

BEFORE THE CITY OF OLYMPIA HEARINGS EXAMINER

<p>3 In the Matter of:</p> <p>4 WELLINGTON HEIGHTS.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>HEARING NO. 18-1315</p> <p>ORDER CONTINUING HEARING AND RETURNING THE SEPA MDNS TO CITY STAFF FOR FURTHER CONSIDERATION</p>
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6 As more fully explained in the Order on Motion to Continue dated December 13, 2018,  
7 during the public hearing on the above entitled matter an interested party, Mauri Shuler,  
8 appearing through her attorney, Allen T. Miller, moved to continue the hearing on the basis that  
9 proposed changes to the conditions attached to the SEPA MDNS should be done at the City Staff  
10 level rather than be imposed by the Hearing Examiner. Ms. Shuler's Motion was deferred to the  
11 end of the public hearing to allow members of the public who were present to testify. At the  
12 conclusion of public testimony Ms. Shuler's Motion was given further consideration, and the  
13 City and the Applicant were given until Monday, December 17, 2018, to provide further written  
14 briefing as to why the Motion should be denied. Ms. Shuler was then given until Friday,  
15 December 21, 2018, to respond to this briefing.

16 The City and the Applicant separately responded: The Applicant argues that it is within  
17 the Hearing Examiner's authority to modify the conditions imposed under SEPA and that it is  
18 therefore unnecessary to return this matter to City Staff for further consideration. City Staff  
19 disagrees. It concludes that as the requested changes are a significant modification to the  
20 conditions imposed under SEPA they should be made by Staff rather than by the Hearing  
21 Examiner. The City therefore asks that the Examiner return the SEPA MDNS to Staff for  
22 modifications and issuance of a revised SEPA Determination. The revised SEPA Determination  
23 will then be subject to the comment and appeal periods as required by Olympia Municipal Code.

24 As it is the City's SEPA Determination, and the City asks to have it returned, little  
25 argument can be made that this should not be allowed. In light of the City's response it is no

1 longer necessary to have further response from Ms. Shuler. Pursuant to the City's response it is  
2 hereby ordered as follows:

3 1. The SEPA Determination shall be returned to City Staff for consideration of  
4 modification to the conditions of approval. The SEPA Determination, if revised, will be subject  
5 to the comment and appeal periods as required by Olympia Municipal Code.

6 2. Once review of the SEPA Determination has been completed the public hearing  
7 shall be resumed along with any appeal of the revised SEPA Determination.

8 DATED this 18<sup>th</sup> day of December, 2018.

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12 Mark C. Scheibmeir  
13 City of Olympia Hearing Examiner  
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