

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 25-331

AFFIRMING THE HEARING EXAMINER'S DECISION IN THE
CLOSED RECORD APPEAL OF EASTVIEW VILLAGE,
FILE NO. 22-113955 SPA; 22-117395 PSD; 22-117404 PSD; 22-114101 SPA; 22-
117398 PSD/SPA; 24-113099 SPA; 22-117447 SPA

WHEREAS, Pacific Ridge-DRH, LLC applied to Snohomish County for preliminary approval of a mixed-use commercial and residential development commonly known as "Eastview Village" consisting of the following related project applications: Preliminary Planned Residential Development subdivision, Planned Residential Development official site plan, Preliminary Subdivision, Urban Residential Development Standards administrative site plan, and Single-Family Detached Unit site plan, on property located in unincorporated Snohomish County at 18915 Cathcart Way, Snohomish, Washington, consisting of eight (8) parcels totaling 144.88 acre; and

WHEREAS, the Snohomish County Hearing Examiner held an open record hearing commencing on November 21, 2024, and concluding on December 30, 2024; and

WHEREAS, the Snohomish County Hearing Examiner issued an Amended Decision After Reconsideration on April 30, 2025 ("Decision"), approving the foregoing development applications, subject to specific conditions; and

WHEREAS, Deborah Wetzel, as representative of forty-one (41) individually named appellants, appealed the Decision of the Hearing Examiner, under SCC 30.72.065; and

WHEREAS, the County Council held a closed record appeal hearing on July 2, 2025, to consider the appeal; and

WHEREAS, after considering the appeal based upon the record and the argument of the appellants, the applicant, and several parties of record, the County Council approves a motion to affirm the Hearing Examiner's Decision dated April 30, 2025, with certain findings added as described below;

NOW, THEREFORE, ON MOTION:

Section 1. The Snohomish County Council makes the following findings of fact and conclusions:

1. The County Council adopts the findings and conclusions of the Hearing Examiner in the matter of Eastview Village, File No.s 22-113955 SPA; 22-117395 PSD; 22-117404 PSD; 22-114101 SPA; 22-117398 PSD/SPA; 24-113099 SPA; 22-117447 SPA, set forth in that Decision dated April 30, 2025.

2. The County Council adopts the following additional findings and conclusions:

- a. Pursuant to SCC 30.61.030(1) a determination by PDS that a project proposal is exempt from SEPA review is “final and not subject to administrative review.” Notice of PDS’ determination of exemption was set forth in the Revised Notice of Application as published on September 7, 2024. (Ex. F.2). Accordingly, the Hearing Examiner correctly concluded that it did not have jurisdiction to review the Department’s SEPA exemption determination and, thus, all issues challenging the SEPA exemption determination and related arguments alleging failure to consider various impacts claimed to constitute an environmental impact for purposes of review under SEPA were previously summarily dismissed in accordance with SCC 30.72.075(1) by motion dated July 1, 2025.
- b. Pursuant to that Interlocal Agreement (ILA) between the County and the Washington State Department of Transportation (WSDOT) and related amendments (Ex. M.11-M.15), the County’s obligations under that ILA are limited to providing WSDOT notice and opportunity to participate in review of development applications within unincorporated Snohomish County that may impact the State’s transportation system, and to recommend imposing the mitigation measures requested by WSDOT as a condition of development approval as provided for under that ILA. (ILA, Sections 3.1-3.3). Beyond the above, the ILA vests in WSDOT the discretion to determine the requisite traffic analysis and related road system improvements and/or mitigation to be required under the ILA. (ILA Sections 5.1-5.11). The County lacks authority under the ILA to require WSDOT to insist on additional traffic analysis beyond that deemed sufficient by WSDOT (Ex. H.6); or to require WSDOT to request or impose additional road system improvements or mitigation for impacts to state transportation facilities beyond that deemed appropriate by WSDOT (Ex. M.16). Accordingly, all issues challenging WSDOT’s compliance with the ILA and/or the adequacy of the traffic analysis and mitigation accepted by WSDOT under the ILA are denied and the Hearing Examiner’s decision not to impose additional mitigation requirements for impacts to State transportation facilities beyond those requested by WSDOT is affirmed.
- c. Pursuant to SCC 30.66B.210(3), if a location uninvestigated by the department of public works is brought to the attention of a hearing body at public hearing as a potential Inadequate Road Condition (IRC), the hearing body is required to determine if investigation is warranted. In the present case, appellants allege that the Hearing Examiner failed to consider or address alleged IRC conditions raised at the hearing in this matter. (Appeal, Issue D. pg.s 15-23). The Council has reviewed the record and finds that the Department reviewed potential IRC conditions at the three nearest intersections to the development on Cathcart Way (Ex. C.10-C.11), as well as requiring a supplemental traffic analysis to evaluate the internal intersection of 144th Place SE and the extension of Puget Park Drive within the development (Ex. C.1.2). In addition, the applicant was required to provide traffic analysis of four additional intersections impacting SR-9 and SR-96 as part of WSDOT’s review of impacts to the State transportation system. (Ex. C.1.4). These

studies did not identify any IRC conditions as a result of the proposed development other than at the primary entrance to the development at the intersection of Cathcart Way and the extension of Puget Park Drive for which mitigation has been proposed in the form of a two-lane roundabout with pedestrian/bicycle treatments. (Ex. C.11, pg. 4). In this regard, it is recognized that appellants made passing reference to other road segments or intersections that might warrant investigation as follows:

Even without access to collision history, it is prudent of me to highlight some locations that may be worth evaluating for a forecast IRC study as it relates to this development and to address cumulative impacts for developments in the “pipeline.”

(Ex. L.35, pg. 28). Such passing reference to additional intersections which “**may be worth evaluating**” as potential IRCs is insufficient to constitute a basis for invoking SCC 30.66B.210(3) requiring further determination absent some allegation that a potential IRC condition actually exists or will exist at the identified intersection or road segment as a result of the proposed development. Notwithstanding the above, Council finds that the scope of the traffic review performed in this matter investigated all potential IRC road segments or intersections likely impacted by the proposed development and, thus, that additional investigation of other road segments or intersections beyond those evaluated in the various traffic studies as potential IRCs was not warranted.

Section 2. The County Council hereby affirms the Decision of the Hearing Examiner dated April 30, 2025, in the matter of Eastview Village, File No.s 22-113955 SPA; 22-117395 PSD; 22-117404 PSD; 22-114101 SPA; 22-117398 PSD/SPA; 24-113099 SPA; 22-117447 SPA

DATED this ____ day of July, 2025.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Council Chair

ATTEST:

Deputy Clerk of the Council