



Snohomish County Council

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MEMORANDUM

TO: Snohomish County Council
FROM: Ryan Hembree, Legislative Analyst
DATE: July 2, 2025
SUBJECT: Appeal of Hearing Examiner Decision: Preliminary Planned Residential Development subdivision, Planned Residential Development official site plan, preliminary subdivision, Urban Residential Design Standards administrative site plan, and Single-Family Detached Unit site plan approved subject to condition

(File # 22 113955 SPA, 22 114101 SPA, 22 117447 SPA, 22 117395 PSD, 22 117398 PSD/SPA, 22 117404 PSD, 23 119794 VAR)

Purpose

This memorandum provides an overview of the closed record appeal hearing scheduled for July 2, 2025, under the provisions of Chapter 30.72 of the Snohomish County Code (SCC).

The record for the council's decision 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 RCW.

The Development Application

The applicant, Pacific Ridge Homes applied for a mixed-use phased development that consisted of eight parcels (144.88 acres) to be developed in 12 phases. In total, the project proposed 1,311 dwellings, consisting of 377 apartments, 360 townhomes and 574 detached single-family residences. 61,000 sq. ft. of commercial development are also included with 30,000 sq. ft devoted to general retail. Pacific Ridge anticipates development will occur over six years.

On August 19, 2022, Pacific Ridge—DRH, LLC applied to Snohomish County Planning and Development Services Department (PDS) for a Planned Residential Development (PRD) subdivision, subdivisions using lot size averaging, unit lot subdivisions, Urban Residential Design Standards (URDS) site plans, and a Single-Family Detached Unit (SFDU) site plan.

After Pacific Ridge's initial application on August 22, 2022, PDS advised Pacific Ridge that the application was not complete. Pacific submitted the material requested by PDS on October 26, 2022. Twenty-eight calendar days passed without PDS notifying Pacific Ridge that its October 26 submission was incomplete. Therefore, the October 26, 2022, submission was deemed complete by operation of SCC 26 30.70.040 and the development application vested on that date.

Pacific Ridge submitted additional information December 22, 2023, April 24, 2024, August 26, 2024, and September and October 2024. Pacific Ridge requested consolidated review.

The proposed 144.88 acre site is in unincorporated Snohomish County at 8915 Cathcart Way. The Comprehensive Plan Designations are:

- Urban High Density Residential
- Urban High Density Residential/Urban Industrial (overlapping designations)
- Urban Industrial
- Urban Medium Density Residential
- Urban Village

The zoning is:

- Business Park
- Low Density Multiple Residential
- Multiple Residential
- Neighborhood Business

Please see a proposed vicinity maps and site map page 4-6 of this memorandum.

Timeline

August 29, 2022	Applicant submits application
October 26, 2022	Applicant submitted additional materials as requested by PDS and deemed complete by PDS (vested)
June 14, 2023	First review of the application was completed
December 30, 2023	Revised notice of application was published and the public comment period on the revised application ends on January 22, 2024
November 21, 2024	Hearing Examiner initiates public hearing, opens the public record
November 22, 2024	Hearing Examiner public hearing day 2
December 3, 2024	Hearing Examiner public hearing day 3
December 4, 2024	Hearing Examiner public hearing day 4 and closing of the Hearing Examiner public record
February 28, 2025	Hearing Examiner issues a decision approving the application
April 30, 2025	Hearing Examiner issues Amended Decision
May 13, 2025	Appeal letter received
May 14, 2025	Appeal period closes

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

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 (exhibit S.1) requests reversal or remand of the Hearing Examiner's decision on the grounds that the decision reflected an error of law and/or was not supported by substantial evidence with regard to the appeal listings. A highlighted summary of grounds for this appeal utilizing the alphabet system pulled from the Appeal Letter are as follows:

- Jurisdictional Overreach & Undermining Record → A, E, N, V
- Incomplete Code Application → C, D, J, L
- ILA Conditions Ignored → F
- Traffic & Infrastructure Oversights → G, H, I, M
- Procedural Deficiencies in Permitting → K
- Engineering & Concurrency Ignored → O, P
- Stormwater & Critical Areas Failures → Q, R, S

Responses and Rebuttals

The council has received the following written arguments from the Appellant, the Applicant, and a Party of Record.

- Appellant's appeal letter (exhibit S.1)
- Applicant's response argument (exhibit S.2)
- Appellant's rebuttal to applicant's response argument (exhibits S.3, S.4, S.5, S.6)

Decision Options

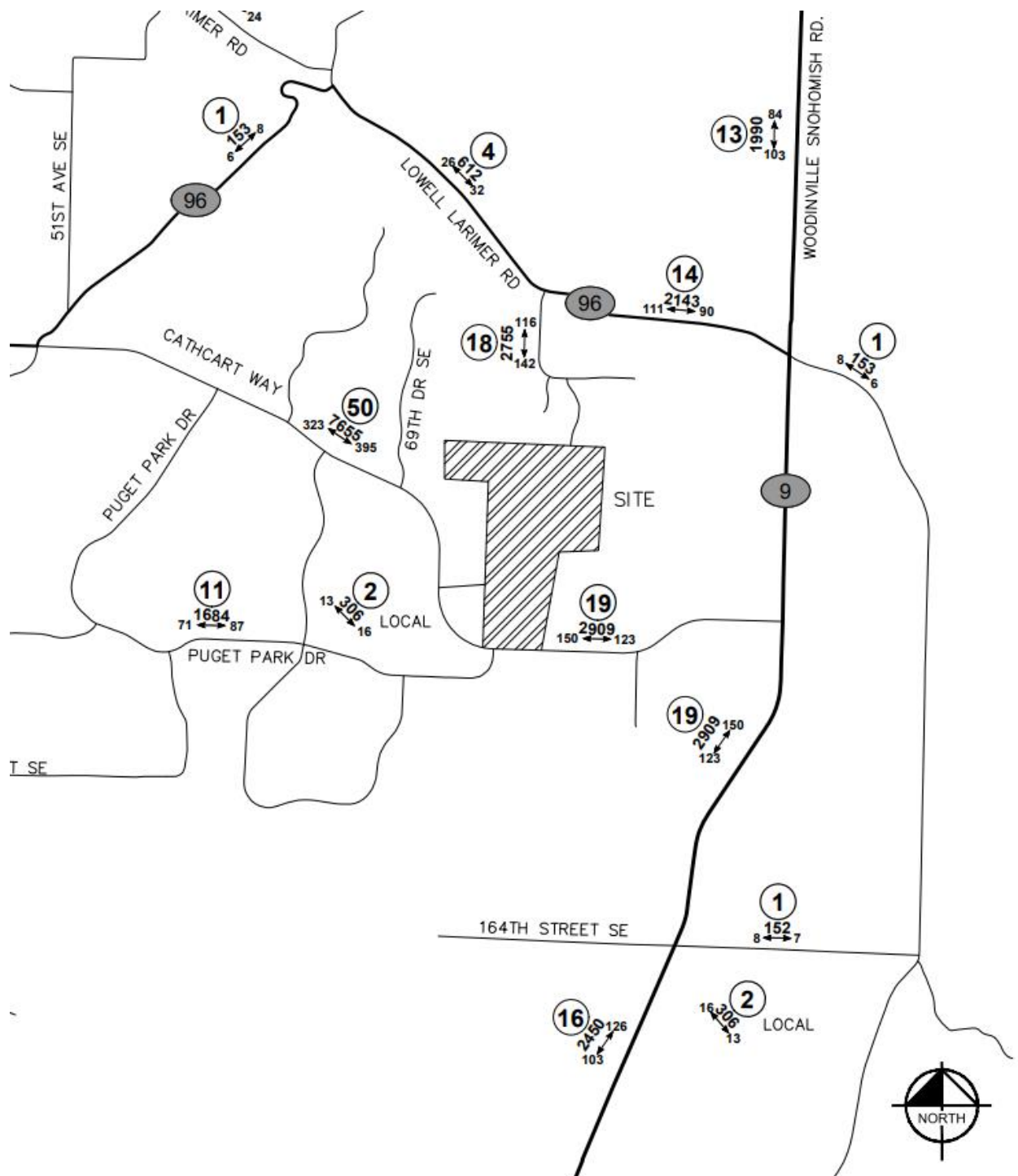
At the conclusion of closed record public hearing, the council must issue a decision in writing. The decision shall set forth findings and conclusions, which may include those of the Hearing Examiner, that support the council's decision. The council's options, pursuant to SCC 30.72.120(2):

- Affirm the Hearing Examiner's decision
- Reverse the Hearing Examiner's decision either in whole or in part
- 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 and within 15 days of the council's hearing, unless the applicant agrees to an extension. In this case the council's written decision should be issued no later than July 17, 2025.

cc: Brian Dorsey, Deputy Prosecuting Attorney

Vicinity Map



Vicinity Map



Eastview Village

