



Snohomish County Council

3000 Rockefeller Ave., M/S 609
Everett, WA 98201-4046
(425) 388-3494
www.snoco.org

MEMORANDUM

TO: Snohomish County Council
FROM: Ryan Countryman, Senior Legislative Analyst
DATE: June 8, 2022
SUBJECT: Appeal of Hearing Examiner Decision: Riverstone Estates (21-107364 PSD)

Purpose

This memorandum provides an overview of the closed record appeal hearing scheduled for June 8, 2022, under the provisions of [Chapter 30.72](#) of the Snohomish County Code (SCC).

The record for the council’s consideration of this appeal is limited to that which was before the Hearing Examiner and written argument timely filed with the council. Issues on appeal are limited to those raised by the appellant that are within the jurisdiction of the council. At the hearing, the council will take oral argument pertaining to the existing record. No new testimony will be taken and no new evidence or exhibits will be accepted unless specifically requested by the council and related to the issues raised in the appeal.

A closed record appeal is a quasi-judicial hearing and councilmembers must abide by the appearance of fairness doctrine, codified in [Chapter 42.36](#) of the Revised Code of Washington (RCW).

The Development Application

SSHI LLC doing business as DR Horton proposed a 26-lot rural cluster subdivision on 87.37 acres currently used as the privately-owned Kenwanda golf course. The proposed redevelopment of the golf course would result in 26-single family homes surrounded by commonly owned open space areas.

Timeline

April 16, 2021	DR Horton submits for preliminary plat approval for a 26-lot rural cluster subdivision.
March 31, 2022	The Hearing Examiner Pro Tem conducts an open record hearing on the preliminary subdivision application.
April 14, 2022	The Hearing Examiner Pro Tem issues a decision approving the preliminary plat application (H.E. Exhibit L.2).

April 27, 2022	Party of Record Marshland Flood Control District files notice of an appeal (Council Exhibit L.1) of the April 14 decision
June 8, 2022	The Snohomish County Council is scheduled to conduct a quasi-judicial closed record appeal hearing.

Planning & Development Services Staff Recommendation

On March 17, 2022, PDS issued a staff recommendation (H.E. Exhibit K.1). PDS found that the applicant had demonstrated consistency with the approval criteria for a preliminary plat, rural cluster subdivision and other requirements. Accordingly, PDS recommended that the Hearing Examiner approve the preliminary plat, subject to conditions.

The Hearing Examiner Decision

The Snohomish County Hearing Examiner Pro Tem held an open record hearing on the preliminary plat on March 31, 2022. Based on the comments received, the written record, and applicable law, the Hearing Examiner Pro Tem issued a decision on April 14, 2022. This decision and approved the preliminary plat, subject to conditions.

Appeal of the Hearing Examiner Decision

On April 27, 2022, the County Council received an appeal of the Hearing Examiner Pro Tem’s, April 14, 2022 decision. (Council Exhibit L.1).

Requirements for filing a Type 2 appeal

Requirements for filing a Type 2 appeal are in SCC 30.72.080:

An appeal must be in writing and contain:

- A detailed statement of the grounds for appeal and the facts upon which the appeal is based, including references to specific hearing examiner findings or conclusions, and to exhibits or oral testimony in the record
- Argument in support of the appeal
- Contact information for the appellants

The grounds for an appeal are limited to the following:

- The decision exceeded the hearing examiner’s jurisdiction;
- The hearing examiner failed to follow the applicable procedure in reaching the decision;
- The hearing examiner committed an error of law; or
- The hearing examiner’s findings, conclusions, and/or conditions are not supported by substantial evidence in the record.

Summary of grounds for this appeal

The appeal letter requests that the County Council remand the Hearing Examiner Pro Tem’s decision to PDS with specific instructions regarding the subdivision stormwater drainage system.

The request is partly on the alleged grounds that the Hearing Examiner Pro Tem did not apply the correct standard of approval for the stormwater drainage system and that the proposed system is not appropriate for this location. The appeal also raises concerns about traffic and the maintenance of the stormwater drainage system and trees/vegetation.

Appeal, Responses, Rebuttals, and Motions

The County Council has received the following written arguments from the Appellant, Applicant and Parties of Record.

- Appellant's appeal letter (Council Exhibit L.1)
- Written arguments from Parties of Record in support of the appeal (Council Exhibits L.3 to L.10)
- Written argument from the Applicant (Council Exhibit L.11)
- Applicant's objection to inclusion of certain submissions from Parties of Record (Council Exhibit L.12)
- Appellant's written rebuttal and motion to strike, received May 26, 2022 (Council Exhibit L.13)
- Applicant's response to Appellant's motion to strike (Council Exhibit L.14)

Council Jurisdiction for this Appeal

Appeal to Council is authorized under [SCC 30.72.070](#) and Council has jurisdiction over this closed record appeal.

Decision Options

At the conclusion of closed record public hearing, the Council must issue a decision in writing. The decision shall set forth findings and conclusions, which may include those of the Hearing Examiner, that support the Council's decision.

The Council's options, pursuant to [SCC 30.72.120\(2\)](#):

- Affirm the Hearing Examiner's decision;
- Reverse the Hearing Examiner's decision either in whole or in part; or
- Remand the matter to the Hearing Examiner for further proceedings in accordance with the Council's findings and conclusions.

The Council must issue a written decision within 60 days of the last day of the appeal period unless the applicant agrees to an extension. In this case the last day of the appeal period was April 28, 2022. Council's written decision should be issued no later than June 27, 2022.

Copy: Christina Richmond, Deputy Prosecuting Attorney

SNOHOMISH COUNTY COUNCIL

EXHIBIT # L.16

FILE 21-107364 PSD



**Snohomish County
Planning and Development
Services**

VERIFICATION OF APPEAL RECEIVED

FILE NO(S): 21-107364 PSD

APPELLANT: Marshland and Flood Control District

DOCUMENT: Riverstone Estates

I, Yvette Schumacher, Permit Technician, Planning & Development Services, certify under penalty of perjury under the laws of the State of Washington that:

1. I received in-person an appeal on April 27, 2022 at 1:47PM.
2. Fees were paid by credit card in the amount of \$500.00 on April 27, 2022 at 1:47PM.
3. Receipt # 21606-1000008

Yvette Schumacher

Digitally signed by Yvette Schumacher
DN: cn=, o=Snohomish County, ou=Planning & Development Services, cn=Yvette Schumacher
Date: 2022.04.27 17:10:43-0700

Signature



**Snohomish County
Planning and Development
Services**

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Signature

From: Benita Lamp <lamp@jmmklaw.com>
Sent: Tuesday, May 3, 2022 1:46 PM
To: Contact Clerk; Eco, Debbie; garywbrandstetter@gmail.com; Richmond, Christina
Cc: SPA-Land Use Legal Assistants; Mary Joy Dingler
Subject: DR Horton/Riverstone Estates / Marshland Flood Control Appeal No. 21-107364 PSD
Attachments: 2022-05-03 NOA - SnoCo Council 422-21.pdf

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Good afternoon,

Attached is the Notice of Appearance of SSHI LLC dba DR Horton.

Thank you.

Benita K. Lamp, Paralegal

JOHNS MONROE MITSUNAGA KOLOUŠKOVÁ PLLC

11201 S.E. 8th Street, Suite 120, Bellevue, WA 98004

Main: 425-451-2812 / Direct Line: 425-467-9969

www.jmmklanduselaw.com

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3 **BEFORE THE SNOHOMISH COUNTY COUNCIL**

4 In Re Appeal of Riverstone Estates by and through
5 its Three Commissioners, Don Bailey, Marv Thomas
6 and Tim Stocker,

7 Marshland Flood Control District Council

8 Appellants,

9 vs.

10 Snohomish County Planning and Development
11 Services,

12 Respondent.

13 and

14 SSHI LLC dba DR HORTON,

15 Applicant/Respondent.

NO: 21-107364 PSD

NOTICE OF APPEARANCE OF SSHI
LLC DBA DR HORTON

16 TO: The Snohomish County Council;

17 AND TO: Gary Brandstetter, Counsel for Appellants

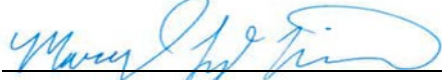
18 AND TO: Christina Richmond, Counsel for Snohomish County Planning and
19 Development Services.

20 PLEASE TAKE NOTICE that SSHI LLC dba DR HORTON, (applicant) reserving
21 all defenses, including but not limited to defects in jurisdiction and/or service, hereby
22 enters its appearance of record in the above-entitled appeal action, by its undersigned
23 attorneys, and requests that all future pleadings and/or papers therein, exclusive of original
24 process, be served upon said attorneys at their office address of: 11201 SE 8th St., Suite
25 120, Bellevue WA 98004.

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DATED this 3rd day of May, 2022.

JOHNS MONROE MITSUNAGA
KOLOUŠKOVÁ PLLC

By 
Duana T. Koloušková, WSBA #27532
Mary Joy Dingler, WSBA #56852
Attorneys for Applicant/Respondent DR
Horton

2022-05-03 NOA - SnoCo Council 422-21

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DECLARATION OF SERVICE

I, Benita K. Lamp, am a citizen of the United States, resident of the State of Washington, and declare under the penalty of perjury under the laws of the State of Washington, that on this date, I caused to be served a true and correct copy of the foregoing NOTICE OF APPEARANCE OF SSHI LLC DBA DR HORTON, upon all counsel and parties of record at the address and in the manner listed below.

Snohomish County Council
Robert J. Drewel Building
Eighth Floor
3000 Rockefeller Ave., M/S 609
Everett, WA 98201

Via email
contact.council@snoco.org
and
Debbie.Eco@snoco.org

Gary W. Brandstetter
Attorney at Law
5002 – 83rd Ave. SE
Snohomish WA 98290
Attorneys for Appellants

Via email:
garywbrandstetter@gmail.com

Christina Richmond
Deputy Prosecuting Attorney
Snohomish County Prosecuting
Attorney's Office – Civil Division
3000 Rockefeller Avenue, M/S 504
Everett, WA 98201-4060
Attorneys for Respondents

Via Email:
crichmond@snoco.org
and
SPA-andUseLegalAssistants@co.snohomish.wa.us

DATED this 3rd day of May, 2022.



BENITA K. LAMP

From: Benita Lamp <lamp@jmmklaw.com>
Sent: Tuesday, May 3, 2022 3:21 PM
To: Richmond, Christina; Contact Clerk; Eco, Debbie; garywbrandstetter@gmail.com
Cc: SPA-Land Use Legal Assistants; Mary Joy Dingler
Subject: RE: DR Horton/Riverstone Estates / Marshland Flood Control Appeal No. 21-107364 PSD

CAUTION : This email originated from outside of this organization. Please exercise caution with links and attachments.

Thank you, I will update our Dec. of Service.

Benita K. Lamp, Paralegal

JOHNS MONROE MITSUNAGA KOLOUŠKOVÁ PLLC
11201 S.E. 8th Street, Suite 120, Bellevue, WA 98004
Main: 425-451-2812 / Direct Line: 425-467-9969
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From: Richmond, Christina <Christina.Richmond@co.snohomish.wa.us>
Sent: Tuesday, May 3, 2022 2:49 PM
To: Benita Lamp <lamp@jmmklaw.com>; Contact Clerk <contact.clerk@snoco.org>; Eco, Debbie <Debbie.Eco@snoco.org>; garywbrandstetter@gmail.com
Cc: SPA-Land Use Legal Assistants <SPA-LandUseLegalAssistants@co.snohomish.wa.us>; Mary Joy Dingler <dingler@jmmklaw.com>
Subject: RE: DR Horton/Riverstone Estates / Marshland Flood Control Appeal No. 21-107364 PSD

Good afternoon, all –

I saw in the Notice of Appearance filed by the applicant that I am listed as counsel for PDS, and I wanted to clarify that my role is actually as the assigned Deputy Prosecuting Attorney advising the County Council on this appeal, not counsel for PDS.

Thanks,
Christina Richmond
Deputy Prosecuting Attorney
Snohomish County Prosecuting Attorney's Office, Civil Division
3000 Rockefeller Avenue, M/S 504
Everett, WA 98201
425.388.6351

CONFIDENTIALITY STATEMENT: This message may contain information that is protected by the attorney-client and/or work product privilege. If this message was sent to you in error, any use, disclosure, or distribution of its contents is prohibited. If you receive this message in error, please contact me at the telephone number or e-mail address listed above or contact Ashley Lamp or Nicole Magill at (425) 388-3122 and delete this message without printing, copying, or forwarding it. Thank you.

NOTICE: All emails, and attachments, sent to and from Snohomish County are public records and may be subject to disclosure pursuant to the Public Records Act (Chapter 42.56 RCW).

From: Benita Lamp <lamp@jmmklaw.com>

Sent: Tuesday, May 3, 2022 1:46 PM

To: Contact Clerk <contact.clerk@snoco.org>; Eco, Debbie <Debbie.Eco@snoco.org>; garywbrandstetter@gmail.com;
Richmond, Christina <Christina.Richmond@co.snohomish.wa.us>

Cc: SPA-Land Use Legal Assistants <SPA-LandUseLegalAssistants@co.snohomish.wa.us>; Mary Joy Dingler <dingler@jmmklaw.com>

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Thank you.

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SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON**NOTICE OF CLOSED RECORD APPEAL HEARING**

NOTICE IS HEREBY GIVEN that the Snohomish County Council will hold a closed record appeal hearing on **Wednesday, June 8, 2022, at the hour of 10:30 a.m.** in the Henry M. Jackson Board Room, 3000 Rockefeller Avenue, 8th Floor, Robert J. Drewel Building, Everett, Washington, in conjunction with a remote meeting platform via the following Zoom link, to consider an appeal received on April 27, 2022, from a decision of the Snohomish County Hearing Examiner dated April 14, 2022, regarding the application described below.

Zoom Webinar link: <https://zoom.us/j/94846850772>

Dial in: (253) 215 8782 or (301) 715 8592

Meeting ID: 948 4685 0772

Note: Please check the Council webpage 24 hours prior to the scheduled hearing time for the most up-to-date information <https://snohomish.legistar.com/Calendar.aspx>, or contact the Council Clerk at 425-388-3494 or at contact.council@snoco.org.

PROJECT NAME: Riverstone Estates

APPLICATION FILE NO: 21-107364 PSD

LOCATION: 104030 and 14106 Kenwanda Drive
Snohomish, WA

TYPE OF APPLICATION: 26-lot Rural Cluster Subdivision

APPLICANT: SSHI LLC dba DR Horton

APPELLANT: Marshland Flood Control District

NATURE OF APPEAL HEARING: Snohomish County Code (SCC) Section 30.72.110 provides that the appeal will be heard at a closed record appeal hearing. **Appeal issues shall be limited to those expressly raised in the written appeal.** The appeal will be on the record with no new evidence allowed unless specifically requested by the County Council. No new appeal issues may be raised by a party of record after the close of time allowed by law for filing an appeal. Because this is not an open record hearing, members of the public who are not parties of record will not be allowed to present argument.

PRESENTATION OF ARGUMENT: Parties of record, other than the appellant, may file written arguments with the council clerk no later than 5:00 p.m. on May 18, 2022. **Arguments are limited to the issues expressed in the written appeal; no new appeal issues may be raised. The appellant may file written rebuttal argument with the council clerk, no later than 5:00 p.m. on May 25, 2022. Such rebuttal is limited to the issues raised in written arguments filed by parties of record.** All arguments must be based on the record from the Hearing Examiner; no new evidence or testimony is allowed. Arguments are encouraged to be submitted to the County Council through e-mail to contact.council@snoco.org. They may also be submitted at 3000 Rockefeller Ave., M/S 609, Everett, WA, 98201. Any party of record may present oral argument at the hearing.

AVAILABILITY OF RECORD: The record, including the written appeal and written arguments filed by parties of record, is available upon request by contacting the Clerk of the Council at 425-388-7038 or by e-mailing contact.council@snoco.org.

WEBSITE ACCESS: Copies of the record will also be available through the Council websites at: <https://snohomish.legistar.com/Calendar.aspx> or <http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>.

COUNTY COUNCIL ACTION: At the conclusion of the hearing, the County Council will adopt findings and conclusions in support of its decision, which may adopt any or all of the findings and conclusions of the Hearing Examiner. The Council may affirm the Hearing Examiner's decision, may reverse the Hearing Examiner's decision, wholly or in part, or may remand the matter to the Hearing Examiner for further proceedings in accordance with the Council's findings and conclusions.

ACCOMMODATION OF DISABILITIES: Accommodations for persons with disabilities will be provided upon request. Please make arrangements at least one week prior to the hearing by calling Debbie Eco at (425) 388-3494, (800) 562-4367 x3494, or TTY/Voice Communication 1-800-877-8339.

Dated this 4th day of May, 2022.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Debbie Eco, CMC
Clerk of the Council

PUBLISH: May 6, 2022
Send Affidavit to: Council
Send Invoice to: Planning #107010

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Snohomish, WA

TYPE OF APPLICATION: 26-lot Rural Cluster Subdivision

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Dated this 4th day of May, 2022.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Debbie Eco, CMC
Clerk of the Council

PUBLISH: May 6, 2022
Send Affidavit to: Council
Send Invoice to: Planning #107010



**SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON**

AFFIDAVIT OF MAILING

PROJECT/FILE NO: Riverstone Estates 21-107364 PSD


APPLICANT: SSHI LLC dba DR Horton

DOCUMENT: Notice of Public Hearing
E-mailed and U.S. mailed May 4, 2022

I, Debbie Eco, Clerk of the Snohomish County Council, certify under penalty of perjury under the laws of the State of Washington that:

1. I have been authorized by the Snohomish County Council to mail notices required by the Snohomish County Code.
2. I have made a good-faith effort to mail the above-described document to each person entitled thereto. The names, mail addresses and e-mail addresses of the persons to whom said document was mailed are attached hereto.
3. I e-mailed and U.S. mailed said document on May 4, 2022.

Signed at Everett, Washington on May 4, 2022.



Debbie Eco, CMC
Clerk of the Council

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SNOHOMISH COUNTY, WASHINGTON**

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Dated this 4th day of May, 2022.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Debbie Eco, CMC
Clerk of the Council

PUBLISH: May 6, 2022
Send Affidavit to: Council
Send Invoice to: Planning #107010

Mailed public hearing notice 05/04/22 dle

Organization	First	Last	Street_POBox	City	State	Zip	Email
PARTY OF RECORD REGISTER	21-107364-PSD	Riverstone Estates	Hearing: March 24, 2002 at 2:00 p.m.				
DR HORTON	RAELYN	HULQUIST	11241 SLATER AVE NE, STE 200	KIRKLAND	WA	98033	Rhulquist@drhorton.com
LDC, INC.	TOM	ABBOTT	20210 142ND AVE NE	WOODINVILLE	WA	98072	tabbott@ldccorp.com
	CURTIS	CREIGHTON	14030 KENWANDA DR	SNOHOMISH	WA	98296	fiddlersbluff@earthlink.net
CROSS VALLEY WATER DISTRICT	MIKE	JOHNSON	8802 180TH ST SE	SNOHOMISH	WA	98296	cwvd@crossvalleywater.net
MARSHLAND FLOOD CONTROL DIST.	GARY	BRANDSTETTER	PO BOX 85	SNOHOMISH	WA	98291	marshlandfloodcontrol@gmail.com
SNO CO DPW	DOUG	MCCORMICK	3000 ROCKEFELLER AVE #607	EVERETT	WA	98201	DMcCormick@co.snohomish.wa.us
SNO CO PDS/LAND USE	STACEY	ABBOTT	3000 ROCKEFELLER AVE #604	EVERETT	WA	98201	stacey.abbott@snoco.org
SNO CO PUD NO 1- DIST.	MARK	FLURY	email				MLWicklund@snoPUD.com
SNOHOMISH HEALTH DISTICT	REGINA	GRAY	3020 RUCKER AVE STE #104	EVERETT	WA	98201	EnvHlthQuestions@snohd.org
SNOHOMISH SD #201	TOM	LAUFMANN	1601 AVE D	SNOHOMISH	WA	98290	tom.laufmann@sno.wednet.edu
WS DOE	KATELYNN	PIAZZA	email				katelynn.piazza@ecy.wa.gov
WS DOT	DAWN	ANDERSON	PO BOX 330310	SEATTLE	WA	98133-9710	AnderDM@wsdot.wa.gov
	BOB	BACON	14311 KENWANDA DR	SNOHOMISH	WA	98296	
	DON AND BARBARA	BAILEY	12711 SPRINGHETTI RD.	SNOHOMISH	WA	98296	Barbarabailey55@gmail.com
	DAVID	BEYER	13524 KENWANDA DRIVE	SNOHOMISH	WA	98296	dnbeyer@gmail.com
	ERIC	CAHAN	13606 KENWANDA DR	SNOHOMISH	WA	98296	eric.cahan@comcast.net
	BOB	CHAMBERLIN	10108 KENWANDA DR.	SNOHOMISH	WA	98296	bobc@bc.org
	BRIAN	ELCHLEPP	10022 KENWANDA DRIVE	SNOHOMISH	WA	98293	
	ANNE AND BOONE	FREEMAN	13014 SPRINGHETTI RD	SNOHOMISH	WA	98296	baileyveg@gmail.com
							boonef68@gmail.com
HARVEY AIRFIELD	KANDACE	HARVEY	9000 AIRPORT WAY SUITE C	SNOHOMISH	WA	98296	kharvey@harveyfield.com
	GREG	MIASNICK	10125 133RD PL SE	SNOHOMISH	WA	98296	gregmiasnik@gmail.com
	STEVE	MONTEMAYOR	14025 CONNELLY ROAD	SNOHOMISH	WA	98296	bigblocksrock@comcast.net
	CRAIG AND DANA	SMITH	9914 KENWANDA DRIVE	SNOHOMISH	WA	98296	smith_ds@msn.com
KNAPPE & KNAPPE, INC., P.S. LAWYERS	CF	KNAPPE	90 AVENUE A	SNOHOMISH	WA	98290	knappeandknappe@yahoo.com
	KIMBERLEE	SPAETIG-PETERSON	13304 KENWANDA DR	SNOHOMISH	WA	98290	skstreetglide@gmail.com
	KC	WHITE	13332 KENWANDA DRIVE	SNOHOMISH	WA	98296	kcwhite1@comcast.net

TULALIP TRIBES	GENE	ENICK					genick@tulaliptribes-nsn.gov
							Tom.Barnett@co.snohomish.wa.us
							Michael.Dobesh@snoco.org
							Lori.Burke@snoco.org
							David.Irwin@co.snohomish.wa.us
							jack.hurley@co.snohomish.wa.us
							TSC66@HOTMAIL.COM
							LMOHOLT@YAHOO.COM
							CFKNAPPE@MSN.COM
							WAYNERSCHNITZ@GMAIL.COM
							SCHULTZRF2000@MSN.COM
							DAVINCISHAMMER@GMAIL.COM
							LILYWATANABE@GMAIL.COM
GARY BRANDSTETTER							garywbrandstetter@gmail.com

MARY JOY DINGLER dingler@jmmklaw.com
 BENITA LAMP lamp@jmmklaw.com

SNOHOMISH COUNTY COUNCIL

EXHIBIT # L.21

FILE 21-107364 PSD



Snohomish County

County Council

May 4, 2022

**Stephanie Wright
Sam Low
Nate Nehring
Megan Dunn
Jared Mead**

DR Horton
c/o Dustin Windrick
11241 Slater Ave NE, Ste 200
Kirkland, WA 98033

3000 Rockefeller Avenue
Everett, WA 98201-4046
(425)388-3494
FAX (425)388-3496
TTY (800)877-8339

RE: Posting of Notice
Snohomish County Council Closed Record Appeal Hearing
Riverstone Estates, File No. 21-107364 PSD


Mr. Windrick,

Snohomish County Code 30.72.100(4) and 30.70.045 describe posting requirements required by the applicant. Enclosed are two copies of the notice of closed record appeal hearing for the aforementioned case and two sets of "bumper stickers". These are for posting on the large signs on the subject site.

After posting, please have the posting affidavit signed and notarized and return it to me at the Council office.

If you have any questions, please call me at (425) 388-7038. Thank you.

Sincerely,


Debbie Eco, CMC
Clerk of the Council

Encl.



SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

SNOHOMISH COUNTY COUNCIL
RECEIVED _____ TIME _____

MAY - 9 2022

CCD TO	CF	
JLM	DIST 1	GOT
JOG	DIST 2	DLE
YSW	DIST 3	ALC
HCB	DIST 4	ELL
NAG	DIST 5	CMF

This form shall be notarized, a copy of the notice attached hereto and presented to the office of the Snohomish County Council prior to the scheduled closed record appeal date.

FILE: Riverstone Estates
File No. 21-107364 PSD

CLOSED RECORD APPEAL HEARING DATE: June 8 @ 10:30 a.m.

I hereby certify that I, Dustin Windrich, posted the above property in two or more conspicuous places on the subject property, in accordance with the requirements of SCC 30.72.100(4).

Posted on the 4th, day of May, 2022.

Dated this 5th, day of May, 2022.

Print Name: Dustin Windrich

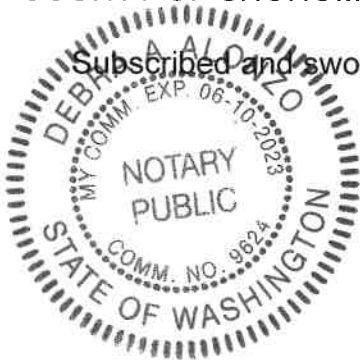
Signed: [Signature]

Notary Signature: [Signature]

STATE OF WASHINGTON)

COUNTY OF SNOHOMISH)

Subscribed and sworn before me this 5th day of May, 2022.



Notary Public in and for the State of Washington residing at Woodinville

**SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON**

NOTICE OF CLOSED RECORD APPEAL HEARING

NOTICE IS HEREBY GIVEN that the Snohomish County Council will hold a closed record appeal hearing on **Wednesday, June 8, 2022, at the hour of 10:30 a.m.** in the Henry M. Jackson Board Room, 3000 Rockefeller Avenue, 8th Floor, Robert J. Drewel Building, Everett, Washington, in conjunction with a remote meeting platform via the following Zoom link, to consider an appeal received on April 27, 2022, from a decision of the Snohomish County Hearing Examiner dated April 14, 2022, regarding the application described below.

Zoom Webinar link: <https://zoom.us/j/94846850772>

Dial in: (253) 215 8782 or (301) 715 8592

Meeting ID: 948 4685 0772

Note: Please check the Council webpage 24 hours prior to the scheduled hearing time for the most up-to-date information <https://snohomish.legistar.com/Calendar.aspx>, or contact the Council Clerk at 425-388-3494 or at contact.council@snoco.org.

PROJECT NAME: Riverstone Estates

APPLICATION FILE NO: 21-107364 PSD

LOCATION: 104030 and 14106 Kenwanda Drive
Snohomish, WA

TYPE OF APPLICATION: 26-lot Rural Cluster Subdivision

APPLICANT: SSHI LLC dba DR Horton

APPELLANT: Marshland Flood Control District

NATURE OF APPEAL HEARING: Snohomish County Code (SCC) Section 30.72.110 provides that the appeal will be heard at a closed record appeal hearing. **Appeal issues shall be limited to those expressly raised in the written appeal.** The appeal will be on the record with no new evidence allowed unless specifically requested by the County Council. No new appeal issues may be raised by a party of record after the close of time allowed by law for filing an appeal. Because this is not an open record hearing, members of the public who are not parties of record will not be allowed to present argument.

PRESENTATION OF ARGUMENT: Parties of record, other than the appellant, may file written arguments with the council clerk no later than 5:00 p.m. on May 18, 2022. **Arguments are limited to the issues expressed in the written appeal; no new appeal issues may be raised. The appellant may file written rebuttal argument with the council clerk, no later than 5:00 p.m. on May 25, 2022. Such rebuttal is limited to the issues raised in written arguments filed by parties of record.** All arguments must be based on the record from the Hearing Examiner; no new evidence or testimony is allowed. Arguments are encouraged to be submitted to the County Council through e-mail to contact.council@snoco.org. They may also be submitted at 3000 Rockefeller Ave., M/S 609, Everett, WA, 98201. Any party of record may present oral argument at the hearing.

AVAILABILITY OF RECORD: The record, including the written appeal and written arguments filed by parties of record, is available upon request by contacting the Clerk of the Council at 425-388-7038 or by e-mailing contact.council@snoco.org.

WEBSITE ACCESS: Copies of the record will also be available through the Council websites at: <https://snohomish.legistar.com/Calendar.aspx> or <http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>.

COUNTY COUNCIL ACTION: At the conclusion of the hearing, the County Council will adopt findings and conclusions in support of its decision, which may adopt any or all of the findings and conclusions of the Hearing Examiner. The Council may affirm the Hearing Examiner's decision, may reverse the Hearing Examiner's decision, wholly or in part, or may remand the matter to the Hearing Examiner for further proceedings in accordance with the Council's findings and conclusions.

ACCOMMODATION OF DISABILITIES: Accommodations for persons with disabilities will be provided upon request. Please make arrangements at least one week prior to the hearing by calling Debbie Eco at (425) 388-3494, (800) 562-4367 x3494, or TTY/Voice Communication 1-800-877-8339.

Dated this 4th day of May, 2022.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Debbie Eco, CMC
Clerk of the Council

PUBLISH: May 6, 2022
Send Affidavit to: Council
Send Invoice to: Planning #107010

Everett Daily Herald

EXHIBIT # L.23

FILE 21-107364 PSD

Affidavit of Publication

State of Washington }
County of Snohomish } ss

SNOHOMISH COUNTY COUNCIL
RECEIVED 5/6 TIME 12:30

MAY 11 2022

CC'D TO	CF	
JLM	DIST 1	GOT
JDG	DIST 2	DLE
YSW	DIST 3	ALC
HCB	DP	ELL
NAC	DIST 5	CMF

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH954001 APPEAL HEARING as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 05/06/2022 and ending on 05/06/2022 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$107.64. [Signature]



Subscribed and sworn before me on this 6th day of May, 2022.

[Signature: Linda Phillips]

Notary Public in and for the State of Washington.
Snohomish County Planning | 14107010
DEBBIE ECO

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON
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PROJECT NAME: Riverstone Estates
APPLICATION FILE NO.: 21-107364 PSD
LOCATION: 14030 and 14106 Kenwanda Drive
Snohomish, WA

TYPE OF APPLICATION: 26-lot Rural Cluster Subdivision

APPLICANT: SSHI LLC dba DR Horton

APPELLANT: Marshland Flood Control District

NATURE OF APPEAL HEARING: Snohomish County Code (SCC) Section 30.72.110 provides that the appeal will be heard at a closed record appeal hearing. Appeal issues shall be limited to those expressly raised in the written appeal. The appeal will be on the record with no new evidence allowed unless specifically requested by the County Council. No new appeal issues may be raised by a party of record after the close of time allowed by law for filing an appeal. Because this is not an open record hearing, members of the public who are not parties of record will not be allowed to present argument.

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Dated this 4th day of May, 2022.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington
/s/ Debbie Eco, CMC
Clerk of the Council

107010
Published: May 6, 2022.

EDH954001

PARTIES OF RECORD SIGN UP SHEET
CLOSED RECORD APPEAL
LIMITED TO PARTIES OF RECORD ONLY
JUNE 8, 2022

EXHIBIT # _____

FILE 21-107364 PSD

FILE: Riverstone Estates

FILE NO: 21-107364 PSD

NAME *(Please Print)*

COMPLETE MAILING OR E-MAIL ADDRESS

1.	Barbara Bailey ✓	barbarabailey55@gmail.com 12711 Springketti Rd. Snohomish WA 98296
2.	Don Bailey	12711 Springketti Rd. Snohomish WA 98296
3.	BOB CHAMBERLIN	10108 KENWANDA DR. " " "
4.	David Beyer	13524 Kenwanda Dr. " " "
5.		
6.		
7.		
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11.		
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13.		
14.		
15.		

PLEASE PRINT

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

OFFICIAL NOTICE OF COUNCIL DECISION

In re the Appeal of the April 14, 2022, Decision of the Hearing Examiner, approving with conditions the project of Rivertsone Estates; a 26-lot Rural Cluster Subdivision; File No. 21-107364 PSD for property located at 14030 and 14106 Kenwanda Dr., Snohomish, WA.

NOTICE IS HEREBY GIVEN, that on June 8, 2022, and continued to June 13, 2022, closed record appeal hearing in this matter was held, and the County Council directed staff to draft a written motion affirming the Hearing Examiner's Decision and adopting the Examiner's findings and conclusions in the Decision.

FURTHER NOTICE IS GIVEN, that on June 15, 2022, the Snohomish County Council approved a written motion consistent with the oral direction provided on June 13, 2022, attached hereto as Council Motion No. 22-269.

FURTHER NOTICE IS GIVEN, that unless otherwise provided by law any person having standing who wishes to appeal this decision must do so by filing a land use petition in Superior Court in accordance with the provisions of Chapter 36.70C RCW and SCC 30.72.130.

FURTHER NOTICE IS GIVEN, that affected property owners may request the Snohomish County Assessor to make a change in valuation for property tax purposes notwithstanding any program of revaluation.

DATED this 16th day of June, 2022.



Debbie Eco, CMC
Clerk of the Council

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 22-269

AFFIRMING THE HEARING EXAMINER'S DECISION IN THE CLOSED RECORD
APPEAL OF RIVERSTONE ESTATES, FILE NO. 21-107364 PSD

WHEREAS, SSHI LLC doing business as DR Horton applied to Snohomish County for preliminary plat approval for a 26-lot rural cluster subdivision in unincorporated Snohomish County; and

WHEREAS, the Snohomish County Hearing Examiner Pro Tem ("Hearing Examiner") held an open record hearing on March 31, 2022; and

WHEREAS, the Hearing Examiner issued a decision on April 14, 2022, approving the preliminary plat application subject to conditions; and

WHEREAS, Party of Record Marshland Flood Control District appealed the decision of the Hearing Examiner to the County Council under SCC 30.72.070 on April 27, 2022; and

WHEREAS, the County Council held a closed record appeal hearing on June 8, 2022 to consider the appeal issues and continued the appeal hearing to June 13 for further deliberations without accepting further testimony; and

WHEREAS, after considering the appeal based upon the record and the argument of the appellants, the applicant, and several parties of record, the County Council approves a motion to affirm the Hearing Examiner's April 14, 2022 decision, with certain findings and conclusions described below.

NOW, THEREFORE, ON MOTION:


Section 1. The Snohomish County Council makes the following findings of fact and conclusions:

1. The County Council adopts the findings and conclusions of the Hearing Examiner in the April 14, 2022, decision regarding Riverstone Estates, File No. 21-107364 PSD.

Section 2. The County Council hereby affirms the decision of the Hearing Examiner dated April 14, 2022, in the matter of Riverstone Estates, File No. 21-107364 PSD.

DATED this 15th day of June, 2022.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:



Clerk of the Council



**SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON**

AFFIDAVIT OF MAILING

PROJECT/FILE NO: Riverstone Estates 21-107364 PSD

APPLICANT: SSHI LLC dba DR Horton

DOCUMENT: Notice of Council Decision

I, Debbie Eco, Clerk of the Snohomish County Council, certify under penalty of perjury under the laws of the State of Washington that:

1. I have been authorized by the Snohomish County Council to mail notices required by the Snohomish County Code.
2. I have made a good-faith effort to mail the above-described document to each person entitled thereto. The names, mail addresses and e-mail addresses of the persons to whom said document was mailed are attached hereto.
3. I e-mailed said document on June 16, 2022, and U.S. mailed said document on June 17, 2022.

Signed at Everett, Washington on June 17, 2022.

A handwritten signature in black ink, appearing to read 'Debbie Eco', written over a horizontal line.

Debbie Eco, CMC
Clerk of the Council

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

OFFICIAL NOTICE OF COUNCIL DECISION

In re the Appeal of the April 14, 2022, Decision of the Hearing Examiner, approving with conditions the project of Rivertsone Estates; a 26-lot Rural Cluster Subdivision; File No. 21-107364 PSD for property located at 14030 and 14106 Kenwanda Dr., Snohomish, WA.


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FURTHER NOTICE IS GIVEN, that affected property owners may request the Snohomish County Assessor to make a change in valuation for property tax purposes notwithstanding any program of revaluation.

DATED this 16th day of June, 2022.



Debbie Eco, CMC
Clerk of the Council

E-Mailed: June 16, 2022
U.S. Mailed: June 17, 2022

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 22-269

AFFIRMING THE HEARING EXAMINER'S DECISION IN THE CLOSED RECORD
APPEAL OF RIVERSTONE ESTATES, FILE NO. 21-107364 PSD

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1. The County Council adopts the findings and conclusions of the Hearing Examiner in the April 14, 2022, decision regarding Riverstone Estates, File No. 21-107364 PSD.

Section 2. The County Council hereby affirms the decision of the Hearing Examiner dated April 14, 2022, in the matter of Riverstone Estates, File No. 21-107364 PSD.

DATED this 15th day of June, 2022.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:



Clerk of the Council

Organization	First	Last	Street_POBox	City	State	Zip	Email
PARTY OF RECORD REGISTER	21-107364-PSD	Riverstone Estates	Hearing: March 24, 2002 at 2:00 p.m.				
DR HORTON	RAELYN	HULQUIST	11241 SLATER AVE NE, STE 200	KIRKLAND	WA	98033	Rhulquist@drhorton.com
LDC, INC.	TOM	ABBOTT	20210 142ND AVE NE	WOODINVILLE	WA	98072	tabbott@ldccorp.com
	CURTIS	CREIGHTON	14030 KENWANDA DR	SNOHOMISH	WA	98296	fiddlersbluff@earthlink.net
CROSS VALLEY WATER DISTRICT	MIKE	JOHNSON	8802 180TH ST SE	SNOHOMISH	WA	98296	cwvd@crossvalleywater.net
MARSHLAND FLOOD CONTROL DIST.	GARY	BRANDSTETTER	PO BOX 85	SNOHOMISH	WA	98291	marshlandfloodcontrol@gmail.com
SNO CO DPW	DOUG	MCCORMICK	3000 ROCKEFELLER AVE #607	EVERETT	WA	98201	DMcCormick@co.snohomish.wa.us
SNO CO PDS/LAND USE	STACEY	ABBOTT	3000 ROCKEFELLER AVE #604	EVERETT	WA	98201	stacey.abbott@snoco.org
SNO CO PUD NO 1- DIST.	MARK	FLURY	email				MLWicklund@snoPUD.com
SNOHOMISH HEALTH DISTICT	REGINA	GRAY	3020 RUCKER AVE STE #104	EVERETT	WA	98201	EnvHlthQuestions@snohd.org
SNOHOMISH SD #201	TOM	LAUFMANN	1601 AVE D	SNOHOMISH	WA	98290	tom.laufmann@sno.wednet.edu
WS DOE	KATELYNN	PIAZZA	email				katelynn.piazza@ecy.wa.gov
WS DOT	DAWN	ANDERSON	PO BOX 330310	SEATTLE	WA	98133-9710	AnderDM@wsdot.wa.gov
	BOB	BACON	14311 KENWANDA DR	SNOHOMISH	WA	98296	
	DON AND BARBARA	BAILEY	12711 SPRINGHETTI RD.	SNOHOMISH	WA	98296	Barbarabailey55@gmail.com
	DAVID	BEYER	13524 KENWANDA DRIVE	SNOHOMISH	WA	98296	dnbeyer@gmail.com
	ERIC	CAHAN	13606 KENWANDA DR	SNOHOMISH	WA	98296	eric.cahan@comcast.net
	BOB	CHAMBERLIN	10108 KENWANDA DR.	SNOHOMISH	WA	98296	bobc@bc.org
	BRIAN	ELCHLEPP	10022 KENWANDA DRIVE	SNOHOMISH	WA	98293	
	ANNE AND BOONE	FREEMAN	13014 SPRINGHETTI RD	SNOHOMISH	WA	98296	baileyveg@gmail.com
							boonef68@gmail.com
HARVEY AIRFIELD	KANDACE	HARVEY	9000 AIRPORT WAY SUITE C	SNOHOMISH	WA	98296	kharvey@harveyfield.com
	GREG	MIASNICK	10125 133RD PL SE	SNOHOMISH	WA	98296	gregmiasnik@gmail.com
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