

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 24-167

ORDER SUMMARILY DISMISSING THE CLOSED RECORD APPEAL OF
SNOHOMISH GARDEN TOWNHOMES IN WHOLE, FILE NOS. 22-116648 PSD/SPA
AND 22-116648 001 PSD/SPA

WHEREAS, on February 22, 2024, the Snohomish County Hearing Examiner (“Examiner”) issued a decision conditionally approving a preliminary lot subdivision and Urban Residential Design Standards administrative site plan for a project called Snohomish Garden Townhomes, File Nos. 22-116648 PSD/SPA and 22-116648 001 PSD/SPA; and

WHEREAS, two parties of record timely sought reconsideration of the Examiner’s decision; and

WHEREAS, on March 21, 2024, the Examiner issued an Order Denying Reconsideration; and

WHEREAS, chapter 30.72 of the Snohomish County Code (SCC) establishes the procedures for appealing an Examiner decision to the Snohomish County Council (“County Council”); and

WHEREAS, under SCC 30.72.070(4), an appeal of an Examiner’s decision to the County Council must be filed within 14 days following the date of the Examiner’s decision; and

WHEREAS, the March 21, 2024, Examiner’s Order Denying Reconsideration correctly identified that an appeal to the County Council must have been filed on or before April 4, 2024, 14 days after that order was issued; and

WHEREAS; on April 5, 2024, via the Snohomish County Department of Planning and Development Services (PDS), the County Council received a *Petition for Reconsideration and a Request for Order Reopening Record for Limited Purposes* related to File Nos. 22-116648 PSD/SPA and 22-116648 001 PSD/SPA (“Petition”); and

WHEREAS, while the Petition is identical to the document filed with the Examiner requesting reconsideration of the original decision conditionally approving the project, the County Council will treat it as an appeal under chapter 30.72 SCC; and

WHEREAS, SCC 30.72.075(1) allows the County Council to summarily dismiss an appeal in whole or in part without hearing if it determines, among other things, that the appeal is untimely or incomplete; and

WHEREAS, the Petition is untimely because it was filed on the 15th day following the Examiner's Order Denying Reconsideration issued on March 21, 2024, which is one day after the deadline established in the Code and identified in the order itself; and

WHEREAS, SCC 30.72.080 identifies requirements that must be included in an appeal to the County Council for the appeal to be complete including references to specific Examiner findings or conclusions as well as the name, mailing address, and daytime phone number of each appellant together with the signature of at least one of the appellants; and

WHEREAS, the Petition did not reference specific Examiner findings or conclusions nor include appellants' mailing addresses, daytime phone numbers or at least one appellant's signature making the Petition incomplete; and

WHEREAS, under SCC 30.72.070(5), an appeal to the County Council requires payment of a \$500 filing fee that is to be refunded where an appeal is summarily dismissed in whole without hearing; and

WHEREAS, due to technical difficulties on April 5, 2024, PDS did not collect a filing fee with this appeal;

NOW, THEREFORE, ON MOTION, the County Council summarily dismisses the appeal in its entirety without hearing under SCC 30.72.075(1) because it is both untimely under SCC 30.72.070(4) and because it fails to include necessary requirements identified in SCC 30.72.080 making it incomplete. No refund of the filing fee is required here under SCC 30.72.070(5) as appellants never paid such fee.

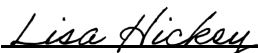
DATED this 10th day of April, 2024.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:



Asst. Clerk of the Council