

From: [Heather Burgess](#)
To: [Brett Bures](#)
Cc: [Joshua Cummings](#); [Travis Burns](#); [Sainta@co.thurston.wa.us](#); [todd.mason@co.thurston.wa.us](#); [Mark Conwell](#); [Deanna Gonzalez](#)
Bcc: [Clio Manage \(Conwell Investments, LLC.00002](#)
Subject: Request for Reinstatement of Expired Applications - Conwell/Oak Springs Plat [Proj. 2013104463]
Date: Tuesday, March 29, 2022 4:40:00 PM
Attachments: [Oak springs plat Project# 2013104463.msg](#)
[RE Oak springs plat Project# 2013104463.msg](#)
[RE Assigned Reviewer Traffic StatusProj. No. 2013104463 - Oak Springs Plat.msg](#)
[image001.jpg](#)
Importance: High

Good afternoon Brett,

This firm represents Mark Conwell, the Applicant for the above-referenced preliminary plat.

I am writing to request the immediate reinstatement of my client's applications for this preliminary plat project, which the system is now inexplicably showing as being "expired". I do not see any correspondence notifying Mr. Conwell that the applications would be expired, and he confirmed for me that he had not received any such notice.

By way of background, this project was initially stalled due to traffic review comments related to the concurrency "white paper" requirements for the Marvin Road corridor following the Oak Tree Preserve project. The Applicant resubmitted a TIA responding to remaining County comments while we attempted to work negotiate reasonable alternatives to the "white paper" fees under the County's concurrency ordinance. There were then staffing changes at the County with Robert Smith's retirement – I'm attaching a string going back to 2019 to Robert asking who the new planner would be, and if SEPA could be issued. Things stalled again after that due to COVID. In March 2021, I followed up again in March of 2021 with the newly assigned planner (Ron Buckholt) asking for a hearing and indicating we would appeal the "white paper" condition if needed, but got no response through June of 2021; at that point he said he would review. Then, in October 2021, my client sent a request to Arthur Saint, which he responded to, saying that the traffic condition could be included similar to Manor House, and that he would need to identify the planner. Nothing else followed. After learning that the County has now deemed the Marin Road corridor concurrent, obviating the need for dispute over the "white paper" fees, I looked up the applications to follow up with the planner and inquire again about issuing SEPA and setting this for hearing – discovering at that point that the applications had been expired. It appears from my review of the file that all other departments had provided review comments and that there were no other outstanding requests to the Applicant at the point that the project was expired. Given the Applicant's repeated attempts over several years to have this matter set for hearing, the fact that the review delay was attributable to the County, and not the Applicant, and the lack of notice to the Applicant of the County's intent to expire the Project applications before doing so, I respectfully request that the project applications be immediately reinstated, a SEPA determination issued, and this project finally set for hearing.

Thank you in advance for your assistance and attention to this matter.

Best,

Heather

Heather Burgess

Attorney

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