only to applications for building permits. Erickson & Associates, Inc. v. McLerran, 123 Wn.2d 864, 867-68, 872 P.2d 1090 (1994). Washington caselaw expanded the doctrine to cover conditional use permits (Beach v. Board of Adjustment, 73 Wn.2d 343, 347, 488 P.2d 617 (1968)); grading permits (Juanita Bay Valley Community v. Kirkland, 9 Wn. App. 59, 83-84, 510 P.2d 1140 (1973), rev. denied, 83 Wn.2d 1002); and shoreline substantial development permits (Talbot v. Gray, 11 Wn. App. 807, 811, 525 P.2d 801 (1974), rev. denied, 85 Wn.2d 1001).

In 1987 the Washington legislature codified the Vested Rights Doctrine with respect to vesting of building permit applications, and at the same time enlarged the doctrine to make it applicable to subdivision applications. See, RCW 19.27.095; RCW 58.17.033. It is now settled that when a developer submits an application for a subdivision or planned development, he has the right to have all of the uses disclosed in the application considered under the laws in effect at that time. Noble Manor, supra, 133 Wn.2d at 285; Association of Rural Residents v Kitsap County, 141 Wn.2d 185, 193, 4 P.3d 115 (2000).

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Petition Act ("LUPA"), RCW 36.70C. The Court of Appeals determined that it was not necessary to reach that issue.

Here, each of BSRE's applications (the February 14 Subdivision application and the March 4 Urban Center, Shoreline and Clearing and Grading Permit applications) disclosed in detail the nature of the uses for which BSRE was applying. The application for the Preliminary Short Plat (Subdivision) was deemed complete by Snohomish County shortly after it was submitted on February 14, 2011. Additionally, the Master Permit Application which was filed on March 4, 2011 (for the Urban Center Permit, the Shoreline Permit and the Clearing and Grading Permit) was deemed complete by Snohomish County shortly after filing, as confirmed in the March 13, 2011 Notice of Application.

Snohomish County properly concluded that BSRE is entitled to have the proposed Point Wells development processed and regulated under the land use regulations in effect in February/March 2011. Snohomish County's Urban Center Development regulations expressly provide that "[a] complete application for Urban Center approval meeting [the submittal requirements] is deemed to have vested to the Zoning Code, Development Standards and Regulations as of the date of submittal." SCC 30.34A.170(6).

In response to the summary judgment motions filed by BSRE and Snohomish County, Woodway and Save Richmond Beach conceded that the BSRE applications were complete at the time they were submitted, and that Snohomish County had acted within its authority in finding those applications to be complete. (CP 400). Notwithstanding those

concessions, Woodway and Save Richmond Beach convinced the trial court to overturn Snohomish County's vesting decision because many weeks after the permit applications were determined to be complete and vested, the Growth Board found the Urban Center regulations to be out of compliance with SEPA (but not invalid). The trial court erred in refusing to apply the Vested Rights Doctrine. The Court of Appeals properly reversed the trial court's ruling.

B. The GMA Provides that a Permit Application Vests to Current Regulations Even if the Regulations Are Later Found to be Unlawful.

The trial court's decision on the cross-motions for summary judgment was inconsistent with the unambiguous language of the Growth Management Act, and inconsistent with clear judicial precedent from the Washington Supreme Court. The Court of Appeals correctly rejected the argument of Woodway and Save Richmond Beach that Washington's liberal vesting rules can be ignored if a regulation in effect at the time of application is later found to have been out of compliance with SEPA's procedural requirements.

Petitioners' argument that BSRE is not vested because the Urban Center Code was "void" is mistaken, for several reasons. First, the Growth Board did not make a determination that the Urban Center development regulations were invalid. As noted above, although the Board held that the Point Wells Urban Center Comprehensive Plan Amendment (Ordinances 09-038 and 09-051) was invalid based on

noncompliance with GMA, the Board rejected a request that the development regulations be invalidated, and instead only remanded the regulations to Snohomish County to bring its process into compliance with SEPA. (CP 167). Thus, the Urban Center development regulations remained on the books during the remand period as Snohomish County was bringing the regulations into procedural compliance with SEPA.

Moreover, even if the Growth Board had found the Development Regulation Ordinance invalid, such an order of invalidity could apply prospectively only, and would not affect BSRE's vested rights. RCW 36.70A.302(2). A change in a zoning ordinance does not operate retroactively so as to affect vested rights. Beach v. Board of Adjustment of Snohomish County, *supra*, 73 Wn.2d 343 at 347.

Washington's traditional vesting rules became even clearer in this context with the enactment of the Growth Management Act, which unambiguously applies Washington's Vested Rights Doctrine relative to local land use ordinances. As a part of the GMA, the Legislature has granted to Growth Management Hearings Boards the exclusive authority to hear and resolve challenges to local comprehensive plans and development regulations, whether those challenges are based on alleged violation of the GMA (RCW 36.70A), or based on violation of the Shoreline Management Act (RCW 90.58), or based on violation of SEPA (RCW 43.21C). RCW 36.70A.280(1).

Moreover, the GMA now provides unambiguously that a local land use ordinance is presumed to be valid and enforceable unless and until it is affirmatively determined by a Growth Board to be “invalid.” RCW 36.70A.320(1). The GMA also makes clear that even when the Growth Board finds a local ordinance to be “noncompliant” with the GMA or with SEPA, the ordinance remains valid throughout the period of remand, as the local government takes steps to satisfy the Growth Board’s directives, and to bring the ordinance into compliance:

Unless the Board makes a determination of invalidity as provided in RCW 36.70A.302, a finding of noncompliance and an order of remand shall not affect the validity of comprehensive plans and development regulations during the period of remand.

RCW 36.70A.300(4). Thus, the Snohomish County Urban Center Development Regulations, though found by the Growth Board to have been noncompliant with SEPA, nonetheless continued to be valid while Snohomish County took steps to bring those regulations into full compliance with SEPA procedures.<sup>3</sup>

Further, the GMA specifically provides that even where an ordinance is determined by the Board to be *invalid*, the determination of invalidity applies *prospectively* only and therefore it cannot extinguish rights which have already vested under the invalidated regulations:

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<sup>3</sup> The Growth Board recently held that Snohomish County’s Comprehensive Plan and Development Regulations are now compliant with GMA and SEPA. (CPSGMHB Case Nos. 09-3-00130 and 10-3-0011e, Order Finding Compliance, 12/20/12).

A determination of invalidity is prospective in effect and does not extinguish rights that vested under state or local law before receipt of the Board's order by the city or county. The determination of invalidity does not apply to a completed development permit application for a project that vested under state or local law before receipt of the Board's order by the county or city or to related construction permits for that project.

RCW 36.70A.302(2). The above GMA language reflects the legislature's clear policy decision that complete applications vest to adopted development regulations when filed, even though such regulations may be subject to a pending appeal. Thus, even if the Growth Board had determined that the Urban Center Development Regulations were invalid (and it did *not* find invalidity), BSRE's development applications would still be vested to those regulations.

In light of these clear statutory provisions, there was no basis for the trial court to overturn Snohomish County's vesting decisions relative to BSRE's applications. The Court of Appeals properly held that BSRE is vested to the Snohomish County land use regulations which were in place at the time the completed applications were submitted.

C. The Court of Appeals' Decision is in Conformance With Existing Washington Caselaw.

Woodway and Save Richmond Beach argue that discretionary Supreme Court review is necessary because the Court of Appeals' decision is in conflict with existing Washington caselaw. This is simply incorrect. The opinion in this case is in complete harmony with other post-GMA vesting decisions.

The Growth Board's exclusive jurisdiction over challenges to local governments' adoption and amendment of comprehensive plans and development regulations was recently reaffirmed in Davidson Serles & Associates v. City of Kirkland, 159 Wn. App. 616, 246 P.3d 822 (2011). In that case, certain property owners challenged Kirkland's ordinances amending its Comprehensive Plan and the Zoning Code designation of a developer's property, by filing a petition for review with the Growth Board. They also filed a separate declaratory judgment action in Superior Court raising, among other things, a challenge under SEPA. The City of Kirkland and the developer moved to dismiss the declaratory judgment action, asserting that the Growth Board had exclusive jurisdiction over any SEPA challenges to the ordinances. In affirming the trial court's dismissal of the SEPA claims, the Court noted that the Washington legislature had clearly placed review authority over any SEPA challenge to legislative enactments with the Growth Boards:

The Board properly had jurisdiction over Davidson's SEPA challenge to the City Comprehensive Plan and zoning code amendments. The Board's jurisdiction over these challenges is exclusive. RCW 36.70A.280(1). Thus, the Superior Court does not have jurisdiction over such SEPA challenges.

159 Wn. App. at 626.

The application of the Vested Rights Doctrine under the GMA was confirmed by the Court of Appeals in Hale v. Island County, 88 Wn. App. 764, 94 P.2d 1192 (1997). In Hale, the issue was whether a permit

application vested under a zoning regulation, even though the regulation was later found by the Growth Board to have been in violation of the GMA and invalid. Island County had granted preliminary use approval and the applicant (NBBB) had submitted an application for final approval. The Growth Board later determined that the zoning provisions upon which the preliminary approval had been based were invalid under the GMA. Notwithstanding invalidation, the Court of Appeals rejected Hale's argument as to invalidity and vesting, and found that NBBB was fully vested to the ordinances in effect at the time of application:

Because NBBB's rights vested upon preliminary use approval, the Western Washington Growth Management Hearings Board's subsequent determination that Island County's nonresidential floating zone provisions violated the GMA did not affect NBBB's pending application.

88 Wn. App. at 772. The Court of Appeals stressed that a ruling of invalidity by a Growth Board applies only prospectively, and therefore cannot extinguish rights which have vested:

Since the Board has authority to make only prospective determinations of invalidity, the *WEAN* decision could not extinguish rights that had vested under the invalidated ICC provisions. RCW 36.70A.300(3)(a).

88 Wn. App. at 772. The same principles were applied by the Court of Appeals in this case. Indeed, the facts supporting vesting are even stronger in this case, because the Growth Board did not find the Snohomish County Development Regulations invalid, but rather found

them only “non-compliant,” a lesser finding that leaves the regulations in place during the remand compliance process.

The Court of Appeals’ decision in this case was entirely consistent with the language of the GMA and post-GMA caselaw. There is no reason for this Court to accept review.

D. The Caselaw Upon Which Petitioners Rely is Clearly Distinguishable.

Woodway and Save Richmond Beach concede that Washington’s Vested Rights Doctrine has been applied widely and liberally by the courts for decades. Save Richmond Beach Petition at 13-14. Nor do they dispute that the GMA expressly provides that even a determination of invalidity by a Growth Board applies prospectively only. Woodway Petition at 13. But they nonetheless argue – without applicable case authority – that the vesting rules should be disregarded when a local land use regulation is later determined by a Growth Board to have been noncompliant with SEPA. The Court of Appeals correctly rejected Petitioners’ unsupported argument.

Relying on caselaw which predates the GMA, and decisions which do not even address the issue of vesting, Woodway and Save Richmond Beach argued that governmental action taken in violation of SEPA is *void ab initio* and *ultra vires*, and therefore vesting cannot occur if an ordinance was enacted in violation of SEPA. Woodway Petition at 507. But the Court of Appeals properly distinguished the cases cited by Petitioners as inapposite. Slip Op. at 18, footnote 26.

First, most of the cases cited by Woodway and Save Richmond Beach do not even address the doctrines of “*void ab initio*,” and “*ultra vires*.” For example, Juanita Bay Valley v. Kirkland, 9 Wn. App. 59, 510 P.2d 1140 (1973) makes no mention of these terms. Similarly, the opinion in Lassila v. Wenatchee, 89 Wn.2d 804, 576 P.2d 54 (1978) makes no mention of the terms “void,” “*void ab initio*,” or “*ultra vires*” in the context of its SEPA analysis. The only case cited by Woodway and Save Richmond Beach that does mention the *ultra vires* doctrine is Noel v. Cole, 98 Wn.2d 375, 378-81, 655 P.2d 245 (1982). But significantly, Noel was not a permitting case but instead involved the voiding of an unauthorized government contract.

The only recent case relied upon by Woodway was a non-GMA case involving a sale of state land. South Tacoma Way, LLC v. State of Washington, 169 Wn.2d 118, 233 P.3d 871 (2010). The Court of Appeals correctly noted that the case involved neither the GMA nor the vesting of a private development. (Published Opinion, fn. 26).

Moreover, nearly all of the cases cited by Woodway and Save Richmond Beach deal with SEPA in relation to a “project action” such as an approval of a subdivision or building permit. BSRE agrees that a “project action” can be denied based on the *applicant’s* failure to comply with SEPA. But in this case the SEPA noncompliance found by the Growth Board concerned a county’s *legislative* enactment, not a private party’s “project action.” BSRE’s obligation to comply with SEPA will be

analyzed and determined as a part of the permitting process. To date, there has been no decision by Snohomish County as to *BSRE's* compliance or noncompliance with SEPA. Rather, the declaratory action filed by Woodway and Save Richmond Beach related only to a finding of noncompliance with respect to Snohomish County's *legislative enactment*. Woodway and Save Richmond Beach were unable to cite a single case which holds that a local government's failure to comply with SEPA in a legislative enactment renders a previously filed permit application *void ab initio* such that the application is "de-vested."

Moreover, the arguments by Woodway and Save Richmond Beach as to SEPA noncompliance are logically untenable. SEPA is a product of the legislature, and the legislature enacted the GMA as a part of Washington's Regulatory Reform, giving Growth Boards exclusive authority to decide challenges to land use ordinances, as well as authority to remand for SEPA noncompliance. RCW 36.70A.300, .330. The "*void ab initio*" argument raised by Woodway and Save Richmond Beach would lead to an absurd result. If the local land use ordinance were determined to be *void ab initio*, then the Growth Board would be effectively divested of jurisdiction and would have no authority to remand the ordinance to the county and to oversee the county's efforts to bring the ordinance into compliance. The suggestion that the legislature intended to remove all authority from the Growth Boards to remand and oversee the compliance

process would render other sections of the GMA nonsensical. See, RCW 36.70A.300; RCW 36.70A.302.

Further, at least since the enactment of the GMA, it is simply not true that local land use ordinances enacted in violation of SEPA (or other statutes) are “void ab initio.” To the contrary, the GMA does not even provide that a local government’s noncompliance with SEPA warrants a determination of invalidity. Davidson Serles v. Hearings Board, 159 Wn. App. 148, 157-58, 224 P.3d 1003 (2010). In addition, RCW 36.70A.302(2) expressly provides that even where a Growth Board makes a determination of invalidity, it applies prospective only, and has no effect on a permit application that was filed prior to invalidation. There is no language in the GMA statute creating an exception to this rule where SEPA noncompliance is found.

The exclusive authority to address SEPA challenges to Snohomish County’s Urban Center Development Regulations rests with the Growth Board. Davidson Serles v. City of Kirkland, supra, 159 Wn. App. at 626. In this case, the Board did not invalidate Snohomish County’s Urban Center regulations, but merely remanded them for further compliance actions. The Superior Court had no jurisdiction, under the declaratory judgment statute or any other authority, to preemptively usurp the authority of the Growth Board. The Court of Appeals properly reversed the trial court’s erroneous decision.

Faced with the unambiguous language of RCW 36.70A.302(2), Woodway and Save Richmond Beach made a convoluted argument that the statute should not be construed according to its actual terms, but rather should be interpreted to be inapplicable where SEPA noncompliance is involved, or at least where an ordinance is found to be out of compliance with SEPA, but *not* subject to invalidation. Curiously, they have argued that while a permit application may vest to an ordinance later found to be *invalid*, somehow the vesting rules should not apply when the Growth Board has made the more limited determination that a regulation is non-compliant, but still valid! (CP 292-293). The argument is illogical on its face.

Woodway and Save Richmond Beach do not explain why the Legislature would have allowed the vesting of permit applications to regulations which have been found to be entirely invalid, while preventing vesting to regulations which are found to be less problematic, i.e., out of compliance, but still valid and operative. The suggestion that the Legislature intended to allow vesting only to those regulations found to be the most seriously flawed is unreasonable on its face, as the Court of Appeals properly recognized.

In short, the argument that a party cannot vest to a regulation which is later found to be in partial noncompliance with SEPA, is supported by no applicable authority, and was properly rejected by the Court of Appeals. There are no grounds for discretionary review.

E. There Is No Need to Formally “Overrule” Pre-GMA Caselaw.

Woodway and Save Richmond Beach argue that the Court of Appeals’ decision is somehow improper because neither the Supreme Court nor the Legislature expressly “overruled” a number of early cases dealing with violations of SEPA. Woodway argues that “courts do not favor the repeal of settled principles of law by mere implication.” (Petition for Review, p. 14). But Woodway’s argument misses the point. With the enactment of Regulatory Reform in the 1990’s, including the Growth Management Act, the effect of non-compliance with SEPA in the context of a local government’s land use ordinance was clarified expressly and unambiguously in the statutes themselves. The GMA now provides that Growth Boards have exclusive jurisdiction to determine whether a local jurisdiction’s land use ordinances are compliant with GMA, but also whether they are compliant with SEPA. RCW 36.70A.280(1). Further, the GMA states unambiguously that any determination of noncompliance (or even invalidity) applies prospectively only. RCW 36.70C.302(2). In view of this express statutory language, there was no need to “overrule” pre-GMA caselaw, because the statute expressly defined Washington law on these subjects going forward.

In its Opinion, the Court of Appeals correctly *distinguished* each of the pre-GMA and non-GMA cases upon which Woodway relied, at page 19 (fn 26) of the Opinion. No further explanation is required.

F. Woodway's Public Policy Argument is Not Persuasive.

Woodway's Petition for Review argues that the Supreme Court should intervene because the case involves an issue of substantial statewide public interest. While BSRE agrees that Washington's Vested Rights Doctrine and the Growth Management Act address issues of public importance, there is nothing about the Court of Appeals' decision that departs from Washington's existing statutory and common law principles. Therefore Supreme Court review is unnecessary.

Woodway suggests that the language of the GMA creates a potential inconsistency in how an ordinance enacted in violation of SEPA would be treated, depending on the quasi-judicial body to whom the appeal is filed. Woodway presents the argument as follows:

... If the challenge to the ordinance is brought on another basis before another administrative or judicial body, a violation of SEPA would result in a void ordinance and a loss of vested rights for any permits previously filed. This dichotomy will result in terrible confusion . . . .

In a footnote, Woodway refers specifically to a challenge before the Shoreline Hearings Board. (Petition, p. 16). But, Woodway seems to have failed to understand that with the enactment of the GMA, all challenges to local land use ordinances are now to be reviewed by Growth Boards, whether the challenges allege violations of the GMA, the Shoreline Management Act or SEPA. RCW 36.70A.280(1); Davidson Serles v. City of Kirkland, *supra*, 159 Wn. App. at 626. Thus, the same rules regarding noncompliance, invalidity and vesting will be applied,

regardless of whether the challenge alleges a violation of the GMA, the SMA, or SEPA. The “confusion” postulated by Woodway is illusory.

V. CONCLUSION

The Court of Appeals’ decision is consistent with the GMA and Washington caselaw. This Court should deny discretionary review.

DATED this 6<sup>th</sup> day of March, 2013.

KARR TUTTLE CAMPBELL

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**DECLARATION OF SERVICE**

Nancy Randall declares as follows:

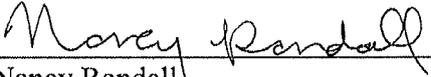
I am a resident of the State of Washington, employed at Karr Tuttle Campbell, 1201 Third Avenue, Suite 2900, Seattle, WA 98101. I am over the age of 18 years and am not a party to this action. I certify under penalty of perjury under the laws of the State of Washington that on the below date, a true copy of the Answer to Petition for Review was served to the following via electronic mail and first class mail, postage prepaid:

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DATED this 6<sup>th</sup> day of March, 2013.

  
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Nancy Randall

## OFFICE RECEPTIONIST, CLERK

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**Subject:** RE: E-Filing - Woodway, et al. v. BSRE Point Wells, LP, et al. - Supreme Court No. 88405-6

Rec'd 3-6-13

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**Subject:** E-Filing - Woodway, et al. v. BSRE Point Wells, LP, et al. - Supreme Court No. 88405-6

Attached for filing in Woodway, et al. v. BSRE Point Wells, LP, et al. (Supreme Court No. 88405-6) is Respondent BSRE Point Wells, LP's Answer to Petitioners Town of Woodway's and Save Richmond Beach's Petitions for Discretionary Review. Please let me know if you have trouble opening the document.

Thank you,

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