



Snohomish County Council

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MEMORANDUM

TO: Snohomish County Council
FROM: Deb Evison Bell, Senior Legislative Analyst
DATE: May 25, 2022
SUBJECT: Appeal of Hearing Examiner Decision: MA Center Conditional Use Permit (19-104584 CUP)

Purpose

This memorandum provides an overview of the closed record appeal hearing scheduled for May 25, 2022, under the provisions of [Chapter 30.72](#) of the Snohomish County Code (SCC).

The record for the council’s consideration of this appeal is limited to that which was before the Hearing Examiner and written argument timely filed with the council. Issues on appeal are limited to those raised by the appellant that are within the jurisdiction of the council. At the hearing, the council will take oral argument pertaining to the existing record. No new testimony will be taken and no new evidence or exhibits will be accepted unless specifically requested by the council and related to the issues raised in the appeal.

A closed record appeal is a quasi-judicial hearing and councilmembers must abide by the appearance of fairness doctrine, codified in [Chapter 42.36](#) of the Revised Code of Washington (RCW).

The Development Application

Mata Amritanandamayi Center (MA Center) proposes a religious service facility¹ in 8,819 square feet of existing buildings on an 11.43-acre site previously used as a single-family residence, accessory dwelling unit, and mobile home. MA Center will construct a 72-stall parking lot and rebuild the access point and driveway. MA Center intends to have up to 150 participants at its largest services on the weekends. Other activities during the week will draw approximately 30 people and will be scheduled to avoid beginning or ending during peak commuting hours on Monday through Friday.

¹ This council staff memorandum uses the phrase “religious service facility” rather than the word “church” for the same reasons described in footnote 1 on page 6 of the Hearing Examiner Decision (Council Exhibit V.3).

Timeline

April 11, 2019	MA Center submits development application for a conditional use permit for a religious service facility. Planning and Development Services (PDS) deemed it to be a complete application for purposes of review for compliance with applicable requirements.
April 19, 2019	PDS issues public notice of application by publication, posting, and mail to residents within 1,000 feet of the project site.
July 15, 2020 December 2, 2020 July 20, 2021	MA Center submits revised materials to PDS.
October 27, 2021	PDS issues a State Environmental Policy Act (SEPA) threshold Determination of Non-Significance (DNS) (H.E. Exhibit E.1).
October 27, 2021	PDS issues a combined public notice for an open record hearing, SEPA threshold determination, concurrency determination and traffic mitigation (H.E. Exhibits F.1, F.2 and F.3)
November 10, 2021	Appellant Darlene Jones files notice of an appeal of the DNS issued by PDS.
January 25, 2022	The Hearing Examiner conducts an open record hearing on the conditional use permit and SEPA appeal. SEPA appeal testimony began on January 25, 2022 and continued to February 4, 2022.
February 25, 2022	The Hearing Examiner issues the original decision, denying the SEPA appeal and approving the Conditional Use Permit subject to conditions.
March 7, 2022	Party of Record Linda Gray petitions the Hearing Examiner to reconsider the February 25, 2022, decision (H.E. Exhibit U.1).
March 25, 2022	The Hearing Examiner issues an order denying the petition for reconsideration (Council Exhibit V.4). The Hearing Examiner also issues an order to correct a clerical error in the original decision and a corrected decision (Council Exhibit V.3a). The corrected decision fixes the clerical error in the original decision but does not make any substantive changes (Council Exhibit V.3).
April 8, 2022	Appellants Darlene Jones and the Wellington Hills Neighbors file notice of an appeal of the March 25, 2022, corrected decision (Council Exhibit V.1).
May 25, 2022	The Snohomish County Council is scheduled to conduct a quasi-judicial closed record appeal hearing.

Planning & Development Services Staff Recommendation

On January 18, 2022, PDS issued a staff recommendation (H.E. Exhibit K.1). PDS found that the applicant had demonstrated consistency with the decision criteria for a conditional use permit and other requirements. Accordingly, PDS recommended that the Hearing Examiner approve the conditional use permit, subject to conditions.

The Hearing Examiner Decision

The Snohomish County Hearing Examiner held an open record hearing on the conditional use permit and SEPA appeal on January 25, 2022. The Hearing Examiner continued the SEPA appeal to February 4, 2022. Based on the comments received, the written record, and applicable law, the Hearing Examiner issued a decision on February 25, 2022. This decision denied the SEPA appeal and approved the conditional use permit, subject to conditions. On March 25, 2022, the Hearing Examiner issued an order for correction of a clerical error (Council Exhibit V.3a) and issued a corrected decision (Council Exhibit V.3). The corrected decision did not make any substantive changes to the original decision.

Appeal of the Hearing Examiner Decision

On April 8, 2022, the County Council received an appeal of the Hearing Examiner's March 25, 2022, corrected decision. (Council Exhibit V.1).

Requirements for filing a Type 2 appeal

Requirements for filing a Type 2 appeal are presented in SCC 30.72.080:

An appeal must be in writing and contain:

- A detailed statement of the grounds for appeal and the facts upon which the appeal is based, including references to specific hearing examiner findings or conclusions, and to exhibits or oral testimony in the record
- Argument in support of the appeal
- Contact information for the appellants

The grounds for an appeal are limited to the following:

- The decision exceeded the hearing examiner's jurisdiction;
- The hearing examiner failed to follow the applicable procedure in reaching the decision;
- The hearing examiner committed an error of law; or
- The hearing examiner's findings, conclusions, and/or conditions are not supported by substantial evidence in the record.

Summary of grounds for this appeal

The appeal letter requests that the County Council vacate the Hearing Examiner's decision and provide instructions for new proceedings. This request is partly on the alleged grounds that the Hearing Examiner failed to ensure procedural due process and the appearance of fairness. The appeal letter also cites alleged errors of law in the Hearing Examiner's findings and conclusions as reason to vacate the decision and order new proceedings.

Appeal, Responses, Rebuttals, and Motions

The County Council has received the following written arguments from the Appellant, Applicant and Parties of Record.

- Appellants' appeal letter (Council Exhibit V.1)

- Written arguments from Parties of Record in support of the appeal (Council Exhibits V.5 to V.15)
- Written argument from the Applicant (Council Exhibit V.16)
- Applicant's request for summary dismissal order, dated April 29, 2022 (Council Exhibit V.17)
- Appellants' written rebuttal of Applicant's written argument, request for reconsideration of Council's summary dismissal order, and response to Applicant's request for summary dismissal (Council Exhibits V.20)

Council Jurisdiction for this Appeal

Appeal to Council is authorized under [SCC 30.72.070](#) and Council has jurisdiction over this closed record appeal, except to the extent issues raised in the appeal are specific to the SEPA appeal. Council does not have jurisdiction over SEPA appeals. Council summarily dismissed SEPA-related issues in this appeal for lack of jurisdiction through Council Motion 22-174 on April 20, 2022 (Council Exhibit V.22).

Decision Options

At the conclusion of closed record public hearing, the Council must issue a decision in writing. The decision shall set forth findings and conclusions, which may include those of the Hearing Examiner, that support the Council's decision.

The Council's options, pursuant [to SCC 30.72.120\(2\)](#):

- Affirm the Hearing Examiner's decision;
- Reverse the Hearing Examiner's decision either in whole or in part; or
- Remand the matter to the Hearing Examiner for further proceedings in accordance with the Council's findings and conclusions.

The Council must issue a written decision within 60 days of the last day of the appeal period unless the applicant agrees to an extension. In this case the Council's written decision must be issued no later than June 7, 2022.

Copy: Jessica Kraft-Klehm, Deputy Prosecuting Attorney

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 22-174

ORDER SUMMARILY DISMISSING SEPA-RELATED ISSUES IN THE CLOSED
RECORD APPEAL OF MA CENTER PNW, FILE NO. 19-104584 CUP

WHEREAS, on April 8, 2022, the Snohomish County Council (“County Council”) received an appeal from a decision of the Snohomish County Hearing Examiner (“Hearing Examiner”) dated March 25, 2022, denying an appeal of a threshold determination of nonsignificance (DNS) under the State Environmental Policy Act (SEPA) and approving a conditional use permit (CUP) for a religious service facility; and

WHEREAS, some of Appellants’ issues allege error associated with the Hearing Examiner’s decision to affirm the DNS issued under SEPA and the SEPA appeal process; and

WHEREAS, an appeal of a SEPA threshold determination is processed as an appeal of a Type 1 decision under chapter 30.71 SCC and the general SEPA appeal requirements in SCC 30.61.300; and

WHEREAS, appeals to County Council under chapter 30.72 SCC are limited to Type 2 hearing examiner decisions and the County Council has no jurisdiction over appeals of threshold determinations made under SEPA or SEPA-related issues; and

WHEREAS, SCC 30.72.075(1) provides the County Council may summarily dismiss an appeal in whole or in part without a hearing if it determines that the appeal is beyond the scope of the County Council’s jurisdiction.

NOW, THEREFORE, ON MOTION:


Section 1. The County Council dismisses Appeal Issue 1 concerning the SEPA threshold determination appeal process for lack of jurisdiction.

Section 2. The County Council dismisses Appeal Issue 5 in part and to the extent it concerns SEPA appeal issues or the SEPA appeal process for lack of jurisdiction.

Section 3. The County Council dismisses Appeal Issue 6 in part and to the extent it relates to SEPA appeal issues or the SEPA appeal process for lack of jurisdiction.

DATED this 20th day of April, 2022.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:



Asst. Clerk of the Council



Snohomish County

Office of Hearings Administration

3000 Rockefeller Ave., M/S 405

Everett, WA 98201

(425) 388-3538

Hearing.Examiner@snoco.org

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Peter Camp

Hearing Examiner

DECISION of the SNOHOMISH COUNTY HEARING EXAMINER

I. SUMMARY

DATE OF DECISION: February 25, 2022

PROJECT: MA Center PNW
23110 75th Ave. SE
Woodinville, Washington 98072

APPLICANT: Mata Amritanandamayi Center
P.O. Box 613
San Ramon, California 94583

OWNER: Mata Amritanandamayi Center
P.O. Box 613
San Ramon, California 94583

FILE NO.: 19-104584 CUP

SEPA APPELLANT: Darlene Jones

REQUEST:

1. SEPA Threshold Determination Appeal
2. Conditional Use Permit for a religious service facility

DECISION SUMMARY:

1. SEPA Threshold Determination Appeal DENIED
2. Conditional Use Permit for a religious service facility is APPROVED, subject to conditions

II. TABLE OF CONTENTS

1	I. SUMMARY	1
2	II. TABLE OF CONTENTS	2
3	III. BASIC INFORMATION	6
4	IV. Procedural Background	6
5	A. Vesting	6
6	B. Applicant's Proposal	7
7	C. Open Record Hearing	7
8	D. The Record	7
9	E. Public Notice	9
10	F. Site Visit	10
11	V. PUBLIC CONCERNS	10
12	VI. SEPA Appeal	11
13	A. Findings of Fact	11
14	Notice of Appeal	11
15	Traffic	13
16	Trip Generation	13
17	Concurrency	14
18	Inadequate Road Condition	15
19	Wildlife	15
20	SEPA Checklist	16
21	B. Conclusions of Law	17
22	VII. Development Application	19
23	A. Site Description and Surrounding Uses	19
24	B. Compliance with Codes and Policies	19

MA Center PNW

19-104584 CUP

Decision Denying SEPA Appeal and Approving Conditional Use Permit Subject to Conditions

1	1. General Zoning Standards (Chapters 30.22 through 30.26 SCC)	19
2	a. Conditional Use Allowed in Zone (Chap. 30.22 SCC)	19
3	b. Height and Setback (Chap. 30.23 SCC)	19
4	c. Parking (SCC 30.26.030(1)).....	20
5	d. Landscaping (SCC 30.25.025).....	20
6	e. Fire Code (Chap. 30.53A SCC)	20
7	2. Critical Areas (Chap. 30.62A SCC)	20
8	3. Drainage and Grading (Chapters 30.63A, 30.63B, and 30.63C SCC).....	20
9	4. Conditional Use Permit (Chapter 30.42C SCC)	22
10	6. Transportation (Chapter 30.66B and Title 13 SCC)	22
11	a. Concurrency Determination (SCC 30.66B.120).....	22
12	b. Inadequate Road Conditions (IRC) (SCC 30.66B.210)	22
13	c. Traffic Mitigation (Chapter 30.66B SCC)	23
14	d. Internal Road System	23
15	e. Existing Public Roads	23
16	i. Improvements (SCC 30.66B.410)	23
17	ii. Public Road Access and Right of Way	24
18	f. Bicycle Facilities.....	24
19	g. State Highway Impacts (SCC 30.66B.710).....	24
20	h. City Impacts (SCC 30.66B.720).....	24
21	7. Utilities	24
22	C. Conclusions.....	25
23	VIII. DECISION.....	25
24	IX. Conditions	25
25	Operating Conditions	25
26	Site Development Conditions.....	26

MA Center PNW

19-104584 CUP

Decision Denying SEPA Appeal and Approving Conditional Use Permit Subject to Conditions

1	A. General.....	26
2	B. Prior to Any Site Disturbance	26
3	C. Prior to Final Approval of Site Development Permits.....	27
4	D. Building permits.....	28
5	E. Occupancy	28
6	Termination and Expiration	28
7	EXPLANATION OF RECONSIDERATION AND APPEAL PROCEDURES.....	30
8	Reconsideration of SEPA Decision—Who May Petition.....	30
9	Reconsideration of Conditional Use Permit—Who May Petition	30
10	Reconsideration of Conditional Use Permit—Deadline and Filing.....	30
11	Reconsideration—Grounds and Form	30
12	Appeal—SEPA Decision.....	31
13	Appeal—Conditional Use Permit	32
14	APPENDIX A – LIST OF EXHIBITS.....	34
15	PROJECT DOCUMENTS	34
16	A. Application.....	34
17	B. Plans	34
18	C. Reports.....	34
19	D. Property.....	34
20	E. Environmental	34
21	F. Notice and Routing Documents.....	34
22	G. Other Submittal Items	35
23	H. City/Agency Comments	35
24	I. Public Comments.....	35
25	J. Response to Agency/Public Comments	38
26	K. Staff Recommendation.....	38

MA Center PNW

19-104584 CUP

Decision Denying SEPA Appeal and Approving Conditional Use Permit Subject to Conditions

1	L. Submitted During the Open Record Hearing.....	38
2	SUBMITTED ON APPEAL OF DNS	39
3	P. Pleadings.....	39
4	Q. Appellant Exhibits	39
5	R. PDS Exhibits	42
6	S. Applicant Exhibits.....	42
7	T. Administrative (for use by HE).....	43
8	APPENDIX B – APPEARANCES AND WITNESSES.....	44

1 **III. BASIC INFORMATION**

Location: 23110 75th Ave. SE
Woodinville, Washington

Acreage: 11.4 acres

Comprehensive Plan Designation: Rural Residential (1 dwelling unit/5 acres basic)

Zoning: R-5

Utilities:

 Water: Cross Valley Water District

 Sewer: On-site sewer system (septic)

 Electricity: Snohomish County Public Utility District No. 1

School District: Northshore School District No. 417

Fire District: South Snohomish County Fire and Rescue

PDS Staff Recommendation: 1. Deny SEPA appeal.
2. Approve preliminary plat and URDS administrative site plan with conditions.

2 Based on a preponderance of the evidence, the Hearing Examiner enters the following findings of
3 fact, conclusions of law, and decision.

4 **IV. PROCEDURAL BACKGROUND**

5 **A. Vesting**

6 Mata Amritanandamayi Center (MA Center) submitted its application for a religious service facility¹
7 conditional use permit in the R-5 zone on April 11, 2019. PDS determined the application to be

¹ County code regrettably refers to all religious or spiritual service facilities (whether synagogues, mosques, temples, or others as “churches.” “Church’ means a building, including all accessory buildings, or meeting place intended primarily for the performance of religious services and/or where person regularly assemble for religious worship. This includes synagogues, temples, mosques, and reading rooms or other places for religious worship and religious activity. This definition does not include facilities for training of religious orders, denominations, or sects.” SCC 30.91C.085 (2015). “Church” usually and especially refers to a place of Christian worship.

1 complete and vested on that date, although it was insufficient for further review. MA Center
2 submitted additional information on July 15, 2020, December 2, 2020, and July 20, 2021.

3 ***B. Applicant's Proposal***

4 MA Center requests approval of a conditional use permit for a religious service facility in 8,819 sq.
5 ft. of existing buildings on an 11.43-acre site previously used as a single-family residence,
6 accessory dwelling unit, and mobile home. MA Center will construct a 72-stall parking lot and
7 rebuild the access point and driveway. MA Center intends to have up to 150 participants at
8 Satsangs² on the weekend. A Satsang is MA Center's largest religious service. Other activities,
9 such as prayer, meditation, service, and fellowship activities, will draw approximately 30 people
10 and would be scheduled to avoid beginning or ending during peak commuting hours on Monday
11 through Friday.

12 ***C. Open Record Hearing***

13 The open record hearing on the conditional use permit application, including public comment,
14 began and closed on January 25, 2022. The open record hearing then continued with SEPA
15 appeal testimony on January 25, 2022. SEPA appeal testimony continued on February 4, 2022.
16 SEPA appeal testimony closed on February 4, 2022. The Hearing Examiner allowed the record to
17 remain open at the request of the SEPA appellant for the limited purpose of submission of written
18 closing arguments on the SEPA appeal.³

19 ***D. The Record***

20 Witnesses and exhibits are listed in appendices A and B, respectively. An electronic recording of
21 the hearing is available in the Office of Hearings Administration.

22 The Hearing Examiner did not consider any comments received after public comment closed on
23 January 25, 2022, such as the attempted public comment by Wellington Hills Neighbors on
24 February 11, 2022.⁴

<https://www.merriam-webster.com/dictionary/church> (last viewed February 23, 2022). In this decision, the neutral term "religious service facility" replaces the Christian-centric "church."

² Generally, a Satsang is "a religious meeting where people read holy texts, think deeply about or talk about religious matters, etc." <https://www.oxfordlearnersdictionaries.com/us/definition/english/satsang?q=satsang> (last viewed February 23, 2022).

³ The Hearing Examiner considered only the closing arguments submitted on February 11, 2022.

⁴ Ex. P. 20. Wellington Hills Neighbors incorporated after the SEPA appeal deadline. It did not exist in time to file a notice of appeal. It did not file a notice of appeal. It is not an appellant.

MA Center PNW

19-104584 CUP

Decision Denying SEPA Appeal and Approving Conditional Use Permit Subject to Conditions

Page 7 of 45

1 Appellant attempted to introduce several exhibits during the SEPA appeal phase to which the
 2 applicant objected. The Hearing Examiner said he would take the exhibits under advisement. The
 3 Hearing Examiner rules on their admission as described below.

Exhibit	Description	Admit/Exclude	Reason
Q.7	Preapplication submittal	Exclude	Irrelevant to SEPA appeal; not probative to issues of traffic or wildlife.
Q.38	Email thread between Jones and Abbott re expiration of application	Exclude	Irrelevant to SEPA appeal; not probative to issues of traffic or wildlife.
Q.39	Email thread between Anglins and Lenz re status of application	Exclude	Irrelevant to SEPA appeal; not probative to issues of traffic or wildlife.
Q.48	Health District letter of 8 May 2019 disapproving of septic system	Exclude	Irrelevant to SEPA appeal; not probative to issues of traffic or wildlife.
Q.49	Application and design of septic system	Exclude	Irrelevant to SEPA appeal; not probative to issues of traffic or wildlife.
Q.50	Health District approval of design of septic system	Exclude	Irrelevant to SEPA appeal; not probative to issues of traffic or wildlife.
Q.68	2015 fire code meeting minutes	Exclude	Irrelevant to project because related to a prior, expired application relating to different project at different site. Irrelevant to SEPA appeal; not probative to issues of traffic or wildlife.
Q.70	Comments by Linda Gray about Paradise Lake apartments	Exclude	Irrelevant because relates to a different project with no connection to the MA Center application.
Q.71	2017 comments by Fire District regarding Paradise Lake apartments	Exclude	Irrelevant because relates to a different project with no connection to the MA Center application.

MA Center PNW

19-104584 CUP

Decision Denying SEPA Appeal and Approving Conditional Use Permit Subject to Conditions

1 **E. Public Notice**

2 PDS gave public notice of the open record hearing and concurrency, SEPA threshold
3 determination, and traffic impact mitigation fees.⁵

4 Prior to the open record hearing, SEPA appellant Ms. Jones and a party of record, Wellington Hills
5 Neighbors, moved for remand for alleged lack of notice.⁶ After briefing, the Hearing Examiner
6 denied the motion.⁷

7 Some parties of record again requested a remand at the conditional use permit open record
8 hearing on January 25, 2022. They claimed a lack of adequate notice, arguing that the initial notice
9 given to nearby property owners in 2019 was of a different scope than the open record hearing,
10 notice given in October 2021. More specifically, the objectors noted the earlier notice stated that 30
11 people would attend events and the later notice said that 150 people would attend events once a
12 week.

13 Objectors received notice of the proposed 150 people once per week proposal, however, and were
14 not misled or lulled into inaction. PDS notified the neighbors of the scope of the application by
15 postcard in October 2021:

16 **Dear Property Owner:** There will be a public hearing as the proposal requests a
17 Conditional Use Permit to allow a church assembly for worship once a week for up to
18 150 people within existing structures, deemed concurrent and subject to Traffic
19 Impact Fees pursuant to Chapter 30.66B SCC. A SEPA Determination of Non-
20 significance (DNS) was issued on **October 27, 2021**.

21 Ex. P.10, ex. 5 (emphasis in original). A similar description was published in the county's
22 newspaper of record and was posted on the site. These notices satisfied due process, i.e., the
23 process prescribed by law for notifying the public.

24 Almost three months passed between the notices and the commencement of the open record
25 hearing. Participants had enough time to investigate, prepare, and testify regarding the proposal.
26 Commenters asking for remand due to an alleged lack of notice did not demonstrate that the
27 October 2021 notice was legally or factually insufficient or that approximately 3 months to prepare
28 was legally insufficient or prejudicial. The Hearing Examiner therefore again declines to remand the
29 proposal for an alleged lack of notice.

⁵ Exhibits F.1, F.2, and F.3.

⁶ Ex. P.8.

⁷ Ex. T.3.

1 **F. Site Visit**

2 The Hearing Examiner conducted an unannounced and unaccompanied site visit on the morning of
3 February 23, 2022. He drove several times across 240th St. SE and 75th Ave. SE and the cul-de-
4 sac of 231st St. SE. He noted the general lack of sidewalks or attached shoulders in many
5 locations, which is common outside of urban growth areas in the county. He observed that the
6 buildings which will serve as the religious service center are not visible from 75th Ave. SE or 231st
7 St. SE. He also noted the Woodinville Church of Christ is located approximately a ½ mile to the
8 north on the same road (75th Ave. SE) with at least a similar number of parking stalls and a facility
9 larger than anything at the proposed MA Center site.⁸

10 **V. PUBLIC CONCERNS**

11 Neighbors expressed concern about traffic, drainage, and wildlife.

12 With respect to traffic, the proposal complies with all county code regulations regarding
13 concurrency.⁹ The decision whether to approve, reject, or remand an application is based upon its
14 compliance with county code and regulations, which measure traffic impacts at the level of arterial
15 units during weekday rush-hour, not residential neighborhood streets or intersections and not
16 weekends. Rejection or remand must be based on an application’s failure to comply with legal
17 requirements. The Hearing Examiner has no legal basis for rejecting or remanding a proposal such
18 as this that otherwise complies with legal requirements.

19 Many neighbors expressed concerns about wildlife. Investigation revealed no critical species¹⁰
20 habitat on the site. Absent the existence of priority species’ habitat, there is no legal basis for
21 rejecting or remanding the application. Any temporary disturbance of non-critical species by
22 parking lot construction is not a legal basis for rejection or remand. If temporary disturbance by
23 construction of non-listed species were a legal basis for rejection or remand, virtually every project

⁸ Many of the public commented they lived in the neighborhood for decades. Curiously, none of them complained when the Christian church on 75th Ave. SE sought to expand in 2005 with a 16,000 sq. ft. worship hall and a 5,600 sq. ft. fellowship hall. *In Re Woodinville Church of Christ*, p. 3 (July 8, 2005, file no. 05-116815) (“No letters were received in opposition to the request nor did anyone appear in opposition.”). Only three neighbors complained about traffic safety in 1987 when the initial conditional use permit was granted to the church for a facility to hold 262 attendees with 61 parking stalls. Here, MA Center proposes maximum attendance of 150 and 72 parking stalls. *In Re Woodinville Church of Christ*, p. 2 (June 22, 1987, file no. ZA 8612303). As he would take official notice of any judicial or official decision, the Hearing Examiner takes official notice of these decisions. H. Ex. R. of Proc. 5.6(i) (2021). Hearing Examiner decisions are searchable and available on the Hearing Examiner’s page on the county web site. <https://www.codepublishing.com/WA/SnohomishCountyHearingExaminer/>

⁹ See discussion below at page 12.

¹⁰ SCC 30.91C.370 (2007) (“Critical species” means all species listed by the state or federal government as endangered or threatened and species of local importance, and also includes: Larch Mountain salamander, Common loon, Peregrine falcon, Olympic mudminnow, Pygmy whitefish, and Gray whale.”)

1 would need to be rejected or remanded because construction activities often temporarily disturb
2 the nests of mice, coyote dens, etc.

3 With respect to drainage, neighbors often assume incorrectly that stormwater will sheet flow in an
4 uncontrolled manner from new impervious surfaces onto their adjacent property, and that any
5 additional impervious surface (such as roofs or pavement) will cause more stormwater to flow on to
6 their property. Current regulations seek to avoid additional stormwater burdens on neighboring
7 properties by usually requiring stormwater to be infiltrated. If infiltration is infeasible, as when there
8 is insufficient depth of permeable soil, stormwater is collected, conveyed, treated, and detained.
9 Discharge of detained stormwater should be no more than would be expected if the site were
10 forested and undeveloped. Detained stormwater is discharged from the detention facility into the
11 natural, historic drainage path at a rate and volume calculated by a state Department of Ecology
12 mandated computer model to mimic forested, undeveloped conditions. Stormwater from the new
13 parking area will be handled similarly and in accordance with county code and regulations.¹¹

14 **VI. SEPA APPEAL**

15 ***A. Findings of Fact***

16 F.1 PDS issued a SEPA threshold determination of no significant impact (DNS) on October 20,
17 2021.¹²

18 F.2 Appellant Darlene Jones filed a notice of appeal on November 10, 2021.¹³ Ms. Jones verified
19 her notice of appeal on November 17, 2021.¹⁴

20 **Notice of Appeal**

21 F.3 The notice of appeal assigns three errors:

22 A. Traffic.

23 B. Wildlife.

24 C. Inaccurate information in the SEPA checklist provided by MA Center in its conditional use
25 permit application.

¹¹ Ex. C.2.

¹² Ex. E.1.

¹³ Ex. Q.1.

¹⁴ Ex. P.1.

1 F.4 With respect to wildlife, the notice of appeal¹⁵ asserts:

2 The location and surrounding area is [sic] home to many forms of wildlife. Deer,
3 bears, coyotes, bobcats, eagles, hawks, owls, and many others are frequently seen
4 in the area and in the yards of the surrounding residences. Yet the SEPA checklist
5 makes the obviously inaccurate claim that the only animals are "songbirds, squirrels,
6 and other rodents." The proposed location for this large business is only 1/5th of a
7 mile from the Wellington Hills Park open area. A space successfully kept
8 undeveloped largely due to the prevalence of numerous and varied wildlife there. Yet
9 your checklist claims none of that wildlife, other than a few songbirds and rodents,
10 apparently, exist in the area.

11 F.5 The notice of appeal does not contain the words "fish," "salmon," "stream," "stormwater,"
12 "drainage," "water quality," or any similar words that would lead a reasonable person reading
13 the notice of appeal expansively to believe that Ms. Jones appealed the DNS with respect to
14 the handling of stormwater or any impact of the proposal on fish, including salmonids.

15 F.6 The notice of appeal does not contain any language that describes what significant adverse
16 environmental impact on mammals and birds would likely occur. The notice and verification
17 simply state that many mammals and birds are seen in the area, the area is home to them,
18 and that the SEPA checklist did not identify all the species that visit or live in or near the site.

19 F.7 With respect to traffic, the notice of appeal and verification allege:¹⁶

20 The SEPA checklist claims the traffic would increase by about only 60 trips a day,
21 with a mere 7 of those being during peak hours. As a place of business most if not
22 all of it's [sic] traffic would be during business hours. If only 7 of 60 trips are during
23 "peak", then nearly 90% of the trips would be during business hours outside "peak".
24 By focusing on the traffic in peak hours the checklist is ignoring its own implications
25 for the higher traffic it indicates would be happening outside peak hours. In short, the
26 SEPA checklist indicates a new and constant stream of traffic notably **higher than**
27 **the road currently supports**. [Emphasis in original.] This particular facility is also
28 designed to draw its largest crowds on weekends, a fact glossed over in the SEPA
29 checklist, which is a time 75th Ave SE already sees its heaviest loads of traffic.

30 F.8 75th Avenue has only one lane each way and is the only access route for several
31 neighborhoods, at least four of which have their connections to 75th Ave SE within a few
32 hundred yards of where this facility is proposed. Building a sizable business that adds
33 significantly to the traffic, at least half of which will have to completely block the flow of traffic

¹⁵ Ex. P.1, pp. 4-5.

¹⁶ *Id.*, p. 4.

1 ("only one lane each way") while waiting to turn left into the new business, will have a large
2 effect on the ability of residents to leave or enter their neighborhoods. Should emergency
3 services be needed, since the road has no shoulders, those services would be stuck.

4 F.9 The notice of appeal complains that the SEPA checklist was inaccurate because the checklist
5 indicated that "the site has not been used as working farmlands" but the appellant contends,
6 "The space has been a single family home where the most recent resident used some of the
7 space to raise cattle."¹⁷ Neither the notice of appeal nor verification stated any facts that
8 described a probable significant adverse environmental impact resulting from this alleged
9 omission.

10 F.10 The notice of appeal summarizes a fourth issue as, "Inconsistent and conflicting information
11 in official documents."¹⁸ This appears to refer to appellant's complaint regarding the
12 adequacy of the SEPA checklist with respect to the issues previously described. No
13 significant adverse environmental impacts were described that would likely result from the
14 alleged omissions regarding cattle or some species of mammals or birds.

15 Traffic

16 F.11 Appellant's traffic expert alleged the traffic review was faulty because: (a) modeling with the
17 Institute of Transportation Engineers Trip Generation methodology used the trip generation
18 dataset for a church, rather than an activities-based rate; (b) the concurrency determination
19 did not examine impact of the propose on level of service standards on three arterial units;
20 and (c) the county failed to account for an alleged uncorrected Inadequate Road Condition
21 (IRC).¹⁹

22 ***Trip Generation***

23 F.12 The county requires trip generation to be calculated according to department of Public Works
24 (DPW) rule 4220.040(1)(a):

25 A development's trip generation will be determined **using the rates as identified in**
26 **the latest generation of the ITE Trip Generation Manual** published in the Institute
27 of Transportation Engineers. **If a rate is not listed in the ITE Trip Generation**

¹⁷ *Id.*, p. 4.

¹⁸ *Id.*, p. 5.

¹⁹ "Inadequate road condition" (IRC) is a term of art in Snohomish County and is explicitly defined by county code. "'*Inadequate road condition*' means any road condition, whether existing on the road system or created by a new development's access or impact on the road system, which jeopardizes the safety of road users, including non-automotive users, **as determined by the county engineer.**" SCC 30.911.020 (2003) (emphasis added).

1 **Manual** or is based on a small sample size, a development's trip generation may be
2 determined using valid trip generation data in a traffic study. [Emphasis added.]

3 F.13 First, the latest generation of the manual in existence at the time of application was the 10th
4 edition, which contained a rate for churches. Trip generation rates for churches in the manual
5 were based upon seven to 13 studies, which is adequate sample size, not a small sample
6 size.

7 F.14 Not only does county code describe the proposed use as a church, but the activities,
8 frequency, duration, and attendance described for the proposed use are very similar to the
9 activities, frequency, duration, and attendance at Christian churches.

10 F.15 The trip generation for churches in the ITE Trip Generation Manual is appropriate under DPW
11 Rule 4220.040(1) for determining this proposal's trip generation.

12 F.16 Further, appellant's proposed trip generation methodology mistakenly overstates the trip
13 generation of the proposed use by assuming an event attended by 150 people every day.²⁰
14 The Satsang is the largest event in terms of attendance (approximately 150) and **will occur**
15 **on weekends**.

16 F.17 Appellant did not calculate trip generation as required by county rules.²¹

17 F.18 The Hearing Examiner does not find appellant's alternative trip generation methodologies to
18 be accurate, consistent with county code and regulations, persuasive, or credible.

19 F.19 MA Center will nevertheless be required by county code to mitigate its proposal's impact on
20 traffic by paying an impact mitigation fee, improving the frontage on 75th Ave. SE that will
21 include an attached paved shoulder that will accommodate bicycles and pedestrians, and
22 dedication of 15 feet of right of way. This is adequate mitigation for traffic impacts as
23 prescribed by county code. SCC 30.66B.010(2).

24 **Concurrency**

25 F.20 Appellant complains that the proposal's impact on levels of service for three arterial units
26 should have been reviewed, asserting they would "likely be impacted by project-generated
27 trips during the **weekday peak hours**."²²

²⁰ Ex. Q.4, p. 2.

²¹ DPW Rule 4220.040.

²² Ex. Q.4, p. 3.

1 F.21 This criticism is not well explained, but appears to be founded on the misunderstanding noted
2 above regarding the frequency of Satsangs. Satsangs will occur at most once a week on the
3 weekend.²³

4 F.22 County code focuses its concurrency determination on a project's impact on arterial units
5 during weekday peak-hours.²⁴ As proposed and as conditioned, MA Center's use will have
6 minimal impact on arterial units during weekday morning and evening peak-hours.

7 F.23 The Hearing Examiner does not find appellant's criticism of the concurrency determination to
8 be factually supported, persuasive, or credible.

9 F.24 In any event, the Hearing Examiner was not asked to review the concurrency determination.
10 SCC 30.66B.180(2) (2006). The concurrency determination is therefore a verity for the
11 purposes of the SEPA appeal.²⁵

12 ***Inadequate Road Condition***

13 F.25 Appellant contends that the county failed to consider the proposal's impact on an alleged IRC
14 at the intersection of Woodinville-Snohomish Road and SE 240th St.²⁶

15 F.26 While that intersection had been declared by Public Works to be an IRC in the past, it was
16 not declared or listed as an IRC by Public Works in 2020 or now.

17 F.27 Although the record does not reveal why or when Public Works removed the intersection
18 from its list of IRCs, neither are material to this appeal. The intersection has not been a listed
19 IRC since at least 2020. The county does not need to account for a non-existent IRC when
20 reviewing a proposal's potential traffic impact, nor does an applicant need to correct a former
21 IRC.

22 **Wildlife**

23 F.28 Witnesses credibly testified that bears, deer, coyotes, rodents, and birds visit the site.
24 Rodents likely nest on the site. It is unclear and unknown whether bear, deer, or coyotes

²³ See F.16.

²⁴ DPW Rule 4220.040.

²⁵ The county's initial concurrency determination was based on SCC 30.66B.130(4), which relates to areas with no arterial units designated at ultimate capacity. In fact, Snohomish-Woodinville Road is designated to be at ultimate capacity. However, the mistaken basis for the original concurrency determination is harmless error because the proposal will generate less than three directional peak-hour trips to the arterial unit designated to be at ultimate capacity. The proposal is therefore concurrent. SCC 30.66B.160(2)(a) ("Less than three directional peak-hour trips on any arterial unit . . . designated as ultimate capacity, then the development shall be deemed concurrent.")

²⁶ Ex. Q.4, p. 3.

1 have any dens on the site. Birds likely nest on the site, especially in the western portion, but
2 the number and species of such birds is unknown.

3 F.29 The western portion of the site is forested and slopes toward State Route 522, a freeway. No
4 construction or disturbance is proposed in that area.

5 F.30 No competent, credible evidence was introduced of any critical species²⁷ habitat on the site.

6 F.31 The only area of the site that will be disturbed will be the eastern portion near 75th Ave. SE,
7 where the driveway will be rebuilt, and a parking lot constructed.

8 F.32 No competent evidence was offered of temporary or permanent impacts to any of the
9 observed species. The only evidence was the general conclusion that the observed species
10 would somehow be negatively affected by using existing buildings for religious services, by
11 the reconstruction of the driveway, and construction of the parking lot.

12 F.33 The Hearing Examiner finds a lack of competent, credible evidence in the record to support a
13 finding that the proposal will likely have significant adverse impact on mammals or birds that
14 were seen by neighbors on the site.

15 **SEPA Checklist**

16 F.34 Appellant contends the SEPA checklist submitted by MA Center with its conditional use
17 permit application was incomplete and inaccurate.²⁸ Appellant appears to assume that the
18 county relies solely on an applicant's SEPA checklist when making a threshold determination
19 and does not independently review the environmental consequences of a proposal.

20 F.35 Prior to making a threshold determination, subject matter experts at the county review and
21 investigate a proposal's impact, such as impacts to critical areas, traffic, and stormwater
22 drainage. These subject matter experts review the applicant's experts' reports and other
23 available information, such as databases and information from state agencies. They
24 sometimes visit the site, especially for critical area reconnaissance. The subject matter
25 experts convey their findings to the responsible planner in PDS. The planner usually conveys
26 the subject matter experts' questions and concerns to the applicant, who responds with
27 answers from its consultants. After this iterative process ends, the responsible SEPA official
28 issues a threshold determination.

29 F.36 Neither the responsible official nor the subject matter experts rely on the accuracy or
30 completeness of an applicant's SEPA checklist.

²⁷ SCC 30.91C.370 (2007).

²⁸ Ex. P.1, pp. 4-5.

1 F.37 No evidence was offered that any alleged inaccuracy of MA Center’s checklist misled the
2 responsible SEPA official or prevented more complete review of environmental impacts.

3 F.38 While relevant, the alleged inaccuracies of the checklist are immaterial.

4 F.39 No evidence was offered that any of the alleged checklist insufficiencies will result in any
5 articulated probable significant adverse environmental impact.

6 F.40 The Hearing Examiner finds that the alleged checklist insufficiencies are not likely to cause
7 any significant adverse environmental impacts.

8 F.41 Any finding of fact in this decision that should be deemed a conclusion of law is hereby
9 adopted as a conclusion of law.

10 **B. Conclusions of Law**

11 C.1 The Hearing Examiner has subject matter jurisdiction over appeals from threshold SEPA
12 determinations of no significant impact. SCC 30.61.300(2) (2010); SCC 30.71.050(2) (2013).

13 C.2 The Hearing Examiner only has jurisdiction over the assignments of error stated in the notice
14 of appeal. SCC 2.02.125(4) (2013).

15 C.3 The Hearing Examiner must give substantial weight to the threshold determination of PDS.
16 RCW 43.21C.090; *King County v. CPSGMHB*, 91 Wn. App 1, 30, 951 P.2d 1151 (1998);
17 SCC 30.61.310(3) (2003).

18 C.4 The Hearing Examiner will not substitute his judgment for that of PDS. He may only overturn
19 the decision of the responsible official if he is left with the definite and firm conviction that a
20 mistake has been made after he reviews the entire record. *Cougar Mountain Assocs. v. King*
21 *County*, 111 Wn.2d 742, 747, 765 P.2d 264 (1988). SCC 30.61.310(1) (2003).

22 C.5 Ms. Jones has the burden of proving by substantial evidence that the responsible official
23 failed to consider probable, significant adverse environmental impacts. *Indian Trail Property*
24 *Owner's Assn. v. City of Spokane*, 76 Wn. App. 430 441, 886 P.2d 209 (1994). SCC
25 30.61.310(3).

26 C.6 PDS conducts a threshold process to decide whether an action significantly and adversely
27 affects the quality of the environment. WAC 197-11-310 through -335. PDS considers
28 mitigation measures an applicant will implement and any such measures required by
29 regulations, comprehensive plans, or other existing environmental rules or laws. WAC 197-
30 11- 330(1)(c). *Chuckanut Conservancy v. Dept. of Natural Resources*, 156 Wn. App. 274,
31 232 P.3d 1154 (2010). If such mitigation would allow PDS to issue a DNS, and the proposal
32 or conditions to include those measures, then PDS is required to issue a DNS. WAC 197-11-
33 350(3).

MA Center PNW

19-104584 CUP

Decision Denying SEPA Appeal and Approving Conditional Use Permit Subject to Conditions

Page 17 of 45

- 1 C.7 PDS considered the application and all plans, studies and reports submitted by MA Center in
2 support of the project, as well as agency comments received after circulation of the SEPA
3 checklist, on-site investigations by staff, and mitigation conditions.
- 4 C.8 Bare assertions of environmental impact without corroborating evidence in the SEPA record
5 will not support reversal of a threshold determination. See, generally, *Levine v. Jefferson*
6 *County*, 116 Wn.2d 575, 807 P.2d 363 (1991).
- 7 C.9 The responsible SEPA official here did not lack reasonably sufficient information or fail to
8 consider probable, significant adverse environmental impacts. *Indian Trail Property Owner's*
9 *Assn. v. City of Spokane*, 76 Wn. App. 430, 441,886 P.2d 209 (1994); SCC 30.61.310(3)
10 (2003).
- 11 C.10 Ms. Jones did not prove by a preponderance of evidence that the DNS failed to consider
12 possible unmitigated significant adverse environmental impacts resulting from the proposals.
- 13 C.11 Compliance with county code constitutes adequate analysis and mitigation under SEPA for
14 environmental impacts. SCC 30.61.122 (2016).
- 15 C.12 As conditioned for compliance with chap. 30.66B SCC,²⁹ the proposal has no unmitigated
16 traffic impacts.
- 17 C.13 With respect to wildlife, Ms. Jones did not prove by a preponderance of evidence that the
18 proposal would have a significant adverse impact on any species of wildlife.
- 19 C.14 No credible evidence was presented that any critical species would likely suffer a significant
20 adverse impact.
- 21 C.15 The argument that MA Center's SEPA checklist was inaccurate is unavailing. The
22 responsible official does not rely solely upon an applicant's SEPA checklist, but upon the
23 opinions of subject matter experts within and without the government that are based upon
24 information available to them, such as site visits, investigations, and databases.
- 25 C.16 The evidence did not demonstrate a mistake by the responsible official or that significant
26 adverse environmental impacts are likely.
- 27 C.17 The Hearing Examiner is not left with a firm and definite conviction that traffic impacts of the
28 proposed use will not be mitigated to the extent required by county code.
- 29 C.18 The Hearing Examiner is not left with a firm and definite conviction that wildlife will suffer
30 significant adverse impacts from the proposed use or construction.

²⁹ E.g., payment of impact mitigation fees.

1 C.19 The Hearing Examiner is not left with a firm and definite conviction that the responsible
2 official relied solely on an allegedly inaccurate SEPA checklist from the applicant or that a
3 significant adverse environmental impact will likely result to the extent the responsible official
4 relied upon it at all.

5 C.20 Ms. Jones did not demonstrate any significant adverse environmental impacts would likely
6 result from the allegedly inaccurate SEPA checklist.

7 C.21 Ms. Jones' appeal of the SEPA threshold determination is denied.

8 **VII. DEVELOPMENT APPLICATION**

9 ***A. Site Description and Surrounding Uses***

10 The 11.43-acre site is a single lot developed with a single-family residence, accessory apartment,
11 mobile home, and outbuildings. A wetland lies on the north central part of the property and extends
12 offsite and downslope to the north.

13 Surrounding properties to the north, south, and east are developed with single-family residences
14 and zoned R-5. Property to the west is zoned light industrial and developed with a freeway and
15 wastewater treatment plant.

16 ***B. Compliance with Codes and Policies***

17 **1. General Zoning Standards (Chapters 30.22 through 30.26 SCC)**

18 ***a. Conditional Use Allowed in Zone (Chap. 30.22 SCC)***

19 The proposed use is a religious service facility and incidental residential use.³⁰ The proposed uses
20 are conditionally allowed in the R-5 zone.³¹

21 ***b. Height and Setback (Chap. 30.23 SCC)***

22 The existing buildings comply with height and setback requirements for the R-5 zone.

³⁰ SCC 30.91C.085 (2015) (church); SCC 30.911.030 (incidental use).

³¹ SCC 30.22.110 (as amended by Ord. 18-062, Nov. 13, 2018, Eff date Nov. 30, 2018).

1 **c. Parking (SCC 30.26.030(1))**

2 County code does not prescribe the number of parking stalls needed for the type of facility
3 proposed, but describes the process for determining an adequate number of parking stalls.³² MA
4 Center proposes 72 parking stalls for approximately 150 attendees.³³ The proposed parking is
5 adequate for the size of the congregation. MA Center does not propose to light its parking lot.
6 Approval will be conditioned, however, on pointing all exterior lights downward and equipping them
7 with full cut-off features to prevent glare and light pollution from escaping the property.

8 **d. Landscaping (SCC 30.25.025)**

9 MA Center will landscape 2,950 sq. ft. of the parking lot, exceeding the minimum requirement of
10 1,440 sq. ft.³⁴ MA Center proposed perimeter landscaping that satisfies the county's perimeter
11 landscaping requirements on the north, south, and east property lines.³⁵ MA Center will provide at
12 least 20-foot-wide type A landscaping along the north, south, and east boundaries of the property.

13 **e. Fire Code (Chap. 30.53A SCC)**

14 The proposal can comply with the requirements of chap. 30.53A SCC. The Fire Marshal does not
15 object to the proposed use. The Hearing Examiner notes that the maximum occupancy of the
16 buildings will be calculated by the Fire Marshal according to the International Fire Code before
17 issuing a certificate of occupancy. Any access gates must be equipped with emergency access
18 devices approved by the fire code official and local fire protection district.³⁶

19 **2. Critical Areas (Chap. 30.62A SCC)**

20 The project site has one category III wetland with a habitat score of 6 points. It is in the north
21 portion of the property and extends off-site to the north. It requires a 110-foot buffer; no
22 construction or improvements are proposed within the buffer or wetland.

23 **3. Drainage and Grading (Chapters 30.63A, 30.63B, and 30.63C SCC)**

24 Infiltration of stormwater is infeasible due to seasonal high groundwater within two feet of the
25 ground surface. Stormwater will be collected and conveyed to a detention tank and discharged to

³² SCC 30.26.035 (2003)

³³ Eight will be ADA compliant, 17 will be compact, and 54 will be expansion stalls.

³⁴ SCC 30.25.022 (2017).

³⁵ SCC 30.25.020(); Ex. B.3.

³⁶ Fire District no. 7 requests that gates be equipped with Opticom or equal. Ex. H.3.

- 1 an open ditch flowing north on the west side of 75th Ave. SE.³⁷ The project must comply with
 2 minimum requirements 1-9.

Req't	Description	How Fulfilled?
1	Stormwater Site Plan	The stormwater plan adequately addresses stormwater requirements at this stage prior to review of construction drawings for the land disturbing activity permit.
2	Stormwater Pollution Prevention Plan (SWPPP)	A satisfactory preliminary SWPPP was provided and a more detailed SWPPP will be submitted with land disturbing activity permit construction plans.
3	Water Pollution source control for new development or redevelopment	Satisfied because no water pollution sources during construction or use were identified.
4	Preservation of natural drainage systems	Natural drainage systems preserved to the maximum extent feasible. No adverse downstream impacts of the proposed system are expected.
5	On-site stormwater management	MA Center will implement low impact development performance standards to the maximum extent feasible while still complying with flow control requirements. On-site stormwater management best practices for bioretention, sheet flow dispersion, and post-construction soil quality and depth will be used.
6	Runoff treatment	Treatment will be provided by bio-swales.
7	Flow control requirements for new development or redevelopment	Flow control will be achieved by use of a detention vault and appropriately sized discharge orifice.

³⁷ Property owners to the north expressed concern regarding the amount of discharge to this natural and historic flowpath. The detention facility is sized sufficiently, and the discharge orifice sized appropriately for rate and flow. The vault design is based on fully forested pre-developed conditions. Potential adverse downstream impacts were considered both in the modeling and in PDS' drainage review, and none are expected. Ex. G.1.

8	Detention or treatment in wetlands or wetland buffers	Stormwater will not be detained or treated in the wetlands or buffers on the site.
9	Inspection, operation, and maintenance requirements	MA Center will provide an operation and maintenance information for implemented best management practices when it applies for a land disturbing activity permit.

1 **4. Conditional Use Permit (Chapter 30.42C SCC)**

2 MA Center’s proposal is consistent with the county’s comprehensive plan. Facilities for faith
3 communities to practice their faith are important elements of the greater community. The proposal
4 complies with applicable requirements of title 30 SCC. Another religious service facility exists
5 approximately a half-mile to the north. The proposed facility is not materially detrimental to uses or
6 property in the immediate vicinity. The faith community does not use loud or amplified musical
7 instruments and does not host noisy or loud outdoor activities. The MA Center building is well
8 separated from adjacent properties. No buildings are visible from 75th Ave. SE or from the cul-de-
9 sac to the north. The proposal is compatible with, and incorporates, features, conditions and
10 revisions that respond appropriately to the existing character, appearance, quality of development,
11 and physical characteristics of the site and surrounding property. No new buildings are proposed.

12 **6. Transportation (Chapter 30.66B and Title 13 SCC)**

13 ***a. Concurrency Determination (SCC 30.66B.120)***

14 Public Works determined the project to be concurrent as of May 10, 2019. The project must be
15 approved if it does not affect a county arterial unit in arrears or cause a county arterial to go into
16 arrears or if it does not affect an arterial unit designated at ultimate capacity with three or more
17 directional peak-hour trips on a weekday.³⁸ Future levels of service resulting from this, and other
18 known future projects do not need to be evaluated pursuant to SCC 30.66B.035 (2010) because
19 the project will not generate more than 50 peak hour trips. TSA E has no arterial units in arrears or
20 danger of falling into arrears (critical) as of the date of submittal. Public Works therefore
21 determined the project met concurrency requirements and no one sought review of the
22 determination.

23 ***b. Inadequate Road Conditions (IRC) (SCC 30.66B.210)***

24 Regardless of the existing level of service, any development which adds three or more weekday
25 evening peak hour trips to a road system location with an existing inadequate road condition (IRC)
26 must eliminate the IRC. No IRC exists within TSA E now. Therefore, the proposed land use will not

³⁸ SCC 30.66B.120(4) (2003).

1 affect any IRC locations identified within TSA E with three or more of its weekday evening peak
2 hour trips, nor will it create any. Therefore, mitigation will not likely be required with respect to
3 inadequate road conditions, and no restrictions to building permit issuance or certificate of
4 occupancy/final inspection will be imposed under this section of Chapter 30.66B SCC.

5 **c. Traffic Mitigation (Chapter 30.66B SCC)**

6 The property is in Transportation Service Area (TSA) E outside an urban growth area.

7 The proposed development must mitigate its impact upon the future capacity of the Snohomish
8 County road system by paying a road system impact fee.³⁹ The road system impact fee will be
9 equal to the net new average daily trips (ADT)⁴⁰ created by the development multiplied by the per
10 trip amount for TSA E.⁴¹

Road System Impact Fee Calculation

1.	Square feet	8,814
2.	ADT per 1,000 sq. ft.	6.95
3.	ADT from the development ((Line 1 ÷ 1,000) x Line 2):	= 61.26
4.	Less credits for existing use:	- 0 -
<hr/>		
5.	Subtotal	61.26
6.	TSA Mitigation Fee per ADT	\$216.00
<hr/>		
7.	Road System Impact Fee for MA Center (Line 5 x Line 6)	= \$13,232.16

11 **d. Internal Road System**

12 MA Center does not propose any public roads within the development.

13 **e. Existing Public Roads**

14 **i. Improvements (SCC 30.66B.410)**

15 Approval will be conditioned on installation of full rural frontage improvements along 75th Ave. SE,
16 consisting of 12 feet of asphalt concrete pavement from the road's center line and an eight-foot

³⁹ SCC 30.66B.310 (2003).

⁴⁰ ADT is calculated using the Institute of Traffic Engineers' Trip Generation Report.

⁴¹ SCC 30.66B.330 (2006).

1 paved shoulder. MA Center may not offset its road impact fee by the cost of this work because 75th
2 Ave. SE is not in the impact fee cost basis.

3 ii. Public Road Access and Right of Way

4 The project fronts on 75th Ave. SE, a minor collector arterial. Minor collector arterials require 35
5 feet on each side of the center line of the right of way. Twenty feet of right of way exists on the
6 project side. Approval will be conditioned on deeding 15 feet of additional right of way, which is
7 adequately shown on the site plan. 75th Ave. SE is not in the impact fee cost basis and the value of
8 the deeded property therefore may not be credited against traffic impact mitigation fees.

9 **f. Bicycle Facilities**

10 The proposed use borders a road identified as part of the bicycle system on the county's Bicycle
11 Facility System Map. Bicycle facilities are therefore required. The required frontage improvements
12 will provide the bicycle facility.

13 **g. State Highway Impacts (SCC 30.66B.710)**

14 When a development affects a state highway, mitigation requirements are established using the
15 county's SEPA authority consistent with the terms of the interlocal agreement between the county
16 and the WSDOT. This is consistent with the county's SEPA policy⁴² through which the county
17 designates and adopts by reference the formally designated SEPA policies of other affected
18 agencies for the exercise of the county's SEPA authority. None of the projects identified on Ex. C
19 of the interlocal agreement will be affected three or more peak hour trips generated by this
20 development. Therefore, MA Center does not need to pay any traffic mitigation to WSDOT.

21 **h. City Impacts (SCC 30.66B.720)**

22 The city of Bothell and the county have a reciprocal traffic mitigation interlocal agreement that is
23 implemented under SEPA. The proposal will not affect Bothell's roads with three or more
24 directional evening peak-hour trips, which is the threshold for traffic impact mitigation to the city.
25 Therefore, no traffic impact mitigation payment to Bothell will be required.

26 **7. Utilities**

27 Adequate provisions have been made for utilities. Sanitation will be provided by on-site sewage
28 systems, which is within the jurisdiction of the Snohomish Health District. Approval will be
29 conditioned on providing on-site sewage systems permitted by the Health District. Electricity will

⁴² SCC 30.61.230(9) (2012).

1 continue to be supplied by Snohomish County Public Utility District No. 1. Domestic water will
2 continue to be provided by Cross Valley Water District.

3 **C. Conclusions**

- 4 1. The Hearing Examiner has authority to approve conditional use permits. SCC 30.42C.100
5 (2012); SCC 30.72.020(1) (2015).
- 6 2. Applicant MA Center satisfied the requirements of county regulations. The proposal is
7 consistent with the Growth Management Act comprehensive plan, Growth Management Act
8 based county codes, the type and character of land use permitted on the project site, the
9 permitted density and applicable design and development standards.
- 10 3. Adequate public services exist to serve the proposed project.
- 11 4. The proposed project will make adequate provisions for public health, safety, and general
12 welfare with conditions as described below.
- 13 5. Any finding of fact in this decision which should be deemed a conclusion of law is hereby
14 adopted as a conclusion of law.
- 15 6. Any conclusion of law in this decision which should be deemed a finding of fact is hereby
16 adopted as a finding of fact.

17 **VIII. DECISION**

18 Based on the foregoing findings of fact and conclusions of law, the Hearing Examiner:

- 19 1. Dismisses the SEPA appeal.
- 20 2. Approves a conditional use permit to Mata Amritanandamayi Center to use the site as a
21 religious service facility,⁴³ subject to the following conditions.

22 **IX. CONDITIONS**

23 ***Operating Conditions***

- 24 1. Events on this site shall not occur on Monday through Friday that would exceed more than the
25 trip generation narrative of 2.91 AM PHT (any combination of approximately three entering or
26 exiting vehicles within a one hour continuous period) during 7:00AM-9:00 AM, 4.32 PM PHT
27 (any combination of approximately four entering and exiting vehicles within a one hour
28 continuous period) during 4:00 PM-6:00 PM, and 61.29 average daily trips (any combination of

⁴³ "Church" as defined by SCC 30.91C.085 (2015).

1 entering or existing vehicles that would not exceed a total of 61 vehicles within a 24-hour day)
2 without appropriate review, approval, and mitigation (if needed) as indicated by Snohomish
3 County. For purposes of implementing this condition, no events shall commence between 7:00
4 a.m. and 9:30 a.m., Monday through Friday, on the site requiring participation or access by
5 outside parties not residing on the property, and no event shall commence or terminate on the
6 site between the hours of 4:00 p.m. and 6:30 p.m., Monday through Friday, requiring ingress or
7 egress by persons residing off-site.

- 8 2. All exterior lighting installed now or in the future shall prevent glare and light pollution on
9 adjacent properties by being shielded, directed downward, and having full-cutoff features.
- 10 3. MA Center may use the site for the purposes approved by this conditional use permit while it
11 maintains and holds a certificate of occupancy.
- 12 4. Nothing in this approval excuses MA Center, a lessee, agent, successor or assign from
13 compliance with any other federal, state, or local statutes, ordinances, or regulations applicable
14 to this project.

15 ***Site Development Conditions***

16 **A. General**

- 17 5. The conditional use permit site plan⁴⁴ shall be the approved official site plan under chapter
18 30.42 SCC. Any discrepancies between the approved preliminary plat map and title 30 SCC
19 shall be resolved in the favor of title 30 SCC.
- 20 6. The landscape plan⁴⁵ shall be the approved landscape plan. No substantial revisions to this
21 plan may be made without approval by the county.
- 22 7. Any gate barring vehicular entrance to the property must be reviewed under a separate
23 application to PDS. Any access gates must be equipped with emergency access devices
24 approved by the fire code official and local fire protection district
- 25 8. A right-of-way use permit is required for work within the county road right-of-way.

26 **B. Prior to Any Site Disturbance**

- 27 9. MA Center must obtain one or more land disturbing activity permits as required by SCC 30.63A
28 and SCC 30.63B and a forest practices activity permit if required by SCC 30.43F.100.

⁴⁴ Ex. B.1, received by PDS on July 21, 2021.

⁴⁵ Ex. B.3, received by PDS on July 20, 2021.

- 1 10. MA Center must temporarily mark the boundary of all Critical Area Protection Areas (CAPAs)
- 2 required by chapter 30.62A SCC and the limits of the proposed site disturbance outside of the
- 3 CAPA, using methods and materials acceptable to the county.
- 4 11. Any land disturbing activity must allow stormwater drainage from upstream to enter the site.
- 5 12. The Fire Marshal shall review the proposed fire access to ensure compliance with turnaround
- 6 requirements.
- 7 13. Fire hydrant locations and fire flow requirements shall be reviewed and approved.
- 8 14. A land use binder shall be recorded in accordance with SCC 30.42C.200.
- 9 15. A landscape site inspection fee consistent with SCC 30.86.145(3) shall be paid at land
- 10 disturbing activity permit issuance.
- 11 16. The amount of \$300.00 shall be paid for the installation of signs and striping, SCC 13.10.180
- 12 (transaction code 7330).
- 13 17. A landscape maintenance security may be required in accordance with SCC 30.84.150 if the
- 14 applicant requests a planting delay and PDS concurs with the suitability of the delay.
- 15 18. MA Center shall record with the Snohomish County Auditor a Critical Areas Site Plan (SCC
- 16 30.62.160) approved by PDS that designates critical areas and their buffers as Critical Area
- 17 Protection Areas (CAPAs) with the following restrictive language:
- 18 Except as provided herein All CRITICAL AREA PROTECTION AREAS shall be left
- 19 permanently undisturbed in a substantially natural state. No clearing, grading, filling,
- 20 building construction or placement, or road construction of any kind shall occur,
- 21 except removal of hazardous trees.”

22 **C. Prior to Final Approval of Site Development Permits**

- 23 19. All CAPA boundaries shall have been permanently marked on the site prior to final inspection
- 24 by the county, with both CAPA signs and adjacent markers which can be magnetically located
- 25 (e.g., rebar, pipe, or 20 penny nails). MA Center may use other permanent methods and
- 26 materials provided they are first approved by the county. Where a CAPA boundary crosses
- 27 another boundary (e.g., lot, tract, plat, or road), a rebar marker with surveyors’ cap and license
- 28 number must be placed at the line crossing.
- 29 20. CAPA signs shall have been placed no greater than 100 feet apart around the perimeter of the
- 30 CAPA. Minimum placement shall include one Type 1 sign per wetland, and at least one Type 1
- 31 sign shall be placed in any lot that borders the CAPA, unless otherwise approved by the county
- 32 biologist. The design and proposed locations for the CAPA signs shall be submitted to PDS
- 33 Permitting for review and approval prior to installation.

1 **D. Building permits**

2 Prior to issuance of any building permits:

3 21. MA Center shall have paid an impact fee to Snohomish County for traffic impacts to
4 Transportation Service Area E in the amount of \$13,232.16 (transaction code 5211). SCC
5 30.66B.340.

6 22. MA Center shall have deeded 15-feet of right of way along the property's frontage on 75th Ave.
7 SE for a total of 35-feet from the center line of the right of way, or as otherwise reasonably
8 determined by the department of Public Works. SCC 30.66B.540.

9 **E. Occupancy**

10 A certificate of occupancy shall not be issued until MA Center satisfies the following conditions:

11 23. All required landscaping has been installed. A qualified landscape designer shall certify to the
12 department that the installation complies with county code and the approved plans.

13 24. Rural frontage improvements have been constructed to the reasonable satisfaction of the
14 county along the parcel's frontage on 75th Ave. SE. SCC 30.66B.440.

15 25. The access point on 75th Ave. SE has been reconstructed and improved to the reasonable
16 satisfaction of the county.

17 26. Building permits have received final inspection and approval.

18 27. The Snohomish Health District has inspected and approved the on-site sewer system (septic
19 system).

20 ***Termination and Expiration***

21 28. This conditional use permit shall expire:

22 a. Five years from the date of this approval if the proposed use has not commenced (SCC
23 30.70.140); or

24 b. One year after the site ceases to be used as a religious service facility.⁴⁶

25 29. This conditional use permit shall terminate if:

26 a. Conditions of this permit are violated and not promptly corrected;

27 b. Conditions of this permit are repeatedly violated, even if promptly corrected;

⁴⁶ SCC 30.91C.085 (2015).

- 1 c. Any license or permit required by state or other law or regulation for operation of the facility
2 expires or is terminated; or
3 d. Applicable state or local laws or regulations are violated and not promptly corrected.
4 Decision issued this 25th day of February, 2022.

Peter B. Camp

Peter B. Camp
Hearing Examiner

1 **EXPLANATION OF RECONSIDERATION AND APPEAL PROCEDURES**

2 The following paragraphs summarize the reconsideration and appeal processes. For more
3 information about reconsideration and appeal procedures, please see chapter 30.72 SCC and the
4 Hearing Examiner and Council Rules of Procedure.

5 ***Reconsideration of SEPA Decision—Who May Petition***

6 **Only a principal party** (appellant, applicant, or PDS) may request reconsideration of the **SEPA**
7 **decision** by the Hearing Examiner by filing a petition for reconsideration. The petitioner for
8 reconsideration shall mail or otherwise provide a copy of the petition for reconsideration to **all**
9 parties of record on the date of filing. SCC 30.72.065.

10 ***Reconsideration of Conditional Use Permit—Who May Petition***

11 **Any party of record** may request reconsideration of the **conditional use permit** by the Hearing
12 Examiner by filing a petition for reconsideration. The petitioner for reconsideration shall mail or
13 otherwise provide a copy of the petition for reconsideration to **all** parties of record on the date of
14 filing. SCC 30.72.065.

15 ***Reconsideration of Conditional Use Permit—Deadline and Filing***

16 Any petition for reconsideration for either the SEPA appeal or conditional use permit must be filed
17 **no later than March 7, 2022**. The petition for reconsideration must be filed in writing with the
18 Office of the Hearing Examiner, 2nd Floor, Robert J. Drewel Building, 3000 Rockefeller Avenue,
19 Everett, Washington, (Mailing Address: M/S No. 405, 3000 Rockefeller Avenue, Everett WA
20 98201) or by email to Hearing.Examiner@snoco.org. Irrespective of method of delivery, a petition
21 for reconsideration is deemed filed when it is delivered by the close of business on the deadline or
22 if the email is timestamped on or before the deadline. There is no fee for filing a petition for
23 reconsideration.

24 ***Reconsideration—Grounds and Form***

25 A petition for reconsideration for either the SEPA appeal or conditional use permit does not have to
26 be in a special form but must contain the name, mailing address and daytime telephone number of
27 the petitioner, the signature of the petitioner or of the petitioner's attorney, if any; identify the
28 specific findings, conclusions, actions and/or conditions for which reconsideration is requested;
29 state the relief requested; and, where applicable, identify the specific nature of any newly
30 discovered evidence and/or changes proposed by the applicant.

1 Grounds for seeking reconsideration are limited to the following:

- 2 (a) The Hearing Examiner exceeded his jurisdiction;
- 3 (b) The Hearing Examiner failed to follow the applicable procedure in reaching his decision;
- 4 (c) The Hearing Examiner committed an error of law;
- 5 (d) The Hearing Examiner's findings, conclusions and/or conditions are not supported by the
6 record;
- 7 (e) New evidence is discovered which could not reasonably have been produced at the hearing
8 and which is material to the decision; or
- 9 (f) The applicant proposed changes to the application in response to deficiencies identified in
10 the decision.

11 Petitions for reconsideration will be processed and considered by the Hearing Examiner pursuant
12 to the provisions of SCC 30.72.065. Please include the county file number in any correspondence
13 regarding this case.

14 ***Appeal—SEPA Decision***

15 The decision on the appeal of the SEPA threshold determination may be appealed by filing a land
16 use petition in the Snohomish County Superior Court. If no party to the appeal requests
17 reconsideration, the petition to the Superior Court **must** be filed with the Superior Court Clerk **no**
18 **later than 21 days after a final decision is issued by Snohomish County**. The date of issuance
19 is calculated by RCW 36.70C.040(4). If a petition for reconsideration is filed by any party to the
20 appeal, the Superior Court action **must** be filed no later than twenty-one days after the
21 reconsideration decision is issued. The date of issuance of any reconsideration decision is
22 calculated by RCW 36.70C.040(4). For more information about appeals to Superior Court,
23 including, but not limited to, required steps that must be taken to appeal this decision, please see
24 the Revised Code of Washington, Snohomish County Code, and applicable court rules.

25 The cost of transcribing the record of proceedings, of copying photographs, video tapes, and
26 oversized documents, and of staff time spent in copying and assembling the record and preparing
27 the return for filing with the court shall be borne by the petitioner. SCC 2.02.195(1) (b) (2013).
28 Please include PDS file number in any correspondence regarding this case.

1 **Appeal—Conditional Use Permit**

2 An appeal to the County Council may be filed by any aggrieved party of record **on or before**
3 **March 11, 2022**. Where the reconsideration process of SCC 30.72.065 has been invoked, no
4 appeal may be filed until the reconsideration petition has been decided by the hearing examiner.
5 An aggrieved party need not file a petition for reconsideration but may file an appeal directly to the
6 County Council. If a petition for reconsideration is filed, issues subsequently raised by that party on
7 appeal to the County Council shall be limited to those issues raised in the petition for
8 reconsideration.

9 Appeals shall be addressed to the Snohomish County Council but shall be filed in writing with the
10 Department of Planning and Development Services, 2nd Floor, County Administration-East
11 Building, 3000 Rockefeller Avenue, Everett, Washington (Mailing address: M/S No. 604, 3000
12 Rockefeller Avenue, Everett, WA 98201), and shall be accompanied by a filing fee in the amount of
13 five hundred dollars (\$500.00) for each appeal filed; PROVIDED, that the fee shall not be charged
14 to a department of the County. The filing fee shall be refunded in any case where an appeal is
15 summarily dismissed in whole without hearing under SCC 30.72.075.

- 16 1. Scan the original manually signed (handwritten) copy of the appeal document;
- 17 2. Send your appeal as an email attachment to epermittech@snoco.org. Please include your
18 phone number where you can be reliably reached.
- 19 3. Staff will call you to collect your credit card information and process your payment.
- 20 4. Mail the original to Snohomish County PDS, 3000 Rockefeller M/S 604, Everett, WA 98201.

21 An appeal must contain the following items in order to be complete: a detailed statement of the
22 grounds for appeal; a detailed statement of the facts upon which the appeal is based, including
23 citations to specific Hearing Examiner findings, conclusions, exhibits or oral testimony; written
24 arguments in support of the appeal; the name, mailing address and daytime telephone number of
25 each appellant, together with the signature of at least one of the appellants or of the attorney for
26 the appellant(s), if any; the name, mailing address, daytime telephone number and signature of the
27 appellant's agent or representative, if any; and the required filing fee.

28 The grounds for filing an appeal shall be limited to the following:

- 29 (a) The decision exceeded the Hearing Examiner's jurisdiction;
- 30 (b) The Hearing Examiner failed to follow the applicable procedure in reaching his decision;
- 31 (c) The Hearing Examiner committed an error of law; or
- 32 (d) The Hearing Examiner's findings, conclusions and/or conditions are not supported by
33 substantial evidence in the record. SCC 30.72.080

34 Appeals will be processed and considered by the County Council pursuant to the provisions of
35 chapter 30.72 SCC. Please include the County file number in any correspondence regarding the
36 case.

MA Center PNW

19-104584 CUP

Decision Denying SEPA Appeal and Approving Conditional Use Permit Subject to Conditions

1 Staff Distribution:

2 Department of Planning and Development Services: Stacey Abbott

3 The following statement is provided pursuant to RCW 36.70B.130: "Affected property owners may
4 request a change in valuation for property tax purposes notwithstanding any program of
5 revaluation." A copy of this Decision is being provided to the Snohomish County Assessor as
6 required by RCW 36.70B.130.

APPENDIX A – LIST OF EXHIBITS

PROJECT DOCUMENTS

A. Application

A.1	Revised Master Permit Application	7/21/21
A.2	Project Narrative	Undated
A.3	Decision criteria	7/21/21
A.4	120 Day Waiver	6/21/19

B. Plans

B.1	Site Plan	7/21
B.2	Preliminary Civil Drawings	7/21
B.3	Landscape Plans	7/21

C. Reports

C.1	Traffic Report	3/20
C.2	Targeted Drainage Report	7/13/21
C.3	Geotechnical Investigation	4/6/20
C.4	Critical Area Study and Wetland Mitigation Plan Report	2/18/20

D. Property

D.1	Zoning Map	10/20/21
D.2	Vicinity Map	4/11/19

E. Environmental

E.1	Determination of Nonsignificance with Environmental Checklist	10/20/21

F. Notice and Routing Documents

F.1	Affidavit of Mailing – Notice of Cancelled and Rescheduled Open Record Hearing, Notice of Open Record Hearing, Threshold Determination, and	12/9/21
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MA Center PNW

19-104584 CUP

Decision Denying SEPA Appeal and Approving Conditional Use Permit Subject to Conditions

Page 34 of 45

	Concurrency and Traffic Impact Fee Determinations. Affidavit of E-Mailing Determination of Nonsignificance.	
F.2	Affidavit of Notification (publication) – Notice of Cancelled and Rescheduled Open Record Hearing, Notice of Open Record Hearing, Threshold Determination, and Concurrency and Traffic Impact Fee Determinations	12/13/21
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	12/10/21
<u>G. Other Submittal Items</u>		
G.1	EDDS Drainage Modification 19-104584 WMD	7/16/21
<u>H. City/Agency Comments</u>		
H.1	Snohomish Health District comment letter	11/5/20
H.2	Washington State Department of Transportation comment email	11/18/20
H.3	Fire District 7 Comment Letter	4/7/19
H.4	Cross Valley Water District Fire Flow Analysis	1/20/22
<u>I. Public Comments</u>		
I.1	Emails from Anglin, Don	5/1/19 11/8/21
I.2	Email from Bauman, Jesse	11/10/21
I.3	Email from Boesche, Robert	11/9/21
I.4	Email from Boyer, Sherrill	11/10/21
I.5	Email from Bremer, Kevin	11/10/21
I.6	Email from Brueske, Cathleen	11/9/21
I.7	Email from Brzezinski, Gary,	11/9/21
I.8	Email from Dani	11/3/21
I.9	Email from Dick, Nancy	11/9/21
I.10	Email from Dorsch, Raymond	11/10/21
I.11	Email from Dulin, Miesha	11/9/21
I.12	Email from Eberenz, Jay	11/10/21
I.13	Email from Franz, Sharon	11/9/21
I.14	Email from Gayle, Richard	11/10/21
I.15	Email from Gordon, Peter	11/9/21
I.16	Email from Gray, Linda	11/9/21
I.17	Email from Gustafson, Cathleen	11/10/21
I.18	Email from Hagstrom, Erik	11/9/21
I.19	Email from Hayes, Stacia	5/9/19

MA Center PNW

19-104584 CUP

Decision Denying SEPA Appeal and Approving Conditional Use Permit Subject to Conditions

I.20	Email from Huso, Susan	11/10/21
I.21	Email from Ing, Andrew	11/9/21
I.22	Email from Johnson, Angela	11/9/21
I.23	Email from Johnson, Chris	11/10/21
I.24	Email from Johnson, Mike and Janet	11/9/21
I.25	Email from Johnson, Tim	11/10/21
I.26	Emails and letter from Jones, Glen or Darlene	11/8/19 11/10/21
I.27	Email from Kanz, Melanie	11/10/21
I.28	Email from Landman, Mary	11/8/21
I.29	Email from Li, Jeff	11/9/21
I.30	Email from Littlefield, Janet	11/9/21
I.31	Email from Lombard, Susan	11/9/21
I.32	Email from Martin, Jeffrey	5/17/19 11/3/21
I.33	Email from Martin, Sean	11/10/21
I.34	Email from Hendrix-McAdams, Heather	11/10/21
I.35	Email from Montgomery, Sara	11/10/21
I.36	Email from Montgomery, Michael	11/10/21
I.37	Email from Murphy, John	11/9/21
I.38	Email from Newton, Saint	11/9/21
I.39	Email from Perkins, Debra	11/10/21
I.40	Email from Pascual, Thao	11/9/21
I.41	Email from Paris, Dirk	11/9/21
I.42	Email from Paris, Hope	11/10/21
I.43	Email from Olmsted, Patty	11/9/21
I.44	Email from Olmsted, Paul	11/9/21
I.45	Email from Potter, David	11/10/21
I.46	Email from Schenck, Christy	11/9/21
I.47	Email from Savage, Mike and Emma	11/10/21
I.48	Email from Schultz, Russ	11/10/21
I.49	Emails from Stewart, Katrina	11/9/21 11/10/21 11/19/21
I.50	Email from Stankus, Katherine and Bill	11/10/21
I.51	Email from Teasley, Kenneth	11/10/21
I.52	Email from Terpstra, Jonathan	11/10/21
I.53	Email from Barrett, Julie	12/29/21
I.54	Email from Carrier, Val	1/8/22
I.55	Email from Gordon, Peter	12/20/21
I.56	Email from Grimes, Kent	1/4/22
I.57	Email from Lipe, Jessie	1/9/22
I.58	Email from Maas, Guy	1/12/22

MA Center PNW

19-104584 CUP

Decision Denying SEPA Appeal and Approving Conditional Use Permit Subject to Conditions

I.59	Email from Maas, Laura	1/12/22
I.60	Email from Seiler, Raymond, Seiler Family Trust	12/27/21
I.61	Email from Seversen, Jennifer	12/18/21
I.62	Email from Hardy, Darcy	1/15/22
I.63	Email from Young, Steph	1/15/22
I.64	Email from Brzezinski, Gary	1/19/22
I.65	Emailed letter, Bill Lider, Sno-King Watershed Council	1/21/22
I.66	Email from Sveinung and Ariana Bergesen	1/20/22
I.67	Email from Dudzik, Robert	1/21/22
I.68	Email from Morris, Jeff & Angela	1/22/22
I.69	Email from Robinson, Colin	1/24/22
I.70	Email from Olmstead, Paul	1/25/22
I.71	Email from Dick, Nancy	1/25/22
I.72	Email from Olmstead, Paul	1/25/22
I.73	Email from Damman, Kelly	1/25/22
I.74	Email from Snoland, Emma	1/25/22
I.75	Email from Vineyard, Akash	1/25/22
I.76	Email from Rabindan, Siddhartha	1/25/22
I.77	Email from Achala Devi	1/25/22
I.78	Email from Shirley Rutherford	1/25/22
I.79	Email from Tirtha McCrary	1/25/22
I.80	Email from Lynnea Erickson	1/25/22
I.81	Email from Suchithra Gopinath	1/25/22
I.82	Email from Sylvia Schultz	1/25/22
I.83	Email from Bonnie Olson	1/25/22
I.84	Email from Madhavi Sunkara	1/25/22
I.85	Email from Michael Hersey	1/25/22
I.86	Email from Theresa Joss	1/25/22
I.87	Email from Rashmesh Radhakrishnan	1/25/22
I.88	Email from Kumuda Kali	1/25/22
I.89	Email from Jyoti and Kush Vaid	1/25/22
I.90	Email from Meera Venkatesh	1/25/22
I.91	Email from Cathleen Brueske	1/25/22
I.92	Email from Kirtana Devi	1/25/22
I.93	Email from Visala Hohlbein	1/25/22
I.94	Email from Christel Hughes	1/25/22
I.95	Email from Dave Hohlbein	1/25/22
I.96	Email from Kothai	1/25/22
I.97	Email from Anna Lanman	1/25/22
I.98	Email from Colette Crawford	1/25/22
I.99	Email from Krishnan Narayanan	1/25/22
I.100	Email from Kushagra Vaid	1/25/22
I.101	Email from Ambili Sukesan	1/25/22

MA Center PNW

19-104584 CUP

Decision Denying SEPA Appeal and Approving Conditional Use Permit Subject to Conditions

I.102	Email from Santhosh Subramanian	1/25/22
I.103	Email from Tara Smith	1/25/22
I.104	Email from Jaida Wood	1/25/22
I.105	Email from Claire Oravec	1/25/22
I.106	Email from Naveena Rajendran	1/25/22
I.107	Email from Namah Sivaya, Dayamritananda Puri, Pat Conner	1/25/22
I.108	Email from Bianca Rodriguez	1/25/22
I.109	Email from Radha Devi	1/25/22
I.110	Email from Prinka Balasubramanian	1/25/22
I.111	Email from Raymond Dorsch	1/25/22
I.112	Email from Debra Sexton	1/25/22
I.113	Email from J Johnson	1/25/22
I.114	Email from Raymond Dorsch	1/25/22
I.115	Email from Sherrill Boyer	1/25/22
I.116	Email from Susan Huso	1/25/22
I.117	Email from Barbara Lau	1/25/22
I.118	Email from Linda Gray	1/25/22
I.119	Email from Kent Grimes	1/25/22
I.120	Email from William Lider	1/25/22
I.121	Email from Terry Barnard	1/25/22

J. Response to Agency/Public Comments

J.1	Applicant response to public comments	Undated

K. Staff Recommendation

K.1	Staff Recommendation	Undated

L. Submitted During the Open Record Hearing

L.1	Brian Kalab Resume	
L.2	Brad Lincoln Resume	
L.3	Gayle Cramer Resume	
L.4	Jon Pickett Resume	
L.5	Phil Haberman Resume	
L.6	Ryan Kramer Resume	
L.7	Applicant’s MA Center DC Presentation	

SUBMITTED ON APPEAL OF DNS

P. Pleadings

P.1	Jones Declaration	11/17/21
P.2	Appellant's Motion to Continue	12/3/21
P.3	Appellant's Declaration of Service – Motion to Continue	12/3/21
P.4	Order Denying Appellant's Motion to Continue	12/3/21
P.5	PDS - Dorsey Notice of Appearance	12/7/21
P.6	Eglick Notice of Appearance	12/17/21
P.7	Motion to Continue Hearing Date	12/17/21
P.8	Motion for Remand for Failure of Notice	12/17/21
P.9	Applicant Response to Motion to Change Hearing Date	12/29/21
P.10	Applicant Response to Motion to Remand	12/29/21
P.11	PDS Response to Motion to Change Hearing Date and Remand	12/29/21
P.12	Appellant's Reply re Motion to Change Hearing Date	1/5/22
P.13	Appellant's Declaration in Support of Motion to Change Hearing Date	1/5/22
P.14	Appellant's Reply in Support of Motion for Remand Due to Failure of Notice	1/5/22
P.15	Applicant's Objection to Appellant's Replies	1/6/22
P.16	Appellant's Reply to Applicant's Objection; Ref. P.12 - P.14	1/6/22
P.17	Appellant's Motion to Hearing Examiner RE County's Draft Exhibit List	1/5/22
P.18	Appellant's Motion (2) to Hearing Examiner RE County's Draft Exhibit List	1/10/22
P.19	Appellant's Motion (3) to Hearing Examiner RE Continuance, Recall	1/26/22
P.20	Applicant's Closing Statement	2/11/22
P.21	Appellant's Proposed Findings and Conclusions	2/11/22
P.22	PDS Closing Argument	2/14/22
P.23	Appellant Objection to Late Filing	2/14/22
P.24	PDS Response to Appellant Objection to Late Filing	2/14/22

Q. Appellant Exhibits

Adm
(Y/N)

Q.1	Appeal	11/10/21	Y
Q.2	Appellant's Witness List	1/4/22	Y
Q.2.b	Appellant's Exhibit List	1/12/22	Y
Q.2.c	Appellant's Rebuttal Exhibit list	1/18/22	Y
Q.2.d	Appellant's Supplemental Exhibit List	1/24/22	Y
Q.2.e	Appellant's Hearing Brief RE SEPA Appeal and CUP Application	1/24/22	Y

MA Center PNW

19-104584 CUP

Decision Denying SEPA Appeal and Approving Conditional Use Permit Subject to Conditions

Page 39 of 45

Q.3	Michael J. Read, PE, Resume	1/4/22	Y
Q.4	MP Center PNW Traffic Review 1-11-22	1/11/22	Y
Q.5a	188721_19104584PRO+Pre-Submittal_Conference_Review_Form +3.25.2019_2.12.48_PM	10/31/18; 1/22/19	Y
Q.5b	443264_791524_443264_09172508 traffic concurrency mitigation for 30person	5/10/19	Y
Q.6	690481_791524_690481_18055035 Transportation update memo Oct 2021	11/18/21	Y
Q.7	epermit Oct 26 2018 for 30KAMMA worship hall	10/26/18 10/31/18	N
Q.8	FW _ DNS and Conditional Use Permit application for 19 104584 CUP	11/19/21	Y
Q.9	RE_ 19-104584 CUP MA Center S Abbott D Irwin	11/18/21	Y
Q.10	Traffic exhibit - photo of 75th Ave SE to the north	undated	Y
Q.11	Traffic exhibit - photo of 75th Ave SE to the south	undated	Y
Q.12	Traffic exhibit- photo of pedestrian on 75th Ave SE	undated	Y
Q.13	188726_19104584 PRO Water_Availability_Certificate +3.25.2019_2.13.33_PM	1/31/19	N
Q.14	Beckwith comments 447003_23075533 highlight differences	5/23/19	N
Q.15	Fitzgerald comments 19534 7 Fesler re CUP comments	4/27/19	N
Q.16	Road & Fire Coordination Meeting	9/20/17	N
Q.17	188732_19104584PRO+Geotechnical_Report+3.25.2019_2.11.06_P M	11/2/18	N
Q.18	RE_ MA Center (19-104584-CUP)	9/27/19 9/30/19	N
Q.19	364880_ 19104584PRO+Drainage_Report+12.30.2020_8.41.12_AM+ 1967251	Rev 12/17/20	N
Q.20	RE File #19-104584-000-00-CUP S Abbott to AMANDA	11/10/21	Y
Q.21	RE_ 19-104584 CUP MA Center Countryman to Santhosh	7/9/20	N
Q.22	RE_ MA Center comments Santhosh to Sage	11/23/20 12/2/20	N
Q.23	403910_19104584PRO+Comment_Response_Letter_+4.26.2021_ 11.18.59_AM+2163726	4/26/21	N
Q.24	RE_ 19-104584 CUP MA Center PNW (CUP) Zoom Hearing Dec. 16, 2021 at 11_00 am Santosh to Abbott	10/19/21 10/21/21	N
Q.25	RE_ MA Center (19-104584 CUP) Abbott to Raven Campbell	8/14/20- 9/25/20	Y
Q.26	403913_19104584PRO+Other+4.26.2021_11.19.02_AM+2163730	4/26/21	N
Q.27	mtg 102021 re SEPAcklist	10/20/21	N
Q.28	426706_19104584PRO+Comment_Response_Letter_+7.16.2021_1 1.18.53_AM+2304931	Rev 4/26/21	N
Q.29	426707 19104584PRO+Comment_Response_Letter_ +7.16.2021_11.18.53_AM+2304929	7/16/21	N

MA Center PNW

19-104584 CUP

Decision Denying SEPA Appeal and Approving Conditional Use Permit Subject to Conditions

Q.30	426708_19104584PRO+Drainage_Report+7.16.2021_11.18.53_AM+2304932	Rev 7/13/21	N
Q.31	426709_19104584PRO+Stormwater Modification+7.16.2021_11.18.53_AM+2304930	7/16/21	N
Q.32	561795_791524_561795_11082357	11/20/20	N
Q.33	593090_791524_593090_07161358	1/7/21	Y
Q.34	599233_791524_599233_26171929	1/26/21	N
Q.35	656853_791524_656853_23064156	7/23/21	Y
Q.36	FW MA Center PNW 19104584 CUP, 19 104584 WMD	7/20/21	N
Q.37	Emailing_ MA center _ response_BB_ 180950 PRELIM PHASE I	7/8/21	N
Q.37.a	a Emailing_ MA center _ response_BB_ attachment 1	undated	N
Q.37.b	180950-PRELIM-PHASE I MA center-response_BB attachment 2	9/12/18	Y
Q.38	RE Information on File Number 19 104584 CUP Abbott to D Jones	3/23/20- 4/14/20	N
Q.39	RE_ notice of application status, File #19 104584 CUP Lenz PDS to Anglin	3/14/20- 3/16/20	N
Q.40	FW 19 104584 CUP SEPA not billed	10/20/21- 10/21/20	N
Q.41	19 104584 CUP RE_ Hearing Week of 12_13 Abbott to Arnett	10/12/21	N
Q.42	FW 19 104584 CUP Abbott to Skattum	5/5/21- 5/12/21	N
Q.43	15107029 PA Review key issues	8/16/15	Y
Q.44	Re_ FW _ Land use 19-104584 CUP MA Center Prakesh to Abbott	10/29/21- 11/12/21	Y
Q.45	RE_ MA Center (19-104584-CUP)L Burke to SM IECO 09302019 (Appears to be duplicative of Q.18)	9/27/19- 9/30/19	Y
Q.46	SnoCo Regional Fire Rescue response to 150 attendees.	12/13/21	N
Q.47	582774_791524_582774_25131135 health letter approv if const first	11/25/20	N
Q.48	442923_791524_442923_09082920 30 person lx per wk exceeds current system	5/18/19	N
Q.49	318758_19104584PRO+Health_District_or_Department_Approval+7.6.2020_10.51.05 AM+ 1706020	4/16/20	N
Q.50	SnoCo HD records release 27053500200200_ApprovedWithConditions	Rev 10/22/20	N
Q.51	318752_19104584PRO+Comment_Response_Letter_+7.6.2020_10.50.48_AM+1705990	6/23/20	Y
Q.52	Property sale record 12 20 18 SnoCo	undated	N
Q.53	RE Information on File Number 19 104584 CUPS Abbott to D Jones (Appears to be duplicative of Q.38)	3/23/20- 4/14/20	N
Q.54	FW _ DNS and Conditional Use Permit application for 19 104584 CUP McCrary to Dobesh 111 021 KDS email	11/10/21	Y
Q.55	194874 Notice of Application includes names	4/10/19	Y
Q.56	APPLICANT_ SUBMITTAL.PDF	3/25/19	Y

MA Center PNW

19-104584 CUP

Decision Denying SEPA Appeal and Approving Conditional Use Permit Subject to Conditions

Q.57	File #19-104584-000-00-CUP Dorsch K059491-2nd.inst.via.Box.12-23-21	11/10/21	Y
Q.58	3 cyclists 20220116_120247.pdf	1/16/22	Y
Q.59	wetland and ravine sm.pdf	Undated	Y
Q.60	slope from property.pdf	Undated	Y
Q.61	Pedestrian with dog on 75th Ave SE	Undated	Y
Q.62	eagle flying over property	Undated	Y
Q.63	Bald eagle in neighborhood	Undated	Y
Q.64	Barred owl in neighborhood	Undated	Y
Q.65	Deer next door to property	Undated	Y
Q.66	Bears near property	Undated	Y
Q.67	About the Center	Undated	N
Q.68	10092015 Meeting minutes Fire Code Maltby	12/9/15	N
Q.69	L_Burke fire flow requirements for commercial business 12162016	12/12/16	N
Q.70	L_Gray comment on Paradise Lake Road DEIS 10262021	Undated	N
Q.71	SCFD7 (now SRFR) comments on Paradise Lake Road 16 120252 SPA	6/19/17	N
Q.72	MA Center PNW party invite 01272019	1/5/19	Y
Q.73	SnoCo Roads at Ultimate Capacity	Undated	Y
Q.74	WSDOT Summary Report Paradise Lake Road Interchange	3/19	Y
Q.75	Sno King Watershed Council Remand comment (appears to be duplicative of I.65)	1/21/22	N
Q.76	RE_ Land use 19-104584 CUP MA Center.S, Abbott to D. Anglin	11/29/21	Y
Q.77	2015 Fire Marshal requirements Maltby	7/23/15	Y
Q.78-87	Further Q series excluded – untimely	2/3/22	N
<u>R. PDS Exhibits</u>			
R.1	Verification of Appeal	11/12/21	Y
R.2	Records Request Fulfillment Verification	12/7/21	Y
R.3	Joint Exhibit List	1/19/22	Y
R.4	PDS Pre-Hearing Brief	1/21/22	Y
<u>S. Applicant Exhibits</u>			
S.a	Applicant's Witness List; expert witness resumes included	1/11/22	Y
S.b	Applicant's Exhibit List	1/18/22	Y
S.1	Response to Michael Read Memorandum, prepared by Brad Lincoln, Kimley Horn	1/18/22	Y
S.2	Aerial Map and Photos.	Undated	Y
S.3	Master Permit Application	3/25/19	Y
S.4	First Review Comment Letter, prepared by Snohomish County Planning and Development Services	6/21/19	Y

MA Center PNW

19-104584 CUP

Decision Denying SEPA Appeal and Approving Conditional Use Permit Subject to Conditions

S.5	Response Letter, prepared by Insight Engineering Co.	12/23/20	Y
S.6	Response Letter, prepared by Insight Engineering Co.	2/19/21	Y
S.7	Response Letter, prepared by Insight Engineering Co.	4/26/21	Y
S.8	Applicant's Opening Brief	1/21/22	Y
<u>T. Administrative (for use by HE)</u>			
T.1	Notice of Prehearing Conference	11/23/21	
T.2	Scheduling Order	12/7/21	
T.3	Order Denying Motions	1/14/22	
T.4	Emails RE Hearing Information (clerk & Principal Parties)	1/24/22	
T.5	Order Granting Motion to Continue, Denying Motion to Recall Witness	1/26/22	

1 **APPENDIX B – APPEARANCES AND WITNESSES**

- 2 Nicole DeLeon, Counsel for Applicant
- 3 Ken Steben, Board Member and CFO, MA Center
- 4 Brian Kalab, Insight Engineering
- 5 Ryan Kramer, R.W. Kramer Enterprises, Inc.
- 6 Brad Lincoln, Kimley Horn
- 7 Stacey Abbott, Senior Planner, PDS
- 8 Lori Burke, Assistant Fire Marshal, PDS
- 9 Sean Curran, Supervisor, PDS
- 10 Tom Sage, Plan Reviewer, PDS
- 11 David Irwin, Transportation Plan Reviewer, PDS
- 12 Brian Dorsey

13
14 **Public Comment:**

- 15 David Potter
- 16 Peter Gordon
- 17 Don Anglin
- 18 Jeanne Anglin
- 19 Erik Hagstrom
- 20 Miesha Dulin
- 21 Glen Jones
- 22 James Carroll
- 23 Kent Grimes
- 24 Vicki Marshall
- 25 Susan Huso
- 26 William Lider
- 27 Robert Boesche
- 28 Connor Jones
- 29 Griffin Jones
- 30 Barbara Lau
- 31 Cathleen Gustafson
- 32 Katrina Stewart
- 33 Linda Gray
- 34 Darlene Jones

35
36 **SEPA Appeal**

- 37 1/25/22
- 38 Darlene Jones, Appellant
- 39 Nicole DeLeon, Cairncross & Hempleman
- 40 Brian Dorsey, Counsel for PDS
- 41 Michael Read, TENW
- 42 Don Marcy, Cairncross & Hempleman
- 43 Susan Huso

MA Center PNW

19-104584 CUP

Decision Denying SEPA Appeal and Approving Conditional Use Permit Subject to Conditions

- 1 2/4/22
- 2 Linda Gray
- 3 Erik Hagstrom
- 4 Peter Gordon
- 5 Paul Olmsted
- 6 Sherrill Boyer
- 7 Don Anglin
- 8 Glen Jones
- 9 Tina Stewart
- 10 Cathleen Gustafson
- 11
- 12 David Irwin, Transportation Plan Reviewer, PDS
- 13 Sean Curran, Supervisor, PDS
- 14 Stacey Abbot, Senior Planner, PDS
- 15 Jon Pickett, Associate Principal, Soundview Consultants
- 16 Gayle Cramer, Landscape Architect, Cramer Design Consultants, Inc.

From: [Hearing.Examiner](#)
To: [Darlene @ NWLink](#); [Nicole De Leon](#); [Donald E. Marcy](#); [Kristi Beckham](#); [eglick@ewlaw.net](#); [phelan@ewlaw.net](#); [Dorsey, Brian](#); [Abbott, Stacey](#)
Cc: [prakash.vaidyanathan@gmail.com](#); [mikeread@tenw.com](#); [santhosh@insightengineering.net](#); [brian@insightengineering.net](#); [ramu@rasadesign.net](#); [Curran, Sean](#); [Barnett, Tom](#); [Irwin, David](#); "McCormick, Douglas"; [Environmental Health Questions](#); [FireMarshal@SRFR.org](#); [AlmP@wsdot.wa.gov](#); [Hearing.Examiner](#)
Bcc: [thaddeus6712@outlook.com](#); [jrlittlefield@mac.com](#); [kestankus@icloud.com](#); ["wellingtonhillsneighbors@gmail.com"](#); [rherickson@frontier.com](#); [darcy@hardygroupre.com](#); [stephklings@gmail.com](#); [daanglin3@frontier.com](#); [jessejbauman@gmail.com](#); [rboesche@aol.com](#); [sboyer@msn.com](#); [bremerke@gmail.com](#); [scasc@frontier.com](#); [gnu2@frontier.com](#); [nttdchoppa@aol.com](#); [nancydick3@gmail.com](#); [rmdiv@icloud.com](#); [mieshadulin@gmail.com](#); [jweberenz@msn.com](#); [ljarrot@msn.com](#); [rbgayle@frontier.com](#); [prgordon@live.com](#); [lqn899a@gmail.com](#); [cathgust@hotmail.com](#); [erikhagstrom@earthlink.net](#); [stacia.hayes@swedish.org](#); [susanhuso@gmail.com](#); [andrewing86@gmail.com](#); [zjohnsonz@gmail.com](#); [cj@chrisjohnson.io](#); [tmmj80@gmail.com](#); [talexj@protonmail.com](#); [glen.jones@techpowerusa.com](#); [email@melaniekanz.com](#); [maryfoland57@frontier.com](#); [jeffor@gmail.com](#); [jrlittlefield@mac.com](#); [susanlombard1982@gmail.com](#); [jeffmartindavis@frontier.com](#); [seanmartin.online@gmail.com](#); [hmcadams@gmail.com](#); [sara_montgomery@icloud.com](#); [montgomery.mike@hotmail.com](#); [murf2462@gmail.com](#); [saint@paragonrea.com](#); [ballista@earthlink.net](#); [thaopascual@gmail.com](#); [dirkparis@gmail.com](#); [hope.c.paris@gmail.com](#); [hopeparis@gmail.com](#); [polmsted@frontier.com](#); [polmsted23@gmail.com](#); [david_potter@msn.com](#); [christyschenck@frontier.com](#); [mike.emma.savage@gmail.com](#); [russ.schultz@honeywell.com](#); [tstewart@nsuch.com](#); [teaserken@msn.com](#); [jt93fd@gmail.com](#); [jtbarrett1@comcast.net](#); [val.carrier@yahoo.com](#); [kent.sue.grimes@gmail.com](#); [jessielipe@hotmail.com](#); [guymaas36@gmail.com](#); [laura.barringer@benbridge.com](#); [rfseilerjr@gmail.com](#); [jsev2020@outlook.com](#); [bill@liderengineering.com](#); [hwa_ck@hotmail.com](#); [sveinungbergesen@hotmail.com](#); [rjd0924@yahoo.com](#); [stephklings@gmail.com](#); [daanglin3@frontier.com](#); [jeff.morris251@gmail.com](#); [alenaj9@gmail.com](#); [ccrobinson@hotmail.com](#); [barbarahlau@msn.com](#); [akashamma1@mac.com](#); [EmmaSno@outlook.com](#); [kellydmm@gmail.com](#); [rvsiddhartha@gmail.com](#); [oceanofdevotion@gmail.com](#); [sarva.rutherford@gmail.com](#); [mechasmc@gmail.com](#); [lerickson5@aol.com](#); [suchithra.gopinath@gmail.com](#); [ammajagati@gmail.com](#); [terry41.tb@gmail.com](#); [sh12amma34@gmail.com](#); [theresajoss@gmail.com](#); [rashmesh@gmail.com](#); [kumudakali@gmail.com](#); [kushjyoti@yahoo.com](#); [meerakeprabh@gmail.com](#); [skvegull@seanet.com](#); [vhohlbein@msn.com](#); [kothai@yahoo.com](#); [christelhughes@gmail.com](#); [jadehealingarts@yahoo.com](#); [colette@seattleholisticcenter.com](#); [krishnan.narayanan@gmail.com](#); [kvid@outlook.com](#); [ambili.sukesan@rsir.com](#); [sansubra@hotmail.com](#); [smithtl@gmail.com](#); [jaida.wood@gmail.com](#); [oravec@me.com](#); [brodriguez1624@gmail.com](#); [gogo108@protonmail.com](#); [pribalsu@gmail.com](#); [vandyas@msn.com](#); [jbjohnso@hotmail.com](#); [madyen@nwnnews.com](#); [Arnett, Kristine](#); [Claudia Yaw Herald](#); [Cummings, Jason](#); [Dobesh, Michael](#); [Dugan, Joshua](#); [Dunn, Megan](#); [GIS](#); [Hielle, Linda](#); [Kirchberg, Jacqueline](#); [Kisielius, Laura](#); [Low, Sam](#); [McCrary, Mike](#); [Mead, Jared](#); [Nehring, Nate](#); [Rachel Riley Herald](#); [SPA Land Use Legal Asst](#); [Uddin, Mohammad](#); [Wright, Stephanie](#)
Subject: 19-104584 CUP MA Center Decision
Date: Friday, February 25, 2022 4:57:00 PM
Attachments: [19-104584 MA Center Decision.pdf](#)

Good afternoon,
Please see the attached decision, issued today.

Allegra Clarkson

She/her/hers

Administrative Hearings Clerk for

[Snohomish County Board of Equalization](#) and
[Hearing Examiner](#)

3000 Rockefeller Ave., M/S 409 • Everett, WA 98201

425.388.3407 • allegra.clarkson@snoco.org

NOTICE: All communications to and from Snohomish County are public records and may be subject to disclosure (Chapter 42.56 RCW).

**PARTIES OF RECORD SIGN UP SHEET
CLOSED RECORD APPEAL
LIMITED TO PARTIES OF RECORD ONLY
MAY 25, 2022**

FILE: MA Center PNW

FILE NO: 19-104584 CUP

NAME (<i>Please Print</i>)	COMPLETE MAILING OR E-MAIL ADDRESS
1. <i>Don Anglin</i>	<i>7408 229 PL SE Woodinville Wa 98072</i>
2. <i>Aeane Anglin</i>	<i>7408 229 PL SE Woodinville 98072</i>
3. <i>Kicki Marshall</i>	<i>23000 75th Ave SE Woodinville 98072</i>
4. <i>Tina Stewart</i>	<i>23526 82nd Ave SE Woodinville WA 98072</i>
5. <i>Darlene Jones</i>	<i>23212 75th Ave SE Woodinville Wa 98072</i>
6. <i>Cathleen Gustafson</i>	<i>7401 229th PL SE Woodinville 98072</i>
7.	
8.	
9.	
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12.	
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14.	
15.	

SNOHOMISH COUNTY COUNCIL

EXHIBIT # V. 25

FILE 19-104584 CUP



**Snohomish County
Planning and
Development Services**

VERIFICATION OF APPEAL RECEIVED

FILE NO(S): 19 104584 CUP

APPELLANT: Darlene Jones and Wellington Hill Neighbors

DOCUMENT: Appeal for **MA Center PNW**

I, ***Cindy Todd***, Permit Technician, Planning & Development Services, certify under penalty of perjury under the laws of the State of Washington that:

1. I received by e-mail an appeal on 04/08/22 at 4:42 pm.
2. Fees were paid by credit card in the amount of \$500.00 on 04/11/22 at 10:58 am
3. Receipt # 21544-268932

Cindy Todd

Signature

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON**NOTICE OF CLOSED RECORD APPEAL HEARING**

NOTICE IS HEREBY GIVEN that the Snohomish County Council will hold a closed record appeal hearing on **Wednesday, May 25, 2022, at the hour of 10:30 a.m.** in the Henry M. Jackson Board Room, 3000 Rockefeller Avenue, 8th Floor, Robert J. Drewel Building, Everett, Washington, in conjunction with a remote meeting platform via the following Zoom link, to consider an appeal received on April 8, 2022, from a decision of the Snohomish County Hearing Examiner dated March 25, 2022, (corrected decision), regarding the application described below.

Zoom Webinar link: <https://zoom.us/j/94846850772>

Dial in: (253) 215 8782 or (301) 715 8592

Meeting ID: 948 4685 0772

Note: Please check the Council webpage 24 hours prior to the scheduled hearing time for the most up-to-date information <https://snohomish.legistar.com/Calendar.aspx>, or contact the Council Clerk at 425-388-3494 or at contact.council@snoco.org.

PROJECT NAME: MA Center PNW

APPLICATION FILE NO: 19-104584 CUP

LOCATION: 23110 75th Ave SE
Woodinville, WA 98072

TYPE OF APPLICATION: 1. SEPA Threshold Determination Appeal
2. Conditional Use Permit for religious service facility

APPLICANT: Mata Amritanandamayi Center

APPELLANT: Darlene Jones and
Wellington Hills Neighbors, a Washington nonprofit corporation on behalf of its member-directors Katrina Stewart, Glen Jones, and Cathleen Gustafson

NATURE OF APPEAL HEARING: Snohomish County Code (SCC) Section 30.72.110 provides that the appeal will be heard at a closed record appeal hearing. **Appeal issues shall be limited to those expressly raised in the written appeal.** The appeal will be on the record with no new evidence allowed unless specifically requested by the County Council. No new appeal issues may be raised by a party of record after the close of time allowed by law for filing an appeal. SEPA issues are not within the jurisdiction of the County Council and will not be considered. Because this is not an open record hearing, members of the public who are not parties of record will not be allowed to present argument.

PRESENTATION OF ARGUMENT: Parties of record, other than the appellants, may file written arguments with the council clerk no later than 5:00 p.m. on April 29, 2022. **Arguments are limited to the issues expressed in the written appeal; no new appeal issues may be raised.** The appellants may file written rebuttal arguments with the council clerk, no later than 5:00 p.m. on May 6, 2022. **Such rebuttal is limited to the issues raised in written arguments filed by parties of record.** All arguments must be based on the record from the Hearing Examiner; no new evidence or testimony is allowed.

Arguments are encouraged to be submitted to the County Council through e-mail to contact.council@snoco.org. They may also be submitted at 3000 Rockefeller Ave., M/S 609, Everett, WA, 98201. Any party of record may present oral argument at the hearing.

AVAILABILITY OF RECORD: The record, including the written appeal and written arguments filed by parties of record, is available upon request by contacting the Clerk of the Council at 425-388-7038 or by e-mailing contact.council@snoco.org.

WEBSITE ACCESS: Copies of the record will also be available through the Council websites at: <https://snohomish.legistar.com/Calendar.aspx> or <http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>.

COUNTY COUNCIL ACTION: At the conclusion of the hearing, the County Council will adopt findings and conclusions in support of its decision, which may adopt any or all of the findings and conclusions of the Hearing Examiner. The Council may affirm the Hearing Examiner's decision, may reverse the Hearing Examiner's decision, wholly or in part, or may remand the matter to the Hearing Examiner for further proceedings in accordance with the Council's findings and conclusions.

ACCOMMODATION OF DISABILITIES: Accommodations for persons with disabilities will be provided upon request. Please make arrangements at least one week prior to the hearing by calling Debbie Eco at (425) 388-3494, (800) 562-4367 x3494, or TTY/Voice Communication 1-800-877-8339.

Dated this 15th day of April, 2022.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Debbie Eco, CMC
Clerk of the Council

PUBLISH: April 20, 2022
Send Affidavit to: Council
Send Invoice to: Planning #107010



**SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON**

AFFIDAVIT OF MAILING

PROJECT/FILE NO: MA Center PNW 19-104584 CUP

APPLICANT: Mata Amritanandamayi Center

DOCUMENT: Notice of Public Hearing
E-mailed and U.S. mailed April 15, 2022

I, Debbie Eco, Clerk of the Snohomish County Council, certify under penalty of perjury under the laws of the State of Washington that:

1. I have been authorized by the Snohomish County Council to mail notices required by the Snohomish County Code.
2. I have made a good-faith effort to mail the above-described document to each person entitled thereto. The names, mail addresses and e-mail addresses of the persons to whom said document was mailed are attached hereto.
3. I e-mailed and U.S. mailed said document on April 15, 2022.

Signed at Everett, Washington on April 15, 2022.

A handwritten signature in black ink, appearing to read 'Debbie Eco', written over a horizontal line.

Debbie Eco, CMC
Clerk of the Council

**SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON**

NOTICE OF CLOSED RECORD APPEAL HEARING

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Dated this 15th day of April, 2022.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Debbie Eco, CMC
Clerk of the Council

PUBLISH: April 20, 2022
Send Affidavit to: Council
Send Invoice to: Planning #107010

Mailed public hearing notice 04/15/22

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Debra Sexton	vandyas@msn.com
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Dirk Paris	dirkparis@gmail.com
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Donald Marcy	dmarcy@cairncross.com
Emma Snoland	EmmaSno@outlook.com
Environmental Health Questions	EnvHlthQuestions@snohd.org
Erik Hagstrom	erikhagstrom@earthlink.net
Gary Brzezinski	gnu2@frontier.com
Glen Jones	glen.jones@techpowerusa.com
Guy Maas	guymaas36@gmail.com
Heather Hendrix-McAdams	hhmcadams@gmail.com
Hope Paris	hope.c.paris@gmail.com
Hope Paris	hopecparis@gmail.com
J Johnson	jbjohnso@hotmail.com
Jaida Wood	jaida.wood@gmail.com
Janet Littlefield	jrlittlefield@mac.com 24321 75th Ave SE, Woodinville, WA 98072
Jeff & Angela Morris	jeff.morris251@gmail.com
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Jeffrey H. Martin	jeffmartindavis@frontier.com
Jennifer Seversen	jsev2020@outlook.com
Jesse Bauman	jessejbauman@gmail.com
Jessie Lipe	jessielipe@hotmail.com

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John Murphy	murf2462@gmail.com
Jon Pickett	jon@soundviewconsultants.com
Jonathan Terpstra	jt93fd@gmail.com
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Mike & Janet Johnson	tmmj80@gmail.com
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Paul & Patty Olmsted	polmsted23@gmail.com
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Terry Barnard	terry41.tb@gmail.com
Thao Pascual	thaopascual@gmail.com
Theresa Joss	theresajoss@gmail.com
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Tim Johnson	talexj@protonmail.com
Tom Barnett	tom.barnett@snoco.org
Val Carrier	val.carrier@yahoo.com
Vicki Marshall	thaddeus6712@outlook.com 23000 75th Ave SE, Woodinville, WA 98072
Visala Hohlbein	vhohlbein@msn.com
Wellington Hills Neighbors	wellingtonhillsneighbors@gmail.com
William Lider	bill@liderengineering.com

Everett Daily Herald

SNOHOMISH COUNTY COUNCIL

RECEIVED _____ TIME _____

APR 22 2022

CCD TO	_____	_____
JLM	DIST 1	CLT
JGG	DIST 2	OLE
YSW	DIST 3	ALC
HCB	DIST 4	SLI
WAG	DIST 5	CMF

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH952881 CLOSED RECORD APPEAL as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 04/20/2022 and ending on 04/20/2022 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$115.92. [Signature]



Subscribed and sworn before me on this 20th day of April, 2022.

[Signature: Linda Phillips]
Notary Public in and for the State of Washington.

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON
NOTICE OF CLOSED RECORD APPEAL HEARING

NOTICE IS HEREBY GIVEN that the Snohomish County Council will hold a closed record appeal hearing on Wednesday, May 25, 2022, at the hour of 10:30 a.m. in the Henry M. Jackson Board Room, 3000 Rockefeller Avenue, 8th Floor, Robert J. Drexel Building, Everett, Washington, in conjunction with a remote meeting platform via the following Zoom link, to consider an appeal received on April 8, 2022, from a decision of the Snohomish County Hearing Examiner dated March 25, 2022, (corrected decision), regarding the application described below.

Zoom Webinar link: <https://zoom.us/j/94846850772>
Dial in: (253) 215 8762 or (301) 715 8592
Meeting ID: 948 4685 0772

Note: Please check the Council webpage 24 hours prior to the scheduled hearing time for the most up-to-date information <https://snohomish.legistar.com/Calendar.aspx>, or contact the Council Clerk at 425-388-3494 or at contact.council@snoco.org.

PROJECT NAME: MA Center PNW
APPLICATION FILE NO: 19-104584 CUP
LOCATION: 23110 75th Ave SE
Woodinville, WA 98072

TYPE OF APPLICATION:

1. SEPA Threshold Determination Appeal
2. Conditional Use Permit for religious service facility

APPLICANT: Mata Amritanandamayi Center
APPELLANT: Darlene Jones and Wellington Hills Neighbors, a Washington nonprofit corporation on behalf of its member-directors Katrine Stewart, Glen Jones, and Cathleen Gustafson

NATURE OF APPEAL HEARING: Snohomish County Code (SCC) Section 30.72.110 provides that the appeal will be heard at a closed record appeal hearing. Appeal issues shall be limited to those expressly raised in the written appeal. The appeal will be on the record with no new evidence allowed unless specifically requested by the County Council. No new appeal issues may be raised by a party of record after the close of time allowed by law for filing an appeal. SEPA issues are not within the jurisdiction of the County Council and will not be considered. Because this is not an open record hearing, members of the public who are not parties of record will not be allowed to present argument.

PRESENTATION OF ARGUMENT: Parties of record, other than the appellants, may file written arguments with the council clerk no later than 5:00 p.m. on April 29, 2022. Arguments are limited to the issues expressed in the written appeal; no new appeal issues may be raised. The appellants may file written rebuttal arguments with the council clerk, no later than 5:00 p.m. on May 6, 2022. Such rebuttal is limited to the issues raised in written arguments filed by parties of record. All arguments must be based on the record from the Hearing Examiner; no new evidence or testimony is allowed. Arguments are encouraged to be submitted to the County Council through e-mail to contact.council@snoco.org. They may also be submitted at 3000 Rockefeller Ave., M/S 609, Everett, WA, 98201. Any party of record may present oral argument at the hearing.

AVAILABILITY OF RECORD: The record, including the written appeal and written arguments filed by parties of record, is available upon request by contacting the Clerk of the Council at 425-388-7038 or by e-mailing contact.council@snoco.org.

WEBSITE ACCESS: Copies of the record will also be available through the Council websites at:
<https://snohomish.legistar.com/Calendar.aspx> or
<http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>.

COUNTY COUNCIL ACTION: At the conclusion of the hearing, the County Council will adopt findings and conclusions in support of its decision, which may adopt any or all of the findings and conclusions of the Hearing Examiner. The Council may affirm the Hearing Examiner's decision, may reverse the Hearing Examiner's decision, wholly or in part, or may remand the matter to the Hearing Examiner for further proceedings in accordance with the

Council's findings and conclusions.
ACCOMMODATION OF DISABILITIES: Accommodations for persons with disabilities will be provided upon request. Please make arrangements at least one week prior to the hearing by calling Debbie Eco at (425) 388-3494, (800) 562-4367 x3494, or TTY/Voice Communication 1-800-877-8339.
Dated this 15th day of April, 2022.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington
/s/ Debbie Eco, CMC
Clerk of the Council

107010
Published: April 20, 2022.

EDH2952881



Snohomish County

County Council

April 15, 2022

**Stephanie Wright
Sam Low
Nate Nehring
Megan Dunn
Jared Mead**

Insight Engineering
c/o Santhosh Moolayil
PO Box 1478
Everett, WA 98206

3000 Rockefeller Avenue
Everett, WA 98201-4046
(425)388-3494
FAX (425)388-3496
TTY (800)877-8339

RE: Posting of Notice
Snohomish County Council Closed Record Appeal Hearing
MA Center PNW, File No. 19-104584 CUP

Mr. Moolayil,

Snohomish County Code 30.72.100(4) and 30.70.045 describe posting requirements required by the applicant. Enclosed are two copies of the notice of closed record appeal hearing for the aforementioned case and two sets of "bumper stickers". These are for posting on the large signs on the subject site.

After posting, please have the posting affidavit signed and notarized and return it to me at the Council office.

If you have any questions, please call me at (425) 388-7038. Thank you.

Sincerely,

Debbie Eco, CMC
Clerk of the Council

Encl.

EXHIBIT # V.30

FILE 19-104584 CUP

RECEIVED _____ TIME _____



APR 20 2022

CC'D TO	CP	
JLM	DIST 1	GOT
JDG	DIST 2	DLE
YSW	DIST 3	ALC
HCB	DIST 4	ELL
NAG	DIST 5	CMF

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

This form shall be notarized, a copy of the notice attached hereto and presented to the office of the Snohomish County Council prior to the scheduled closed record appeal date.

FILE: MA Center PNW
File No. 19-104584 CUP

CLOSED RECORD APPEAL HEARING DATE: May 25 @ 10:30 a.m.

I hereby certify that I, ROBERT FREER, posted the above property in two or more conspicuous places on the subject property, in accordance with the requirements of SCC 30.72.100(4).

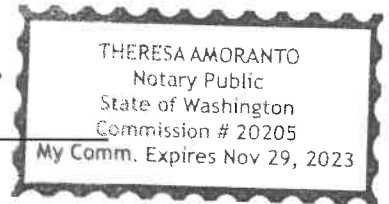
Posted on the 10, day of APRIL, 2022.

Dated this 18, day of APRIL, 2022.

Print Name: ROBERT FREER

Signed: Robert Freer

Notary Signature: [Signature]



STATE OF WASHINGTON)

COUNTY OF SNOHOMISH)

Subscribed and sworn before me this 18th day of APRIL, 2022.

Notary Public in and for the State
of Washington residing at Woodinville - WA

**SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON**

NOTICE OF CLOSED RECORD APPEAL HEARING

NOTICE IS HEREBY GIVEN that the Snohomish County Council will hold a closed record appeal hearing on **Wednesday, May 25, 2022, at the hour of 10:30 a.m.** in the Henry M. Jackson Board Room, 3000 Rockefeller Avenue, 8th Floor, Robert J. Drewel Building, Everett, Washington, in conjunction with a remote meeting platform via the following Zoom link, to consider an appeal received on April 8, 2022, from a decision of the Snohomish County Hearing Examiner dated March 25, 2022, (corrected decision), regarding the application described below.

Zoom Webinar link: <https://zoom.us/j/94846850772>

Dial in: (253) 215 8782 or (301) 715 8592

Meeting ID: 948 4685 0772

Note: Please check the Council webpage 24 hours prior to the scheduled hearing time for the most up-to-date information <https://snohomish.legistar.com/Calendar.aspx>, or contact the Council Clerk at 425-388-3494 or at contact.council@snoco.org.

PROJECT NAME: MA Center PNW

APPLICATION FILE NO: 19-104584 CUP

LOCATION: 23110 75th Ave SE
Woodinville, WA 98072

TYPE OF APPLICATION: 1. SEPA Threshold Determination Appeal
2. Conditional Use Permit for religious service facility

APPLICANT: Mata Amritanandamayi Center

APPELLANT: Darlene Jones and
Wellington Hills Neighbors, a Washington nonprofit corporation on behalf of its member-directors Katrina Stewart, Glen Jones, and Cathleen Gustafson

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PRESENTATION OF ARGUMENT: Parties of record, other than the appellants, may file written arguments with the council clerk no later than 5:00 p.m. on April 29, 2022. **Arguments are limited to the issues expressed in the written appeal; no new appeal issues may be raised.** The appellants may file written rebuttal arguments with the council clerk, no later than 5:00 p.m. on May 6, 2022. **Such rebuttal is limited to the issues raised in written arguments filed by parties of record.** All arguments must be based on the record from the Hearing Examiner; no new evidence or testimony is allowed.

Arguments are encouraged to be submitted to the County Council through e-mail to contact.council@snoco.org. They may also be submitted at 3000 Rockefeller Ave., M/S 609, Everett, WA, 98201. Any party of record may present oral argument at the hearing.

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ACCOMMODATION OF DISABILITIES: Accommodations for persons with disabilities will be provided upon request. Please make arrangements at least one week prior to the hearing by calling Debbie Eco at (425) 388-3494, (800) 562-4367 x3494, or TTY/Voice Communication 1-800-877-8339.

Dated this 15th day of April, 2022.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Debbie Eco, CMC
Clerk of the Council

PUBLISH: April 20, 2022
Send Affidavit to: Council
Send Invoice to: Planning #107010

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

OFFICIAL NOTICE OF COUNCIL DECISION

In re the Appeal of the March 25, 2022, Corrected Decision of the Hearing Examiner, approving the project of MA Center PNW; a Conditional Use Permit for a religious service facility; File No. 19-104584 CUP for property located at 23110 75th Ave SE, Woodinville, WA 98072.

NOTICE IS HEREBY GIVEN, that on May 25, 2022, and continued to May 31, 2022, a closed record appeal hearing in this matter was held and the County Council directed staff to draft a written motion upholding the Hearing Examiner's corrected decision.

FURTHER NOTICE IS GIVEN, that on June 1, 2022, the Snohomish County Council approved a written motion consistent with the oral direction provided at the May 31, 2022, closed record appeal hearing, attached hereto as Council Motion No. 22-239.

FURTHER NOTICE IS GIVEN, that unless otherwise provided by law any person having standing who wishes to appeal this decision must do so by filing a land use petition in Superior Court in accordance with the provisions of Chapter 36.70C RCW and SCC 30.72.130.

FURTHER NOTICE IS GIVEN, that affected property owners may request the Snohomish County Assessor to make a change in valuation for property tax purposes notwithstanding any program of revaluation.

DATED this 1st day of June, 2022.



Debbie Eco, CMC
Clerk of the Council

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 22-239

AFFIRMING THE HEARING EXAMINER'S DECISION IN THE CLOSED RECORD
APPEAL OF MA CENTER PNW, FILE NO. 19-104584 CUP

WHEREAS, Mata Amritanandamayi (MA Center) applied to Snohomish County for approval of a conditional use permit (CUP) for a religious service facility in unincorporated Snohomish County; and

WHEREAS, the Snohomish County Hearing Examiner ("Hearing Examiner") held an open record hearing on January 25, 2022, and February 4, 2022; and

WHEREAS, the Hearing Examiner issued a decision on February 25, 2022, that was corrected on March 25, 2022, denying an appeal of a threshold determination of nonsignificance (DNS) under the State Environmental Policy Act (SEPA) and approving the CUP subject to conditions; and

WHEREAS, Appellants Darlene Jones and Wellington Hills Neighbors appealed the decision of the Hearing Examiner to the County Council under SCC 30.72.070 on April 8, 2022; and

WHEREAS, some of appellants' appeal issues allege error associated with the Hearing Examiner's decision to affirm the DNS issued under SEPA and the SEPA appeal process; and

WHEREAS, the County Council summarily dismissed Appeal Issue 1 and Appeal Issues 5 and 6 in part and to the extent related to SEPA appeal issues or process based on Council's lack of jurisdiction over SEPA appeals through Motion No. 22-174 on April 20, 2022; and

WHEREAS, the Council held a closed record appeal hearing on May 25, 2022, and May 31, 2022, to consider the remaining appeal issues; 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 March 25, 2022, corrected decision, with certain findings and conclusions 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 March 25, 2022, corrected decision regarding MA Center PWN, File No. 19-104584 CUP.
2. The County Council adopts the findings and conclusions of the Hearing Examiner in the March 25, 2022, order denying petition for reconsideration regarding MA Center PWN, File No. 19-104584 CUP.
3. The County Council understands how appellants and members of the public perceive footnote 8 of the decision to be gratuitous. However, after careful consideration of the content of the footnote in light of the entire record, the Council finds and concludes that the Hearing Examiner did not act inappropriately in reviewing prior decisions regarding uses proximate and similar to the MA Center, and did not exhibit bias that would cause the Hearing Examiner to misapply the applicable County Code requirements to the CUP application.

Section 2. The County Council hereby affirms the decision of the Hearing Examiner dated March 25, 2022, in the matter of MA Center PNW, File No. 19-104584.

DATED this 1st day of June, 2022.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:



Clerk of the Council



SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AFFIDAVIT OF MAILING

PROJECT/FILE NO: MA Center PNW 19-104584 CUP


APPLICANT: Mata Amritanandamayi Center

DOCUMENT: Notice of Council Decision
E-mailed June 1, 2022, U.S. mailed June 2, 2022

I, Debbie Eco, Clerk of the Snohomish County Council, certify under penalty of perjury under the laws of the State of Washington that:

1. I have been authorized by the Snohomish County Council to mail notices required by the Snohomish County Code.
2. I have made a good-faith effort to mail the above-described document to each person entitled thereto. The names, mail addresses and e-mail addresses of the persons to whom said document was mailed are attached hereto.
3. I e-mailed June 1, 2022, and U.S. mailed said document on June 2, 2022.

Signed at Everett, Washington on June 1, 2022.



Debbie Eco, CMC
Clerk of the Council

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

OFFICIAL NOTICE OF COUNCIL DECISION

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DATED this 1st day of June, 2022.



Debbie Eco, CMC
Clerk of the Council

E-Mailed: June 1, 2022
U.S. Mailed: June 2, 2022

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 22-239

AFFIRMING THE HEARING EXAMINER'S DECISION IN THE CLOSED RECORD
APPEAL OF MA CENTER PNW, FILE NO. 19-104584 CUP

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WHEREAS, the County Council summarily dismissed Appeal Issue 1 and Appeal Issues 5 and 6 in part and to the extent related to SEPA appeal issues or process based on Council's lack of jurisdiction over SEPA appeals through Motion No. 22-174 on April 20, 2022; and

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DATED this 1st day of June, 2022.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:



Clerk of the Council

Members:

Achala Devi	oceanofdevotion@gmail.com
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Alena Jones	alenaj9@gmail.com
Ambili Sukesan	ambili.sukesan@rsir.com
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Bianca Rodriguez	brodriguez1624@gmail.com
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