

KENYON DORNAY MARSHALL, PLLC

THE MUNICIPAL LAW FIRM

MICHAEL R. KENYON
MARGITA A. DORNAY
LISA M. MARSHALL
ROBERT F. NOE
BRUCE L. DISEND
SANDRA S. MEADOWCROFT

11 FRONT STREET SOUTH
ISSAQUAH, WASHINGTON 98027-3820
(425) 392-7090
(206) 628-9059
FAX (425) 392-7071

ELIZABETH A. ABBOTT
AARON J. WOLFF
STEVE C. KARIMI
STEPHEN R. KING
HEIDI L. BROSIUS
LAURA E. TWITCHELL
DAVID B. ST. PIERRE

August 8, 2001

RECEIVED

AUG 09 2001

CITY OF KENMORE

Mr. John C. McCullough
Phillips, McCullough, Wilson
Hill and Fikso
Market Place Tower, Suite 1130
2025 First Avenue
Seattle, Washington 98121-2100

Re: Kenmore/LakePointe -- CSDP and Shoreline Permit Tolling

Dear Jack:

Thank you for your memoranda dated July 13 and August 2, 2001, regarding provisions in the LakePointe commercial site development permit and shoreline permit which toll the applicant's responsibility to submit a building permit application under the Phasing Plan.

The City has reviewed the issues set forth in your memoranda, and concurs that both the now resolved administrative appeals of the commercial site development permit and the litigation settlement with the Department of Ecology, to be memorialized with the filing in court of a consent decree ordering site remediation, each independently trigger the tolling provisions included at Section 3.b(4) of the Phasing Plan and contemplated at Section 4 of the shoreline permit.

Under Section 3.b(3) of the Phasing Plan, and absent the tolling provisions described above, the applicant is required to "submit a building permit application for some portion of Phase I within one year of the date of approval of the Master Plan," which was approved with the commercial site development permit in August 1998.

Accordingly, the City considers the date of entry of the consent decree with the court to be the "date of approval of the Master Plan," for purposes of the applicant's obligation to submit within one year of such approval a building permit application for "some portion of Phase I." In this regard, I would also call your attention to Section 4 of the Phasing Plan, which permits

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the applicant to request a six month extension of the one year period, provided that the applicant is "proceeding diligently" and that the extension request is submitted in writing at least one month prior to the expiration of the one year period.

Please let me know if you have any questions or if you need further information. Thank you.

Very truly yours,

KENYON DORNAY MARSHALL, PLLC



Michael R. Kenyon

cc: Steve Anderson ✓
Bob Sokol