

**SNOHOMISH COUNTY COUNCIL
INDEX TO FILE**

FILE: Riverstone Estates No. 21-107364 PSD
DATE: Closed Record Appeal Hearing - Wednesday, June 8, 2022 @ 10:30 a.m., continued to
June 13, 2022 @ 6:00 p.m.
COUNCIL STAFF: Ryan Countryman/Deb Bell
PDS STAFF: Stacey Abbott
PA: Christina Richmond

The complete Hearing Examiner record is available upon request of the Clerk of the Council

Exhibit No.

L.15 Council Staff Report from Ryan Countryman, Sr. Legislative Analyst, Council Staff, dated 06/08/22

I. Appeal Letter

L.1 Appeal Letter received via e-mail April 27, 2022, @ 1:47 p.m. from Gary Brandstetter, Attorney for the Appellant, Marshland Flood Control District

II. Examiner's Decision

L.2 Decision of the Snohomish County Hearing Examiner dated April 14, 2022

Hearing Examiner List of Exhibits (*Exhibits available upon request at contact.council@snoco.org*)

Hearing Examiner Parties-of-Record

III. Copies of Hearing Examiner exhibits cited and/or germane to the appeal

- K.1 Staff Recommendation
- E.1 Determination of Nonsignificance with Environmental Checklist
- D.1 Ownership Zoning Map
- D.2 Aerial Map
- D.3 Verification of Boundary
- B.1 Preliminary Plat Map and Rural Cluster Site Plan

The following are additional exhibits listed in order as cited in the Appeal Letter (Exhibit L.1)

- H.11 Marshland Flood Control District's Brief, dated March 22, 2022
- J.1 Public comment response letters, dated September 30, 2021, March 11, 2022, and March 16, 2022
- H.12 Marshland Flood Control District's Supplemental Brief, dated March 23, 2022
- I.1 Letter from Bob Bacon, dated February 11, 2022

- I.2 Letter from Don and Barbara Bailey, dated April 29, 2021
- I.3 E-mail from David Beyer, dated February 22, 2022
- I.5 E-mail from Bob Chamberlin, dated May 19 and May 27, 2021, with attachments following, June 12, 2021, and February 14, 2022
- I.6 Letter from Brian Elchlepp, dated February 22, 2022
- I.7 E-mails from Anne and Boone Freeman dated May 26, 2021, and March 2, 2022
- I.9 E-mail from Greg, Miasnik dated February 21, 2021
- I.10 E-mail from Steve Montemayor dated May 17, 2021
- I.12 E-mail from Kimberlee Spaetig-Peterson, dated February 21, 2022
- I.13 E-mail from KC White, dated February 23, 2022
- I.14 Declaration of Randy Yates, dated March 12, 2022
- H.10 Declaration of three Marshland Flood Control District members, dated March 21, 2022
- I.11a E-mail from Craig and Dana Smith, dated June 1, 2021, with attachments and February 22, 2022, with attachments
- H.8 Declaration of Gary Brandstetter, Marshland Flood Control District, March 18, 2022

IV. Responses to Appeal

- L.3 Written argument from John Soukup, Party-of-Record, submitted via e-mail and received on May 13, 2022, at 11:26 a.m.
- L.4 Written argument from Bob Chamberlin, Party-of-Record, submitted via e-mail and received on May 13, 2022, at 6:36 p.m.
- L.5 Written argument from Bob Chamberlin, Party-of-Record, submitted via e-mail and received on May 13, 2022, at 6:45 p.m.
- L.6 Written argument from Bob Chamberlin, Party-of-Record, submitted via e-mail and received on May 14, 2022, at 10:01 a.m.
- L.7 Written argument from Bob Chamberlin, Party-of-Record, submitted via e-mail and received on May 16, 2022, at 8:26 a.m.
- L.8 Written argument from Bob Chamberlin, Party-of-Record, submitted via e-mail and received on May 17, 2022, at 12:47 p.m.
- L.9 Written argument from Greg Miasnik, Party-of-Record, submitted via e-mail and received on May 17, 2022, at 12:14 p.m.
- L.10 Written argument from Don and Barbara Bailey, Party-of-Record, submitted via e-mail and received on May 18, 2022, at 1:45 p.m.
- L.11 Written argument from Mary Joy Dingler, Attorney for the Applicant, submitted via e-mail and received on May 18, 2022, at 3:38 p.m.

Hearing Examiner exhibits listed in order as cited in applicant's written argument

- K.1 Staff Recommendation
- A.2 Project Narrative
- C.2 Targeted Drainage Report

- J.1 Public comment response letters, dated September 30, 2021, March 11, 2022, and March 16, 2022
- H.8 Declaration of Gary Brandstetter, Marshland Flood Control District, March 18, 2022
- H.9.a E-mail from Marshland Flood Control District 031822
- H.9.b E-mailed response to H.9.a 032122
- H.10 Declaration of three Marshland Flood Control District members, dated March 21, 2022
- I.14 Declaration of Randy Yates, dated March 12, 2022
- I.3 E-mail from David Beyer, dated February 22, 2022
- L.12 E-mail from Mary Joy Dingler, Attorney for Applicant, objecting to inclusion of certain arguments, dated 05/19/22

V. Rebuttal

- L.13 Written Rebuttal of Applicant's Response and Motion to Strike from Gary Brandstetter, Attorney for the Appellant, submitted via e-mail and received on May 25, 2022, at 1:34 p.m.

Hearing Examiner exhibits listed in order as cited in appellant's written rebuttal and motion to strike

- J.1 Public comment response letters, dated September 30, 2021, March 11, 2022, and March 16, 2022
- I.1 Letter from Bob Bacon, dated February 11, 2022
- I.2 Letter from Don and Barbara Bailey, dated April 29, 2021
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- I.14 Declaration of Randy Yates, dated March 12, 2022
- I.11a E-mail from Craig and Dana Smith, dated June 1, 2021, with attachments and February 22, 2022, with attachments
- H.11 Marshland Flood Control District's Brief, dated March 22, 2022
- L.14 E-mail from Mary Joy Dingler, Attorney for Applicant, responding to Appellant's objections, dated 05/26/22

VI. Submissions/Exhibits Entered for Council Closed Record Appeal

- L.16 Signed Verification of Appeal Received by Yvette Schumacher on 4/27/22
- L.17 E-mail from Benita Lamp with Notice of Appearance dated 05/03/22
- L.18 E-mail string with Christina Richmond DPA Re: Correction dated 05/03/22
- L.19 Notice of Closed Record Appeal dated 05/04/22
- L.19a Corrected Notice of Closed Record Appeal dated 05/04/22
(Location address 104030 should be 14030)
- L.20 Affidavit of Mailing – Notice Closed Record Appeal – e-mailed and U.S. mailed on 05/04/22
- L.21 Letter to Applicant/posting notice – date 05/04/22
- L.22 Notarized statement/affidavit – applicant posting notice – 05/05/22
- L.23 Affidavit of Publication – Notice of Closed Record Appeal – dated 05/06/22
- L.24 Sign in Sheet – Parties of Record providing oral argument at public hearing 06/08/22
- L.25 Official Notice of Council Decision with Motion 22-269 – issued on 06/16/22
- L.26 Affidavit of Mailing – Official Notice of Council Decision – e-mailed on 06/16/22 and U.S. mailed on 06/17/22