



Sno-King Environmental Protection Coalition

BSRE Files Appeal in Superior Court

Shoreline, Woodway Both Move to Annex Pt. Wells

Appeal to Superior Court

BSRE, the developer whose application for a 3000+ unit development at Point Wells was recently denied by Snohomish County, has filed an appeal in King County Superior Court. The appeal alleges that the County mis-applied the law, ignored evidence, and did not follow its own procedures when it denied the development application.

This is the third appeal of the original decision made by the County Hearing Examiner. BSRE first appealed for reconsideration by the Hearing Examiner, then to the County Council, and now to Superior Court. The County identified 16 separate issues in finding the application in substantial conflict with the County code provisions and in each appeal BSRE has used the same arguments to try to refute all 16 issues. Having failed to convince the Hearing Examiner and the County Council, it is unlikely (but still possible) that BSRE will be successful in court.

The tentative date for the hearing is April 1, 2019 in King County Superior Court before Judge Sue Parisien.

Annexation

While both Shoreline and Woodway have long had an interest in annexing Point Wells, we have to go back to 2013 to find the cause of some recent annexation actions.

In 2013 BSRE deeded to the City of Shoreline property underlying a pumping station at Point Wells that at the time was operated by Ronald Wastewater District. The deed agreement stated that BSRE could regain control of the property if the City did not

complete assumption of Ronald before July 1, 2018. On August 30 this year BSRE sent the City a letter stating that BSRE intended to exercise its right to reacquire the property since the planned assumption of Ronald had not yet been completed.

The City maintains that they have completed assumption of Ronald, but instead of arguing that point, on October 15th the City passed [Ordinance 844](#) authorizing City staff to begin the process of annexing the portions of Point Wells needed to continue operation of the pumping station.

In reaction to the City's vote, the Woodway Town Council voted to approve [Resolution 18-406](#) directing Town staff to start the process for annexing the entire Point Wells property. The Town Mayor published a [letter to Town residents](#) explaining why the Town is moving forward with annexation now. The letter cites desire to control any future development applications and the City of Shoreline's move to annex portions of Point Wells as the main drivers of the Town's annexation action. This week the Town also published a [Q and A document](#) containing additional information about the annexation effort.

The first step in the Town's annexation process is to hold a [public hearing](#) on November 5th at 7 pm at the Woodway Town Hall to allow public comment on the resolution. Immediately following public comment on resolution, there will be a second public hearing on [Ordinance 18-593 \(see page 16\)](#) to actually implement the annexation. Even if the annexation ordinance passes, annexation must be approved by Snohomish County and that may take several months.

To further complicate the annexation issue, the Shoreline City Council passed a motion at the end their October 29th meeting authorizing the City Attorney to file legal action to attempt to block Woodway's annexation attempt. The motion did not identify what grounds the City will use to try to block Woodway.

Woodway and Shoreline have together spent hundreds of thousands of taxpayer dollars fighting each other over the Ronald Wasterwater assumption. A fight over annexation will only add to that total. As residents and taxpayers in Woodway or Shoreline, it's in our best interest to encourage both Councils to work together toward a equitable solution to these issues. There are compromises that can be made that work for both the Town and the City - we should demand these compromises be made. When the next development application for Point Wells is put forward, the City and the Town will be stronger working together to limit the impact if they aren't fighting each other over annexation and a small pumping station.

Make a donation

Sno-King Environmental Protection Coalition is asking for your financial help as we prepare for the court cases following the Council's decision. Continuing our fight through the court system takes time and money. We can contribute the time but we need your help contributing the money.

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