

Jenny Ngo

From: William Lider <Bill@LiderEngineering.com>
Sent: Monday, October 19, 2015 8:39 AM
To: Jenny Ngo; Agnes Kowacz
Subject: RE: Modi Reasonable Use Permit, SKWC Comments

Well, the proposed project certainly fails this test too.

Please notify me when the hearing is scheduled so we may present additional testimony.

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From: Jenny Ngo [mailto:JennyN@ci.woodinville.wa.us]
Sent: Monday, October 19, 2015 8:09 AM
To: William Lider; Agnes Kowacz
Subject: RE: Modi Reasonable Use Permit, SKWC Comments

Hi Bill,

Thanks for the letter – we will include it in the record. I wanted to clarify which code provisions apply to this application based on your letter. You note the exemptions in WMC 21.24.060 regarding emergencies and/or replacement/repair of existing structures as applying to this application. This section is for code exemptions (projects not subject to the critical areas regulations), rather than criteria for approval of a reasonable use permit.

Criteria for approval of a reasonable use permit can be found under WMC 21.24.080(2). This application will be reviewed for consistency with the following:

(2) If the application of this chapter would deny all reasonable use of the property, the applicant may apply for a reasonable use permit pursuant to this subsection:

- (a) The applicant shall apply to the Department, and the Development Services Director shall prepare a recommendation to the Hearing Examiner;*
- (b) The reasonable use permit shall be reviewed as Type III project permit, pursuant to Chapters [17.07](#) through [17.17](#) WMC. The Hearing Examiner shall make a decision based on the following criteria:
 - (i) The application of this chapter would deny all reasonable use of the property;*
 - (ii) There is no other reasonable use with less impact on the sensitive area;*
 - (iii) The proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;*
and
 - (iv) Any alterations permitted to the sensitive area shall be the minimum necessary to allow for reasonable use of the property; and**
- (c) Any authorized alteration of a sensitive area under this subsection shall be subject to conditions established by the Hearing Examiner including, but not limited to, mitigation under an approved mitigation plan.*

Please let me know if you have questions.

Thanks,
Jenny

From: William Lider [mailto:Bill@LiderEngineering.com]
Sent: Friday, October 16, 2015 2:45 PM

To: Agnes Kowacz <agnesk@ci.woodinville.wa.us>
Cc: Jenny Ngo <JennyN@ci.woodinville.wa.us>
Subject: Modi Reasonable Use Permit, SKWC Comments

Agnes, please find attached a copy of the SKWC's comments on Modi Reasonable Use Permit.

Please keep us informed as this project progresses and notify us of any hearing dates, when scheduled.

Please acknowledge receipt of these comments.

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