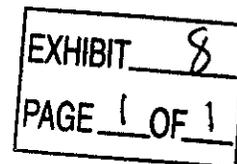


Erin Martindale

From: Greg A. Rubstello [grubstello@omwlaw.com]
Sent: Thursday, June 17, 2010 11:33 AM
To: Erin Martindale
Subject: RE: Questions



Erin,

Since WMC 21.24.080 clearly states the application goes to the hearing examiner pursuant to the provisions of Ch. 2.30 that's what needs to be done. The "public hearing" however is not an open record hearing, but a closed record review by the examiner of the recommendation make by the planning director to the examiner. It appears from 2.30.020(5) that the examiner would affirm the recommendation of the director unless he determined the recommendation of the director was clearly erroneous. The examiner would conduct his review as described in 2.30.020(5). Notice is provided as provided in 2.30.020(4).

The exception allowed by 21.24.080 seems not to be a "project permit" under Ch. 17.07. However, since SEPA is required, 14.04.190 provides that whenever possible, the City shall integrate the public notice required under this section with existing notice procedures for the City's nonexempt permit(s) or approval(s) required for the proposal. You should complete SEPA review before Hal makes a director's recommendation to the hearing examiner. How would Hal know what recommendation to make until SEPA review is complete?

Does the above make sense? Probably not, but it's the best I could come up with consistent with the code.

Greg

P.S. Yes, I did hear your voice mail . Intended to talk to you last night. We can try later today.

From: Erin Martindale [mailto:Erinm@ci.woodinville.wa.us]
Sent: Thursday, June 17, 2010 8:02 AM
To: Greg A. Rubstello
Subject: Questions

Hi Greg,

The Public Works Department has submitted a complete application for a critical area exception under WMC 21.24.080. Under WMC 21.24.080(1)(b), it says that the Hearing Examiner conducts a public hearing pursuant to Chapter 2.30. Chapter 2.30 regulates appeals. This seems like the wrong reference (maybe should be Chapter 2.27), but it could be correct. Also, there is no reference that I can find in this section to what type of permit review process (I, II, III) to use for this application.

My question is, what is the correct way to process this: 1) issue the public hearing notice how it calls out in Title 17 (publish, post the site and city posting places, mail), follow 2.30 (send only to the applicant and appellant), or something else? Do I need to do any other noticing for this application? There is a SEPA application for this as well, which requires notice of application. My default is to treat this application like any Type III Project Permit, consolidate the reviews of the exception and the SEPA, and do the Notice of Application, SEPA Determination, Public Hearing Notice, and Notice of Decision

Also, did you get my voice mail on the affidavits?

Thanks,

Erin Martindale
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06/04/2012