



# Snohomish County Council

## Public Hearings

## Meeting Minutes

Megan Dunn, Council Chair  
Jared Mead, Council Vice-Chair  
Councilmembers: Sam Low, Nate Nehring, Strom Peterson

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**Wednesday, October 12, 2022**

**10:30 AM**

**Jackson Board Room  
& Remote Meeting**

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### CALL TO ORDER

Council Chair Dunn called the public hearing to order at 10:30 a.m.

### ROLL CALL

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

### ACTION ITEMS

#### PRESENT:

Council Chair Dunn  
Council Vice-Chair Mead  
Councilmember Low  
Councilmember Nehring  
Councilmember Peterson  
Ryan Countryman, Council Staff  
Elena Lao, Asst. Clerk of the Council

1. Ordinance 22-035, approving and authorizing the Snohomish County executive to sign the Interlocal Agreement between Snohomish County and the Tulalip Tribes of Washington to implement portions of the Community Floodplain Solutions - Phase II Project

[2022-0825](#)

Council Chair Dunn opened the hearing and the clerk read the ordinance title into the record.

Ryan Countryman, Senior Legislative Analyst, provided a staff report on the scope and cost of the agreement.

Council Chair Dunn opened the hearing for public testimony. There being no persons present wishing to testify, she closed the testimony portion of the hearing calling for a motion or discussion of the Council.

**ACTION:** Council Vice-Chair Mead made a motion to approve Ordinance 22-035. Councilmember Low seconded the motion. The clerk called the roll and the motion to approve Ordinance 22-035 carried unanimously.

**PRESENT:**

Council Chair Dunn  
Council Vice-Chair Mead  
Councilmember Low  
Councilmember Nehring  
Councilmember Peterson  
Deb Bell, Council Staff  
Elena Lao, Asst. Clerk of the Council

2. Ordinance 22-036, related to the 2022 budget; making a supplemental appropriation in Solid Waste Management Fund 402 to provide additional expenditure authority for the Waste Export Program [2022-0848](#)

Council Chair Dunn opened the hearing and the clerk read the ordinance title into the record.

Deb Bell, Senior Legislative Analyst, provided a staff report on the proposed supplemental appropriation in the amount of \$3,500,000.

Council Chair Dunn opened the hearing for public testimony. There being no persons present wishing to testify, she closed the testimony portion of the hearing calling for a motion or discussion of the Council.

**ACTION:** Council Vice-Chair Mead made a motion to approve Ordinance 22-036. Councilmember Nehring seconded the motion. The clerk called the roll and the motion to approve Ordinance 22-036 carried unanimously.

**PRESENT:**

Council Chair Dunn  
Council Vice-Chair Mead  
Councilmember Low  
Councilmember Nehring  
Councilmember Peterson  
Jim Martin, Council Staff  
Elena Lao, Asst. Clerk of the Council

3. Ordinance 22-038, related to the 2022 Budget; making a supplemental appropriation in General Fund 002 to provide expenditure authority for funds received from the Washington State Administrative Office of the Courts [2022-0648](#)

Council Chair Dunn opened the hearing and the clerk read the ordinance title into the record.

Jim Martin, Senior Legislative Analyst, provided an overview of the proposed supplemental appropriation in the amount of \$300,000.

Council Chair Dunn opened the hearing for public testimony. There being no persons present wishing to testify, she closed the testimony portion of the hearing calling for a motion or discussion of the Council.

**ACTION:** Council Vice-Chair Mead made a motion to approve Ordinance 22-038. Councilmember Low seconded the motion. The clerk called the roll and the motion to approve Ordinance 22-038 carried unanimously.

**PRESENT:**

Council Chair Dunn  
Council Vice-Chair Mead  
Councilmember Low  
Councilmember Nehring  
Councilmember Peterson  
Deb Bell, Council Staff  
Laura Kisielius, Deputy Prosecuting Attorney  
Debbie Eco, Clerk of the Council  
Elena Lao, Asst. Clerk of the Council

*(Continued from Closed Record Appeal Hearing on October 5, 2022)*

4. Council considers an appeal of the Snohomish County Hearing Examiner's July 7, 2022 Decision and August 8, 2022, Amended Decision in the case of Cathcart Crossing, File No. 21-107654 SPA/BSP located at Southwest Corner of State Route 9 and Cathcart Way, Snohomish, Washington 98296, approving the Planned Community Business Preliminary Site Plan, Binding Site Plan, and Urban Residential Development Standards Administrative Site Plan for two commercial lots and one tract of 286 townhouses

[2022-0832](#)

Council Chair Dunn opened the closed record appeal hearing and the clerk read the formal title of the appeal into record.

Deb Bell, Sr. Legislative Analyst, provided a staff report. She spoke about Council's request for new evidence at last week's hearing related to the purchase and sale agreement between the County and the applicant. Ms. Bell explained that the purchase and sale agreement was available prior to the Hearing Examiner's open record hearing June 14 [2022] and was provided to the members of the public who requested it in 2021.

Additional oral argument was not presented today. Oral argument was closed at the hearing on October 5th.

Vice-Chair Mead expressed his appreciation to the citizens being involved in land use proceedings like this. He said Council hears their concerns and frustrations and explained the councilmembers limited flexibility when sitting as a quasi-judicial body.

**ACTION:** Vice-Chair Mead made a motion to direct Council staff to prepare a written motion consistent with the following:

- On Issue 5.1, the issue should be summarily dismissed for lack of standing because the Appellants cannot assert the constitutional rights of others. The issue should be summarily dismissed for lack of jurisdiction because there was no SEPA appeal and there was no bad faith or deception in how notice was provided. However, even if Issue 5.1 was not summarily dismissed, it appears proper notice was provided under county and state law, and Council would affirm the decision on this issue.
- On Issue 5.2, the appearance of fairness doctrine was not violated, in part because Appellants specifically state there was no bias demonstrated by this particular Hearing Examiner and any pro tem Hearing Examiner also would be compensated by the County. Council affirms the decision on this issue.
- On Issue 5.3, the original staff report filed by PDS was timely and the Hearing Examiner has discretion to allow PDS to correct errors or omissions in the staff report at any time throughout the open record hearing. Council affirms the decision on this issue.

- On Issue 5.4, the Applicant’s request to summarily dismiss this issue is denied. On the merits, as staff confirmed, the purchase and sale agreement was available to the public before the June hearing. The Hearing Examiner did not err in denying the motion to re-open the record to submit this information. Council affirms the decision on this issue.

In summary, staff should prepare a written motion that affirms the original and amended Hearing Examiner decisions, the August 8 order granting and denying petitions for reconsideration, and the August 17 Order Denying Further Petitions for Reconsideration and Motion to File Late Reconsideration Petition. The motion should incorporate all the Examiner’s findings and conclusions, and should include any additional findings and conclusions necessary to support the Council’s decision. Councilmember Nehring seconded the motion and it carried unanimously.

**ADJOURN**

There being no further business, Council Chair Dunn adjourned the Council for the day at 10:44 a.m.