



**Snohomish County
Planning and Development Services**

Dave Somers
County Executive

Barbara Mock, Director
3000 Rockefeller Avenue M/S #604
Everett, WA 98201-4046
(425) 388-3311

March 31, 2016

Gary D. Huff
Karr Tuttle Campbell
701 Fifth Avenue, Suite 3300
Seattle, WA 98104

Subject: Point Wells Mixed Use Redevelopment Project Application Extension

Dear Mr. Huff:

Thank you for your email dated March 30, 2016, requesting an extension to the Point Wells redevelopment applications, which encompasses the following permits:

- 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)

PDS has reviewed your request and the schedule for the ongoing environmental review. We agree to extend the above permits by two years. The new expiry date will be June 30, 2018, which is a two-year extension of the current date of June 30, 2016. These extensions are pursuant to SCC 30.70.140(4), based on the need to process the ongoing environmental review.

In our April 21, 2015, letter extending the project to June 30, 2016, we wrote that, “The applicant has until June 30, 2016, to provide the additional information requested by PDS in the April 12, 2013 application review letter.” Strictly speaking, this extension to June 30, 2018, also applies to the timeframe for responding to the April 12, 2013 application review letter. Please be aware, however, that PDS is working on a supplemental review letter and that there may be reasons to provide additional information sooner. The supplemental review letter, when complete, will articulate those reasons.

Finally, your March 30, 2016, letter closes with the statement that, “in making this request [for a project extension] we reserve the argument that BSRE’s applications remain vested under those code provisions in effect upon the date of application and that the recently adopted changes do not apply.” While PDS acknowledges your right to reserve the argument, please understand that PDS takes a different view on vesting. Amended Ordinance 16-004, which becomes effective tomorrow (April 1, 2016), applies to existing applications that were deemed complete but that were not approved or denied prior to April 1, 2016. In other words, it is our view that expiration timelines set forth in Amended Ordinance 16-004 are applicable to the Point Wells proposal because vesting applies only to land use control ordinances that exert a restricting or directing influence over land use. Amended Ordinance 16-004 is a procedural regulation concerning expiration of permit applications and approvals. Since Amended Ordinance 16-004 is not a land use control ordinance, it is our position that vesting does not apply in this context.

If you have any further questions regarding this extension, please contact me at (425) 388-3311, Ext. 2304.

Respectfully,

A handwritten signature in black ink, appearing to read "Ryan Countryman". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Ryan Countryman
Principal Planner

cc: Douglas Luetjen, Karr Tuttle Campbell
Barb Mock, PDS Director
Mike McCrary, PDS Permitting Manager
Michael Dobesh, PDS Permitting Supervisor