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January 12, 2018

Via Electronic and Regular Mail

Paul MacCready, Principal Planner/Project Manager
Snohomish County Planning and Development Services
3000 Rockefeller Avenue, M/S #604
Everett, WA 98201-4046

Re: Point Wells Urban Center and Related Applications
Request for Extension of June 30, 2018 Deadline

Dear Paul:

We are in receipt of your very surprising letter dated January 9, 2018 which directly contradicts recent discussions between representatives of BSRE and Snohomish County senior planning staff regarding the timing and manner of supplementation of BSRE's pending Urban Center and related applications.

You will recall our meeting of November 13, 2017, which was held in Director Barb Mock's office and was attended by you and a number of other County representatives, including Deputy Director Mike McCrary, Permitting Supervisor Ryan Countryman, Permitting Division Manager Michael Dobesh, and Deputy Prosecuting Attorney Matt Otten. During the meeting, we provided the County with a timeline of the necessary steps to be taken by our consultants to complete the additional work required by the County's October 6, 2017 comment letter. Using that timeline, we demonstrated that the January 8 target for a complete response to the County's comment letter was not feasible.

The discussion at that meeting confirmed that the January 8, 2018 date contained in the County's October 6, 2017 comment letter was not a deadline but was rather a target by which we would endeavor to provide the requested information. We were told that this date was selected by the County in order to give County staff the time necessary to respond to our further revised submittal prior to June 30, 2018. We all understood that June 30 represented the actual deadline for processing the Urban Center Application in that this date represents the end date of our pending application *unless otherwise extended*.

The need for an extension of the June 30 date was also discussed at the November 13, 2017 meeting. At staff's direction, we agreed to bifurcate the two components of our extension

request. Staff requested that we send a letter prior to the January 8 target date which would confirm that our consultants required additional time to complete the requested analyses. The letter was also to provide an estimate as to the likely time of delivery of the supplemental materials. Thus, we sent our letter of December 29, 2017 in which we explained that further time would be needed to coordinate and approve the considerable work required to fully respond to the County's comment letter.

At the November 13, 2017 meeting County staff further directed that our request for an 18-month extension should be forwarded to the County sometime after our first correspondence of December 29 and prior to the June 30 deadline. We had intended to comply with this chronology, but your unexpected and inconsistent position taken in your January 9 letter apparently requires a more immediate response.

In summary, your January 9, 2018 letter is wholly inconsistent with and completely ignores our prior conversations and understandings. This is the latest in a very troubling string of representations and changes of position by the County, each of which has delayed and/or added to the amount of effort required for our response. Representatives of BSRE have frequently met with you, Mike McCrary, Ryan Countryman, Michael Dobesh, Matt Otten, and other County staff to try to improve communication and resolve issues.¹ A partial list of recent events includes the following:

- The County's response to our April submittal was promised by June 2017. The response wasn't provided until October 6.
- The County promised to provide a draft comment letter, thus allowing our team the opportunity to review and point out any inaccurate statements or other errors prior to finalization of the letter. Instead, after submitting several draft chapters, PDS unilaterally and without notice changed position and forwarded a complete and final letter without any opportunity for review or comment.
- BSRE had been promised four months in which to respond to the County's comment letter. That time frame was unilaterally and without notice shortened to three months.
- The County's October comment letter greatly expanded the scope of required analysis above and beyond previous representations and now requires an unprecedented level of detail which we believe to be inappropriate at this stage of the review process.
- The County committed to authorize EA to recommence work on certain DEIS chapters not impacted by on-going discussions. Despite assurances to the contrary, the County's authorization did not occur for an extended period.

¹ Meetings in 2017 at which these issues were discussed were held on April 10, July 17, July 31, August 8, August 23, September 6, September 13, October 27, November 13, December 4, and December 12.

In spite of these difficulties in communication, by January 19, 2018 BSRE expects to be able to provide a date by which our supplemental materials responsive to the County's comment letter will be submitted. Our current expectation is that this submittal can be made by the end of April 2018. The one variable in that date has to do with the availability of drilling equipment to conduct additional geotechnical analysis within the proposed second access corridor. **As such, we believe, and request, that the County should not commence its review of the existing applications as is described in your letter of January 9, 2018.**

Request for Extension of June 30, 2018 Deadline. In light of the above, and in order to avoid any further confusion and to eliminate any misunderstanding or conflict between the anticipated date of resubmittal and the end date of BSRE's applications, **we hereby request that the review deadline for the following permit applications be extended for a minimum of 18 months from the current June 30, 2018 expiration date:**

- 11 101457 LU (Land Use Permit for Site Plan)
- 11 101461 SM (Shoreline Management Permit)
- 11 101454 RC (Retaining Wall - Commercial)
- 11 101008 LDA (Land Disturbing Activity – Grading)
- 11 101007 SP (Short Plat)

This request is submitted pursuant to SCC 30.70.140 to extend the review deadline for the above Point Wells Urban Center and related applications. SCC 30.70.140(2)(a) specifically provides that “[W]hen an EIS is required, the expiration period will be suspended until the FEIS is issued. The suspension of the expiration period for an application shall not exceed 18 months *unless approved by the director.*” By copy of this letter to Director Mock, we request that she grant such an extension.

Given the complexity of the pending applications, the considerable time spent by the County in review of our April submittal and the unprecedented level of required detail and the time necessary to respond thereto, this additional extension is both appropriate and necessary.

Once our resubmittal is made, additional time will no doubt be required for the County's review and for publication of the DEIS, Design Board review, public hearings and publication of the FEIS. Thus, because the process to date has been so unpredictable, and because Ordinance 16-004 may arguably restrict the availability of further extensions, we suggest that the deadline be set forward a minimum of two years.

We further note that SCC 30.70A.140(2)(a) will extend any stated completion deadline during the time the EIS process is being completed. In our particular circumstance, additional time will be required for the Department of Ecology to complete its own, separate SEPA process

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covering site remediation. This fact alone should further justify a significant extension of the overall review completion deadline and life of potential project approvals.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas A. Luetjen". The signature is stylized with large loops and a long horizontal stroke. To the right of the signature, there are the initials "DL" written in a similar hand.

Gary D. Huff

cc: BSRE Point Wells, LP
Project Team
Barb Mock
Michael Dobesh
Mike McCrary
Ryan Countryman
Matt Otten