

B-15

Tim Woodmansee

From: Tim Woodmansee
Sent: Monday, March 9, 2020 3:44 PM
To: Allen Emerson; david@soundlawcenter.com
Cc: jcoleman@ci.sedro-woolley.wa.us; kweir@ci.sedro-woolley.wa.us
Subject: RE: LP-2019-389

Dear Sound Law Center,

This email is in response to Allen R. Emerson, et al. (The Appellant's) email on March 7th 2020 to request a minimum thirty (30) day postponement for the scheduled hearing date of March 24th 2020 under LP-2019-389. I am the Applicant Representative in the Matter of the Appeal of Allen Emerson, et al. Of a Mitigated Determination Of No Significance. The Applicants request the Hearing stay on schedule for the March 24th 2020 date for the following reasons:

1. There have been no confirmed cases of COVID-19 in Sedro-Wooley or in Skagit County, however the virus is spreading quickly and to accommodate any concerns of the COVID-19 Virus we would propose that the Appellants can submit Written Witness Statements in lieu of being present in person at the Hearing, we would just request that the Written Witness Statements be submitted by Noon, March 17, 202 along with the Witness and Document Lists. Additionally, we support the opportunity that The City of Sedro-Woolley proposed in offering one-at-a-time video conference via Skype to allow witnesses to testify at the Appeal Hearing on March 24th, 2020 without having to be physically there.
2. Postponing the scheduled Hearing Date of March 24th would cause financial burden to us that is unnecessary.
3. Shortly after we posted our Notice of Application and SEPA comment period our company received a phone call from an Allen Emerson (The Appellant's Representative) sometime around the 3rd week of November of 2019. Mr. Emerson was connected to the President of BYK Construction Inc. Paul Woodmansee. In this phone call Mr. Emerson complemented BYK Construction Inc. and the various projects that BYK has completed and projects that were either under construction or in the planning stages. Succeeding the complements was the root of why Mr. Emerson was calling he went on to explain that he was not happy about a residential development in his neighborhood. He went on to inform us that he was going to "fight us tooth and nail" and that he was going to do anything and everything to stop our project from moving forward and if he couldn't stop it he was going to **delay** it as long as possible. After the Appellant Allen Emerson politely made us feel threatened, I can't help but feel this request is an attempt to postpone the scheduled Appeal Hearing Date and to make good on his intent to try to prevent and delay the project. Mr. Emerson has been the leader among the Appellants, including rallying the neighbors and handing out talking points for the neighbors to use for public comments.

We fully support John Coleman's (The City of Sedro-Woolley) email in response to the request for postponement that was sent earlier today on March 9th 2020. We look forward to hearing back from you on this matter as this could greatly impact our project.

Thanks,

Tim Woodmansee
VP BYK Construction Inc.
360-421-1221
tim@bykconstruction.com

From: Allen Emerson <allen.emerson@comcast.net>

Sent: Saturday, March 7, 2020 11:04 AM

To: david@soundlawcenter.com

Cc: Tim Woodmansee <Tim@bykconstruction.com>; jcoleman@ci.sedro-woolley.wa.us; kweir@ci.sedro-woolley.wa.us; allen.emerson@comcast.net

Subject: LP-2019-389

Dear Sound Law Center

The appellants In The matter of The Appeal of Allen Emerson, et al., No. LP-2019-389 are requesting at least a thirty (30) day postponement under LP-2019-389. The reason for the requested postponement is the fact that several of my witnesses are well over the age of 60 and are very concerned about meeting in a public location at this time. I would refer you to this website: <https://www.cdc.gov/coronavirus/2019-ncov/> When you reach this website scroll down and click on "People At High Risk and Special Population. That will bring you to "People at Higher Risk for Covid-19 Complications. This information speaks for itself in justifying a delay in our hearing for at least 30 days. At the end of thirty days there should be more information regarding the Covid-19 virus and, hopefully, a safer environment for senior citizens. As you know, Washington State is the hardest hit state in the union with now over 70 confirmed cases of the Covid-19 virus and over 11 deaths in King and Snohomish Counties.

The appellants are prepared to present their case and will be submitting exhibits to the clerk for the hearing examiner. However, there exists a clear and present danger for people over sixty when they are in a group setting. Looking forward to hearing from you on this matter as early as possible so we can carefully review your decision.

Sincerely,

Allen R. Emerson
CCR #2367
WA