## **B-14**

## BEFORE THE HEARING EXAMINER FOR THE CITY OF SEDRO-WOOLLEY

In the Matter of the Appeal of	)	No. LP-2019-389
<del></del>	)	
Allen Emerson, et al.	)	
	)	
	)	
Of a Mitigated Determination	)	ORDER ON REQUEST
Of Nonsignificance	)	FOR CONTINUANCE

TO: Allen Emerson, on behalf of Appellants
Via email to: allen.emerson@comcast.net

Tim Woodmansee, Applicant Representative Via email to: tim@BYKconstruction.com

John Coleman, City Planning Director Via email to: jcoleman@ci.sedro-woolley.wa.us

Katherine Weir, City Assistant Planner and Clerk to the Hearing Examiner Via email to: kweir@ci.sedro-woolley.wa.us For Official File

PLEASE TAKE NOTICE that on January 27, 2020, the City of Sedro-Woolley received an appeal of a Mitigated Determination of Nonsignificance issued under the State Environmental Policy Act for a proposed Planned Residential Development on McGargile Road. The appeal hearing has been consolidated with the underlying application. On March 7, 2020, the Appellant sent an email request for at least a 30-day postponement of the hearing, due to concerns with possible exposure to the Covid-19 virus. On March 9, 2020, the City responded as follows:

- the City is opposed to a continuance;
- the Applicant should be allowed due process;
- the City does not plan to close its facilities;
- there are no current reports of COVID-19 in Skagit County;
- the City is willing to accommodate witness testimony via SKYPE; and
- the hearings chamber can accommodate six feet of social distancing.

The Applicant also submitted a response, concurring with the City, and requesting that the hearing move forward as scheduled.

Order on Request for Continuance City of Sedro-Woolley Hearing Examiner Emerson, et al., Appeal of an MDNS No. LP-2019-389 The Hearing Examiner's Chapter II, Rules of Procedure Sec. 2.9.2 provides:

## At the Request of a Party or Parties

Any party of record may request continuance of a hearing.

- a. The request, if made prior to the hearing, must be in writing and state reasonable grounds for a continuance.
- b. The request for continuance must be submitted to the Hearing Examiner and all parties of record a minimum of two (2) weeks prior to the date of the hearing. Other parties may submit a response to the request for continuance a minimum of one (1) week prior to the date of hearing.
- c. The parties may submit a joint request for continuance to the Hearing Examiner a minimum of three (3) working days prior to the date of the hearing.
- d. More than one request for continuance per party is disfavored.
- e. If the request is made orally at the hearing it must be based on reasonable grounds.
- f. The Hearing Examiner shall have discretion to grant or deny the request for continuance.

While recognizing that there are valid concerns regarding the current Covid-19 virus situation, the Hearing Examiner finds that the City's offer to allow appeal hearing witnesses to testify offsite would mitigate the risks involved. Therefore, the Appellant's request is **DENIED**. The consolidated appeal and application hearing will be held on March 24, 2020, as planned. The appeal hearing (with testimony limited to those identified on the parties' witness lists) will take place at 10:00 AM, to be followed by the open-record application hearing.

SO ORDERED this 10<sup>th</sup> day of March 2020.

ANDREW M. REEVES

Hearing Examiner Sound Law Center

<sup>&</sup>lt;sup>1</sup> Should circumstances change such that City facilities are to be closed on the hearing date, the City shall immediately notify the parties and the Hearing Examiner.