



BEFORE THE COUNCIL OF THE COUNTY OF SNOHOMISH  
STATE OF WASHINGTON

PROJECT:

EASTVIEW VILLAGE  
8915 Cathcart Way  
Snohomish, WA

FILE NOS.

22-113955 SPA  
22-114101 SPA  
22-117447 SPA  
22-117395 PSD  
22-117398 PSD/SPA  
22-117404 PSD  
24-113099 SPA

APPLICANT:

Pacific Ridge-DRH, LLC  
17921 Bothell-Everett Hwy.. Ste. 100  
Bothell, WA 98012

APPEAL OF SNOHOMISH COUNTY  
HEARING EXAMINER DECISION TO  
SNOHOMISHCOUNTY COUNCIL  
(SCC 30.72.070; .080)

OWNER:

Forestar (USA) Real Estate Group, Inc.  
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Lake Stevens, WA 98258

**I. IDENTIFICATION OF APPEAL AND DECISIONS APPEALED**

This is an appeal of the decisions made by the Snohomish County Hearing Examiner ("Examiner") as permitted by SCC 30.72.070; 080. This appeal incorporates all evidence in the record as if fully set forth herein. The reconsiderations incorporated all issues/evidence submitted prior to and during the public hearings and this appeal is brought on those issues.

**APPEAL OF SNOHOMISH COUNTY HEARING EXAMINER DECISION**

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1 **II. IDENTIFICATION OF PARTIES**

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1 **RESPONDENTS**

2 Respondents include the project applicant Pacific Ridge—DRH, LLC (“Applicant”);  
3 Snohomish County Hearing Examiner Peter Camp (“Examiner”); Snohomish County  
4 Executive, Dave Somers; and Snohomish County Planning and Development Services  
5 (“PDS”).

6 **III. RECORD OF PROCEEDINGS**

7 The Clerk of the Hearing Examiner has assembled a List of Witnesses and Exhibits,  
8 which is found online and attached to the electronic filing of this appeal. Exhibits in this  
9 appeal will be referenced to this list. For efficiency purposes this appeal will not address the  
10 sequence of the proceedings unless requested since it is already contained in the attachment.

11 **IV. DETAILED STATEMENTS OF THE GROUNDS FOR APPEAL, DETAILED  
STATEMENT UPON WHICH THE APPEAL IS BASED, AND WRITTEN  
SUPPORTING FACTS AND ARGUMENT FOR THIS APPEAL**

12 **A. The Hearing Examiner’s Findings, Conclusions, and/or Conditions are Not  
13 Supported by Evidence in the Record and will be addressed throughout this appeal.**

14 1. Neither the Applicant nor PDS provided a preponderance of evidence and the  
15 Examiner completely disregarded evidence in the record proving this fact. In legal terms,  
16 "preponderance of the evidence" refers to the standard of proof used in civil cases, where the  
17 party with the burden of proof must demonstrate that their claim is more likely than not  
18 true. This means the evidence presented by the party must be more convincing than the  
19 evidence presented by the opposing party, creating a greater than 50% chance that the claim  
20 is true. Evidence was provided prior to the public hearing, during the public hearing and on  
21 reconsideration clearly showing that the Applicant’s evidence was deficient.

22 2. The Hearing Examiner failed to follow the applicable rules of procedure in reaching  
23 the Decision and the ruling was arbitrary and capricious.

24 3. The Examiner bases the Decision on speculation. Something the Examiner does not  
25 allow others to do.

4. The Examiner did not base his denial of the motions for reconsideration on evidence

1 in the record and did not address the most crucial issues brought forth in the  
2 reconsiderations; the Examiner simply issued a blanket denial of issues the Examiner knew  
3 would be sticking points in approving the project, basically burying his head in the sand.

4 5. Any issues raised in the reconsiderations that the Examiner could not rule in favor of  
5 the applicant for, the Examiner simply ignored. This is clear prejudice. The Examiner is  
6 required to address all issues in reconsideration and provide evidence in the record to refute  
7 the issues. If there is no evidence in the record to refute the reconsideration issues, the  
8 Examiner must modify his decision accordingly.

9 6. The Examiner committed an error of law as defined by Washington State. An error  
10 of law, as defined in Washington state case law, specifically refers to a mistake in the  
11 application or interpretation of the law by the court, rather than a factual error. While the  
12 Examiner cited old case law from 1921,<sup>2</sup> the Examiner should have applied In re Adoption  
13 of M.J.W. (8 Wn. App. 2d 622 (2019)).

14 Let us not confuse an error of law with an error of facts. An error of facts occurs  
15 when there is a mistake in the facts of a case. If there was a mistake in the facts of the case  
16 the Examiner must expose it—that is his job. Evidence submitted clearly shows the  
17 Examiner committed an error of law.

18 **B. The Examiner incorrectly based his Decision using the State Environmental Policy**  
19 **Act ("SEPA" Exemption for Infill Development (SCC 30.61.035)).**

20 In the Decision, the Examiner states:

21 State law generally requires a specific project comply with development  
22 regulations, not the comprehensive plan. Generally, a specific zoning  
23 ordinance will prevail over an inconsistent comprehensive plan. \* \* \*  
24 Because a comprehensive plan is a guide and not a document designed for  
25 making specific land use decisions, conflicts concerning a proposed use are  
resolved in favor of the more specific regulations.

Lakeside Industries v. Thurston County, 83 P.3d 433, 437, 119 Wn.App. 886,

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<sup>2</sup> Order on Reconsideration p. 10, l. 9-11.

1 894–95 (2004), rev. denied, 152 Wn.2d 1015 (citations omitted).

2 County code is the touchstone to determine whether development should be  
3 approved, not the comprehensive plan. This decision reviews the proposal's  
4 consistency with county code, not the comprehensive plan.<sup>3</sup>

5 The Examiner is the governing body to enforce code compliance. SCC  
6 2.02.02 clearly gives the Examiner this authority:

7 **The examiner shall interpret, review and implement land use regulations  
8 as provided by ordinance . . .”** (Emphasis added)

9 The Examiner provided the legal authority himself providing him with the  
10 authority to require the project meets all the conditions in County Code and County  
11 Ordinances in the Order on Reconsideration before approval.<sup>4</sup> The Examiner has  
12 authority to deny, remand and/or approve a project with conditions and says so at  
13 every hearing.<sup>5</sup> A review of projects brought before the Examiner evidences there  
14 are few, if any, projects that are denied or remanded, to the detriment of the public.

15 SCC 30.61.035 and RCW 43.21C.229 embodies adherence to the  
16 Comprehensive Plan and, therefore, provides the Examiner with authority and  
17 jurisdiction to enforce the same. Again, the County Code incorporates the RCW.  
18 The RCW contains the language requiring compliance with the Snohomish County  
19 Comprehensive Plan (“SCCP”).

20 While the Examiner alleges he does not have jurisdiction on determinations of  
21 exemptions from SEPA threshold determinations<sup>6</sup>, the Examiner does have jurisdiction to  
22

23  
24 <sup>3</sup> Decision, p. 18, l. 1-11

<sup>4</sup> Order on Reconsideration, p. 7, l. 19-33

<sup>5</sup> SCC 2.02

<sup>6</sup> Order on Reconsideration, p. 6, l. 10-12

1 ensure that all applicable conditions of State and County Codes, and specifically, SCC  
2 30.61.035 and RCW 43.21C.229 are met prior to approving a project.<sup>7</sup>

3 **1. Incorrect SEPA Exemption based upon criteria in SCC 30.61.035, RCW 43.21C.229**  
4 **and The Snohomish County Comprehensive Plan.**

5 The Examiner has authority and jurisdiction to ensure compliance with County  
6 Code, specifically SCC 30.61.035.<sup>8</sup>

7 The Examiner's Decision Page 16 line 5-23 states:

8 PDS determined the proposal did not require a threshold determination under  
9 the State Environmental policy act because it is infill development in an  
10 urban growth area and Pacific Ridge agreed to provide all mitigation that  
otherwise would have been due and owing under applicable interlocal  
agreements.

11 SCC 30.61.035 states:

12 Subject to SCC 30.61.030, a proposal is exempt if it meets either the  
13 thresholds for minor new construction in subsection (1) of this section or the  
14 criteria to be categorically exempt as infill development in subsection (2) of  
15 this section. While proposals may be potentially exempt under both  
16 subsections (1) and (2) of this section, **these exemptions are not automatic.**  
**Subsection (3) of this section requires that development projects that are**  
**categorically exempt under subsection (2) of this section as infill**  
**development must still provide mitigation to other jurisdictions.**

17 . . .

18 (2) Infill development as defined in SCC 30.91L.037 sited in a UGA shall be  
19 presumed to be categorically exempt when it meets the following criteria...

20 (b) The applicant agrees to provide all mitigation that otherwise would have  
21 been due and owing under any applicable interlocal agreement adopted  
pursuant to SCC 30.66B.710 or 30.66B.720 as described in subsection (3) of  
this section but for this categorical exemption.

22 **(3) To ensure the specific probable adverse environmental impacts of a**  
23 **proposed infill development are adequately addressed, any**  
24 **determination of exemption under subsection (2) of this section shall be**

25 <sup>7</sup> SCC 2.02, inclusive

<sup>8</sup> Decision, p. 16, l. 5-7



1        made only when the applicant voluntarily agrees to be subject to all  
2        reciprocal mitigation measures imposed under any interlocal agreement  
3        for reciprocal mitigation of traffic impacts which would otherwise be  
4        applicable to the proposed infill development pursuant to  
5        SCC 30.66B.710 or 30.66B.720 if subject to SEPA review. Such agreement  
6        shall be made a condition of any approval of an application deemed exempt  
7        under subsection (2) of this section and is assumed to be agreed to by  
8        the applicant at time of application unless otherwise indicated by  
9        the applicant in their submittal materials. Applicants not consenting to  
10       reciprocal mitigation requirements for purposes of exemption under  
11       subsection (2) of this section may elect to forego such a determination and  
12       have their application processed subject to SEPA.  
13       (Emphasis added)

14       Pursuant to SCC 30.61.035(2)(b) and (3) the project cannot be categorized as  
15       SEPA exempt using the infill development standards without complying with the  
16       ILA. Therefore, the attempt to approve this project as being SEPA exempt as “infill  
17       development” fails due: (1) noncompliance with the ILA; (2) failure to prepare a  
18       comprehensive traffic study consistent with Section Two of the Traffic Analysis  
19       Checklist in order to determine appropriate mitigation, and; (3) failure to comply  
20       with State law with respect to documenting growth as it relates to the comprehensive  
21       plan under RCW 43.21C.229(2)(b), (c), and (d).

22       As specified by David Irwin, PE, during the testimony at the open record  
23       hearing and on reconsideration, the development was required to provide a  
24       comprehensive traffic study consistent with Section Two (2) of the Traffic Analysis  
25       Checklist since the development generated more than 50 PM Peak hour trips and the  
development was likely to add 10 or more PM Peak hour trips to an LOS F  
intersection of HAL location, as specified in Section 5.1 of the reciprocal traffic  
impact mitigation interlocal agreement (“ILA”) between Snohomish County and the

1 Washington State Department of Transportation (“WSDOT”).<sup>9</sup>

2 The requirements for the comprehensive traffic study were stated and  
3 acknowledged on the signed traffic pre-submittal form by the applicant’s traffic  
4 consultant Bradly Lincoln, PE with Kimley Horn, and were stated during the 1<sup>st</sup>  
5 transportation review memo.<sup>10</sup> Not only was a 1<sup>st</sup> transportation review memo  
6 prepared for the parent project, one was done for all of the six underlying phases of  
7 the combined project.<sup>11</sup>

8 As specified under Section V of the ILA:

9  
10 Section 5.1 defines the traffic analysis requirements for developments.  
11 Traffic analysis is used to determine a development’s impacts and possible  
12 mitigation measures. **Following the traffic analysis**, the State may request  
proportionate share impact mitigation (Section 5.2), or mitigation for  
impacts on level-of-service or safety (Section 5.3).<sup>12</sup>

13 The ILA “constitutes the policies and procedures of the STATE under SEPA  
14 in accordance with SCC 23.36.030(4), and Chapter 58.17 RCW, **for review and**  
15 **mitigation of the transportation impacts on state highways...**”<sup>13</sup> (Emphasis  
16 added)

17 PDS, and the Examiner failed to apply and uphold the requirements of the  
18 law under SCC 30.66B.710, and SCC 30.61.035(2)(b) and (3), by allowing the  
19 Applicant to circumvent complying with all aspects of the ILA as would be required  
20 under SEPA. Therefore, PDS’s assertion (either through PDS Director Mike  
21

22  
23  
24 <sup>9</sup> Ex. L. 35, Ex. L. 37, , Ex. Q.2, Testimony of Irwin 12/3/24

<sup>10</sup> Ex. L.8, Appendix 4

<sup>11</sup> Ex. Q. 13

<sup>12</sup> Ex. L. 8, Appendix 1

<sup>13</sup> *Id.*

1 McCrary, land use planner Joshua Machen, or any other PDS representative) that the  
2 project is exempt from SEPA without compliance with the ILA is factually incorrect  
3 and does not provide a preponderance of evidence that the project meets that law.

4 SCC 30.91I.037 states:

5 "Infill development" means residential, commercial, or mixed-use  
6 development in an urban growth area that is categorically exempt from the  
7 State Environmental Policy Act under RCW 43.21C.229.

8 RCW 43.21C.229 states:

9 **Infill and housing development—Categorical exemptions from chapter.**

10 (1) The purpose of this section is to accommodate infill and housing  
development and thereby realize the goals and policies of comprehensive  
plans adopted according to chapter 36.70A RCW.

11 (2) A city or county planning under RCW 36.70A.040 is authorized by this  
section to establish categorical exemptions from the requirements of this  
chapter. An exemption may be adopted by a city or county under this  
12 subsection if it meets the following criteria:

13 (a) It categorically exempts government action related to development  
proposed to fill in an urban growth area, designated according to  
14 RCW 36.70A.110, **where current density and intensity of use in the area  
is roughly equal to or lower than called for in the goals and policies of  
the applicable comprehensive plan** and the development is either:

15 (i) Residential development;

16 (ii) Mixed-use development; or

17 (iii) Commercial development up to 65,000 square feet, excluding retail  
development;

18 (b) **It does not exempt government action related to development that is  
inconsistent with the applicable comprehensive plan or would clearly  
exceed the density or intensity of use called for in the goals and policies  
of the applicable comprehensive plan;**

19 (c) **The local government considers the specific probable adverse  
environmental impacts of the proposed action and determines that these  
specific impacts are adequately addressed by the development  
regulations or other applicable requirements of the comprehensive plan,**  
20 subarea plan element of the comprehensive plan, planned action ordinance, or  
21 other local, state, or federal rules or laws; and

22 (d)(i) The city or county's applicable comprehensive plan was previously  
subjected to environmental analysis through an environmental impact  
statement under the requirements of this chapter prior to adoption; or

23 (ii) **The city or county has prepared an environmental impact statement**  
24  
25

1 that considers the proposed use or density and intensity of use in the area  
2 proposed for an exemption under this section.  
(Emphasis added)

- 3 a. The development is inconsistent with the applicable comprehensive plan and  
4 will clearly exceed the density or intensity of use in the area. Current density  
5 and use in the area is already higher than called for in the goals and policies of  
the applicable comprehensive plan.

6 This was addressed both in public comments, expert testimony and on  
7 reconsideration.<sup>14</sup> The population and employment growth targets in Appendix B of the  
8 Countywide Planning Policies ("CPP") are what drive the transportation projects in the  
9 Transportation Element of the Comprehensive Plan. Appendix B, Table H2 of the CPP,  
10 provides housing unit targets for the Silver Firs Gap (gaps are UGA areas not claimed by  
11 any city). The target for the Silver Firs Gap is an increase of 2,178 housing units between  
12 2020 and 2044. PDS recommended the targets in Appendix B as part of by Ordinance 22-  
13 003.<sup>15</sup>

14 Council briefing of Ord 22-003 occurred on January 18, 2022.<sup>16</sup> A legislative  
15 analysis with the County Council submitted a staff report for the ordinance noted several  
16 areas where growth was likely to exceed the proposed targets.<sup>17</sup>

17 Specifically, it states:

18 Pending permits. The 2021 Buildable Lands Report (BLR) documents  
19 capacity for population growth in geographic areas that closely resemble the  
20 45 areas covered by growth targets. Pending permits account for a significant  
21 but highly variable share of this capacity. According to permit and overall  
22 capacity data in the BLR, 13 of the 45 areas are clearly on track to exceed the  
23 population targets recommended by Snohomish County Tomorrow (SCT).  
The overshoot areas appear to be on track for a collective total of about

24 <sup>14</sup> Ex. L. 35, Ex. L. 37,; Testimony of Irwin 12//324; Ex. Q.2; Ex. Q.3,

25 <sup>15</sup> *Id.*

<sup>16</sup> Exhibit Q.2, Appendix 16

<sup>17</sup> Ex. Q.2, Appendix 16, p. 1252-1259

1 12,000 more people than envisioned in the RGS. This is a typical year's  
2 worth of countywide growth, or 5% of the annual growth in spread across a  
3 20-year planning period. The differences between proposed targets and likely  
4 outcomes may be large enough to affect jurisdictional planning and forecasts  
5 of capital facilities needs in 11 of the 13 areas. This report characterizes these  
6 as target areas of concern. Although the BLR does not have price data, most  
7 target areas of concern represent outlying locations where land and housing  
8 prices are more affordable than centrally located places. Most of the pending  
9 units in these target areas are single-family dwellings and townhomes. To  
10 stay within SCT's recommendation for the 11 target areas of concern,  
11 Snohomish County and the affected cities would need to adopt permit  
12 moratoriums or take similar actions to dampen growth. If the county and its  
13 cities were to dampen growth, these actions may be inconsistent with recent  
14 legislation to plan for and accommodate middle income housing. Each  
15 unincorporated UGA area also has a target, although the unincorporated  
16 Southwest UGA has several discrete targets for municipal urban growth  
17 areas. There is also a growth target for areas outside UGAs, but this area does  
18 not have buildable lands information available. Differences between BLR  
19 data and target boundaries exist mainly due to recent annexations. Mostly  
20 annexations have been small but larger ones can muddy comparisons. Areas  
21 with permits already exceeding proposed targets:

- 22 • Unincorporated Monroe UGA has pending permits for 214% of its target. It  
23 has capacity for 409%
  - 24 o A large part of the Monroe UGA (including permits and capacity) was  
25 recently annexed
- Unincorporated Maltby UGA has pending permits for 155% of its target.  
Capacity is 199%
- **Unincorporated Silver Firs Gap: 106% pending. 151% capacity.**<sup>13</sup>  
(Emphasis added)

Several code amendments since adoption of Ordinance 22-003 increased  
development potential on the parcels in the Silver Firs Gap that did not already have  
permits. That increase has not been quantified by Snohomish County, it is common  
knowledge that developments in the area will exceed adopted targets, by as much as 160-  
175%. This is not addressed in the Applicant's proposal or PDS's review of the project.  
Clearly, nothing in the Applicant's submissions for approval of the project addressed the

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<sup>18</sup> Ex. Q.2, Appendix 16, p. 1254

1 State law requirements for the jurisdiction to claim the SEPA exemption by “infill  
2 development” per RCW 43.21C.229(2)(b), (c), and (d). This results in a deficient review of  
3 the project.

4 The 2024 comprehensive plan update did not make any revisions to the adopted  
5 targets to account for additional permits in the area or for the separate adoption of code  
6 amendments that further increased development capacity beyond the adopted targets. The  
7 road projects planned for in the 2024 comprehensive plan update area based on the adopted  
8 targets. SEPA analysis for the comprehensive plan did not study growth above the adopted  
9 targets. This means that permits for growth above the adopted targets may generate need for  
10 road improvements above those in the 2024 plan.

12 The SEPA and Environmental Impact Statement (EIS) done during the zoning  
13 designation for the comprehensive plan did not address the full buildout of the Silver Firs  
14 Gap area - if residential, commercial, or employment growth exceeded the targets without  
15 addressing the impacts then it is a violation under RCW 43.21C.229(2)(b), (c), and (d). Just  
16 because a development is a residential development inside the UGA and has less than  
17 65,000 SF of commercial area does not automatically infer that it is exempt from SEPA by  
18 “infill development.” PDS makes that automatic assumption and is violating the statute. The  
19 Buildable Lands Report (Exhibit Q.2, Appendix 31, Page 1767/2573) shows ZERO  
20 additional employment capacity planned for the Eastview Village site, however, there is  
21 61,000 square feet of employment space proposed. The Examiner has the authority to ensure  
22 PDS requires the Applicant to document and comply with the components of the County  
23 Comprehensive Plan as specified under State law, especially since the County must adhere  
24 to components within its own Comprehensive Plan in order to qualify for County, State and  
25

**APPEAL OF SNOHOMISH COUNTY HEARING EXAMINER DECISION**

(SCC 30.72.070; .080)22-113955 SPA 22-114101 SPA 22-117447 SPA 22-117395 PSD 22-  
117398 PSD/SPA 22-117404 PSD 24-113099 SPA Page - 14

1 Federal funds. PDS did not require the Applicant to comply with RCW 43.21C.229(2)(b),  
2 (c), and (d) and the Examiner has authority over this.

3 A preponderance of evidence and testimony was provided proving this project does  
4 not meet the SEPA infill development exemption criteria.<sup>19</sup>

5 **C. The Examiner did not base his Decision on all criteria in SCC 30.66B.005(1).**

6 While the Examiner kind of addressed public safety and health in the Decision, he  
7 failed to address **the welfare of the public.**<sup>20</sup> The Examiner has jurisdiction and authority  
8 to put the public health, safety and welfare paramount in considering projects and must  
9 enforce SCC 30.66B.005 which states:  
10

11 (1) The purpose of this chapter is to ensure that **public health, safety and**  
12 **welfare** will be preserved by having a safe and efficient road system serving  
13 new and existing developments.  
(Emphasis added)

14 Marshland Flood Control District raised this in its submissions and testimony  
15 and on reconsideration<sup>21</sup>. The Examiner failed to address this issue on  
16 reconsideration.

17 **D. The Examiner failed to address SCC 30.66B.210(3) in his Decision.**

18 SCC 30.66B.210(3) states:

19 **If a location uninvestigated by the department of public works is brought**  
20 **to the attention of the hearing body at public hearing as a potential IRC,**  
21 **the hearing body shall determine if investigation is warranted and if so,**  
22 **the hearing body shall not conclude the hearing until the location has**  
23 **been investigated and a determination of its status made by the county**  
**engineer.** The county engineer's investigation shall occur within 14 days of  
the identification of the potential IRC, or within 14 days of submission of a  
traffic study by the developer. (Emphasis added)

24  
25 <sup>19</sup> Exs. H.13, I. 29, I. 81, .L.1-19, L. 23, L. 29, L.32, L.35 – L.40, Q. 2 – Q. 4, Q. 9, Q. 10, Q. 12, Q. 13

<sup>20</sup> Decision, p. 31, I. 22

<sup>21</sup> Ex. L.2-L.5; L.29;L.32;Testimony of Brandstetter 12/3/24; Testimony of Barnes 12/3/24; Ex. Q.4

1 David Irwin brought this issue before the Examiner in his submissions and  
2 testimony at the public hearing, and on reconsideration.<sup>22</sup> The examiner ignored this crucial  
3 issue in the Decision. If a collision, injury, fatality, or some other issue were to occur at one  
4 of the many locations that Mr. Irwin brought up, a savvy attorney would barely need to  
5 make a case to find the County to be at fault, and then the County would pay out on any  
6 potential lawsuit. One of the locations Mr. Irwin raised was at the new intersection within  
7 the development, 144<sup>th</sup> Place SE (Grizzly Way) along the North/South alignment of the  
8 Puget Park Drive extension. An attorney could easily pull up the file for this development  
9 and see the Examiner completely failed to ensure compliance with the applicable code for a  
10 potential inadequate road condition that has been created by the Applicant as direct result of  
11 this project. The file would show that a licensed professional engineer (Mr. Irwin) who has  
12 firsthand experience performing over 12 IRC studies while employed by Snohomish County  
13 to ensure vehicular and pedestrian safety on new development gives him the in-depth  
14 experience and knowledge to have these legitimate concerns.

17 Michael Huey, PE, a recently hired employee by PDS (approx. early 2024) as a  
18 Transportation Reviewer to ensure compliance with the ILA accepted the developers  
19 Internal Intersection Analysis without critiquing the validity and the developers assumptions  
20 for the new intersection. Mr. Huey's deficient review, compounded with the Examiner  
21 failing to require the project to comply with SCC 30.66B.210.3 by not requiring an IRC  
22 review of this location prior to approval of the project, will create a safety issue and likely  
23

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25 <sup>22</sup> Testimony of David Irwin, 12/3/24, Ex. L. 8, Exs. L.34-37, Ex. Q.2



1 an inadequate road condition.<sup>23</sup>

2 David Irwin, PE, addressed the following, in public comments, testimony and on  
3 reconsideration;

- 4 1. Pedestrian and school children safety (per RCW 58.17.110) for the oversized,  
5 multi-lane, 4-leg all way stop does not have a controlled pedestrian  
6 movement and assumes drivers can see pedestrians at all times. Although due  
7 to the multi-lane approach on multiple legs and increased width which ranges  
8 from 50-74 feet from exterior curbs, a vehicle stopped at the curb line may  
9 block the sight line view for the driver of a vehicle near the centerline lane  
(or vice versa), thus increasing the potential for a pedestrian/vehicle collision.  
For reference, the existing curb-to-curb width on Cathcart Way, a principal  
arterial unit, is only 64 feet.
- 10 2. The developer is proposing additional southbound (SB) lanes on the north leg  
11 of the intersection. However, the SB right turn lane will only be 50 feet long  
(per Exhibit G.15) which accommodates 2-3 vehicles, so one might ask,  
12 "what's the big deal?" The problem is during the peak hour and school  
13 congestion, per Exhibit G.15 page 5, the analysis indicates there will be  
approximately 91 SB right turns towards Little Cedars Elementary School  
14 and Glacier Peak High School, 342 SB thru movements, and 7 SB left turns  
during the AM Peak hour. During the PM Peak hour, Exhibit G.15, page 7  
15 indicates there will be approximately 106 SB right turns, 265 SB thru  
movements, and 18 SB left turns.

16 What seems a bit odd in this data is Exhibit G.15, page 2 says, "The signal  
17 warrant analysis was completed with two approach lanes on the north-south  
approach due to the number of northbound left-turning vehicles... a signal is  
18 not warranted." However, due to the amount of SB vehicles during the school  
peak, this will create a queue of vehicles that will spill back to block the 2<sup>nd</sup>  
19 SB lane proposed. This scenario essentially reduces the north leg to one lane  
being occupied... Again, one might ask, "what's the big deal?"

20 Since the developer is claiming there are two lanes on the north leg, even  
21 though it will operate as if there is only one lane due to the queue and  
congestion, then the developer is essentially masking the data and claiming  
22 the level-of-service (congestion) is better than it actually will be.  
Furthermore, because the developer is trying to claim there are two legs  
23 instead of one, as they state is a requirement in their narrative on Exhibit  
C1.2, page 3, *"The improvements would need to maintain at least a 3-lane*

---

24  
25 <sup>23</sup> Ex. C1.2

1 section on the north, south, and west legs (southbound, northbound, and  
2 eastbound approaches)." This is because the signal warrant analysis within  
3 the MUTCD (Manual for Uniform Traffic Control Devices), which is also  
4 one of the components the County uses when doing an IRC analysis, would  
5 indicate that even with some flawed assumption on trip distribution in the  
6 area, the proposed intersection would satisfy the Signal warrant in the peak  
7 hour since both the major and minor legs would have a 1 lane approach.

8 The 2009 MUTCD Chapter 4C.01 (standard 09) states the following,  
9 Engineering judgment should also be used in applying various traffic signal  
10 warrants to cases where approaches consist of one lane plus one left-turn or  
11 right-turn lane. The site-specific traffic characteristics should dictate whether  
12 an approach is considered as one lane or two lanes. **For example, for an  
13 approach with one lane for through and right-turning traffic plus a left-  
14 turn lane, if engineering judgment indicates that it should be considered  
15 a one-lane approach because the traffic using the left-turn lane is minor,  
16 the total traffic volume approaching the intersection should be applied  
17 against the signal warrants as a one-lane approach. The approach should  
18 be considered two lanes if approximately half of the traffic on the  
19 approach turns left and the left-turn lane is of sufficient length to  
20 accommodate all left-turn vehicles.**<sup>24</sup>  
21 (Emphasis added)

22 On Exhibit C1.2, page 10, Figure 4C-3 is showing the PM peak hour signal warrant is met  
23 with the data plotted above the "1 lane & 1 lane line." What's also interesting is the traffic  
24 consultant is saying the AM peak hour signal warrant is not met even though the AM peak  
25 hour in this location would likely have more trips due to the overlap between the school  
peak and morning rush hour.

Washington State Adopted 23 CFR 633.605 in WAC 468-95-010 which states:

**The 2009 Edition of the *Manual on Uniform Traffic Control Devices for  
Streets and Highways (MUTCD)*, published by the Federal Highway  
Administration and approved by the Federal Highway Administrator as  
the national standard for all highways open to public travel, was duly  
adopted by the Washington state secretary of transportation.**

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<sup>24</sup> Ex. L.8.; Exs. L.34-37; Testimony of Irwin 12/3/24; Ex. Q.2

1 All Cities and Counties within Washington State are required to follow the Manual  
2 for Uniform Traffic Control Devices (“MUTCD”). This document is the national standard  
3 for all highways open to public travel and is used during an IRC analysis to determine if  
4 certain traffic control devices are needed. In this case, this manual is used to determine  
5 whether a signal, pedestrian, and school crossings are warranted for any given location.  
6

7 Per the MUTCD Chapter 4C.01 Section 4C.05 Warrant 4, signal warrant based on  
8 “Pedestrian Volume” was not completed in order to verify whether the warrant is met. Due  
9 to this intersection being approximately 700 feet from the school, 1,305 new dwelling units,  
10 the re-distribution of congestion in the area using the commercial parking lot, vehicular  
11 trips cutting through Greenleaf development from SR 96 to the school although the traffic  
12 study is showing **zero** redistribution of trips, and compounding all of these items with the  
13 trips from this development, it is highly likely this warrant may be met. Additionally, the  
14 components of the MUTCD Chapter 4C.01 Section 4C.06 Warrant 5, “School Crossing”  
15 was not completed in order to verify whether the warrant is met. This was addressed in  
16 public comments, expert testimony and on reconsideration.<sup>25</sup>  
17

- 18 3. The Applicant’s proposed 61,000 square feet of new commercial space with a large  
19 vacant parking lot located just east of Little Cedars Elementary, approximately 400  
20 feet away from the schools access point on 144th Place SE, which could  
21 inadvertently create an overflow parking lot. Of greater concern is the fact that  
22 parents and high school students will park in this vacant parking lot and walk to  
23  
24  
25

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<sup>25</sup> Ex. L.8; Ex. L.35; Testimony of Irwin 12/3/24, Ex. Q.2

1 school. This will change traffic patterns in the area, especially since the Applicant  
2 did not address this glaring issue that this project will create without any concern for  
3 public safety. It will add additional trips to the new intersection of 144th Place SE  
4 and Puget Park Drive extension, and nothing in the Applicant's traffic  
5 studies/analysis addresses this. Even then, since there is no intersection there now,  
6 there is no way to interpret data since the intersection does not exist, even when  
7 making extensive assumption for modeling the intersection with Vissim.  
8

9 4. The Applicant's Traffic Analysis is showing ZERO reassigned school trips on the  
10 north leg of the intersection which is highly unlikely<sup>26</sup>... The Applicant's traffic  
11 consultant is "assuming" those residences that live off SR 96 would use other  
12 existing routes of travel to drive to and from the school instead of the quickest route  
13 through the new public road that is extending to the Plat of Greenleaf directly north  
14 of the site. The Plat of Greenleaf has a direct connection to SR 96 and is the quickest  
15 route for all the additional developable parcels within the County's Buildable Lands  
16 Report that the County is estimating future development growth for the 2044  
17 comprehensive plan. This is simply absurd and, again, clearly shows the Applicant  
18 is submitting false data, PDS is approving the same, and the Examiner is signing off  
19 on all of it.  
20

21 5. Building a signal is expensive and will likely cost over \$1M, so of course the  
22 developer does not want to construct it. If the County does not do their due diligence  
23 by requiring the Applicant to do this is a condition, the taxpayers will have to pay for  
24

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25 <sup>26</sup> Ex. C1.2

1 these improvements instead of the developer who is creating this issue. The center  
2 pedestrian refuge islands proposed to be placed in the middle of each leg of the  
3 intersection, will create difficulty for not only small delivery and residential  
4 maintenance trucks with trailers, but also for larger trucks being unable to maneuver  
5 their vehicles due to rear wheel tracking and could directly impact the integrity of the  
6 intersection creating additional safety and maintenance concerns. Thus, it leads to  
7 taxpayer money being used to fix the deficiency in the future, rather than requiring the  
8 Applicant to address it as a condition of approval of the project. Again, PDS and the  
9 Examiner failed to make the Applicant pay for or address these issues as a condition of  
10 approval of the project.  
11

12 Typically, an "Auto Turn analysis" should be included in the file when this type of  
13 restriction is proposed, but no analysis was completed. This should be a requirement  
14 prior to approval since the curbs will become an issue with large trucks running them  
15 over.  
16

- 17 6. There is a flaw with the IRC scoring analysis as stated during the open record  
18 hearing and the reconsideration request for any potential inadequate road condition at  
19 a new location that does not currently exist<sup>27</sup>. The Examiner ignored this.  
20 Specifically, 40% of an IRC score comes from collision data, so without knowing  
21 what the future will behold at this new intersection location, a substandard  
22 intersection may be constructed as currently proposed and approved by the  
23

24  
25 <sup>27</sup> Ex. L.35 p. 24-28; Ex. Q.2

1 Examiner. **This would place upwards of one million dollars on taxpayers to**  
2 **shoulder the cost that the Applicant must be required to bear in order to**  
3 **mitigate the project's impacts.**

4 a. SCC 30.911.020 states:

5 b. "Inadequate road condition" means any road condition, whether existing on  
6 the road system **or created by a new development's access or impact on**  
7 **the road system, which jeopardizes the safety of road users, including**  
8 **non-automotive users**, as determined by the county engineer.

9 c. (Emphasis added.)

10 The Hearing Examiner committed an error of law in the Decision, completely  
11 disregarding the County Code and Mr. Irwin's expert testimony. Thus, the Examiner is  
12 exposing Snohomish County to future liability for injuries to the public as a result of  
13 approving this flawed project proposal. Whether or not Snohomish County wants to roll the  
14 dice, cross their fingers and hope no injuries or fatalities occur that they are liable for is their  
15 call. However, it is pretty much a given that sometime in the near future someone will be  
16 hurt or killed. The cost of human lives in favor of bad development is unconscionable.  
17 Public health, safety and welfare must be the number one factor, and it is the Examiner's  
18 duty to ensure it is given priority over signing off on a project that clearly is non-compliant.  
19 Evidence was provided to the Examiner to require the Applicant to not only address this  
20 issue, but several others involving public health, safety and welfare.<sup>28</sup> Yet, the Examiner  
21 ignores this in favor of the Applicant.

22 The County Engineer must be required to address the uninvestigated IRC locations  
23  
24  
25

---

<sup>28</sup> Ex. L.8-L.19, inclusive; L.23-L.26; Ex. L.31-32; Ex. L.35; Ex. L.38-39; Ex. Q.2-Q.4

1 and if found to be as an IRC, the Applicant must be required to eliminate the anticipated  
2 inadequate road condition at the new intersection within the project by providing a  
3 signalized intersection which would provide the paramount safety for pedestrians, including  
4 school children, crossing the oversized intersection. The Applicant does not want to do this  
5 because it will cost money, at the expense of protecting school children? **Looks like the**  
6 **Applicant is putting its own profits over the safety of school children.** A signalized  
7 intersection with designated pedestrian crossing signals is paramount for the health, safety,  
8 and general welfare of the public.

9  
10 **E. The Decision Exceeded the Hearing Examiner's Jurisdiction by making**  
11 **personal characterizations, discrediting evidence and testimony provided by**  
12 **experts.**

13 The Examiner categorized experts, David Irwin, P.E., and Ryan Barnes, P.E., as  
14 "Some community members objected to PDS's exemption determination."<sup>29</sup> David Irwin,  
15 P.E., was retained as an expert by Greenleaf HOA<sup>30</sup>; Ryan Barnes, P.E., was retained as an  
16 expert by Marshland Flood Control District<sup>31</sup>. Their testimony and expertise must be given  
17 considerable weight. The Examiner cannot simply turn a blind eye to expert evidence that  
18 conflicts with approving the project for the benefit of the Applicant. The Examiner owes a  
19 duty to the public to ensure that projects are compliant and must not be allowed to "co-sign"  
20 false information at the behest of the Applicant and PDS.

21 **Expert Irwin was employed by the County for 17 years, was the PDS Senior**  
22 **Transportation Development Review Engineer for over 9 years and was the**

23  
24  
25 <sup>29</sup> Decision, p. 16, l. 8

<sup>30</sup> Testimony of David Irwin, 12/3/24

<sup>31</sup> Testimony of Ryan Barnes, 12/3/24

1 **Transportation Development Review Engineer during the inception of the project.**<sup>32</sup>

2 The Examiner cannot now discount the very expert the County relied on for over  
3 nine years. In the Order on Reconsideration the Examiner doubled down, minimizing  
4 Expert Irwin's' evidence as "Mr. Irwin objects,"<sup>33</sup> "Mr. Irwin also contends,"<sup>34</sup> Mr. Irwin  
5 also contends,"<sup>35</sup> and lastly, "Mr. Irwin is dissatisfied."<sup>36</sup>

6 The Examiner also dismissing Marshland's Council and its expert simply, stated  
7 Marshland "contend" and "argues." As will be discussed below, Marshland must be  
8 protected over approving a project that has the potential to destroy their properties. The  
9 Examiner's clearly disregarded and attempts to shift his accountability using the term "the  
10 Hearing Examiner 'believes' . . ."<sup>37</sup>

12 The Examiner exceeded his authority and jurisdiction in dismissing the expert  
13 opinions of Messrs. Irwin, Barnes and Brandstetter (and residents, experts in their own  
14 right). Going so far as to give preferential treatment and deference to the Applicant's  
15 representative, John Mirante<sup>38</sup>, who is not an expert by any stretch of imagination. The  
16 Examiner also gave preferential treatment to PDS staff and their contracted engineer (with  
17 less qualifications than Experts Irwin and Barnes). A contract consultant that has been  
18 proven to work for developers and overcharge PDS to approve projects.<sup>39</sup> Marshland  
19 brought this up on reconsideration.<sup>40</sup>

21  
22 <sup>32</sup> Ex. L.8, Appendix 4

23 <sup>33</sup> Order on Reconsideration, p. 6, . 9

24 <sup>34</sup> Order on Reconsideration, p. 7, l.9

25 <sup>35</sup> Order on Reconsideration, p. 7, l. 35

<sup>36</sup> Order on Reconsideration, p. 8., l. 7

<sup>37</sup> Order on Reconsideration, p. 10, l.24

<sup>38</sup> Decision, p. 15, ft. 19

<sup>39</sup> Ex. Q.3

<sup>40</sup> Ex. Q. 3; Ex. Q.4



1 And what about PDS? Did it put its best experts on this Eastview proposal?  
2 No. It did not. Its best, most seasoned hydrology experts hardly ever touched  
3 this case. Why? PDS did not say it needed them for all the other smaller  
4 proposals, but even if it had, that would have been inexplicable. Eastview  
5 will have twice the impact of the other 17 other proposals in this watershed,  
6 and probably more impact than proposals in any other area of the County.  
7 Instead Eastview was handed off to a fairly small engineering firm in  
8 Arlington with no apparent specialized experience in hydrology. Such  
9 expertise should have been required here with the "complex" nature and size  
10 of Eastview. Moreover, PDS did not seek DOE help or even approach SWM  
11 and request their hydrology experts to analyze what was presented.<sup>41</sup>

12 The Applicant's consultants that do not have the credentials that Messrs. Irwin and  
13 Barnes possess. Evidence was submitted on reconsideration clearly proving that the County  
14 contracts with an engineering company that is pro-developer.<sup>42</sup>

15 Clearly, the Examiner is doing whatever he can to minimize and shape-shift Experts  
16 Irwin and Barnes clear, cognizant and convincing original evidence and reconsideration  
17 evidence, in favor of the Applicant and PDS's deficiency in reviewing the project for  
18 compliance.

19 **F. The Hearing Examiner Committed an Error of Law in not requiring all conditions**  
20 **be met contained in the Reciprocal Traffic impact mitigation interlocal agreement ILA**  
21 **between Snohomish County and WSDOT.**

22 Expert Irwin addressed this in his original submissions, during his testimony at the  
23 open record hearing, and on reconsideration.<sup>43</sup> The Examiner's calculation for the WSDOT  
24 fee is entirely incorrect, the Examiner completely overlooked the concept and clearly  
25 doesn't understand the inaccurate methodology as proposed by the developer and accepted  
by WSDOT. Expert Irwin clearly points this out repeatedly.<sup>44</sup>

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<sup>41</sup> Ex. Q.4, p. 8, l. 14-22

<sup>42</sup> Ex. Q.3, Attachment 1

<sup>43</sup> Ex. L.8, Ex. L.35-37, Ex. Q.2, Testimony of Irwin 12/3/24

<sup>44</sup> Ex. G.11; Ex. M.16

1 The proposed mitigation offer<sup>45</sup> uses section 5.3b of the ILA and uses a project on  
2 WSDOT's 2009 Exhibit C Improvement list that was dated November 2008 (17 years ago)  
3 for a project to be completed in 2011 (DOT-62 which is a project on SR-530 at 211<sup>th</sup> as a  
4 proxy). The rate associated with the improvements at that time were \$281.28/ADT and the  
5 developer is proposing to multiply that by the flawed trip distribution of 2,395.68777 ADT  
6 (only 19% of the developments trips and with the 10% TDM mitigation reduction is 17.1%  
7 of the developments trips) impacting the intersection of Cathcart Way and SR 9, which  
8 equals \$673,859.06.<sup>46</sup>

9 Michael Huey, PE, a recently hired employee by PDS (approx. early 2024) as a  
10 Transportation Reviewer to ensure compliance with the ILA also makes a crucial error of  
11 fact and owes a duty to ensure the Applicant complies with County Code. Mr. Huey is  
12 employed by the County, not the Applicant and must make sure that projects provide for  
13 public health, safety and welfare over developers financial gain. Mr. Huey incorrectly  
14 assumes the Applicant proposed the standard \$36/ADT rate from an improvement cost study  
15 done between 1991-1996, 29-34 years ago as identified in Section 5.2(b) of the ILA.<sup>47</sup> This  
16 error has clearly carried into the Examiner's decision<sup>48</sup> being factually and lawfully  
incorrect despite Mr. Irwin bringing this on reconsideration.<sup>49</sup>

17 **The mitigation is flawed on key points to comply with the ILA and county code:**

18 In an email dated January 29, 2025, Josh Shippy, WSDOT NW Traffic Engineer,  
19 stated:

20 WSDOT does not maintain level-of-service data for every intersection on our  
21 system. Calculating intersection level-of-service requires the collection of  
22 turning movement counts and analyzing with traffic analysis software.  
Performing these calculations routinely for every intersection on our system  
would be extremely costly and time consuming. **Level-of-service**

23  
24 <sup>45</sup> Ex. G.11 p. 1-2

<sup>46</sup> Ex. M.16, p.4-5

<sup>47</sup> Ex. H.9, p. 10

<sup>48</sup> Decision, p. 34, fn.93; p. 35, l. 5-8; p. 45, l. 9

<sup>49</sup> Ex. Q. 2

1 **calculations are completed as needed for projects.** The safety program is  
2 being re-examined with less emphasis on the reactive approach of  
3 maintaining lists that rely on crash history alone. Instead, we are moving to a  
4 more proactive, systemic approach, that looks at other factors including  
5 traffic volumes, roadway geometry, travel speeds, and context to program  
6 improvements. This allows WSDOT to analyze all state routes for potential  
7 safety improvement opportunities. We still plan to allocate resources to the  
8 reactive approach, but less so than before, and are revamping our screening  
9 method to ensure we are targeting the highest opportunity for safety  
10 improvements using the most recent data and best practices.<sup>50</sup>  
11 (Emphasis added)

12 Mr. Shippy provides even more information, stating:

13 **The High Accident Location report was discontinued in 2006.** For the SR  
14 9 – 176th Street to SR 96 – Widening project, the past 5 years of crash data  
15 was analyzed to best address the safety operations of the intersection.  
16 WSDOT did review the traffic impact analysis and had no comments on the  
17 trip distribution after agreeing that SR 96 was the more likely route to be  
18 used to the north. **The intersection of SR 9 and Cathcart is not part of**  
19 **Appendix C of the ILA.** Section 5.2 of the ILA states that we may ask a  
20 development to contribute a proportionate share of programmed capacity  
21 improvements to mitigate development impacts. The developer has agreed to  
22 contribute mitigation funds for the Cathcart intersection **without the**  
23 **intersection being included in the ILA.** In response to where the mitigation  
24 funds would be applied, we have the SR 9 – 176th Street to SR 96 –  
25 Widening project **in design and currently unfunded for construction.** The  
mitigation funds can be used for either design or construction as the project  
progresses.<sup>51</sup>  
(Emphasis added)

26 Snohomish County and WSDOT are clearly in violation of the ILA and this appeal  
27 provides recourse for the Council to remand the project for compliance. Section 4.2 of the  
28 ILA **requires** WSDOT to collect High Accident Location (HAL) data, regardless of  
29 WSDOT dismissing the obligation (apparently to avoid liability issues).<sup>52</sup> Snohomish  
30 County has a duty to hold WSDOT to the terms in the ILA, specifically, to provide the HAL  
31 data for surrounding intersections in close proximity to the proposed development to ensure

32 <sup>50</sup> Ex. Q.2, p. 1352

33 <sup>51</sup> Ex. Q.2, page 1353

34 <sup>52</sup> Ex. L.8, Appendix 1

1 public health, safety and welfare is protected. To allow the Applicant to only submit data  
2 for only four intersections even though this project has regional impacts with the  
3 traffic study showing there are intersections over 7 miles away from the project (SR 99  
4 at Airport Road) that will be impacted with more than 50 PHT without any analysis or  
5 compliance the section 2 checklist of the WSDOT ILA comprehensive traffic analysis,  
6 is clearly an error of law. The Examiner has authority to enforce the underlying code  
7 issues and has both authority and jurisdiction to ensure the project complies with the ILA.

8 WSDOT states that it does not have a current list of LOS conditions at every State  
9 intersection and states: "Level-of-service calculations are completed as needed for  
10 projects."<sup>53</sup> Since the State clearly admits they don't have the data, then according to the  
11 ILA, a development is required to provide the LOS conditions at every state intersection  
12 impacted with 10 or more PM PHT, per the section 2 checklist of the WSDOT ILA traffic  
13 analysis requirements.

14 The improvements to the SR-9 corridor through Clearview is a dead horse. Wetzel's  
15 reconsideration addressed this<sup>54</sup>. Again, for the Examiner, the Applicant and PDS to make-  
16 believe that WSDOT will get funding to improve the corridor is wishful thinking. Appellant  
17 Wetzel will probably be dead before it happens. Even then, the wishful thinking, and  
18 speculation (by the Examiner, PDS and the Applicant) is not a preponderance of evidence to  
19 support approval of the project.

20 Due to the high collisions and increased capacity needs on SR 9 from 176<sup>th</sup> Street SE  
21 to SR 96, which includes the intersection of Cathcart Way at SR 9, the State is "working on"  
22 an improvement project to best address the safety and capacity operations of the corridor  
23 and intersections.<sup>55</sup> However, those improvements are not in WSDOT'S Exhibit C since it  
24 appears they have deliberately failed to update the list. Also, WSDOT has failed to update

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25 <sup>53</sup> *Id.*

<sup>54</sup> Ex. Q.3

<sup>55</sup> Q.2. Appendix 20, p. 1326-1344/2573

1 many conditions in the ILA (e.g., HAL report per Section 4.2 of the ILA, LOS at State  
2 intersections per Section 4.2 of the ILA, monetary mitigation at \$36/ADT (per Section 5.2 of  
3 the ILA), etc.). The funding for the necessary improvements on SR-9 between 176<sup>th</sup> Street  
4 SE to SR 96 is unknown, nor has the proportionate share rate if impacted been adequately  
5 determined by the State for these improvements as would be typical from a project on the  
6 Exhibit C list, and the timing of these improvements is also unknown<sup>56</sup> This was brought up  
7 on reconsideration and the Examiner committed an error of law in not addressing it.

8 The lack of an ILA compliant comprehensive traffic study consistent with Section  
9 Two (2) of the Traffic Analysis Checklist per Section 5.1 of the ILA<sup>57</sup> which would show  
10 the developments impacts at every State intersection impacted with 10 or more PM PHT,  
11 and the proposed \$281.28/ADT rate for improvements is highly likely to be undervalued due  
12 to the costs for improvements on SR 9 which have **NOT** been designed or calculated at this  
13 time, but those SR-9 improvements are more than just a roundabout, but a corridor  
(widening and safety) improvement from 176<sup>th</sup> Street SE to SR 96.

14 The Applicant deliberately chose to reference the project DOT-62 (SR 530 at 211<sup>th</sup>  
15 Place NE, intersection roundabout within TSA A that has a design construction year of  
16 2011) and has a rate of \$281.28/ADT, instead of DOT-49 (SR-530 at Old 99, intersection  
17 roundabout within TSA A that has a design construction year of 2011) and has a rate of  
18 \$415.00/ADT to decrease their mitigation fees.

19 The WSDOT 2009 Exhibit C list shows widening (capacity) projects can be well  
20 over \$1,000+/ADT like the DOT-30 project (212<sup>th</sup> Street SE to 176<sup>th</sup> Street SE, widen to 5  
21 lanes within TSA E that has a design construction year of 2011) and has a rate of  
22 \$1,040.60/ADT. Without the design and costs of improvements being defined at the  
23 intersection of SR 9 at Cathcart Way and along the corridor of SR 9 between 176<sup>th</sup> Street SE  
24

25 <sup>56</sup> *Id.*

<sup>57</sup> Ex. L. p. 8-11; Ex. M.11

1 to SR 96, then the “proportionate share” impacts have not been analyzed and are  
2 undervalued and under mitigated.<sup>58</sup>

3 Section 5.2(a) of the ILA states:

4 Rate schedule [\$/ADT] based on average daily trips (ADT), for State  
5 facilities which are identified for capacity improvement, i.e, widening, new  
6 signalization, or interchange, channelization improvements, etc. This  
7 scheduled may be updated periodically through amendments to this  
8 Agreement. **Based on a comprehensive traffic study**, a development’s  
9 proportionate share obligation may be calculated by multiplying the rate by  
10 the number of development generated ADTs impacting **each** State capacity  
11 improvement and may be satisfied by payment **in lieu of construction**.

12 (Emphasis added)<sup>59</sup>

13 Without a site specific proportionate share calculation or an ILA compliant  
14 comprehensive traffic study, the project will create a significant probable adverse  
15 environmental impact and the review of this project and mitigation cannot be accepted as it  
16 does not follow the ILA or SEPA policy. In addition, the intersection of SR 9 and Cathcart  
17 Way, as well as the capacity and safety improvement project on SR 9 from 176<sup>th</sup> Street SE  
18 to SR 96 as identified on the WSDOTs website is not on the State’s Exhibit C list, so paying  
19 a proportionate share in lieu of construction is typically not allowed by the ILA since the  
20 money paid into the County’s Transaction code 5426 can be spent anywhere within the  
21 County and will not be solely used for these improvements.<sup>60</sup>

22 The Applicant is showing ZERO inbound and outbound trips from this development  
23 on SR 9 between Cathcart Way and SR 96 which is entirely flawed and inaccurate.<sup>61</sup> Mr.

24 <sup>58</sup> Ex. Q.2, Appendix 12

25 <sup>59</sup> Ex. L. 8, Appendix A

<sup>60</sup> Ex. M.11, p.8, sec. 5.2a

<sup>61</sup> Ex. L.35 p.18; Ex. C1.1 Figure 2 and 3

1 Irwin addressed this repeatedly, and especially on reconsideration.<sup>62</sup> It is obvious that based  
2 upon travel time using the posted speed and distances from the intersection SR 96/SR 9, it  
3 will take 3 minutes to travel to the north side of Phase 1 and 2 within the Eastview Village  
4 development via Cathcart Way versus 4.5 minutes using SR 96. Commuters will choose the  
5 quickest route. The development must include calculations for the impacts to SR 9 that will  
6 impact the capacity and safety improvements needed along the corridor to ensure a  
7 significant probable adverse environmental impact is not being created. Expert Irwin  
8 addressed this on reconsideration.<sup>63</sup> Even then, the calculation that the Applicant proposed  
9 is flawed since the trip distribution is not representative at Cathcart Way and SR 9.

10 The Examiner, WSDOT, and PDS have clearly failed to uphold the explicit language  
11 written in the ILA to determine a proportionate share of mitigation, per SCC 30.66B.710 as  
12 well as SCC 30.61.035(2) and (3), and RCW 43.21C.229(2)(b), (c), and (d).

13 The Examiner's findings, conclusions and conditions do not show a competent  
14 knowledge of the explicit language written in the ILA which is an error of law.

15 The Hearing Examiner finds and concludes that the proposed mitigation  
16 payment is proportion to the projected harm and that the payment has a  
17 sufficient nexus to the traffic to be generated by the development. Approval  
18 will be conditioned on payment by Pacific Ridge to WSDOT of \$673,859.06  
19 prior to the first occupancy of any phase.<sup>64</sup>

20 The Examiner references an email from WSDOT stating that the project complies  
21 with Section 5.1 of the ILA (the comprehensive traffic study section)<sup>65</sup> and is even more  
22 concerning when there is clear and convincing evidence that this project and the evaluation  
23 of the traffic data for this project DOES NOT comply with the explicit language written in  
24 the ILA and therefore the accepted mitigation does NOT satisfy the SEPA policy or any

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24 <sup>62</sup> Ex. Q.2

25 <sup>63</sup> Ex. Q.2

<sup>64</sup> Decision, p. 35, l. 5-8

<sup>65</sup> Exhibit H.6

1 claim for SEPA exemption by “infill development” under SCC 30.61.035(2) and (3), and  
2 RCW 43.21C.229(2)(b), (c), and (d). Expert Irwin spent over 9 years working directly with  
3 WSDOT and has firsthand expert experience of the development review process and is fully  
4 aware of the Snohomish County Code and ILA requirements. Again, the Examiner  
5 committed an error of law in disregarding his expertise.

6 It is no surprise that WSDOT claims the project complies with the ILA when the  
7 State and County have not even been upholding their contractual requirements of the law  
8 since at least 2006 when the State stopped providing a High Accident Location list as  
9 specified by Mr. Josh Shippy, and is a clear violation of the GMA and SEPA policy written  
10 in the ILA.

11 This clearly proves the Examiner committed errors of law in approving this project  
12 absent compliance with SCC 30.66B.710, SCC 30.61.035(2) and (3), and RCW  
13 43.21C.229(2)(b), (c), and (d). The Examiner’s duty is to ensure compliance with the  
14 County Code which requires compliance with the underlying ILA and SEPA conditions.<sup>66</sup>

15 Adequate analysis, review and mitigation must be required prior to approval of this  
16 project. As the project now stands it will create a significant probable adverse  
17 environmental impact due to undocumented and unmitigated impacts on the State and  
18 County’s road system as is evidenced in the record.

19 **G. The Examiner omitted conditions of the project in his Decision pertaining to the  
20 roundabout at the intersection of Cathcart Way and Puget Park Drive and pedestrian  
21 crossings safety issue.**

22 There is nothing in the Decision addressing conditions/parameters to build the  
23 roundabout at Cathcart Way and Puget Park Drive. Wetzel brought this up in her  
24 reconsideration.<sup>67</sup> and the Examiner failed to address it whatsoever, simply stating: “Ms.

25 <sup>66</sup> SCC 2.02

<sup>67</sup> Ex. Q.3, para. 11



1 Wetzel's other arguments for reconsideration are unpersuasive."<sup>68</sup>

2 Further discussion is required to ensure public health, safety and welfare is  
3 paramount over rubber-stamping a project. The Applicant submitted flawed information on  
4 the safety of the roundabout which was addressed in Wetzel's reconsideration.<sup>69</sup> This  
5 roundabout is not like the one at SR-9 and Bickford. Nor is it like the ones on SR-9  
6 through Lake Stevens. Just a few weeks ago the roundabouts at Lake Stevens were  
7 designated by WSDOT as one of the top 5 areas where excessive crashes occur. This  
8 proposed roundabout is in an urban area with four lanes of traffic, bicycle riders, school  
9 children crossing the streets, residents walking to/from Willis Tucker park (with dogs and  
10 children), and to/from the new Cathcart Park and Ride. The Applicant's self-serving  
11 statement that "it will be fine" is not based on any evidence in the record.  
12

13 This is a huge project, and the County owes a duty to the residents to ensure public  
14 safety is paramount when approving a project that has been compared to having traffic  
15 volumes like at the Alderwood Mall. Evidence was submitted on reconsideration verifying  
16 the extreme safety concerns in having a roundabout in such a scenario.<sup>70</sup> Again, the  
17 Examiner did not address this in the Order on Reconsideration.  
18

19 Wetzel submitted evidence on reconsideration refuting the Applicant's statement and  
20 the Examiner did not address it in the reconsideration order, simply stating: "Ms. Wetzel's  
21 other arguments for reconsideration are unpersuasive."<sup>71</sup> .  
22  
23

24 <sup>68</sup> Order on Reconsideration, p. 9, l. 18

25 <sup>69</sup> Ex. Q.3, para. 11-14

<sup>70</sup> Ex. Q.3, paragraph 11, attachment p. 55-69

<sup>71</sup> Order on Reconsideration, p. 9, l. 18

1 **H. The Examiner committed an error of law in speculating whether or not WSDOT**  
2 **will create a roundabout at SR-9 and Cathcart Way.**

3 The Decision states:

4 WSDOT's plan for the intersection changed from a signalized intersection to  
5 a roundabout.<sup>72</sup>

6 The Examiner completely ignored the evidence that was provided both prior to the  
7 public hearing and on reconsideration proving that WSDOT does not even have the project  
8 on their website.<sup>73</sup> The project is speculative, at best, only in early design, and will not even  
9 be funded for at least 10 more years. Even then, WSDOT is spending over \$22 million to  
10 evaluate it, not fund it. Yet, the developer is claiming the total improvements will only cost  
11 between \$5M-\$6M, so that's why they believe the rate of \$281.28/ADT is appropriate. The  
12 Applicant submitted flawed information to justify the rate, using estimated costs from 17  
13 years ago.<sup>74</sup>

14 Clearly, the Applicant is attempting to use skewed data to decrease their financial  
15 obligations for the project. Especially with the assumed proportionate share rate instead of  
16 an ILA compliant comprehensive traffic study calculating the true "today's dollar value" of  
17 these improvements . SR 9 - 176th Street SE to SR 96 - Widening | WSDOT. No funding is  
18 being approved by the State either for procurement of right-of-way or construction, and  
19 "most likely will be" is speculation and not evidence. It is common knowledge that  
20 WSDOT is facing a huge deficit, and thousands of other projects are way ahead of this one  
21 in the queue.  
22

23  
24  
25 <sup>72</sup> Decision, p. 34., l. 19-20

<sup>73</sup> Ex. L. 31

<sup>74</sup> Ex. M.16, p. 2

1 **I. The Applicant cannot claim 100% of traffic will use SR-96 and then not make**  
2 **improvements to the SR-96/SR-9 intersection.**

3 As previously discussed, the intersection of SR 96 at SR 9 is on the State's corridor  
4 and safety improvement project. The State has not disclosed what the improvements are, but  
5 this development will have significant impacts and must provide a proportionate share of  
6 payment and/or physical improvements due to the additional delay that will result on SR 96.  
7 As specified by Mr. Irwin during the open record hearing, the trip generation volumes are  
8 using Covid data<sup>75</sup>. The Applicant's traffic study (Exhibit C1.1) fails to consider any  
9 impacts to State intersections generated by development occurring outside unincorporated  
10 Snohomish County's jurisdiction like the thousands of new residential development that will  
11 be occurring within the City of Snohomish due to the recent zoning change that went into  
effect on January 2025, which Mr. Irwin testified to in the open record hearing.<sup>76</sup>

12 The requirements for a comprehensive traffic study specifically for State  
13 intersections is to use forecast growth with the "pipeline" data for Snohomish County  
14 development AND a growth rate factor for development occurring in other jurisdictions.  
15 This is the same methodology that was used to estimate forecast volumes in the Paradise  
16 Lake Road Apartments draft environmental impact statement. Without a compliant traffic  
17 study adequately showing the existing and forecast volumes, the level of service at the  
18 intersection is flawed. The State is clearly admitting that there are safety and/or corridor  
19 capacity improvements needed at the intersection of SR 9 and SR 96; what those specific  
20 improvements are appear to be classified and not visible to the public. The Applicant cannot  
21 bypass improvements to the SR-9/Cathcart Way intersection by claiming that **ZERO** trips  
22 from this development will utilize SR-9 between Cathcart Way and SR 96.

23 The intersection at SR-9/SR-96 is difficult to navigate during rush hour, kids to  
24

25 <sup>75</sup> Ex. L.35. p. 13

<sup>76</sup> Testimony of Irwin 12/3/24

1 school, buses, etc. There is only one lane each direction across SR-9 with people crossing  
2 when they can with no dedicated left-turn signals in either direction on Broadway Avenue or  
3 SR 96 onto SR-9. The signal warrants within the MUTCD would likely indicate that a  
4 designated turn lane is warranted. Due to the State not upholding the requirements of the  
5 ILA to publish high accident locations, maintaining level of service data or requiring a  
6 developer to provide the data on every intersection impacted with 10 or more PM PHT, or  
7 include planned projects on Exhibit C, then the state is creating a significant probable  
8 adverse environmental impact due to cumulative impacts of this development and other  
9 developments in nearby jurisdictions. Instead of these improvements being equitably  
10 distributed to existing and new residences as the ILA is intended to do, the existing  
11 taxpayers will be the ones to bear the costs due to the State's lack of proactiveness.

12 In addition to the above, due to WSDOT's wishful thinking to address the SR-9  
13 corridor and safety improvements between 176th street SE to SR 96, WSDOT is clearly  
14 alluding to improvements needing to be done at this intersection but is not disclosing those  
15 improvements or the cost of those improvements to come up with a "proportionate rate" that  
16 should be documented in a "comprehensive traffic study." The elephant in the room that is  
17 that WSDOT is trying to be a bad used-car salesman, pitching a pie in the sky solution that  
18 might not even happen for 20 more years.

19 It is prudent for the Applicant to address all trips on the SR 9 corridor directly  
20 affected by the project and must multiply those trips by the proportionate rate for the "true  
21 value" of improvement costs on the corridor and safety measures need along the States  
22 project. There are no traffic counts for volumes on the SR-9 corridor where this project will  
23 have a direct impact and a comprehensive study and analysis must be completed prior to  
24 approving the project.  
25

1 The applicant has clearly submitted a WSDOT mitigation offer letter<sup>77</sup>. They offered  
2 to do a “proportionate share” at Cathcart Way and SR 9 for a project that wasn’t even on  
3 Exhibit C but tried to use the outdated and undervalued rates in Exhibit C to come up with a  
4 proportionate share cost specific to their impacts. Since they offered to make improvements  
5 on a project not on Exhibit C, they are clearly admitting that they would have impacts on the  
6 road system. Under SEPA, one could argue that their offer is identifying a significant  
7 probable adverse environmental impact and is not being mitigated due to the State not  
8 updating Exhibit C and being proactive... however to ensure the health, safety, and general  
9 welfare of the public, the development will need to mitigate their impacts for EACH project  
10 they impact. Without the applicant identifying the States project published on their website,  
11 the developments impacts to that project, and the “true” proportionate share with a site  
12 specific rate, then the mitigation does not comply with the ILA for mitigation under SCC  
13 30.66B.710, and infill development under SCC 30.61.035(2) and (3), as well as RCW  
14 43.21C.229(2)(b), (c), and (d).

15 It is evident that the Applicant is doing everything possible to avoid improving the  
16 intersections that will be directly affected by the project.

17 **J. The Examiner failed to apply SCC 30.66B.025 in determining the vesting date and  
18 the project is not vested even on today’s date.**

19 SCC 30.66B.025 states:

20 **A development application shall not be considered complete until all**  
21 **traffic studies or data required in accordance with SCC 30.66B.035 or**  
22 **required as a result of the pre-submittal conference of**  
23 **SCC 30.66B.020 are received.**  
24 (Emphasis added)

25 In the Order on Reconsideration the Examiner stated: “An accurate vesting date is  
critical because the proposed project must comply with development regulations in effect on

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<sup>77</sup> Ex. M.16, p. 4-5

1 the date of vesting.”<sup>78</sup> Mr. Irwin addressed this issue in his response to the Order on  
2 Reconsideration:

3 With respect to vesting, I will contest that the proposed development has still  
4 yet to satisfy a handful of transportation requirements. Therefore, as specified  
5 by SCC 30.66B.025, a developments application shall not be considered  
6 complete until all traffic studies or data required in accordance with SCC  
7 30.66B.035 are received. As specified in my written and oral testimony at the  
8 open record hearing and in my reconsideration request, the requirements for a  
traffic study to address inadequate road conditions, forecast LOS  
(concurrency), and many other aspects have not been addressed and therefore  
cannot be determined “complete” even as of the date of this email. All of this  
information has failed to be addressed in the Hearing Examiners decision.<sup>79</sup>

9 **K. The Examiner Exceeded his Jurisdiction and Committed an Error of Law in that**  
10 **There is no Evidence in the Record Showing Where Pacific Ridge submitted a full**  
**permit list as requested by PDS on October 26, 2022.**

11 In the Amended Decision, the Examiner completely ignores this glaring fact and  
12 simply states, once again, that: “Pacific submitted the material requested by PDS on  
13 October 26, 2022.”<sup>80</sup> In Wetzel’s response to the Order on Reconsideration she stated:

14 If Pacific Ridge subsequently submitted the full permit list requested by PDS  
15 after the project was deemed incomplete on August 31, 2022, **where is the**  
**evidentiary document supporting this statement? Where is the**  
16 **evidentiary document supporting the statement that the full permit list**  
**requested by PDS was accepted by the County on October 26, 2022?** This  
17 should be a simple task—provide the evidence. Just because PDS and Pacific  
18 Ridge claim a random vesting date does not make it so. There clearly was a  
permit application submitted August 19/22, 2022, and a letter dated August  
31, 2022, deeming the submission incomplete. Where are the documents  
19 supporting the magical October 26, 2022 date? Pacific Ridge argues that their  
procedurally complete application was accepted by PDS on October 26,  
20 2022— WHERE IS THE DOCUMENT? This evidence is paramount to  
determining the vesting date

21 . . .

22 The fact that Pacific Ridge’s legal counsel does not provide evidence to  
23 support its position only further substantiates that they are trying to win with

24 <sup>78</sup> Order on Reconsideration, p.9, l. 11-13

25 <sup>79</sup> Ex. Q.12

<sup>80</sup> Amended Decision, p. 10. L.23

1 persuasive argument, rather than real evidence. <sup>81</sup>

2 As of this date there is no evidence in the record supporting the made-up  
3 vesting date of October 26, 2022, and based upon the evidence the project is not  
4 vested as of this date.

5 **L. The Examiner failed to apply all elements of SCC 30.41.A.100 in the Decision.**

6 The Examiner states in the Decision:

7 Having considered all relevant facts, including the physical characteristics of  
8 the site, sidewalks and other planning features and with fulfillment of the  
9 conditions imposed below, the Hearing Examiner finds the proposed  
10 subdivision will serve the public interest and it makes appropriate provision  
11 for the public health, safety, **and general welfare**, for open spaces, drainage  
ways, streets, alleys, other public ways, transit stops, potable water supplies,  
sanitary wastes, parks and recreation, playgrounds, sites for schools and  
school grounds, fire protection and other public facilities.<sup>82</sup>

12 (Emphasis added)

13 SCC 30.41.A.100(1) states:

14 (1) The hearing examiner and the department shall inquire into the public use  
15 and interest proposed to be served by the establishment of  
the subdivision and dedication. **The hearing examiner shall approve**  
16 **a preliminary subdivision only if appropriate provisions are made for,**  
17 **but not limited to, the public health, safety, and general welfare**, for open  
spaces, drainage ways, streets, alleys, other public ways, transit stops, potable  
water supplies, sanitary wastes, parks and recreation, playgrounds, sites for  
18 schools and school grounds, fire protection and other public facilities.

19 The hearing examiner shall consider all other relevant facts, including the  
physical characteristics of the site and sidewalks and other **planning features**  
20 **that assure safe walking conditions for students who walk to and from**  
**school to determine whether the public interest will be served by**  
21 **the subdivision and dedication.**

22 (Emphasis added)

23 Never mind all the conditions that the Examiner is required to ensure the project  
24

25 <sup>81</sup> Ex. Q.13

<sup>82</sup> Decision, p. 32, l. 19-24

1 meets, for public, health, safety and welfare, **the Examiner failed to ensure the project**  
2 **met the most important condition of SCC 30.41.A.100(1) and RCW 58.17.110, assuring**  
3 **safe walking conditions for students who walk to and from school.** Evidence was  
4 provided for both the public hearing and on reconsideration that the new intersection of  
5 144<sup>th</sup> Place SE along the alignment of Puget Park Drive extension will be a proposed 4-way,  
6 double-lane stop sign intersection within the project and will create horrific safety issues for  
7 children walking to/from either the high school or the elementary school.<sup>83</sup>

8 **M. The Examiner exceeded his jurisdiction and authority in requiring the residents to**  
9 **resolve any future traffic issues with the opening of 79<sup>th</sup> through the Greenleaf**  
10 **neighborhood, acknowledging in advance that there will be problems.**

11 The Decision states:

12 Some expressed concern regarding the width of 79th through the Greenleaf  
13 community. Traffic usually moves slower through narrower roads than  
14 through wider roads. The narrower width of 79th in Greenleaf **should** help  
15 calm traffic and lower the average speed. If traffic problems occur and  
16 persist, the Hearing Examiner urges the Greenleaf neighborhood to contact  
17 Public Works.<sup>84</sup>  
18 (Emphasis added)

19 The Examiner speculates that the narrower width **should** help calm traffic  
20 and is not based on evidence. Clearly the Examiner, the Applicant and PDS already  
21 anticipate this will be a problem and the local residents and taxpayers must not be  
22 required to bear the burden of fixing issues in the future.

23 Brad Lincoln's testimony on December 30, 2024, that, "traffic usually moves  
24 slower,"<sup>85</sup> is a self-serving statement to justify the opening of 79<sup>th</sup> and there is no  
25 evidence in the record to support his statement and in fact, is contradictory to SCC

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<sup>83</sup> Ex. L.8; Testimony of Irwin 12/3/24; Ex. Q.2; Ex. Q.3

<sup>84</sup> Decision, p. 13, l. 7-11

<sup>85</sup> Decision, p. 9, l. 18-21



1 30.24.010(1).

2 SCC 30.24.010(1) states:

3 Road networks and their associated stormwater facilities shall be designed  
4 and constructed according to titles 30 and 13 SCC, the EDDS and any other  
applicable local, state and federal requirements.

5 EDDS 3-065, shows that the cross-section for a non-arterial urban road  
6 serving 2,001+ ADT is 36 feet of pavement from curb-to-curb. As specified by  
7 David Irwin, PE during the open record hearing (Exhibit L.35, page 29-35), the  
8 existing ADT on 79<sup>th</sup> Ave SE is 245 ADT and a width of 28 feet from curb-to-curb.  
9 The Eastview Village development is increasing the trips by 1,224%, which equates  
10 to approximately 3,000 ADT not including diverted trips for existing or future  
11 development as identified in the County's Buildable Lands Report for the 2044  
12 comprehensive plan. <sup>86</sup> If one were to consider future growth, there could be another  
13 1,000+ trips which would double the EDDS ADT threshold. In accordance with SCC  
14 30.66B.420(3),  
15

16 "All developments that propose to take access via an existing public or  
17 private road which, for the vehicle trips projected to use the road after full  
18 occupancy of the development, is not designed and constructed in accordance  
19 with the EDDS, will be required to improve such road to bring it into  
compliance with the EDDS when the director of public works determines it  
necessary to provide for safety and the operational efficiency of the road."

20 There was no approval to an EDDS Deviation per EDDS 1-05 in the file to  
21 indicate why the Applicant is not addressing the direct impacts to the substandard  
22 public roads within the Plat of Greenleaf that provides access to the project. Nor is  
23

24 \_\_\_\_\_  
25 <sup>86</sup> Ex. L.8., Appendix 19, p. 405

1 there any written administrative interpretation by the County Engineer provided in  
2 the file, per EDDS 1-04 that would give flexibility for PDS staff to not implement or  
3 address the EDDS and access requirements.<sup>87</sup>

4 The Examiner must base decisions on application of codes, not self-serving  
5 statements unsupported by evidence in the record.

6 **N. The Examiner categorized factual evidence submitted into the record as restating**  
7 **public comments.**

8 The Examiner stated in the Order on Reconsideration:

9 Ms. Wetzel disagrees with the decision. The purpose of reconsideration is not  
10 to re-argue the case, however. A reconsideration motion should not merely  
11 present arguments previously raised. . . . Her arguments simply disagree with  
12 the decision by restating previous public comments or by disagreeing with  
the evaluation of the evidence. Ms. Wetzel's disagreement with the outcome  
does not establish an error of law.<sup>88</sup>

13 It is evident in Wetzel's reconsideration that she is not re-arguing/asserting her  
14 previous public comments. Ms. Wetzel worked in the legal field her entire career and  
15 knows the difference. Ms. Wetzel submitted **evidence** in her reconsideration proving that  
16 the applicant did not meet its burden of proof.<sup>89</sup> Messrs. Irwin and Brandstetter also  
17 submitted **evidence** in their reconsiderations proving that the Applicant did not meet its  
18 burden of proof.<sup>90</sup> The Examiner exceeded his authority and jurisdiction in recategorizing  
19 evidence on reconsideration as "re-arguing previous public comments." The whole point of  
20 reconsideration and appeal is to provide evidence that must be considered when approving a  
21 project.  
22

23  
24 <sup>87</sup> Ex. L.8, Appendix 19, p. 337-338

25 <sup>88</sup> Order on Reconsideration, p, 10, l. 3-7

<sup>89</sup> Ex. Q. 3

<sup>90</sup> Ex. Q.2; Ex. 4

1 **O. The Examiner failed to enforce and consider evidence in the record that the forecast**  
2 **level-of-service (concurrency) decision does not satisfy State law or DPW Rules for**  
3 **evaluating and considering a development's impact on arterial units outside the TSA D**  
4 **(the TSA they are located within).**

5 The Growth Management Act ("GMA") requires that transportation improvements  
6 or strategies to accommodate development impacts need to be made concurrently with land  
7 development. "Concurrent with the development" is defined by the GMA to mean that any  
8 needed "improvements or strategies are in place at the time of development, or that a  
9 financial commitment is in place to complete the improvements or strategies within six  
10 years."<sup>91</sup> Snohomish County has flexibility regarding how to apply concurrency within their  
11 plans, regulations, and permit systems. However, nothing in the State law (specifically RCW  
12 36.70A.070(6)(b) and WAC 365-196-840) exempts Snohomish County from addressing a  
13 development's impact to adjoining transportation services areas (TSA) which are arbitrary  
14 lines drawn on a map. The Examiner only focuses on impacts within TSA D,<sup>92</sup> as is true for  
15 the Traffic Review Memo,<sup>93</sup> and the Applicant's traffic study.<sup>94</sup> The concurrency decision  
16 to TSA D is not being appealed, nor does Expert Irwin contest the validity of that decision.  
17 However, Mr. Irwin is contesting concurrency (per SCC 30.66B.180.2.c) and appealing the  
18 lack of a forecast LOS analysis and concurrency decision for impacts outside of TSA D  
19 which stems from a trip distribution that does not comply with the traffic study requirements  
20 in DPW Rule 4220.070 to show a trip distribution to each key intersection inside and  
21 outside and developments TSA at which the approach or departure volumes on any leg have  
22

23  
24 <sup>91</sup> RCW 36.70A.070(6)(b)

25 <sup>92</sup> Decision, p. 32, l. 3-13

<sup>93</sup> Ex. H.9, p.2

<sup>94</sup> Ex. C.1.1, p. 3-4

1 three (3) or less PHT which includes impact to critical arterial units, as identified in the open  
2 record hearing.<sup>95</sup> This was brought up on the reconsideration request.<sup>96</sup> However, the  
3 Hearing Examiner continued to completely disregard the testimony presented by Expert  
4 Irwin which is creating an arbitrary and capricious decision and significant errors of fact and  
5 law

6 The Applicant and PDS fail to look at Concurrency (congestion) or potential  
7 inadequate road conditions (IRCs - safety issues) outside an arbitrary line on a map (the  
8 Transportation Service Area - TSA - boundary). Anything north of SR 96 (impacted by  
9 approximately 2,000 ADT, 120 AM PHT and 200 PM PHT), and South of 180th Street  
10 (impacted by approximately 3,000 ADT, 180 AM PHT, and 300 PHT) is not being analyzed  
11 even though the Department of Public Work Rule 4220.100(3)(b) and (c) requires it. The  
12 development will generate 15,309 ADT, 843 AM PHT, and 1,435 PM PHT

13 David Irwin provided evidence during the open record hearing <sup>97</sup> identifying that the  
14 Applicant's traffic study did not meet the County's trip distribution requirements to show  
15 vehicular trips from the development extending out until 3 peak hour trips (PHT) or less to  
16 address impacts to IRCs, concurrency, TDM, etc. which extends to adjacent TSAs.<sup>98</sup>  
17

18 Additional information was provided in the reconsideration request identifying that  
19 no concurrency evaluation was done for the project to address impacts on any critical  
20 arterial unit outside TSA D, but is required under RCW 36.70A.070(6)(b), WAC 365-196-  
21 840, SCC 30.66B.035(1), SCC 30.66B.120, SCC 30.66B.125. and DPW Rule  
22

23  
24 <sup>95</sup> Ex. L.8, Appendix 13, p. 170; Ex. L.35, p. 15-18

25 <sup>96</sup> Ex. Q.2, p. 18-21

<sup>97</sup> Ex. L.35, p. 15-18

<sup>98</sup> Ex. C-1.1

1 4220.100(3)(b) and (c).<sup>99</sup> Snohomish County adopted administrative rules referred to as  
2 “DPW Rules” (SCC 30.66B.080(1) and (2)) to further explain how to apply Snohomish  
3 County Code.<sup>100</sup> It appears that current County staff is creating these violations of the State  
4 statutes with their the definition of “road system” per SCC 30.91R.240 and only applying  
5 concurrency to one TSA which violates the GMA and SEPA policy when there are cross-  
6 TSA impacts.

7  
8 The purpose of concurrency is to ensure that those public facilities and services  
9 necessary to support development are adequate to serve that development at the time it is  
10 available for occupancy and use, without decreasing service levels below locally established  
11 minimum standards. Any development generating more than 50 PHT is required to provide  
12 a forecast LOS analysis per DPW Rule 4220.100, which can extend outside the development  
13 TSA for any arterial unit impacted by 50 directional peak hour trips, or any critical arterial  
14 unit impacted by three or more peak hour trips in the deficient direction. The signed traffic  
15 pre-submittal dated August 2, 2022, identified these requirements, but the developer,  
16 PDS/DPW, and the Examiner have completely disregarded the law.<sup>101</sup>

17  
18 For the Applicant and PDS to use a narrow lens to only issue a concurrency decision  
19 on a development impact within TSA D and not address any impacts outside of this  
20 boundary does not satisfy the GMA or SEPA policy established under state law. Therefore,  
21 any trips outside of TSA D do not assess whether “improvements or strategies are in place at  
22 the time of development, or that a financial commitment is in place to complete the  
23

24  
25 <sup>99</sup> Ex. Q.2, p. 18-21

<sup>100</sup> Ex. L.8, Appendix 13, p. 14-15 (PDF p. 172-173)

<sup>101</sup> Ex. C.1.1, p. 1107-1108

1 improvements or strategies within six years."<sup>102</sup> Clearly approval of this project will create  
2 a probable adverse environmental impact.

3 Similarly, the County recently updated the road system impact fee methodology to  
4 align with RCW 82.02.050(2) and (3) and WAC 365-196-415(5)(a) to establish a  
5 relationship between growth and provisions of adequate public facilities since developments  
6 within each TSA will have cross-over impacts on adjoining TSAs, so each development has  
7 a portion of their road system impact fee being distributed to each TSA. This was also  
8 addressed on reconsideration.<sup>103</sup>

9  
10 Transportation is the only area of concurrency that specifies denial of a proposed  
11 development if its impacts on the local transportation system would result in LOS dropping  
12 below adopted standards RCW 36.70A.070(6)(b). Since the Applicant deliberately did not  
13 analyze any LOS outside of TSA D, it is unknown whether the development will meet the  
14 state law requirements for concurrency on those arterial units. Therefore, the project should  
15 be remanded back to PDS for additional analysis since there are many critical arterial units  
16 impacts with three or more directional peak hour trips in the deficient direction in adjacent  
17 TSAs.

18  
19 Expert Irwin did not grant concurrency in the 1st transportation review memo and  
20 stated that the development needs to provide additional information and is required to  
21 evaluate critical arterial units in adjoining TSAs (Exhibit L.8, Appendix 4, page 2)<sup>104</sup>. Once  
22 Mr. Irwin resigned, PDS completely disregarded the State law and DPW Rules which were  
23

24  
25 <sup>102</sup> RCW 36.70A.070(6)(b)

<sup>103</sup> Ex. Q.2

<sup>104</sup> Ex. L.8, Appendix 4, p. 2

1 established to explain how to implement the Snohomish County Code. Mr. Huey then  
2 proceeded to issue a concurrency decision without compliance with the law and the Hearing  
3 Examiner has continued with these unlawful violations.

4 **P. The Examiner failed to enforce and consider the evidence in the record regarding**  
5 **the lack of compliance with the Engineering Design and Development Standards**  
6 **(EDDS”).**

7 This was addressed both at the open record hearing and on reconsideration.<sup>105</sup> There  
8 are multiple locations on-site and off-site within the Plat of Greenleaf that do not comply  
9 with the explicit language in the County’s EDDS and require approval to an EDDS  
10 deviation request or a formal written decision by the County Engineer for an Administrative  
11 Interpretation. None of which have been included in the file prior to approval and it’s not  
12 clear if any of these were brought to the attention of the County Traffic Engineer or County  
13 Engineer. Therefore, the Examiner’s statement on page 31, lines 4-6 are factually incorrect,  
14 “The configuration and design of the roads and access facilities in this development are in  
15 accordance with chapters 30.24 SCC, 30.66B SCC, and 30.53A SCC, and EDDS.” The  
16 Examiner is committing errors of law in assuming compliance without verifying in writing  
17 with the County Traffic Engineer (Mohammad Uddin, PE) and County Engineer (Doug  
18 McCormick, PE).

19  
20 The applicant claims that the EDDS allows flexibility for interpretation. However,  
21 EDDS 1-04 states, “**Requests for administrative interpretations must be submitted in**  
22 **writing to the County Engineer.**” (Emphasis added) There is nothing in the file to show  
23 that the Applicant provided any interpretive decision by the County Engineer that would  
24

25  

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105 Ex. L.35, p. 36-51; Ex. Q.2; Testimony of Irwin 12/3/24

1 allude to EDDS deviations not being required for the 14 separate EDDS compliance issues  
2 that were raised on the PowerPoint slides during the public hearing.<sup>106</sup>

3 Furthermore, EDDS 1-07 states:

4 **Requests [for EDDS Deviations] should be submitted as soon as the need**  
5 **becomes known. This may prevent wasted effort in the preparation of**  
6 **plans with non-standard features that cannot be approved. Known**  
7 **deviation requests that affect a project's lot yield, density, or scope must**  
8 **be submitted prior to the SEPA decision or the final administrative**  
9 **decision on the application. This is important for environmental**  
10 **assessment, public notice and participation in the decision process.**  
11 (Emphasis added)

12 Many, if not all the items specified in the PowerPoint slides were brought up by  
13 David Irwin during the pre-submittal and 1<sup>st</sup> review of the project notifying the applicant  
14 they needed approval to an EDDS deviation request or a re-design.<sup>107</sup> This was brought up  
15 on the reconsideration.<sup>108</sup> The Applicant refused to address it and now the Examiner is  
16 pushing approval through without compliance. This could not be clearer of an arbitrary and  
17 capricious decision based upon deference towards new PDS staff and a developer who since  
18 the pre-submittal stage has not wanted to build EDDS compliant roads. It is prudent for the  
19 County Council to base their decision on facts and remand the project back to PDS for a  
20 complete and comprehensive review.

21 **Q. On reconsideration the Examiner committed an error of law by focusing on the**  
22 **ILA between Snohomish County and Marshland Flood Control District ("Marshland")**  
23 **and completely ignoring the issues evidencing noncompliance with State and County**  
24 **Codes raised on reconsideration by Marshland.<sup>109</sup>**

25 The entirety of Marshland's reconsideration issues is incorporated herein as if fully

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<sup>106</sup> Ex. L.35, p. 36-51

<sup>107</sup> Ex. L.8. Appendix 4

<sup>108</sup> Ex. Q.2

<sup>109</sup> Order on Reconsideration, p. 10, l. 12-31; p. 11, l. 1-2



1 set forth.<sup>110</sup>

2 **R. The Examiner committed an error of law and exceeded his jurisdiction and**  
3 **authority in categorizing Marshland's expert and evidence as "questions and**  
4 **skepticism."**

5 In the Decision, the Examiner states:

6 Marshland Flood Control District criticizes the evaluation of wetland A and  
7 an alleged failure to investigate additional wetland features, even if the  
8 features are not a regulated wetland. It did not, however, provide persuasive  
9 evidence that wetland A was improperly or inadequately delineated or  
10 characterized. Marshland argues that even if wetland A was correctly  
11 delineated and characterized according to county code, environmental  
12 benefits could still be obtained by applying stricter buffer and mitigation  
13 measures, though not required by county code. First, **questions and**  
14 **skepticism are usually insufficient bases to overturn subject matter**  
15 **expert evaluations. Absent contrary evidence or persuasive evidence of**  
16 **inadequate evaluation, the Hearing Examiner will not substitute his**  
17 **judgment for subject matter experts.**<sup>111</sup>  
18 (Emphasis added)

19 The evidence provided by Marshland and its expert is not "questions and  
20 skepticism." Marshland provided contrary and persuasive evidence before and during the  
21 public hearing, as well as on reconsideration, clearly proving the Applicant did not meet the  
22 burden for a preponderance of evidence in favor of the project as it now stands.<sup>112</sup> As  
23 discussed previously, the Examiner exceeding his authority and jurisdiction to label and mis-  
24 characterize Marshland and its expert for the benefit of the Applicant. **Even then, the**  
25 **Examiner states he will not substitute his judgment for subject matter experts,**<sup>113</sup>  
**meaning that the Examiner must defer to private experts that are protecting the**

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<sup>110</sup> Ex. Q.4

<sup>111</sup> Decision, p.23, l. 11-19

<sup>112</sup> Ex. H.3; Exs. L.1-L.5; L.29; Ex. L.23; Ex. Q.4; Testimony of Brandstetter 12/3/24; Testimony of Barnes 12/3/24

<sup>113</sup> Decision, p. 23, l. 18-19

1 **citizens, rather than experts that are advocating for the Applicant and PDS.**

2 The Examiner even went so far as to accept language made up by the Applicant to  
3 classify onsite flow issues in the Applicant's favor to approve a deficient project, using a  
4 made up term, "non-regulated drainage," a phrase that does not appear either in Snohomish  
5 County Code or the Drainage Manual. On reconsideration Expert Barnes stated:

6 The Eastview Village property is subject to greater scrutiny in order to  
7 determine the origins of all water flowing onsite. This discussion was side  
8 stepped by the use of the phrase "non-regulated drainage" (a phrase that does  
9 not appear in the SCC or Manual).<sup>114</sup>  
(Emphasis added)

10 The Examiner has always been adamant that he does not have authority to  
11 add language to either the County Code or the Drainage Manual, yet he is giving  
12 himself this authority by allowing the Applicant to use a non-existent phrase to  
13 approve this project.

14 **S. The Examiner committed an error of law in not addressing Marshland's concerns**  
15 **on reconsideration regarding stormwater, drainage, and critical areas.**

16 Prior to the public hearing, during the public hearing and on reconsideration,  
17 Marshland provided evidence and testimony clearly establishing that the project as proposed  
18 is noncompliant with State and Local Codes and Ordinances, and more specifically SCC  
19 30.63A.<sup>115</sup>

20 Even employees within Snohomish County expressed concerns about future  
21 stormwater drainage issues. that the Applicant failed to address. In an email dated August 9,  
22 2022, Kyle Iris, Real Property Administrator for Snohomish County Conservation and  
23

24 \_\_\_\_\_  
<sup>114</sup> Ex. Q.4, p. 57

25 <sup>115</sup> Ex. H.3; Exs. L.1-L.5; L.29; Ex. L.23; Ex. Q.4; Testimony of Brandstetter 12/3/24; Testimony of Barnes 12/3/24

1 Natural Resources/Parks & Recreation clearly stated they would not approve the project  
2 stating:

3 Please let us know if you would like SWM to provide any assistance in this  
4 matter. Have you considered contacting the PA? Brian Dorsey would be a  
5 good person to provide advice on what steps can and should be taken to  
6 remedy this severed drainage system. Right now our protocol would be to  
7 assign this drainage system to Parks and then have it be programmed in  
8 your npdes MS4 inspection program. However its concerning for Parks to  
9 absorb assuming operation control/responsibly including costs for this  
10 system, since it was designed to serve the landfill area (144 acres) of which  
11 has now been sold, and therefore the system is not serving the parcel it's on,  
12 and is not required for just the Parks parcel use. For background, we recently  
13 had a private drainage case similar to this situation after a boundary line  
14 adjustment and it can get complicated in our code about responsible party for  
15 the drainage system. Basically, if the drainage system doesn't service the land  
16 owner, responsibility can be tied back to the original development permit  
17 applicant and constructor of the system / i.e. the entities of which the system  
services. Not sure if you've consulted with PDS to make them aware of this  
drainage system issue? If the new land owner, Pacific Ridge (PR) comes in  
for an LDA proposing to tie their infrastructure into this existing drainage  
system on Parks property (currently not in PR's control and no easements or  
operating agreements exists), that should be flagged as an 1 9 of 15  
operational/utility conflict and no permits should be issued until its resolved.  
However, that shouldn't happen or be approved (unless Parks gives the okay)  
because the developer is required to propose on-site drainage, and if they do,  
it would likely render this system useless. If that happens, it puts Parks in a  
role to retire/decommission the asset or continue NPDES required  
maintenance on a system that is not fully functioning/useful.<sup>116</sup>

18 **T. The Examiner committed an error in law in not requiring enforcement of the long-**  
19 **standing ILA between Snohomish County Marshland; the ILA has been a condition**  
20 **for other projects based upon the Examiner's authority and the Examiner cannot now**  
21 **arbitrarily and capriciously fail to include that on this project in favor of the**  
22 **Applicant.**

23 Snohomish County has had an ILA with Marshland since the early 2000's.<sup>117</sup> The  
24 ILA must be enforced, just like the ILA with WSDOT. This was addressed on

25 <sup>116</sup> Ex. L.12; Ex. L.31; Ex. L.38

<sup>117</sup> Ex. Q.4

1 reconsideration.<sup>118</sup>

2 The Examiner cannot pick and choose when to implement conditions that have been  
3 imposed since the early 2000's dismissing his obligation stating "the Hearing Examiner  
4 believes. . ."<sup>119</sup> The Examiner's beliefs are not based on evidence; he is imposing his  
5 personal opinion to approve the project verses ruling on the evidence.

6 **U. The Examiner exceeded his jurisdiction and committed an error of law in**  
7 **requiring Marshland to bear the financial burden of future stormwater**  
8 **drainage issues if Snohomish County fails to get grants and taxpayer funds to**  
9 **manage the stormwater drainage.**

10 In the Decision the Examiner is requiring the taxpayers to fix issues with the  
11 new road system through Greenleaf and SR-96/SR-9 in the Decision (discussed  
12 above) when, inevitably, there will be issues. In the Decision the Examiner is also  
13 requiring Marshland to bear the financial costs of the Applicant's flawed project if,  
14 and/or when Snohomish County stops granting funds to Marshland to compensate  
15 them for managing the stormwater drainage. The Applicant must not be allowed to  
16 shift the burden to Marshland.

17 **V. The Examiner committed an error of law in allowing a reversal of the**  
18 **burden of proof that requires the Applicant to show by a preponderance of**  
19 **evidence that the project can be approved, in violation of the application of the**  
20 **Snohomish County Hearing Examiner's Rules of Procedure.**

21 On reconsideration, Marshland addressed this:

22 What the Examiner allowed in this proceeding was a reversal of the Burden  
23 of Proof. Eastview's presentation on November 21, 2024, after being coupled  
24 with its Reply on December 30, 2024, gave Marshland (and other Parties of  
25 Record) the impossible burden of disproving Eastview's evaluation on  
December 3, 2024, about 3 weeks before December 30, 2024. Analysis of

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<sup>118</sup> *Id.*

<sup>119</sup> Order on Reconsideration, p. 10, l. 24

1 incomplete and inadequate evaluations given by Eastview on November 21,  
2 2024 were the only evidence available for examination on December 3, 2024.  
3 Whether it was part of Eastview's strategy to intentionally hold back on its  
4 full presentation until Reply, and/or whether Eastview's consultants used the  
5 three-week delay to develop new material after hearing what CORE told RPB  
6 were "really good points", the Parties of Record were handcuffed from  
7 evaluating Eastview material from December 30, 2024. Then, because the  
8 Examiner is not an expert in these technical areas, he had no help sifting  
9 through to understand and find the remaining inadequacies.<sup>120</sup>

10 Clearly the Examiner committed an error of law by allowing the Applicant to  
11 submit substandard/non-conforming documents for the public hearing, which were  
12 used by the public and experts, and then not allowing the public and experts to  
13 submit rebuttal evidence and testimony that clearly showed the project was non-  
14 compliant.

15 **W. The Examiner cannot base his approval of the project on hearsay absent a**  
16 **written document from DOE providing analysis and/or testimony.**

17 Marshland brought this up on reconsideration:

18 Where does that exist here with Eastview? It was "asserted" by Eastview's  
19 consultants, CORE and Soundview, but was not even verified by PDS. Given  
20 DOE's requirement of a formal request for review by Snohomish County  
21 staff when Marshland asked for review of Riverstone Estates full dispersion  
22 proposal in 2022, there is more than a reasonable doubt about whether and  
23 what DOE reviewed. The DOE letter dated April 21, 2023 permitting  
24 "redevelopment" of a portion of a former landfill site does not qualify. In  
25 fact, CORE and Soundview may barely have started working at that time.<sup>121</sup>

## 26 CONCLUSION AND RELIEF REQUESTED

27 This is a huge project that must be heavily scrutinized for compliance,  
28 especially given the evidence and expert testimony documenting flaws and concerns  
29 as the project now stands. If the project is approved as it now stands, it will have

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30 <sup>120</sup> Ex. Q.4, p. 15, l. 6-16

31 <sup>121</sup> Ex. Q.4, p. 8, l.6-12

1 serious implications for the safety of the community.

2 **If the project was compliant, no reconsiderations would have been filed.**

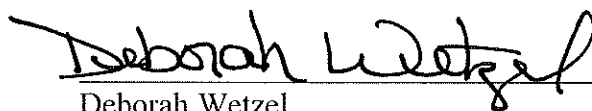
3 **It is unimaginable for the Examiner to attempt to dismiss the valid rebuttal**  
4 **testimony and evidence submitted on reconsideration by experts clearly proving**  
5 **the project is non-compliant and it must be remanded.**

6 Based upon the evidence submitted in the reconsiderations and on appeal, the  
7 Appellants are requesting the County Council deny and/or remand this project back to the  
8 Examiner requiring denial and/or remand of the project to direct that PDS require thorough,  
9 accurate and comprehensive reviews/analysis involving WSDOT, Department of Ecology,  
10 Snohomish County Public Works, Snohomish County Surface Water Management, and any  
11 other agencies, to ensure compliance with all applicable State and County Codes.

12 The Appellant also request that adequate time and notice be given to the public to  
13 engage in this project based upon the new/revised information, prior to approval.

14 Given the enormity of this project and the gravity of its impacts, the Snohomish  
15 County Council and the Examiner owe a duty to ensure that the project is compliant to  
16 protect the public health, safety, and welfare prior to approval.

17 Submitted by Deborah Wetzel personally and with authority from the above-  
18 named Appellants this 13th day of May, 2025.

19  
20  
21 

22 Deborah Wetzel  
23 [debbieleewetzel@gmail.com](mailto:debbieleewetzel@gmail.com)  
24 9715 162<sup>nd</sup> St SE  
25 Snohomish, WA 98296  
(206) 261-0941

Before the  
**HEARING EXAMINER**  
Snohomish County, Washington  
**LIST OF EXHIBITS & WITNESSES**

**Applicant:** John Mirante  
**Case No.:** 22 113955 SPA, 22 114101 SPA, 22 117447 SPA, 22 117395 PSD, 22 117398 PSD/SPA, 22 117404 PSD and 24 113099 SPA  
**Project Name:** Eastview Village

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**EXHIBITS:** Submitted for the open record hearing:

**A. APPLICATION:**

- A.1 Master Permit Application, received 09-16-2024
- A.2 SUPERSEDED Project Narrative, received 10-01-2024
- A.3 120 Day Waiver, dated 01-12-2023
- A.4 Signing Authority Information, dated 08-26-2024
- A.5 Plat Name Reservation Certificate, expires 08-22-2025
- A.6 Legal Description

**B. PLANS:**

- B.1 Vicinity Map
- B.2.1 Overall Site Plan-Phasing Map, received 09-16-2024
- B.2.2 Overall Site Plan-Zoning Map, received 09-16-2024
- B.3 SUPERSEDED Development Area Tables, received 11-08-2024
- B.4.1 Phase 1-Multi-Family Site Plan Set, received 10-01-2024
- B.4.2 Phase 2-Multi-use Site Plan Set, received 09-16-2024
- B.4.3 Phases 3,5,8,10 & 12 Unit Lot Subdivision Plan Set, received 10-01-2024
- B.4.4 SUPERSEDED Phase 4-SFDU Plan Set, received 10-01-2024
- B.4.5 Phase 6-PRD Plan Set, received 10-11-2024
- B.4.6 Phases 7,9 & 11-Lot Size Averaging Plan Set, received 11-08-2024
- B.5 SUPERSEDED Preliminary Civil Drawings, received 11-08-2024
- B.6.1 Phase 1-Tree Canopy-Landscaping Plans, received 10-01-2024
- B.6.2 Phase 2-Tree Canopy-Landscaping Plans, received 09-16-2024
- B.6.3 Phases 3,5,8,10 & 12-Tree Canopy-Landscaping Plans, received 10-01-2024
- B.6.4 SUPERSEDED Phase 4-Tree Canopy-Landscape Plans, received 10-01-2024
- B.6.5 Phase 6-Tree Canopy-Landscaping Plans, received 09-16-2024
- B.6.6 Phases 7,9 & 11-Tree Canopy-Landscaping Plans, received 09-16-2024
- B.7 Phase 2 Building Elevations, received 08-26-2024

**C. REPORTS:**

- C.1.1 Traffic Report, dated 10-2023
- C.1.2 Traffic Report-Internal Intersection Analysis, dated 01-24-2024
- C.1.3 Traffic Report-Commercial Space Memorandum, dated 05-15-2024
- C.1.4 Traffic Report- Memorandum response to WSDOT, dated 11-22-2022
- C.2 Targeted Drainage Report, received 08-26-2024

- C.3 Geotechnical Report, dated 08-17-2022
- C.4 Wetland and Fish and Wildlife Habitat Assessment Technical Memo, revised 07-25-2022
- C.5 Title Report, effective 04-29-2024
- C.6 Stormwater Pollution Prevention Plan, received 12-26-2023
- C.7 Hydraulic Modeling, received 08-26-2024
- C.8 Fire Flow email and plan, received 08-26-2024
- C.9 Critical Area Mitigation Plan, revised 12-05-2023
- C.10 IRC Study #2401F 144 PL SE at Cathcart Way, signed 10-31-2024
- C.11 IRC Study #2402F Cathcart Way at Puget Park Dr., signed 11-01-2024
- C.12 IRC Study #2403F Cathcart Way at 81 AVE SE, signed 09-24-2024
- C.13 Trip Generation and Traffic Mitigation, dated 11-05-2024
  
- D. **PROPERTY:**
  - D.1 Ownership – Zoning Map
  - D.2 Aerial Map
  - D.3 Verification of Legal Description
  
- E. **ENVIRONMENTAL:**
  - E.1 Determination of SEPA Exemption Status
  
- F. **NOTICE AND ROUTING DOCUMENTS:**
  - F.1 Affidavit of Mailing – Notice of Open Record Hearing, Concurrency and Traffic Impact Fee Determinations
  - F.2 Affidavit of Notification (publication) – Notice of Open Record Hearing, Concurrency and Traffic Impact Fee Determinations
  - F.3 Posting Verification – Notice of Open Record Hearing, Concurrency and Traffic Impact Fee Determinations
  
- G. **OTHER SUBMITTAL ITEMS:**
  - G.1 1<sup>st</sup> Review Completion Letter, dated 06-14-2023
  - G.2.1 Response to 1<sup>st</sup> Review Completion Letter, dated 12-21-2023
  - G.2.2 Response to 1<sup>st</sup> Review comments, received 4-23-2024
  - G.2.3 Response to 1<sup>st</sup> Review environmental comments, received 12-26-2023
  - G.3.1 Response to 1st review traffic comments, dated 12-13-2023
  - G.3.2 Response to TIA Review, dated 10-6-2023
  - G.4 2nd Review Completion Letter, dated 04-17-2024
  - G.5 Response to 2nd Review Completion Letter, dated 04-23-2024
  - G.6.1 3<sup>rd</sup> Review Completion Letter, dated 08-29-2024
  - G.6.2 Response to 3rd Review Completion Letter, dated 08-22-2024



Before the

**HEARING EXAMINER**

Snohomish County, Washington

**LIST OF EXHIBITS & WITNESSES**

Applicant: John Mirante

Case No.: 22 113955 SPA

Project Name: Eastview Village URDS All Phases

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- G.7.1 Phase 1 & 2 Tree Canopy Calculation Sheet, received 9-16-2024
- G.7.2 Phase 3, 5, 8, 10 & 12 Tree Canopy Calculation Sheet, received 9-16-2024
- G.7.3 Phase 4 Tree Canopy Calculation Sheet, received 9-16-2024
- G.7.4 Phase 6 Tree Canopy Calculation Sheet, received 9-16-2024
- G.7.5 Phase 7,9 & 11 Tree Canopy Calculation Sheet, received 9-16-2024
- G.8 EDDS Deviation-ROW and On-Street Parking, Approved 12-14-2023
- G.9 Roundabout Plan, dated 11-04-2024
- G.10 Inadvertent Discovery Protocol
- G.11 WSDOT Traffic Mitigation Offer, dated 11-06-2024
- G.12 City of Mill Creek Traffic Mitigation Offer, dated 11-05-2024
- G.13 Transportation Demand Management Proposal, dated 11-05-2024
- G.14 Concurrency Analysis, dated 11-05-2024
- G.15 Traffic 144
- G.16 Traffic Calming

**H. GOVERNMENT / TRIBAL COMMENTS:**

- H.1 Water / Sewer Purveyor, dated 8-15-2024
- H.2 Snohomish P.U.D. dated 05-16-2024
- H.3 School District
- H.4 Community Transit, dated 06-21-2024
- H.5 City of Mill Creek
- H.6 WSDOT
- H.7 Fire Review Memo, dated 09-11-2024
- H.8 Snoco PW Traffic Review Memo, dated 05-15-2023
- H.9 Traffic Review Memo, dated 11-8-2024
- H.10 Drainage Review Memo, dated 10-01-2024
- H.11 Tulalip Tribe, Gene Enick, dated 1-22-2024
- H.12 Parks, dated 11-30-2022
- H.13 Marshland Flood Control District, 12-05-2022
- H.14 Army Corps of Engineers, dated 12-09-2022
- H.15 Critical Areas Review Memo, dated 10-29-2024
- H.16 WA DOE Water Quality Certification, dated 04-18-2023
- H.17 WA DOE Coastal Zone Management Certification, dated 04-21-2024
- H.18 Snoco PW Inadequate Road Condition Determinations, dated 11-04-2024

**I. PUBLIC COMMENTS:**

*Received during the public comment period:*

- I.1 Adam Paffhouse
- I.2 Akram Mellice

Before the

**HEARING EXAMINER**

Snohomish County, Washington

**LIST OF EXHIBITS & WITNESSES**

Applicant: John Mirante

Case No.: 22 113955 SPA

Project Name: Eastview Village URDS All Phases

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- I.3 Alexandra Nelson and David Rodriguez
- I.4 Amy Amend
- I.5 Amy Demoulin
- I.6 Amy Watts
- I.7 Andrew Douglas
- I.8 Angela Berghout
- I.9 Angela Kim
- I.10 Annette Crossland
- I.11 Barry Trosin
- I.12 Ben Austin
- I.13 Betty Winholtz
- I.14 Brad Gross
- I.15 Brian Russon
- I.16 Bruce A. Pitts
- I.17 Carol Foss
- I.18 Carter Burns
- I.19 Caryn M Taylor-Fiebig
- I.20 Catherine Stafford
- I.21 Chad Fowler
- I.22 Christine Kurkowski
- I.23 Corinne Weir
- I.24 Dan Murphy
- I.25 Daniel and Sarah Walsh
- I.26 Danielle Gadek
- I.27 Daria Suzana Martel
- I.28 David Landis
- I.29 Deborah Wetzel
- I.30 Deborah Wetzel Conservation Preservation Society
- I.31 Debra Fahey
- I.32 Dina Wheeler
- I.33 Earl Davisjorts
- I.34 Elizabeth Rutledge
- I.35 Emi Halvorson
- I.36 Emily Maglietti, David Maglietti, Carly Maglietti Kate Maglietti
- I.37 Emily Walker
- I.38 Eric Goodrich
- I.39 Eric Moore
- I.40 Erika Landis
- I.41 Erin Wilner

Before the

**HEARING EXAMINER**

Snohomish County, Washington

**LIST OF EXHIBITS & WITNESSES**

Applicant: John Mirante

Case No.: 22 113955 SPA

Project Name: Eastview Village URDS All Phases

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- I.42 Gary Maguire
- I.43 Gayani Perera
- I.44 Irene Billa
- I.45 Jaime Lee
- I.46 James Birkenbuel
- I.47 James M. Benson
- I.48 Janna Gross
- I.49 Jenna Evans
- I.50 Jennica Halbert
- I.51 Jennifer Nwobi
- I.52 Jennifer Tillman
- I.53 Jeroen Vanturenout & Jamie Vanturenout
- I.54 Jill Holt
- I.55 Joe Rogers
- I.56 Joe Tomola
- I.57 John Sheldon
- I.58 John Woodard
- I.59 Jonathan Kimball
- I.60 Juliana Farmer
- I.61 Karen and Geoff Jacobs
- I.62 Kathy Putt
- I.63 Kathy Putt (Greenleaf HOA)
- I.64 Katrina Stewart
- I.65 Kerri Lonergan-Dreke
- I.66 Kim Cutuli
- I.67 Kimberly Trammell
- I.68 Kira Edmonds
- I.69 Kristen Kowalski
- I.70 Krystal DeLucchi
- I.71 L. Walsh
- I.72 Laron Glover
- I.73 LaShelle Morrison
- I.74 Launa Blaine
- I.75 Lauren Manegold
- I.76 Lauren Waltzing
- I.77 Lauren Winget
- I.78 Lavonne Evans
- I.79 Leonard Kurkowski
- I.80 Leslie Ringstad

Before the

**HEARING EXAMINER**

Snohomish County, Washington

**LIST OF EXHIBITS & WITNESSES**

Applicant: John Mirante

Case No.: 22 113955 SPA

Project Name: Eastview Village URDS All Phases

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I.81	Linda Gray
I.82	Lindsey Bihary
I.83	Lisa Grimm
I.84	Lisa Jackson
I.85	Lisa Russon
I.86	Lori Wirtz
I.87	Lucy Henderson
I.88	Marilyn Ellertson
I.89	Marisa Miller
I.90	Mark Amend
I.91	Mary Lou Burns
I.92	Matt Hall
I.93	Meleia Norton
I.94	Michael Schmidt & Gail Schmidt
I.95	Michael Shih
I.96	Michael Wright
I.97	Michelle Kelly
I.98	Monica Burgmaier
I.99	Neal Manegold
I.100	Neva Goodrich
I.101	Nicole Wise
I.102	Pamela Blaszek
I.103	Rebecca Gross
I.104	Rena Connell
I.105	Rhonda Smith
I.106	Richard & Tamera Hodge
I.107	Richard Tickle
I.108	Rigarda Goetz
I.109	Rob Tucker
I.110	Ryan Mayer
I.111	Sampath Jayasinghe
I.112	Sara Petyt
I.113	Scott Culberson
I.114	Shannon Cherry-Anderson
I.115	Shannon Reynante
I.116	Shari Crichton
I.117	Shirley Mair
I.118	Stuart Lawson Esq.
I.119	Surender Kumar

Before the

**HEARING EXAMINER**

Snohomish County, Washington

**LIST OF EXHIBITS & WITNESSES**

Applicant: John Mirante

Case No.: 22 113955 SPA

Project Name: Eastview Village URDS All Phases

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- I.120 Suzanne Un
- I.121 Sze Wing Wong
- I.122 Tamera & Richard Hodge
- I.123 Tamra Biasco
- I.124 Tek Kim
- I.125 Tim Winde
- I.126 Todd and Taylor Healey
- I.127 Tony Coppola
- I.128 Tori Marroquin
- I.129 Walt Isler
- I.130 Yolman Torrez

*Received after initial public comment period:*

- I.131 Courtney Privett
- I.132 Kelsey Bergren

**J. RESPONSE TO AGENCY / PUBLIC COMMENTS:**

- J.1 Response to public comment, dated 04-23-2024
- J.2 Public comment matrix, prepared by applicant, received 10-25-2024

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**K. STAFF RECOMMENDATION - Department of Planning and Development Services**

- K.1 Staff Recommendation

**L. COMMENTS RECEIVED BY THE HEARING EXAMINER PRIOR TO AND DURING HEARING:**

- L.1 Deborah Wetzel, 11-18-24
- L.2 Marshland Flood Control Dist.: Commissioner Thomas Declaration dated 11-11-24
- L.3 Marshland Flood Control Dist.: Commissioner Stocker Declaration, dates 11-11-24
- L.4 Marshland Flood Control Dist.: Chairperson Bailey Declaration, dated 11-11-24
- L.5 Marshland Flood Control Dist.: REVISED Brief and Exhibits, dated 11-11-24
- L.6 Deborah Wetzel, 11-20-24
- L.7 Linda Gray and Staff Response, 11-20-24
- L.8 David Irwin, 11-21-24
- L.9 Deborah Wetzel, 11-21-24
- L.10 Deborah Wetzel, 11-21-24
- L.11 Linda Gray, 11-21-24
- L.12 Linda Gray, 11-21-24
- L.13 Deborah Wetzel, 11-21-24
- L.14 Linda Gray, 11-21-24
- L.15 Deborah Wetzel, 11-21-24
- L.16 Deborah Wetzel, 11-21-24

Before the

**HEARING EXAMINER**

Snohomish County, Washington

**LIST OF EXHIBITS & WITNESSES**

**Applicant:** John Mirante

**Case No.:** 22 113955 SPA

**Project Name:** Eastview Village URDS All Phases

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- L.17 Deborah Wetzel, 11-21-24
- L.18 Deborah Wetzel, 11-21-24
- L.19 Deborah Wetzel, 11-21-24
- L.20 Deborah Wetzel, Clerk Response, 11-21-24
- L.21 Betty Winholtz, 11-26-24
- L.22 Rena Connell, 11-27-24
- L.23 David Irwin, 11-27-24
- L.24 Deborah Wetzel, 11-28-24
- L.26 Deborah Wetzel, 12-1-24
- L.27 Linda Gray, 12-1-24
- L.28 Linda Gray, 12-1-24
- L.29 Marshland Flood Control Dist., 12-1-24
- L.30 Amy Amend, Machen Response, 12-2-24
- L.31 Deborah Wetzel, 12-2-24
- L.32 Ryan Barnes, Stormwater Review Memorandum, 11-27-24
- L.33 SUPERSEDED David Irwin, Converted PowerPoint Presentation, 12-2-24
- L.34 SUPERSEDED UPDATED David Irwin, Converted PowerPoint Presentation, 12-3-24
- L.35 UPDATED FINAL David Irwin, Converted PowerPoint Presentation, 12-3-24
- L.36 David Irwin, 2025 Zoning Map, 12-3-24
- L.37 David Irwin, Key Intersection Map, Arterial Units, TSA Boundary, 12-3-24
- L.38 Linda Gray, 12-3-24
- L.39 Deborah Wetzel, 12-3-24
- L.40 Marshland Flood Control District, Gary Brandstetter, re: Assessment Covenants, 12-3-24

***NOT CONSIDERED BY THE HEARING EXAMINER: UNTIMELY***

*L.41 Deborah Wetzel, 12-3-24*

*L.42 Geetha, 12-4-24*

**M. UPDATED PDS AND APPLICATION DOCUMENTS RECEIVED BY THE HEARING EXAMINER PRIOR TO AND DURING HEARING**

- M.1 Machen Emailed Memo RE REVISED Exhibits 11-20-24
- M.2 REVISED Exhibit A.2, Project Narrative
- M.3 REVISED Exhibit B.3, Development Area Tables
- M.4 REVISED Exhibit B.4.4, Phase 4-SFDU Plan Set
- M.5 REVISED Exhibit B.5, Preliminary Civil Drawings
- M.6 REVISED Exhibit B.6.4, Phase 4-Tree Canopy-Landscape Plans
- M.7 REVISED Exhibit C.2, Targeted Drainage Report
- M.8 Applicant Eastview Village Hearing Presentation, 11-21-24
- M.9 Fire Review Conditions, Deputy Fire Marshal Henderson, 11-22-24

Before the

**HEARING EXAMINER**

Snohomish County, Washington

**LIST OF EXHIBITS & WITNESSES**

**Applicant:** John Mirante

**Case No.:** 22 113955 SPA

**Project Name:** Eastview Village URDS All Phases

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- M.10 REVISED Exhibit G.8, EDDS Deviation Request
- M.11 1997 ILA
- M.12 2000 Amendment No. 1 WSDOT ILA
- M.13 2003 Amendment No. 2 WSDOT ILA
- M.14 2004 Amendment No. 3 WSDOT ILA
- M.15 2009 Amendment No. 4 WSDOT ILA
- M.16 WSDOT Comment and Traffic Offer 12-2-24
- M.17 Machen Email: Stormwater Easement Condition, 12-3-24
- M.18 Applicant Counsel Request for Continuance 12-3-24
- M.19 Applicant Counsel Request for Extension on Filing of Written Materials 12-18-24
- M.20 HE Grants Extension Request 12-18-24
- M.21 PDS Submittal 12-20-24: PDS Response 12-19-24
- M.22 PDS Submittal 12-20-24: DOE Wetlands Protection 2021
- M.23 PDS Submittal 12-20-24: Guidelines for MR8
- M.24 Applicant Submittal 0 12-20-24: Hearing Response Transmittal
- M.25 Applicant Submittal 1 12-20-24: Irwin Response to Comments Letter, Traffic
- M.26 Applicant Submittal 2 12-20-24: Irwin Response to Comments Memorandum, Core Design
- M.27 Applicant Submittal 3 12-20-24: Core Response\_FINAL w attachments
- M.28 Applicant Submittal 4 12-20-24: Eastview Village Response to Marshland Comments
- M.29 Applicant Submittal 5 12-20-24: Legal Response to Comments
- M.30 Applicant Submittal 6 12-20-24: Eastview Village Public Hearing Comment Responses
- M.31 Applicant Submittal 7 12-20-24: Wetzel Response to Comments Letter
- M.32 Applicant Submittal 8 12-20-24: 200406305228 Plat of Greenleaf at Snohomish Cascade
- M.33 Applicant Submittal 9 12-20-24: Swift-network-fact-sheet, Map
- M.34 Applicant Submittal 10 12-20-24: Landfill Liner Letter
- M.35 Applicant Submittal 11 12-20-24: 22-116648 PSD/SPA Snohomish Garden Townhomes Decision
- M.36 Applicant Submittal 12 12-20-24: 21-107364 PSD Riverstone Estates Hearing Examiner Decision
- M.37 Applicant Submittal 13 12-20-24: 2022-11-09 Order Affirming Land Use Decision

**N. RECORD REMAINS OPEN UNTIL COB 12/30/24 FOR:**

- N.1 Snohomish County Traffic Contact Information
- N.2 Decision issuance extended to 1/31/25, received 12/30/24

**O. RECORD REOPENED FOR LIMITED PURPOSE, 1/31/25**

- O.1 Order Reopening Record for Limited Purpose, 1/31/25
- O.2 PDS Response to Order, 2/6/25

**P. COMMUNICATIONS RECEIVED AFTER DECISION ISSUANCE (NOT CONSIDERED; UNTIMELY)**

- P.1 Deborah Wetzel, 3/3/25

Before the

**HEARING EXAMINER**

Snohomish County, Washington

**LIST OF EXHIBITS & WITNESSES**

Applicant: John Mirante

Case No.: 22 113955 SPA

Project Name: Eastview Village URDS All Phases

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P.2 *Deborah Wetzel, 3/3/25*

P.3 *Deborah Wetzel, 3/3/25*

**Q. RECONSIDERATION (RECONSIDERATION DEADLINE MIDNIGHT 3/10/24)**

Q.1 Decision, issued 2/28/25

Q.2 Irwin Reconsideration Request with 34 Appendices, 2,573 pages, 3/10/25  
(Proof of service provided)

Q.3 Wetzel Reconsideration Request with 7 Appendices, 302 pages, 3/10/25  
(Proof of service provided)

Q.4 Brandstetter Reconsideration Request with 4 Appendices, 64 pages, 3/10/25  
(Proof of service provided)

Q.5 Applicant Pacific Ridge-DRH, LLC's Recon Request, 8 pages, 3/10/25  
(Proof of service provided)

Q.6 *Wetzel Addendum to Reconsideration Request, 3/12/25*  
(Proof of service provided, but addendum untimely)

Q.7 Order on Reconsideration, Issued 3/31/25

Q.8 PDS Response to Order on Reconsideration 4/1/25

Q.9 Deborah Wetzel Emailed Comment, 4/1/25

Q.10 Deborah Wetzel Emailed Comment, 4/7/25

Q.11 Pacific Ridge-DRH, LLC Response to Order on Reconsideration, 4/7/25

Q.12 David Irwin Emailed Comment, 4/7/25

Q.13 Deborah Wetzel Emailed Comment, 4/8/25

Q.14 NOT CONSIDERED (Unrelated to Vesting Issue): Rick, Tami Emailed Comment, 4/8/25

Q.15 Tinier\_maltier4f Emailed Comment, 4/8/25

Q.16 Joan Thomas, SaveBothell Emailed Comment, 4/8/25

Q.17 Joan Thomas, SaveCathcart Emailed Comment, 4/8/25

Q.18 Bruce and Joan Thomas Emailed Comment, 4/8/25

Q.19 Lori Wirtz Emailed Comment 4/9/25

Q.20 Mickie Gundersen, Jen McKiernan Emailed Comment, 4/9/25

Q.21 NOT CONSIDERED (Unrelated to Vesting Issue): Suzanne Un Emailed Comment, 4/9/25

Q.22 Linda Gray Emailed Comment, 4/9/25

**WITNESSES AND ATTENDEES ON 11/21/24**

Duana Kolouskova, Counsel for Applicant

Ian Faulds, Core Design Inc.

Henry Wright, Earth Solutions, NW

Kimberly Busteed, Core Design Inc.

Matt DeCaro, Soundview Consultants



Before the  
**HEARING EXAMINER**  
Snohomish County, Washington  
**LIST OF EXHIBITS & WITNESSES**  
Applicant: John Mirante  
Case No.: 22 113955 SPA  
Project Name: Eastview Village URDS All Phases

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Brad Lincoln, Kimley-Horn  
Bob Herman, HTE Inc.  
John Mirante, Pacific Ridge  
Joshua Machen, Snohomish County PDS Permitting Supervisor  
Seth Henderson, Deputy Fire Marshal  
Erin Harker, PDS Senior Environmental Planner  
Kelli Hale, Hale, Milligan, and Assoc., PDS Drainage Reviewer  
Michael Huey, PDS Engineering Supervisor

**PUBLIC COMMENT 11/21/24**

Deborah Wetzel, email address on file  
Kathy Putt, email address on file, on behalf of neighboring HOA

**PUBLIC COMMENT 12/3/24, 1:30 p.m.:**

Joel Pentland, email address on file  
Linda Gray, email address on file

**PUBLIC COMMENT 12/3/24, 6:30 p.m.:**

Gary Brandstetter, Marshland Flood Control District, email address on file  
Ryan Barnes, P.E., RPB Engineering, on behalf of Marshland Flood Control District, email address on file  
Caryn Taylor-Fiebig, email address on file  
Jeroen Vanturennot, email address on file  
Joe Rogers, email address on file  
David Irwin, email address on file  
Joan Thomas, Save Bothell, email address on file  
Frank Gillen, email address on file

**SPEAKERS ON 12/4/24:**

Duana Kolouskova, Counsel for Applicant  
Joshua Machen, Snohomish County PDS Permitting Supervisor

**HEARING CONTINUED**

**CONTINUED HEARING ON 12/30/24**

**WITNESSES AND ATTENDEES:**

Joshua Machen, PDS Permitting Supervisor  
Michael Huey, PDS Engineering Supervisor  
Duana Kolouskova, Esq., Counsel for Applicant  
John Mirante, Pacific Ridge, DRH LLC

Before the

**HEARING EXAMINER**

Snohomish County, Washington

**LIST OF EXHIBITS & WITNESSES**

**Applicant:** John Mirante

**Case No.:** 22 113955 SPA

**Project Name:** Eastview Village URDS All Phases

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Ian Faulds, Core Design Inc.

Kimberly Busteed, Core Design Inc.

Michael Moody, Core Design Inc.

Matt DeCaro, Soundview Consultants

Brad Lincoln, Kimley-Horn



Debbie Wetzel <debbieleewetzel@gmail.com>

## appeal

Amy Amend <amy.amend@gmail.com>

Wed, May 7, 2025 at 3:45 PM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

**I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)**

**I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.**

**Amy Amend**

**amy.amend@gmail.com**

**15326 Broadway Ave**

**Snohomish, WA. 98296**

**360-608-1206**



Debbie Wetzel <debbieleewetzel@gmail.com>

## Eastview Village Appeal to County Council

Amy Watts <amyjwatts@yahoo.com>

Mon, May 5, 2025 at 8:36 AM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

**I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)**

**I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.**

**Your name: Amy Watts**

**email address: amyjwatts@yahoo.com**

**physical address: 14915 79th Dr Se**

**telephone number: 6103163670**

[Quoted text hidden]



Debbie Wetzel <debbieleewetzel@gmail.com>

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## **EASTVIEW VILLAGE APPEAL TO COUNTY COUNCIL**

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wakecrazed <wakecrazed@gmail.com>

Mon, May 5, 2025 at 12:52 PM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

**I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)**

**I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.**

**Your name: Barry Trosin**

**email address: wakecrazed@gmail.com**

**physical address: 15623 72nd Dr SE Snohomish WA 98296**

**telephone number: 248-860-0765**

[Quoted text hidden]



Debbie Wetzel <debbieleewetzel@gmail.com>

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## Eastview village appeal

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Bart <bartholman@gmail.com>  
To: debbieleewetzel@gmail.com

Sun, May 4, 2025 at 7:48 AM

I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)

I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.

Bart Holman

Bartholman@gmail.com

8112 150th Pl se  
Snohomish wa, 98296

509-290-1363

Sent from my iPhone



Debbie Wetzel <debbieleewetzel@gmail.com>

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## Eastview Village Appeal to County Council

bruce thomas <brucejthomas@hotmail.com>  
To: Debbie Wetzel <debbieleewetzel@gmail.com>

Sat, May 3, 2025 at 11:59 PM

**I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)**

**I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of  
representing me in the written appeal submitted to the Snohomish County Council on the above  
project. This authorization does not remove my right to speak at the closed record appeal hearing.**

**Your name: Bruce Thomas**

**email address: brucejthomas@hotmail.com**

**physical address: 23403 8<sup>th</sup> PL W Bothell, WA. 98021**

**telephone number: 425 486-5837**

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**From:** Debbie Wetzel <debbieleewetzel@gmail.com>  
**Sent:** Saturday, May 3, 2025 6:00 PM  
**To:** Debbie Wetzel <debbieleewetzel@gmail.com>  
**Subject:** Eastview Village Appeal to County Council

Hi, everyone -

[Quoted text hidden]

[Quoted text hidden]



Debbie Wetzel <debbieleewetzel@gmail.com>

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## Re: Eastview Village Appeal

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chfowler24@comcast.net <chfowler24@comcast.net>

Fri, May 9, 2025 at 8:46 AM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)

I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.

Chad Fowler

chfowler24@comcast.net

13217 72<sup>nd</sup> Dr SE, Snohomish, WA 98296

206-898-0454

[Quoted text hidden]





Debbie Wetzel <debbieleewetzel@gmail.com>

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## East View Village Appeal

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Chelsea Jamerson <chelseac85@hotmail.com>

Sat, May 3, 2025 at 7:24 PM

To: "debbieleewetzel@gmail.com" <debbieleewetzel@gmail.com>

**I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)**

**I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.**

**Your name: Chelsea Jamerson**

**email address: chelseac85@hotmail.com**

**physical address: 13307 81st Ave se, a snohomish, WA 98296**

**telephone number: 425-772-2964**



Debbie Wetzel <debbieleewetzel@gmail.com>

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## Eastview Village Appeal to County Council

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Courtney Privett <cmprivett@gmail.com>

Sat, May 3, 2025 at 6:04 PM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

I am a party to the appeal in the Snohomish County Project known as Eastview Village

(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/

22-117404 PSD/24-113099 SPA)

I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.

Courtney Privett

Cmprivett@gmail.com

15101 78th Dr SE,  
Snohomish, WA 98296

573-356-3973

[Quoted text hidden]



Debbie Wetzel <debbieleewetzel@gmail.com>

## Eastview Village Appeal to County Council

David Irwin <david.m.irwin@outlook.com>

Sun, May 4, 2025 at 5:38 AM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)

I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.

Your name: David Irwin

email address: David.M.Irwin@outlook.com

physical address: 11222 215<sup>th</sup> Ave SE Snohomish, WA 98290

telephone number: (425) 293-2635

---

**From:** Debbie Wetzel <debbieleewetzel@gmail.com>

**Sent:** Saturday, May 3, 2025 6:00 PM

**To:** Debbie Wetzel <debbieleewetzel@gmail.com>

**Subject:** Eastview Village Appeal to County Council

Hi, everyone -

[Quoted text hidden]

[Quoted text hidden]



Debbie Wetzel <debbieleewetzel@gmail.com>

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## Eastview Village Appeal to County Council

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Debra Fahey <debra.fahey@gmail.com>

Sun, May 4, 2025 at 11:20 AM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

**I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)**

**I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.**

**Your name: Debra Fahey**

**email address: debra.fahey@gmail.com**

**physical address: 8020 151st Pl SE Snohomish, WA 98296**

**telephone number: 206-853-8559**

On Sat, May 3, 2025 at 6:01 PM Debbie Wetzel <debbieleewetzel@gmail.com> wrote:

[Quoted text hidden]



Debbie Wetzel <debbieleewetzel@gmail.com>

## Eastview Village Appeal to County Council

Elizabeth Rutledge <Elizabeth.Rutledge@microsoft.com>

Mon, May 5, 2025 at 9:16 AM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

I am a party to the appeal in the Snohomish County Project known as Eastview Village:

(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)

I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.

Your name: Elizabeth Rutledge

email address: elizaa@microsoft.com

physical address: 14923 78<sup>th</sup> DR SE Snohomish, WA 98296

telephone number: 425.753.2563



Debbie Wetzel <debbieleewetzel@gmail.com>

## Appeal confirmation

Emily Maglietti <ekfankhauser@gmail.com>

Sat, May 3, 2025 at 6:27 PM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)

I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.

Your name: Emily Maglietti

email address: Ekfankhauser@gmail.com

physical address: 8021 151st Pl se Snohomish 98296

telephone number: 425-870-5445



Debbie Wetzel <debbieleewetzel@gmail.com>

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## Eastview Village Appeal to County Council

Emily Walker <emily@siren-song.com>

Sat, May 3, 2025 at 7:23 PM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)

I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.

Your name: Emily Walker

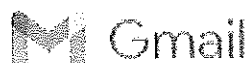
email address: Emily@siren-song.com

physical address: 13408 70th Dr. SE, Snohomish, WA 98296

telephone number: 206-321-2921

Thank you,

Emily Walker



Debbie Wetzel <debbieleewetzel@gmail.com>

## Appeal

Gary Maguire <garymaguire1@gmail.com>  
To: Debbie Wetzel <debbieleewetzel@gmail.com>

Sun, May 4, 2025 at 7:35 AM

**I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)**

**I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of  
representing me in the written appeal submitted to the Snohomish County Council on the above  
project. This authorization does not remove my right to speak at the closed record appeal hearing.**

**Your name: Gary Maguire**

**email address: garymaguire1@gmail.com**

**physical address: 14819 77th Ave Se Snohomish, WA 98296**

**telephone number: 425-999-0190**





Debbie Wetzel <debbieleewetzel@gmail.com>

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## Eastview Village

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Irene Billa <ibilla@yahoo.com>

Mon, May 5, 2025 at 4:27 PM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

**I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)**

**I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.**

**Your name: Irene Billa**

**email address: ibilla@yahoo.com**

**physical address: 15005 81st Ave SE, Snohomish, WA 98296-8404**

**telephone number: 360-863-6694**



Debbie Wetzel <debbieleewetzel@gmail.com>

## Eastview Village Appeal to County Council

jennica verge <jlv416@gmail.com>

Sun, May 4, 2025 at 3:49 PM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

**I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)**

**I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.**

**Your name: Jennica Halbert**

**email address: jlv416@gmail.com**

**physical address: 8118 156th St SE Snohomish WA 98296**

**telephone number: 413-221-0853**

On Sat, May 3, 2025 at 6:01 PM Debbie Wetzel <debbieleewetzel@gmail.com> wrote:

[Quoted text hidden]



Debbie Wetzel <debbieleewetzel@gmail.com>

## **EASTVIEW VILLAGE APPEAL TO COUNTY COUNCIL**

Jennifer Cain <jencain@hotmail.com>

Tue, May 6, 2025 at 4:42 PM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

**I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)**

**I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.**

**Your name: Jennifer Tillman**

**email address: jencain@hotmail.com**

**physical address: 5720 124th St SE, Snohomish, WA 98296**

**telephone number: 425-344-5412**

Sent from my iPhone

On May 5, 2025, at 12:51 PM, Debbie Wetzel <debbieleewetzel@gmail.com> wrote:

[Quoted text hidden]



Debbie Wetzel <debbieleewetzel@gmail.com>

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## **EASTVIEW VILLAGE APPEAL TO COUNTY COUNCIL**

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John Sheldon <sheldonhj@msn.com>

Tue, May 6, 2025 at 10:50 PM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

**I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)**

**I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of  
representing me in the written appeal submitted to the Snohomish County Council on the above project.  
This authorization does not remove my right to speak at the closed record appeal hearing.**

**Your name: John Sheldon**

**email address: sheldonhj@msn.com**

**physical address: 6005 156<sup>th</sup> St SE**

**telephone number: 206-954-5377**



Debbie Wetzel <debbieleewetzel@gmail.com>

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## East view Village Appeal Request

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Joe Tomola <jt\_tomola@hotmail.com>

Mon, May 5, 2025 at 1:26 PM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

**Hello Debbie,**

**I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)**

**I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.**

**Your name: Joseph Tomola**

**email address: jt\_tomola@hotmail.com**

**physical address: 5732 123rd Pl SE Snohomish, WA 98296**

**telephone number: 425-233-4828**

**Thank you!**

Joe Tomola  
425-233-4828



Debbie Wetzel <debbieleewetzel@gmail.com>

## RE: Eastview Village Appeal to County Council

KATHY/MIKE <mkputt@comcast.net>

Mon, May 5, 2025 at 12:38 PM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)

I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.

Your name: Kathy Putt, on behalf of Greenleaf Homeowner's Association

email address: mkputt@comcast.net

physical address: 13526 79<sup>th</sup> Ave. SE, Snohomish, 98296

telephone number: 425.236.5677

From: Debbie Wetzel <debbieleewetzel@gmail.com>

Sent: Saturday, May 03, 2025 6:01 PM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

Subject: Eastview Village Appeal to County Council

Hi, everyone -

Thank you for agreeing to be a party of record in the appeal to the County Council.

We want to make sure that the County Council does not dismiss our appeal on a technicality since in my experience they will use any means available to dismiss our case. I am not an attorney but am willing to be the representative signing the appeal, so we need everyone to provide authorization for me to submit the appeal. Can you please cut and paste the language below into an email to me and put your contact info where indicated? Thanks.

I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)

I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.

Your name:

email address:

physical address:



Debbie Wetzel <debbieleewetzel@gmail.com>

---

## party of record Eastview Village

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Tina Stewart <tstewart@nsuch.com>  
To: Deborah L Wetzel <debbieleewetzel@gmail.com>

Sat, May 3, 2025 at 6:40 PM

I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)

I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.

Your name: Katrina Stewart  
email address: tstewart@nsuch.com  
physical address: 23526 82<sup>nd</sup> Ave SE Woodinville, WA 98072  
telephone number: 425-256-1531

Thank you,

*Tina Stewart*



Debbie Wetzel <debbieleewetzel@gmail.com>

## Re: Eastview Village Appeal

Kelsey Bergren <smk1211@gmail.com>

Wed, May 7, 2025 at 2:54 PM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)

I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.

Your name: Kelsey Bergren

email address: smk1211@gmail.com

physical address: 7523 152nd Street SE Snohomish, WA 98296

telephone number: 206-459-4458

[Quoted text hidden]





Debbie Wetzel <debbieleewetzel@gmail.com>

## Eastview Village Appeal to County Council

Kerri Lonergan-Dreke <corporate@lombardisitalian.com>  
To: Debbie Wetzel <debbieleewetzel@gmail.com>

Sun, May 4, 2025 at 10:21 PM

**I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)**

**I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.**

**Your name: Kerri Lonergan-Dreke**

**email address: corporate@lombardisitalian.com**

**physical address: 15523 73rd ave SE, Snohomish, WA 98296**

**telephone number: 206.369.2738**

-----Original Message-----

From: "Debbie Wetzel" <debbieleewetzel@gmail.com>

Sent: Saturday, May 3, 2025 6:00pm

To: "Debbie Wetzel" <debbieleewetzel@gmail.com>

Subject: Eastview Village Appeal to County Council

[Quoted text hidden]

Kerri Lonergan-Dreke

CEO/Co-Owner

LOMBARDI'S RESTAURANT GROUP

425-740-3161, ext. 3

Lombardi's Italian Restaurants - Hook & Cleaver

Concept Catering - Natures Connection Wedding & Event Venue

<http://www.lombardisitalian.com>



Debbie Wetzel <debbieleewetzel@gmail.com>

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## Eastview Village Appeal to County Council

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Kim Trammell <trammell.ka@gmail.com>

Sat, May 3, 2025 at 8:52 PM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)

I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.

Your name: Kim Trammell

email address: katrammell.78@gmail.com

physical address: 13409 68th Ave SE, Snohomish WA 98296

telephone number: 206-713-5117

On Sat, May 3, 2025 at 6:01 PM Debbie Wetzel <debbieleewetzel@gmail.com> wrote:

[Quoted text hidden]



Debbie Wetzel <debbieleewetzel@gmail.com>

---

## Eastview Village Appeal to County Council

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Lauren Manegold <lauren1976@gmail.com>

Sat, May 3, 2025 at 9:47 PM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

**I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)**

**I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.**

Lauren Manegold

Lauren1976@gmail.com

6931 129th St SE

Snohomish, wa 98296

206.450.3251

On Sat, May 3, 2025 at 6:01 PM Debbie Wetzel <debbieleewetzel@gmail.com> wrote:

[Quoted text hidden]



Debbie Wetzel <debbieleewetzel@gmail.com>

## Re: Eastview Village Appeal

Len Kurkowski <lkurkow@hotmail.com>

Wed, May 7, 2025 at 2:30 PM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)

I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.

Leonard Kurkowski  
14200 69<sup>th</sup> Drive SE, unit G2  
Snohomish, WA 98296

516 695-9872

lkurkow@hotmail.com

Enjoy your day,

Len

516-695-9872

---

**From:** Debbie Wetzel <debbieleewetzel@gmail.com>

**Sent:** Wednesday, May 7, 2025 5:21 PM

**To:** Debbie Wetzel <debbieleewetzel@gmail.com>

**Subject:** Eastview Village Appeal

Hi, again -

I just wanted to nudge you to cut and paste the language below into a reply email to me, including your name, email, physical address and phone number so we have it for our appeal.

Again, I don't want the County Council to dismiss our appeal on a technicality. Thanks.

### CUT AND PASTE THE LANGUAGE BELOW:

I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)

I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.



Debbie Wetzel <debbieleewetzel@gmail.com>

## Authorization

Linda Gray <lgn899a@gmail.com>

Mon, May 5, 2025 at 4:12 PM

To: Deborah L Wetzel <debbieleewetzel@gmail.com>

Hello Debbie - thanks - Linda

**I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)**

**I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.**

**Your name: Linda Gray**

**email address: lgn899a@gmail.com**

**physical address: 22629-78th Ave SE, Woodinville, 98072**

**telephone number: 206-818-2293**



Debbie Wetzel <debbieleewetzel@gmail.com>

**Fwd: EASTVIEW VILLAGE APPEAL TO COUNTY COUNCIL**

lovittmary@gmail.com <lovittmary@gmail.com>  
To: debbieleewetzel@gmail.com

Mon, May 5, 2025 at 1:08 PM

**I am a party to Snohomish  
County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)**

**I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.**

**Your name: Mary J. Lovitt**

**email address: Lovittmary@gmail.com**

**physical address: 14114 Cascade Dr SE  
Snohomish, WA 98296**

**telephone number: 206-226-3408**

Sent  
Sent from my iPhone

Begin forwarded message:

**From: lovittmary@gmail.com  
Date: May 5, 2025 at 1:04:34 PM PDT  
Cc: Kerri Loneragan-Dreke <corporate@lombardisitalian.com>  
Subject: Re: EASTVIEW VILLAGE APPEAL TO COUNTY COUNCIL**

**County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)**

**I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.**

**Your name: Mary J. Lovitt**

**email address: Lovittmary@gmail.com**

**physical address: 14114 Cascade Dr SE  
Snohomish, WA 98296**

**telephone number: 206-226-3408**



Debbie Wetzel <debbieleewetzel@gmail.com>

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**Re: Eastview Village Appeal**

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Michael Wright <meplaysocr@gmail.com>

Wed, May 7, 2025 at 2:34 PM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

**I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)**

**I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.**

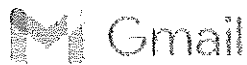
**Your name: Michael Wright**

**email address: meplaysocr@gmail.com**

**physical address: 13130 69th DR SE, Snohomish WA 98296**

**telephone number: 253-318-3123**

[Quoted text hidden]



Debbie Wetzel <debbieleewetzel@gmail.com>

## Eastview Village Appeal to County Council

Neal S. Manegold <manegold@gmail.com>  
To: Debbie Wetzel <debbieleewetzel@gmail.com>

Sat, May 3, 2025 at 8:22 PM

**I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)**

**I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose  
of representing me in the written appeal submitted to the Snohomish County Council on the above  
project. This authorization does not remove my right to speak at the closed record appeal hearing.**

**Your name: Neal Manegold  
email address: Manegold@gmail.com  
physical address: 6931 129th St SE, Snohomish, WA 98296  
telephone number: 206 450 3252**

Neal S. Manegold manegold@gmail.com 206.450.3252  
[Quoted text hidden]





Debbie Wetzel <debbieleewetzel@gmail.com>

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## **EASTVIEW VILLAGE APPEAL TO COUNTY COUNCIL**

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**Rena Connell** <connell.rena@gmail.com>

Sat, May 10, 2025 at 8:25 AM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

**I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)**

**I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.**

**Your name: Rena Connell**

**email address: connell.rena@gmail.com**

**physical address: 15422 228th St. SE, Snohomish, WA 98296**

**telephone number: 360-863-7741**

[Quoted text hidden]

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Rena



Debbie Wetzel <debbieleewetzel@gmail.com>

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## Eastview Village Appeal to County Council

Joan Thomas <savebothell@outlook.com>  
To: Debbie Wetzel <debbieleewetzel@gmail.com>

Sat, May 3, 2025 at 11:58 PM

**I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)**

**I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.**

**Your name: SaveBothell/Joan Thomas**

**email address: savebothell@outlook.com**

**physical address: 23403 8<sup>th</sup> PL W Bothell, WA 98021**

**telephone number: 206 818-2607**

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**From:** Debbie Wetzel <debbieleewetzel@gmail.com>  
**Sent:** Saturday, May 3, 2025 6:00 PM  
**To:** Debbie Wetzel <debbieleewetzel@gmail.com>  
**Subject:** Eastview Village Appeal to County Council

[Quoted text hidden]



Debbie Wetzel <debbieleewetzel@gmail.com>

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## Eastview Village Appeal to County Council

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Joan Thomas <savecathcart@outlook.com>

Sun, May 4, 2025 at 12:00 AM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

**I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)**

**I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.**

**Your name: SaveCathcart**

**email address: savecathcart@outlook.com**

**physical address: 23403 8<sup>th</sup> PL W Bothell, WA. 98021**

**telephone number: 206 818-2607**

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**From:** Debbie Wetzel <debbieleewetzel@gmail.com>

**Sent:** Saturday, May 3, 2025 6:00 PM

**To:** Debbie Wetzel <debbieleewetzel@gmail.com>

**Subject:** Eastview Village Appeal to County Council

Hi, everyone -

[Quoted text hidden]

[Quoted text hidden]



Debbie Wetzel <debbieleewetzel@gmail.com>

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## Here you go

Shari Crichton <shari.crichton@gmail.com>  
To: Debbie Wetzel <debbieleewetzel@gmail.com>

Sat, May 3, 2025 at 8:16 PM

**I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)**

**I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of  
representing me in the written appeal submitted to the Snohomish County Council on the above  
project. This authorization does not remove my right to speak at the closed record appeal hearing.**

**Your name: Shari Schoonover Crichton**  
**email address: Shari.Crichton@gmail.com**  
**physical address: 14529 Broadway Ave**  
**Snohomish WA98296**  
**telephone number: 425-879-0086**

--  
I remain,  
Deborah Wetzel  
206-261-0941

Sent from my iPhone



Debbie Wetzel <debbieleewetzel@gmail.com>

## **EASTVIEW VILLAGE APPEAL TO COUNTY COUNCIL**

Joanne Lawson <jozap2000@yahoo.com>

Wed, May 7, 2025 at 1:18 PM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

**I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)**

**I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of  
representing me in the written appeal submitted to the Snohomish County Council on the above  
project. This authorization does not remove my right to speak at the closed record appeal hearing.**

**Your name: Stuart Lawson**

**email address: Stuart\_lawson@msn.com**

**physical address: 12531 68th Ave SE**

**Snohomish, WA 98296**

**telephone number: (425) 248-0464**

Sent from my iPhone

[Quoted text hidden]



Debbie Wetzel <debbieleewetzel@gmail.com>

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## Appeal

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Marc Suzana Martel <m.s.martel@live.com>

Mon, May 5, 2025 at 3:05 PM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

**I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)**

**I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.**

**Your name: Daria Suzana Martel**

**email address: m.s.martel@live.com**

**physical address: 13518 68th Drive SE, Snohomish, 98296**

**telephone number: (360) 774-9023**

Sent from my iPhone



Debbie Wetzel <debbieleewetzel@gmail.com>

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## Eastview Village Appeal to County Council

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Suzanne Un <suzanne\_dea@yahoo.com>

Sat, May 3, 2025 at 7:24 PM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)

I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.

Your name: Suzanne Un

email address: suzanne\_dea@yahoo.com

physical address: 13022 63rd Dr SE, Snohomish, WA 98296

telephone number: 425-315-2090

Sincerely,

Suzanne Un

Sent from my iPhone

[Quoted text hidden]



Debbie Wetzel <debbieleewetzel@gmail.com>

## Eastview Village Appeal to County Council

momofkids <momofkids@comcast.net>

Sat, May 3, 2025 at 7:32 PM

To: Debbie Wetzel <debbieleewetzel@gmail.com>

**I am a party to the appeal in the Snohomish County Project known as Eastview Village  
(22-113955 SP/22-114101 SPA/22-117447 SPA/22-117395 PSD/22-117398 PSD/SPA/  
22-117404 PSD/24-113099 SPA)**

**I hereby designate and authorize Deborah Wetzel to serve as my representative for the sole purpose of representing me in the written appeal submitted to the Snohomish County Council on the above project. This authorization does not remove my right to speak at the closed record appeal hearing.**

**Tami Hodge**

**Momofkids@comcast.net**

**15208 83rd Ave SE, Snohomish, WA 98296**

**425-218-7600**