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Sno-King Environmental Protection Coalition

Snohomish County says "No" to BSRE again

Snohomish County has finally released its recommendation on BSRE's latest development application for Point Wells, and once again is saying "No".

The County had previously denied BSRE's application in 2018, but BSRE won the right to re-apply. Their new application submitted last December called for a slightly smaller development but did nothing to address many of the objections raised by the County back in 2018.

Still no mass transit and still building in a hazardous area

The two biggest problems the County found with the original application were no access to mass transit and placing buildings in a landslide hazard area where buildings are not allowed. Instead of addressing these issues in the new application BSRE asked the County to grant them variances that would allow BSRE to just ignore those requirements. The County found that BSRE did not meet the requirements necessary to grant the variances so refused the request. As far as the County was concerned that essentially killed the application.

Next steps

The County's recommendation to deny the application now goes to the Hearing Examiner. By law the Hearing Examiner is not required to follow the County's recommendation and has the power to ignore the recommendation and approve the application with or without specific limitations. While possible, we believe approval in any condition is unlikely to happen since BSRE has not resolved the issues that caused the Hearing Examiner to deny the original application.

The Hearing Examiner will set a date for a public hearing and then issue a ruling. If the ruling is to deny the application, BSRE can ask for the Hearing Examiner to reconsider the ruling, then appeal the ruling to the County Council, then appeal the Council's ruling to

Superior Court. BSRE took all these steps with the original application, so we should be prepared for the same extended process again.

It's not clear when the current pandemic situation will ease enough to allow the date for the public hearing to be set. Complicating matters even more, BSRE has asked the Hearing Examiner to delay the public hearing until after the Court of Appeals issues a ruling on BSRE's appeal of the denial of their first application (yes, that first application is not officially totally dead yet). The Hearing Examiner asked BSRE to submit a brief explaining why he should delay the public hearing so the decision on that request won't come until sometime in July.

Quick update on BSRE vs. Paramount Petroleum

We've heard nothing new on the parallel legal action between BSRE and Paramount Petroleum, the former owner and current tenant on the Point Wells property. As we covered in our [last newsletter](#), BSRE is suing Paramount to force them to dismantle all the equipment on the site since Paramount's 10 year lease is ending. In turn, Paramount is suing BSRE to get back ownership of the property claiming BSRE did not fulfill all the terms of the sales contract. As far as we can tell there has been no resolution yet.

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