

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 22-365

ORDER SUMMARILY DISMISSING IN PART THE CLOSED RECORD APPEAL OF
CATHCART CROSSING, FILE NO. 21-107654 SPA/BSP

WHEREAS, on August 22, 2022, the Snohomish County Council received an appeal from a decision of the Snohomish County Hearing Examiner in the matter of Cathcart Crossing, File No. 21-107654 SPA/BSP; and

WHEREAS, appeal issue 5.5, summarized on page 7 of the appeal, alleges the Cathcart Crossing Hearing Examiner decision was issued in error because the failure to disclose and consider a purchase and sale agreement between the applicant and the county violates the State Environmental Policy Act (SEPA); and

WHEREAS, there was no timely appeal of the Determination of Nonsignificance issued for the Cathcart Crossing proposal and, even if a timely appeal had been made and decided by the Hearing Examiner, appeals to the County Council from the Hearing Examiner are limited to Type 2 decisions. A SEPA appeal to the Hearing Examiner is the appeal of a Type 1 decision and the Hearing Examiner's decision on an appeal of a Type 1 decision is the final county decision; and

WHEREAS, appeal issue 5.6, summarized on page 7 of the appeal, alleges the Cathcart Crossing Hearing Examiner decision was issued in error because it failed to consider whether the Cathcart Crossing proposal was consistent with the terms of a purchase and sale agreement between the applicant and the county; and

WHEREAS, Title 30 SCC contains the approval criteria for development applications submitted to the county and whether a development application is consistent with the terms of a purchase and sale agreement between a seller and buyer when one of them is the applicant is not grounds for evaluating a development application under Title 30 SCC; and

WHEREAS, there is and was no "master development plan" for the property that is the subject of this appeal as that term is defined by SCC 30.91M.055; and

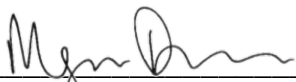
WHEREAS, SCC 30.72.075 provides the County Council may summarily dismiss an appeal in whole or in part without a hearing if it determines the appeal is beyond the scope of the County Council's jurisdiction.

NOW, THEREFORE, ON MOTION:

The County Council dismisses appeal issues 5.5 and 5.6 because they are beyond the scope of the County Council's jurisdiction.

DATED this 31st day of August, 2022.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:



Asst. Clerk of the Council