

Otten, Matthew

From: Otten, Matthew
Sent: Thursday, March 15, 2018 9:37 AM
To: Davis, Kris
Cc: Mock, Barb; McCrary, Mike; Dobesh, Michael; Countryman, Ryan; MacCready, Paul; Gary Huff (GHuff@karrtuttle.com); Douglas A. Luetjen (dluetjen@karrtuttle.com); Jacque St. Romain
Subject: Point Wells Application – SCC 30.61.220 Hearing

Point Wells Application – SCC 30.61.220 Hearing

File Nos. 11-101457 LU, 11-101461 SM, 11-101464 RC, 11-101008 LDA, 11-101007 SP, 11-101457 VAR

Good morning Ms. Davis,

I am writing on behalf of PDS, who is requesting that hearing dates be scheduled in the above referenced matter for May 16, 2018, or as soon thereafter as the Hearing Examiner's calendar permits.

The hearing is a Type II open record hearing on a permit application for an urban center site plan with associated permits that include a short plat application, land disturbing activity permit application, a shoreline management permit application, a retaining wall permit application and a parking variance. A Determination of Significance was previously issued under chapter 30.61 SCC. Based on information and circumstances that will be detailed in a PDS Staff Recommendation, PDS has concluded that it is appropriate to recommend denial of the application without preparation of an EIS in accordance with SCC 30.61.220 which provides as follows:

When denial of a non-county proposal can be based on grounds which are ascertainable without preparation of an environmental impact statement, the responsible official may deny the application and/or recommend denial thereof by other departments or agencies with jurisdiction without preparing an EIS in order to avoid incurring needless county and applicant expense, subject to the following:

- (1) The proposal is one for which a DS has been issued or for which early notice of the likelihood of a DS has been given;
- (2) Any such denial or recommendation of denial shall be supported by express written findings and conclusions of substantial conflict with adopted plans, ordinances, regulations or laws; and
- (3) When considering a recommendation of denial made pursuant to this section, the decision-making body may take one of the following actions:
 - (a) Deny the application; or
 - (b) Find that there is reasonable doubt that the recommended grounds for denial are sufficient and remand the application to the responsible official for compliance with the procedural requirements of this chapter.

Accordingly, the sole purpose of the hearing as set forth in subsection (3) above is to determine whether the recommendation of denial of the application without preparation of an EIS is supported by sufficient evidence and express written findings and conclusions that the proposal substantially conflicts with adopted plans, ordinance, regulations, or laws.

Based on the above, PDS is also requesting that a pre-hearing conference be set in accordance with Snohomish County Hearing Examiner Rule of Procedure 3.1 for the purposes of establishing a hearing schedule and clarifying the issues to be considered in a hearing held under SCC 30.61.220.

Thank you.

Matthew A. Otten

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