

**SNOHOMISH COUNTY COUNCIL  
INDEX TO FILE**

FILE: MA Center PNW No. 19-104584 CUP  
DATE: Closed Record Appeal Hearing - Wednesday, May 25, 2022 @ 10:30 a.m.,  
continued to May 31, 2022 @ 10:00 a.m.  
COUNCIL STAFF: Ryan Countryman/Deb Bell  
PDS STAFF: Stacey Abbott  
PA: Jessica Kraft-Klehm

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**The complete Hearing Examiner record is available upon request of the Clerk of the Council**

**Exhibit No.**

V.21 Council Staff Report from Ryan Countryman, Sr. Legislative Analyst, Council Staff,  
dated 05/25/22

**I. Appeal Letter**

- V.1 Appeal Letter received via e-mail April 8, 2022, @ 4:42 p.m. from Peter Eglick,  
Attorney for the Appellants, Darlene Jones and Wellington Hills Neighbors
- V.2 Letter dated April 8, 2022, received via e-mail, from Peter Eglick, Attorney for the  
Appellant, regarding availability and request for scheduling.

**II. Examiner's Decision**

- V.3 Corrected Decision of the Snohomish County Hearing Examiner dated March 25, 2022
- V.3a Order Correcting Clerical Error in Decision of the Snohomish County Hearing Examiner  
dated March 25, 2022
- V.4 Order Denying Petition for Reconsideration of the Snohomish County Hearing  
Examiner dated March 25, 2022
- U.1 Petition for Reconsideration dated March 7, 2022

**Hearing Examiner List of Exhibits** (*Exhibits available upon request at [contact.council@snoco.org](mailto:contact.council@snoco.org)*)

**Hearing Examiner Parties-of-Record**

**III. Copies of Hearing Examiner exhibits cited and/or germane to the appeal**

- K.1 Staff Recommendation
- D.1 Zoning Map
- D.2 Vicinity Map
- E.1 Determination of Nonsignificance with Environmental Checklist

**The following are additional exhibits listed in order as cited in the Appeal Letter (Exhibit V.1)**

- A.1 Revised Master Permit Application
- Q.7 e-permit October 26, 2018, for 30KAMMA Worship Hall
- Q.17 Geotechnical Report
- Q.55 Notice of Application includes names
- P.8 Motion for Remand for Failure of Notice
- Q.56 Master Permit Application
- C.4 Critical Area Study and Wetland Mitigation Plan Report
- Q.51 Comment Response Letter dated June 23, 2020, from Brian Kalab of Insight Engineering Co.
- Q.32 Planning & Development Services' 2<sup>nd</sup> Review Completion Letter dated November 20, 2020
- Q.34 Planning & Development Services' 3<sup>rd</sup> Review Completion Letter dated January 26, 2021.
- Q.25 E-mails between Stacey Abbott, PDS Staff, and Prakash Vaidyanathan, Applicant, and Raven Campbell, Insight Engineering Co.
- I.49 E-mails between Katrina Stewart, resident, and Stacey Abbott, PDS Staff, from November 09, 2021, through November 19, 2021
- I.10 E-mail from Raymond Dorsch to Stacey Abbot, PDS Staff, dated November 10, 2021
- P.14 Appellant's Reply in Support of Motion for Remand Due to Failure of Notice
- S.3 Master Permit Application, dated March 25, 2019
- A.2 MA Center Project Narrative
- Q.2e Appellant's Hearing Brief RE SEPA Appeal and CUP Application
- I.38 E-mail from Saint Newton, Paragon, Real Estate Advisors, to Stacey Abbot, PDS Staff, dated November 9, 2021
- I.8 E-mail from Dani to Stacey Abbot, PDS Staff, dated November 3, 2021
- I.27 E-mail from Melanie Kanz to Stacey Abbot, PDS Staff, dated November 10, 2021
- I.72 E-mail from Patricia Olmsted to the Hearing Examiner and Stacey Abbot, PDS Staff, dated January 25, 2022
- I.5 E-mail from Kevin Bremer to Stacey Abbot, PDS Staff, dated November 10, 2021
- P.10 Applicant's Response to Motion to Remand for Failure of Notice
- Q.67 Information titled "About the Center"
- L.7 Applicant's MA Center DC Presentation

**Exhibits not considered by the Hearing Examiner referenced generally in the Appeal Letter. See page 8 of the Hearing Examiner Decision**

- Q.7 Preapplication submittal - e-permit October 26, 2018, for 30KAMMA Worship Hall
- Q.38 E-mails to Darlene Jones and Stacey Abbott, PDS Staff, from March 23, 2020, through April 14, 2020, re expiration of application
- Q.39 E-mails between Don and Jeanne Anglin and Jennifer Lenz, PDS Staff, from March 14, 2020, through March 16, 2020, re status of application
- Q.48 Snohomish Health District letter dated May 8, 2019, disapproving of septic system
- Q.49 Application and design of septic system
- Q.50 Snohomish Health District approval of design of septic system
- Q.68 Meeting minutes December 9, 2015, AEGIS Engineering – Fire Protection Code Requirements
- Q.70 Comments from Linda Gray re Paradise Lake Apartments
- Q.71 Comments from Michael Fitzgerald, Fire Marshal Fire District 7, re Paradise Lake Apartments, dated June 19, 2017

**IV. Responses to Appeal**

- V.5 Written Argument from Robert Boesche, Party-of-Record, submitted via e-mail and received on April 28, 2022, at 2:21 p.m.
- V.6 Written Argument from Don and Jeanne Anglin, Parties-of-Record, submitted via e-mail and received on April 28, 2022, at 2:40 p.m.
- V.7 Written Argument from Erik Hagstrom, Party-of-Record, submitted via e-mail and received on April 28, 2022, at 8:01 p.m.
- V.8 Written Argument from David Potter, Party-of-Record, submitted via e-mail and received on April 28, 2022, at 9:33 p.m.
- V.9 Written Argument from Chris Johnson, Party-of-Record, submitted via e-mail and received on April 29, 2022, at 10:15 a.m.
- V.10 Written Argument from Gary Brzezinski, Party-of-Record, submitted via e-mail and received on April 29, 2022, at 12:27 p.m.
- V.11 Written Argument from Sharon and Landy Franz, Party-of-Record, submitted via e-mail and received on April 29, 2022, at 1:18 p.m. *(Only Sharon Franz is listed as a Party-of-Record)*
- V.12 Written Argument from Linda Gray, Party-of-Record, submitted via e-mail and received on April 29, 2022, at 2:20 p.m.
- V.13 Written Argument from Linda Gray, Party-of-Record, submitted via e-mail and received on April 29, 2022, at 4:05 p.m.
- V.14 Written Argument from Kent Grimes, Party-of-Record, submitted via e-mail and received on April 29, 2022, at 3:11 p.m.

- V.15 Written Argument from Sean Martin, Party-of-Record, submitted via e-mail and received on April 29, 2022, at 4:43 p.m.
- V.16 Written Argument from Nicole De Leon, Attorney for the Applicant, submitted via e-mail and received on April 29, 2022, at 1:19 p.m.

**Hearing Examiner exhibits listed in order as cited in applicant's written argument (added to Hearing Packet 05/16/22)**

- P.8 Motion for Remand for Failure of Notice
- P.4 Order Denying Appellant's Motion to Continue as Moot
- E.1 Determination of Nonsignificance with Environmental Checklist
- F.3 Posting Verification – Notice of Cancellation and Reschedule of Open Record Hearing, Notice of Open Record Hearing, Threshold Determination, and Concurrency and Traffic Impact Fee Determinations
- C.1 Traffic Report
- V.17 Request for Summary Dismissal Order from Nicole De Leon, Attorney for the Applicant, MA Center PNW, submitted via e-mail and received on April 29, 2022, at 1:19 p.m.

**V. Rebuttal**

- V.18 E-mails between Josh Whited, Attorney for the Appellant, and Debbie Eco, Snohomish County Clerk of the Council, from May 4, 2022, through May 5, 2022.
- V.19 E-mails between Josh Whited, Attorney for the Appellant, Nicole De Leon Attorney for the Applicant, Jessica Kraft-Klehm, Snohomish County Deputy Prosecuting Attorney, and, Debbie Eco, Snohomish County Clerk of the Council, from May 4, 2022, through May 5, 2022. (updated 05/12/22 @ 10:00 a.m.)
- V.20 Written Rebuttal of Applicant Argument, Request for Reconsideration of Prior Council Order Erroneously Dismissing Issues & Response to Applicant Further Request for Summary Dismissal from Josh Whited, Attorney for the Appellant, submitted via e-mail and received on May 6, 2022, at 4:10 p.m.

**Hearing Examiner exhibits listed in order as cited in appellant's written rebuttal of argument and request for reconsideration (added to Hearing Packet 05/16/22)**

- I.49 E-mails between Katrina Stewart, resident, and Stacey Abbott, PDS Staff, from November 09, 2021, through November 19, 2021
- I.10 E-mail from Raymond Dorsch to Stacey Abbot, PDS Staff, dated November 10, 2021
- Q.7 Preapplication submittal - e-permit October 26, 2018, for 30KAMMA Worship Hall
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- P.8 Motion for Remand for Failure of Notice
- Q.51 Comment Response Letter dated June 23, 2020, from Brian Kalab of Insight Engineering Co.

- A.2 MA Center Project Narrative
- E.1 Determination of Nonsignificance with Environmental Checklist

## **VI. Submissions/Exhibits Entered for Council Closed Record Appeal**

- V.22 Motion No. 22-174, order summarily dismissing SEPA-related issues in the closed record appeal of MA Center PNW, File NO. 19-104584 CUP, approved by Snohomish County Council April 20, 2022
- V.23 Original Decision of the Snohomish County Hearing Examiner dated February 25, 2022
- V.24 Sign in Sheet – Parties-of-Record providing oral argument at public hearing 05/25/22
- V.25 Verification of Appeal Received by Cindy Todd, PDS 04/11/22 @ 10:58 a.m. (Appeal received on 04/08/22)
- V.26 Notice of Closed Record Appeal – sent 04/15/22
- V.27 Affidavit of Mailing – Notice Closed Record Appeal – e-mailed and U.S. mailed on 04/15/22
- V.28 Affidavit of Publication – Notice of Closed Record Appeal – 04/22/22
- V.29 Letter to applicant/posting notice – 04/15/22
- V.30 Notarized statement/affidavit - applicant posting notice – 04/18/22
- V.31 Official Notice of Council Decision w/Motion 22-239 – issued 06/01/22
- V.32 Affidavit of Mailing - Official Notice of Council Decision – e-mailed on 06/01/22 – U.S. mailed on 06/02/22