

From: Doug Ruth <dougr@sumnerwa.gov>
Sent: Friday, January 17, 2025 9:53 AM
To: Emily Terrell
Cc: bowkerca@yahoo.com; jdunn@highline.edu; kadenshouse@comcast.net; Christina Neville-Neil; Doug Beagle; Andrea Marquez; olbrechtshaw@gmail.com
Subject: FW: Joint Request to Reopen the Record for the Sumner CUP-2024-0007

I am responding for Scott Waller since it is his day off.

I apologize for any prior ex parte contact by the City. I have included Mr. Bowker and Mr. Dunn on this message and will forward them the prior ex parte messages along with an explanation.

I am writing simply to clarify that the City's and the Library District's request was not for reconsideration, but leave to reopen the record to provide supplemental evidence. As such, it is timely. The request was in response to your very appropriate observation that the record needs to be reopened in order for you to receive additional information regarding a crosswalk at the library site. The parties are not asking you to reconsider a conclusion that you made based on a fully developed record. The parties are requesting leave to reopen the record to provide information on a topic that the parties did not address at the hearing. We are requesting that you give us the opportunity to fully develop the record on the crosswalk issue. The current record does not contain the facts necessary to evaluate the benefit of the proposed improvement. As you first noted, reopening the record is the remedy in this circumstance, not reconsideration. The parties agree with that.

If the joint request to reopen the record is not considered at this time, the parties will not have a meaningful opportunity to seek reconsideration, if necessary, after you issue a ruling. The record will be insufficiently developed to allow the parties to make substantial reconsideration arguments. The vague statements of the traffic study are insufficient for the parties to draw any conclusions about the crosswalk option. There exists other pertinent information, including evaluations by individuals with specialized knowledge about crosswalk design and location.

Please consider the parties' joint request to reopen the record prior to issuing a ruling.

Douglas Ruth
Deputy City Attorney
City of Sumner

From: Emily Terrell <emilyt@soundmunicipal.com>
Sent: Thursday, January 16, 2025 5:30 PM
To: Scott Waller <ScottW@sumnerwa.gov>

Cc: Doug Beagle <dougb@sumnerwa.gov>; Doug Ruth <dougr@sumnerwa.gov>; Phil Olbrechts <olbrechtslaw@gmail.com>

Subject: Re: Joint Request to Reopen the Record for the Sumner CUP-2024-0007

****EXTERNAL EMAIL****

The request for reconsideration is premature. I need to issue the final decision before a request for reconsideration is timely. Given the final action on the development agreement, I can now issue the final CUP decision. All parties of record (as opposed to just the city and applicant) need to be officially notified of that decision. Then we can entertain a request for reconsideration as part of the legal timeline.

My untimely issuance of the final decision prior to the completion of the development agreement unfortunately opened the door to ex parte contact. That needed to stop. We can now get back to the legally prescribed process.

I will issue the decision along with all ex parte contacts I have received. The entire package needs to be sent to all parties of record. Then we can proceed with a request for reconsideration.

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From: Scott Waller <ScottW@sumnerwa.gov>

Sent: Thursday, January 16, 2025 5:12:43 PM

To: Emily Terrell <emilyt@soundmunicipal.com>

Cc: Doug Beagle <dougb@sumnerwa.gov>; Doug Ruth <dougr@sumnerwa.gov>; Phil Olbrechts <olbrechtslaw@gmail.com>

Subject: RE: Joint Request to Reopen the Record for the Sumner CUP-2024-0007

Hi Emily,

The Library project development agreement has been approved by Council for authorization by the Mayor (attached). This allows the CUP to move forward. I did want to circle back on the request to reopen the hearing for the scope outlined below as I don't believe we've seen a decision on that request yet.

Thanks,

Scott Waller, Senior Planner

City of Sumner

Development Services Department

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scottw@sumnerwa.gov



From: Doug Ruth <dougr@sumnerwa.gov>

Sent: Thursday, January 9, 2025 5:14 PM

To: emilyt@soundmunicipal.com

Cc: Andrea Marquez <AndreaM@sumnerwa.gov>; Doug Beagle <dougb@sumnerwa.gov>;
olbrechtlaw@gmail.com

Subject: Joint Request to Reopen the Record for the Sumner CUP-2024-0007

Ms. Terrell

Thank you for your quick response last week to Sumner's message providing additional information regarding a midblock sidewalk at the new library site. In your response, you observed that you would need to reopen the record to consider new information on the topic. Since this is an important matter to the parties, the City and Library District would like to proceed in that manner. As you noted, the current record is largely devoid of any discussion of the topic. Attached is a joint request to reopen the record for the limited purpose of submitting written material germane to the crosswalk condition. If you see fit to reopen the record, the City is happy to notify the other parties of record of your ruling.

(I'll quickly draw your attention to one typo, caught after the parties signed the request. The fourth sentence of the last paragraph incorrectly contains a "not" before "be removed". The sentence should read, "Both parties will independently provide the examiner facts that they otherwise would have presented at the hearing if they had not previous reviewed, discussed and then agreed as part of the SEPA analysis that a crosswalk should be removed from consideration.")

Thank you for your consideration,

Douglas Ruth
Deputy City Attorney
City of Sumner

