



# Snohomish County Council

## Public Hearings

### Meeting Minutes

Megan Dunn, Council Chair  
Jared Mead, Council Vice-Chair  
Councilmembers: Stephanie Wright, Sam Low, Nate Nehring

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Wednesday, May 25, 2022

10:30 AM

Jackson Board Room  
& Remote Meeting

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#### CLOSED RECORD APPEAL HEARING – MA Center PNW

#### PRESENT:

Council Chair Dunn  
Council Vice-Chair Mead (*remote*)  
Councilmember Wright (*not present*)  
Councilmember Low  
Councilmember Nehring  
Deb Bell, Council Staff  
Jessica Kraft-Klehm, Prosecutor's Office (*remote*)  
Peter Eglick, Attorney for the Appellant  
Donald Marcy, Attorney for the Applicant  
Nicole De Leon, Attorney for the Applicant  
Debbie Eco, Clerk of the Council  
*\*See names below for parties-of record who provided oral argument*

#### CALL TO ORDER

Council Chair Dunn called the closed record appeal hearing to order at 10:30 a.m.

#### ROLL CALL

The clerk called the roll and stated that four members were present.

1. Council considers an appeal of the Snohomish County Hearing Examiner's March 25, 2022, Corrected Decision in the case of MA Center PNW, File No. 19-104584 CUP located at 23110 75th Ave SE, Woodinville, Washington 98072, approving the Conditional Use Permit for the religious service facility [2022-0520](#)

The clerk read the formal title of the appeal into the record.

Chair Dunn asked for any statements or disclosures from councilmembers.

Chair Dunn stated that she directed her staff to respond to any e-mails addressed to her related to this appeal notifying the sender that councilmembers were prohibited from ex parte communications and receiving information related to the appeal that is not already in the administrative record or arguments presented as part of the appeal hearing. She said she has not heard *[read]* nor considered any such e-mails and she has not had any ex parte communications related to this appeal. Councilmembers Low, Nehring, and Mead stated the same disclosure.

Chair Dunn said she looked for disclosure items and she did not find any, but said if there were any it would not influence her decision today. Councilmembers Low, Nehring, and Mead stated the same disclosure.

Chair Dunn addressed the following procedural items:

Council received two pre-hearing requests on this appeal that it will address prior to hearing oral arguments. The first pre-hearing request was made by the Applicant on April 29th for summary dismissal of Appeal Issue 6 in its entirety. The second pre-hearing request was made by the Appellants on May 6th for reconsideration of Council's order entered by Motion 22-174, and which summarily dismissed Appeal Issue 1 and Appeal Issues 5 and 6 in part and to the extent they related to SEPA appeal issues or the SEPA appeal process.

Regarding the first pre-hearing request, Council will take action on the Applicant's request for summary dismissal of Appeal Issue 6. She asked if there was a motion.

**ACTION:** Vice-Chair Mead made a motion to deny the Applicant's request to summarily dismiss the remainder of Appeal Issue 6. Councilmember Low seconded the motion and it carried unanimously by the four members present.

Regarding the second pre-hearing request, Council will not take action on Appellants' request for reconsideration of Council's summary dismissal order. The County Code does not provide a process for requesting reconsideration of summary dismissal orders and so Council will not consider Appellants' request. All written arguments submitted by the parties and oral argument presented today will be considered in the context of the remaining Appeal Issues.

Chair Dunn asked if there were any other procedural items to discuss.

Peter Eglick, Attorney for the Appellants, noted for the record, that he has raised concerns related to ex parte communications between the Council's law clerk and the Applicant's attorney. He said he has asked for full disclosure on the record of the materials that have been exchanged and has received the first installment last night (May 24th at 5:30 p.m.). He said he is not asking to argue this now, but wants to note it for the record that the concern is raised. Mr. Eglick noted a parallel concern about ex parte contact between the attorney acting as law clerk for the Council and the attorney for PDS, Brian Dorsey. He said he would also like that to be made of record. He said he has not received full materials requested pursuant to the Public Disclosure Act, but would like to have on record that the request was made and they are raising the objection and would like this to be part of what goes to Superior Court for review if Council does not take any action. Mr. Eglick responded to Councilmember Low's questions. Chair Dunn noted Mr. Eglick's concerns.

Deb Bell, Sr. Legislative Analyst, provided a detailed staff report.

Chair Dunn provided instructions for oral argument and instructions for parties-of-record wishing to provide argument for both in-person and remote via Zoom. She then opened the oral argument portion of the hearing.

Peter Eglick, Attorney for the Appellants, provided oral argument on behalf of his clients, Darlene Jones and Wellington Hills Neighbors, asking that the Council remand the Decision; to be sent back to the Hearing Examiner for re-hearing with a different Hearing Examiner.

The following parties-of-record provided oral argument:

1. Don Anglin
2. Jeanne Anglin
3. Vicki Marshall
4. Cat Gustafson
5. Tina Stewart
6. Ken Steben
7. William Lider

Donald Marcy, Attorney for the Applicant, objected to Mr. Lider's arguments, he said they were not part of the appeal record. Chair Dunn asked Mr. Lider if his arguments were part of the record. Mr. Lider said probably not and said he would redirect. Nicole De Leon, Attorney for the Applicant, objected to further argument from Mr. Lider related to landscaping and noted that it was not part of the record. Mr. Eglick responded and said Mr. Lider should not be interrupted and noted that there should only be one lawyer, per party. Ms. De Leon disagreed. Chair Dunn noted the attorneys' arguments and asked Mr. Lider to keep his arguments within the record and to continue.

8. Sean Martin
9. Peter Gordon

10. Linda Gray

Mr. Marcy objected to Ms. Gray's arguments, he said they were not part of the appeal record. He also noted that Ms. Gray submitted written comments that should not be included in the record. Mr. Eglick responded and said there should be an opportunity for response, to be examined or granted and stated it would be unfortunate to start striking argument. Chair Dunn said she would consider. Ms. Gray continued. Chair Dunn noted that Ms. Gray's comments were going beyond the appeal issue and she asked her to keep her comments germane to the appeal.

11. Sherill Boyer

12. Glen Jones

13. Bianca Rodriguez

14. Kent Grimes

Donald Marcy, Attorney for the Applicant, provided oral argument on behalf of his client, MA Center PNW.

Mr. Eglick provided rebuttal and asked the Council to reverse and remand and order a hearing before a different Hearing Examiner.

There being no further argument, Chair Dunn closed the oral argument portion of the hearing calling for a motion or discussion of the Council.

Pursuant to RCW 42.30.140(2) at 12:20 p.m. Chair Dunn recessed the Council into and Executive Session to discuss a quasi-judicial matter for approximately 20 minutes with extension, if necessary, and with potential action to follow.

## **EXECUTIVE SESSION**

### **Quasi-Judicial Matter**

### **Pursuant to RCW 42.30.140(2)**

#### PRESENT:

Council Chair Dunn

Council Vice-Chair Mead (*remote*)

Councilmember Wright (*not present*)

Councilmember Low

Councilmember Nehring

Deb Bell, Council Staff

Heidi Beazizo, Council Staff

Nicole Gorle, Council Staff

Jessica Kraft-Klehm, Prosecutor's Office (*remote*)

Laura Kisielius, Prosecutor's Office

The Executive Session ended at 12:40 p.m.

Chair Dunn reconvened the Council at 12:42 p.m.

**ACTION:** Vice-Chair Mead made a motion to continue the hearing to Tuesday, May 31st at 10:00 a.m. immediately following Administrative Session. Councilmember Low seconded the motion and it carried unanimously by the four members present.

Chair Dunn stated there should not be any ex parte communication and Council will not accept any additional comments or public comments on this issue.

## **ADJOURN**

There being no further business, Chair Dunn adjourned the Council for the day at 12:43 p.m.