

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 31<sup>st</sup> day of August, 2022.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

  
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Council Chair

ATTEST:

  
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Asst. Clerk of the Council