



May 1, 2017

Mr. Christopher J. Marston  
920 Fawcett Avenue  
Tacoma, WA 98401-1657

RE: PLN50177 SPR

Dear Mr. Marston;

The City is in receipt of your letter dated April 17, 2017, and your email response dated April 26, 2017. In your letter, you described specific items related to the pending site plan and design review land use application. The application was originally submitted on March 5, 2015, for 10 units, and was revised to 5 units on September 9, 2016. In your e-mail, you requested that the City review the original request for 10 units and that the City either approve or deny the application.

City staff have considered the two options you presented. From the City's perspective, there are two options for your client's consideration. I consulted with the City Attorney and the City's position regarding vesting continues to be that Ordinance 2016-1 governs in this situation and that your client is not vested to the plan review application. See, e.g., *Abbey Road Group, LLC v. City of Bonney Lake*, 167 Wn.2d 242, 250 (2009); *Deer Creek Developers, LLC v. Spokane County*, 157 Wn. App. 1, 17 (2010). By extension, the City believes that the increased buffer does apply to the project. In that context, the City offers the following two options for your client to consider: (1) For the City to review the application for 10 buildings and proceed with a recommendation of denial; or 2) For the City to proceed with reviewing the revised application for 5 buildings.

I believe this letter is responsive to your April 17 letter. We are hopeful that this matter can be amicably resolved with the review of the revised application for five (5) buildings. We look forward to your written response regarding your client's position within fourteen (14) days from the date of this letter.

Sincerely,

A handwritten signature in cursive script that reads 'Heather Wright'.

Heather Wright  
Senior Planner

Cc. Therese McGuire

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