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BEFORE THE COUNCIL
OF THE COUNTY OF SNOHOMISH

PROJECT NAME:)	
Husaynia Islamic Society of Seattle)	FILE NO. 20-114230 CUP
APPLICANT:)	APPEAL OF LAND USE DECISION
Husaynia Islamic Society of Seattle)	(SCC chap. 30.72.070)
LOCATION:)	
15231 State Street, Snohomish, WA 98206.)	
)	
)	

1. IDENTIFICATION OF APPEAL AND DECISIONS APPEALED

This is an appeal of the Decision of the Snohomish County Hearing Examiner dated March 16, 2023 (“Decision”) and Order Denying Reconsideration of Decision dated April 1, 2023 (“Order”). As discussed below, Snohomish County Planning and Development Services (“PDS”) and the Snohomish County Hearing Examiner (“Examiner”) should have considered the proposal based upon the maximum building occupancy, the criteria for a Conditional Use Permit contained in the Snohomish County Comprehensive Plan, and all other issues addressed in the Petition for Reconsideration of Decision of the Snohomish County Hearing Examiner dated March 16, 2023 along with all exhibits referenced (“Petition”), which is incorporated as if fully set forth herein. The grounds for this appeal are that the Examiner exceeded his jurisdiction, committed errors of law, failed to follow the

1 applicable procedure in reaching his decision, and/or that the findings, conclusions and/or
2 conditions are not supported by the record. All of these shall collectively be construed as
3 interchangeable and *omnis* in this Appeal.

4 **2. IDENTIFICATION OF PARTIES**

5 The Appellants herein are:

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3
4 Respondents are the Applicant, Husaynia Islamic Society of Seattle, 15231 State
5 Street, Snohomish WA 98296 (“Applicant”) and Snohomish County Planning and
6 Development Services, 3000 Rockefeller M/S 604, Everett, WA 98201.

7 **3. RECORD OF PROCEEDING**

8 The Clerk of the Hearing Examiner has assembled a List of Witnesses and Exhibits.
9 which is found online and attached to this Appeal. Exhibits in this appeal will be referenced
10 to that list. Transcripts of both the October 13, 2022 and the February 23, 2023 hearings are
11 also part of the record. It is unclear why the Examiner disputes that a certified transcript
12 should be considered an official report of proceedings and the Examiner does not cite any
13 case law or authority for denying consideration of the same. The Examiner committed an
14 error of law as both transcripts are certified and were not prepared by any of the parties of
15 record. Furthermore, to provide factual evidence that the Examiner exceeded his
16 jurisdiction, committed errors of law, and/or did not base his findings and conclusions on
17 evidence in the record, requires the hearings to be transcribed to reference the testimony
18 provided on reconsideration and/or appeal. Clearly, hearing testimony is part of the record
19 and must be considered.

20 **4. SUMMARY OF ISSUES**

- 21 A. PDS and the Examiner failed to review the proposal based upon maximum
22 occupancy allowable and the Examiner exceeded his jurisdiction and committed an
23 error of law in his finding that the number of congregants will be approximately 40,
24 ranging up to 80 on holidays and his finding is not supported by the record.
25 B. The Examiner failed to establish that the proposal is consistent with the Snohomish
County Comprehensive Plan.

- 1 C. The Examiner failed to identify specific, clear and concise construction and
2 operating conditions.
- 3 D. The Examiner based his Decision on erroneous information relating to noise.
- 4 E. Traffic and parking need to be based upon building occupancy.

5 **6. SPECIFIC STATEMENTS OF GROUNDS FOR APPEAL, SUPPORTING**
6 **FACTS AND ARGUMENT**

7 A. PDS and the Examiner failed to review the proposal based upon maximum
8 occupancy allowable and the Examiner exceeded his jurisdiction and committed an
9 error of law in his finding that the number of congregants will be approximately 40,
10 ranging up to 80 on holidays and his finding is not supported by the record.

11 The Examiner stated that the congregation currently has approximately 40 people,
12 and attendance reached 80 participants on special days.¹ At the October 13, 2023 open
13 hearing (“10/13/22 Hearing”) the Examiner asked the Applicant:

14 “Let’s talk about, the future is hard to predict. But most religious facilities
15 with which I’m familiar hope to grow, hope to have more members as time
16 passes.”²

17 The Applicant stated:

18 “Now, those two centers, honestly, I would, you know, encourage you to go
19 and check them. They are like twenty-some years old. And in 20 years they
20 have about population, I would say people, make sometimes like 200 or
21 something. In 20 years. . . . We are only 4 years old.”³

22 . . .
23 “So, how much we’ll grow? I don’t know.”⁴

24 . . .
25 “Well, I hope we do grow. That’s a idea.”⁵

26 . . .
27 “We have programs where we invite, like the churches, synagogue, temples,
28 people from all different faiths. Then you see a bigger population. You see
29 quite a few people there.”⁶

30 ¹ Decision, p. 6, l. 9-10

31 ² Petition, Attachment A. p. 11, l. 4-6

32 ³ Id., p. 11, l. 18-22

33 ⁴ Id, p. 12, l. 13

34 ⁵ Id., p. 12, l. 20

35 ⁶ Id. p. 12, l. 23 – p. 13, l. 1-2

1 Further, at the February 23, 2023 open hearing (“2/23/23 Hearing”), the Applicant’s
2 representative, Mr. Odum Esonu, stated:

3 **“Limiting the number to 80, no more than 80 person is absurd.** Because
4 if they have wedding, it could be more than 80 people.”⁷ [Emphasis added]

5 The Applicant provided no actual data/counts of the numbers of congregants
6 and, in fact, based upon the record, clearly indicates that the congregation would
7 grow. The Examiner committed an error of law in assigning a random number of
8 congregants to less than one-third of the actual building occupancy based upon
9 square footage. It is not appropriate to rely exclusively on the Applicant’s
10 representation of uses and occupancy as this is a subjective assertion, not an
11 objective standard. The actual occupancy load for the building must be used. The
12 proposal needs to be reviewed based upon the reasonable number of people that the
13 building can accommodate. The evidence in the record clearly shows that the
14 Applicant’s intention is to increase membership. No one would take an old,
15 decrepit 29,000 square foot building and reconstruct it for an average of 40 people to
16 use. This is simple economics, and the proposal should have been submitted
17 accordingly since it would have the capacity to accommodate upwards of 300
18 people. The Applicant submitted evidence clearly showing: (a) over 200 prayer
19 rugs in the main portion of the building; (b) two overflow multi-purpose rooms that
20 could accommodate upwards of 90 more prayer rugs; (c) a 2,000 square foot
21 commercial kitchen, which is larger than the typical single-family residence in
22 Snohomish County; and (d) 30 toilets (24 for men and 6 for women). Attached as
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⁷ Petition, Attachment B, p. 15, l. 15-16

1 **Exhibit 1** is the Applicant's interior design plan. Clearly, this should be reviewed as
2 a high-occupancy building.

3 B. The Examiner failed to establish that the proposal is consistent with the Snohomish
4 County Comprehensive Plan.

5 The Examiner, on his own volition, attempts to justify that the proposal is consistent
6 with the County Comprehensive Plan. Rural character is just that—placing a 25,000 square
7 foot commercial building in a rural area that can have upwards of 300 attendees does not
8 “match” the existing character of the area. To allow this unprecedented use in the area will
9 open the floodgates for other commercial buildings to be placed in the R-5 zone.

10 It is clear, based upon the evidence in the record, that all of the Applicant's
11 submissions (traffic, parking, septic, drainage, etc.) were submitted based upon only up to
12 80 attendees in an attempt to convert an illegally permitted horse barn/farm equipment
13 storage pole building into a facility that could accommodate over 300 people.⁸ The entire
14 project is premised on this and should therefore be denied.

15 Throughout this entire process the Applicant has proposed, prepared and submitted
16 plans to “renovate”⁹, “remodel”¹⁰, “construct”¹¹ and “redevelop.”¹² The Applicant event
17 went so far as to state: “The existing structure will remain with modest interior alterations
18 to improve circulation within the structure.”¹³ This proposal is a major change to the
19 property, and the Examiner committed an error of law in basing his findings on a project that
20 clearly does not comply with the criteria contained in the County Comprehensive Plan. At
21 best, the Applicant is attempting to assuage this project to allow its approval. The record is

22 _____
23 ⁸ Ex. Q.18, p. 4, ¶, Ex. H

24 ⁹ Ex. J. 1

25 ¹⁰ Ex. P. 16

¹¹ Decision, , p 1

¹² Id. p. 6, l. 3

¹³ Ex. A.1

1 clear that the unpermitted character of the building and its construction for horse stables and
2 storage of farm equipment will not simply be a remodel and will require a new construction
3 to accommodate a high-intensity use for people, rather than horses and farm equipment.

4 The evidence shows that the unpermitted existing pole barn building¹⁴ (the
5 Examiner's assertion that the pole barn has been fully permitted is disputed) is
6 approximately 29,638 square feet.¹⁵ Further, the project application and accompanying
7 documents were submitted based upon 80 attendees yet based upon the interior design plan
8 submitted by SSA Acoustics, LLP the Applicant intends to utilize the building at maximum
9 occupancy (approximately 300).¹⁶ **There is a glaring issue in this proposal: Why would
10 the Applicant attempt to remodel an unpermitted pole barn built in the 1970's into a
11 religious facility, most likely costing several million dollars, for only 40-80 congregants,
12 with a 2,000 square foot commercial kitchen¹⁷, and 30 toilets, unless the true intent is
13 to accommodate upwards of 300 people?**

14 The truth of the matter is that the Applicant is attempting to convert a horse barn and
15 storage for farm equipment into a commercial building. It does not have an existing 2,000
16 square foot commercial kitchen and does not have the projected 30 restroom stalls (and
17 associated septic, drainage, etc.).

18 C. The Examiner failed to identify specific, clear and concise construction and
19 operating conditions.

20 1. The Examiner failed to establish conditions associated with construction of the
21 facility. There needs to be detailed conditions addressing this. For example, road traffic
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24 ¹⁴ Ex. Q.18, p. 4, ¶, Ex. H

¹⁵ Ex. A.1

25 ¹⁶ Ex. P.16

¹⁷ Ex. B. 1

1 control, public safety during construction, hours of construction, violation of Noise
2 Ordinance Codes, etc.

3 2. The conditions contained in the Decision are so vague that they cannot be
4 enforced. This is a fundamental issue in that the whole purpose of imposing conditions is so
5 that there are clear and enforceable parameters for issuance of a Conditional Use Permit.
6 Clear and concise Conditions need to be established so that everyone, including the
7 Applicant, Snohomish County Code Enforcement, Snohomish County Sheriff, and local
8 residents can ensure that compliance with the conditions can be enforced. The Applicant
9 previously violated the Special Events Permits on several occasions¹⁸ without any action on
10 the part of the County to enforce County Codes.

11 3. While the Examiner stated that there are approximately 40 attendees, with up to
12 80 for special events, he did not place a maximum limit on attendees in his conditions. This
13 is an error of law in that the Applicant's submissions and testimony clearly demonstrate that
14 the facility has the ability to have upwards of 300 people and the project submittals are not
15 based upon the maximum capacity.

16 4. The Examiner committed an error of law by his failure to include any
17 enforceable construction and operating conditions in his Decision. Failure to do so allows
18 the Applicant free reign during both construction and operation.

19 D. The Examiner based his Decision on erroneous information relating to noise.

20 The Site Noise Evaluation submitted by the Applicant was insufficient in that
21 only one measurement was taken when the site was not even in use and was not
22 based upon the number of congregants that could be in the building based upon the
23 square footage.

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¹⁸ Ex. P.3, P.4, P.11

1 The Examiner specifically requested the Applicant to provide sound mitigation
2 conditions, as well as requested PDS comments regarding the same¹⁹. Neither the Applicant
3 nor PDS provided the requested information.

4 The Site Noise Evaluation (“Evaluation”) prepared by Joel Esselstrom, INCE, for
5 SSA Acoustics, LLP²⁰ was not sufficient based upon the review of Jerry Lilly, P.E. of JGL
6 Acoustics, Inc.²¹ The Evaluation was insufficient in that: (a) only one single measurement
7 was taken, lasting only 10 minutes in duration occurring in early December; (b) the mosque
8 was not even in use at the time the measurement was taken; and (c) was not based upon the
9 maximum occupancy of the building. Mr. Esselstrom only provides vague statements such
10 as: “Based on our experience . . . we would expect . . . to be on the quieter end . . . very
11 quiet the majority of the time.”²² Nowhere in his Evaluation does he provide measurements
12 from active mosques. Mr. Esselstrom failed to address the noise generated from HVAC
13 systems, kitchen exhaust fans, and noise sources associated with motor vehicles (door slams,
14 door-lock horns, engines starting), all of which Mr. Lilly identified in his review.²³ The
15 evidence in the record makes it clear that there is concern with parking lot noise and
16 associate vehicular noise, yet the Examiner’s findings make no mention of this fact.

17 In fact, Mr. Esselstrom conceded that he did not address the issue of outdoor noise or
18 any appropriate mitigation measures, either in his Evaluation or during his testimony at the
19 February 23, 2023 hearing stating:

20 “And, again, it was our understanding that we, from the November hearing
21 we were simply providing an evaluation of Mosque noise. Cuz that seemed
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24 ¹⁹ Ex. N. 1, p. 3, l. 10-18

25 ²⁰ Ex. P. 16

²¹ Ex. Q. 7, Appendix A

²² Id.

²³ Ex. Q. 7, Appendix A

1 to what the community had issues with. They didn't have issues with the
2 parking lot noise or anything like that. Cars coming and going.”²⁴

3 Clearly, Mr. Lilly refuted the validity of the Evaluation, even stating: “There are
4 way too many missing details that must be addressed.”²⁵ Additionally, public statements
5 were submitted, by individuals experienced with noise/sound issues, that substantiate Mr.
6 Lilly’s rebuttal to SSA Acoustics, LLP’s Evaluation.²⁶ The Examiner committed an error of
7 law by not stating that he had considered Mr. Lilly’s review and the public statements as to
8 the insufficient Site Noise Evaluation when making his Decision.

9 While SCC 10.01 establishes quantitative standards for sound, there is nothing in the
10 Decision that affords compliance. Cars starting, car alarms engaging, cars exiting the
11 property (as many as 240 are possible) at 10: 30 p.m. will surely exceed the limit allowed
12 under County Code. How can this be enforced? Where is the concern for the neighboring
13 properties to assure compliance with County Code? What about the vehicle headlights
14 impact on properties directly across the street when attendees exit the property?

15 The Examiner committed an error of law by stating: “Sound from inside the mosque
16 will not likely exceed these limits . . . Sound outside the mosque will also likely not exceed
17 these limits . . .”²⁷ (Emphasis added). Such vague terms imply that there is a possibility of
18 exceeding the limits and provide no assurance that 10.01 SCC will be adhered to and
19 enforceable.

20 E. Traffic and parking need to be based upon building occupancy.

21 Traffic and parking need to be based upon building occupancy, and the analyses
22 need to be based upon the reasonable expectation of the number of congregants.

23 _____
24 ²⁴ Petition, Attachment B., p. 7, l. 7-10

25 ²⁵ Ex. Q.17, Appendix A

²⁶ Exs. Q.7, Q.12 and Q.16

²⁷ Decision, p. 7, l. 4-5

1 **7. CONCLUSION AND RELIEF REQUESTED**

2 The proposal should be remanded back to PDS with the maximum building
3 occupancy levels considered for aspects of the proposal including, but not limited to, traffic,
4 parking, noise, and drainage, as well as the criteria contained in the Snohomish County
5 Comprehensive Plan for a Conditional Use Permit.

6 The proposal should also be remanded to include enforceable, clear and concise
7 construction and operating conditions as outlined in the Petition.

8 Dated this 1st day of May, 2023.

9 All Appellants signing below signed the Petition for Reconsideration and are parties
10 of record.

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Deanna Herbert
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Before the
HEARING EXAMINER
Snohomish County, Washington
LIST OF EXHIBITS & WITNESSES

Applicant: Zahra Abidi, Husaynia Islamic Society of Seattle

Case No.: 20 114230 CUP

Project Name: HUSAYNIA ISLAMIC SOCIETY OF SEATTLE

EXHIBITS: Submitted for October 13, 2022 the open record hearing:

A. APPLICATION:

- A.1 Master Permit Application filed September 23, 2020
- A.2 Project Narrative
- A.3 120 Day Waiver

B. PLANS:

- B.1 Site Plan dated July 10, 2020
- B.2 Landscape Plan received 6/29/2022
- B.3 Existing Condition plat map
- B.4 Frontage Improvements Plan
- B.5 Wetland Mitigation Plan
- B.6 TESC Plan

C. REPORTS:

- C.1 Traffic Report
- C.2 Targeted Drainage Report
- C.3 Geotechnical Report
- C.4 Critical Area Study and Wetland Mitigation Plan Report
- C.5 Critical Areas Mitigation Bond Quantity Worksheet dated April 5, 2021
- C.6 Transportation Memo dated, July 14, 2022
- C.7 Drainage Memo dated, July 20, 2022
- C.8 Critical Area Memo dated, October 14, 2021
- C.9 Fire Marshal Memo dated, July 6, 2022

D. PROPERTY:

- D.1 Ownership – Zoning Map
- D.2 Aerial Map
- D.3 Verification of Legal Description

E. ENVIRONMENTAL: (if SEPA required)

- E.1 Determination of Nonsignificance & Environmental Checklist

EXHIBITS: Submitted for the October 13, 2022 open record hearing:

F. NOTICE AND ROUTING DOCUMENTS:

- F.1 Affidavit of Mailing(s)– Notice of Open Record Hearing, Threshold Determination, and Concurrency and Traffic Impact Fee Determinations
- F.2 Affidavit of Notification (publication) – Notice of Open Record Hearing, Threshold Determination, and Concurrency and Traffic Impact Fee Determinations
- F.3 Posting Verification – Notice of Open Record Hearing, Threshold Determination, and Concurrency and Traffic Impact Fee Determinations

G. GOVERNMENT / TRIBAL COMMENTS:

- G.1 Water / Sewer Purveyor
- G.2 Snohomish Health District Approval Letter
- G.3 Snoqualmie Indian Tribe Department of Environmental and Natural Resources
- G.4 Cross Valley Water Fire Flow Update Letter

H. PUBLIC COMMENTS:

- H.1 Aarbi Shaharyar Comment
- H.2 Aisha Comment
- H.3 Akbar Batool Comment
- H.4 Amend Amy Comment
- H.5 Amend Mark Comment
- H.6 Anderson Jessamine Comment
- H.7 Anson Laytner Comment
- H.8 Auj Masroor & Shumaila, Akbar & Ali Ezza Comment
- H.9 Baily Debra & Rygh Mardelle Comment
- H.10 Baily Shawn Comment
- H.11 Baldeh Musa Comment
- H.12 Basior David Comment
- H.13 Baumuller Harold Comment
- H.14 Beecher Josefina Comment
- H.15 Benz Paul Comment
- H.16 Billa Irene Comment
- H.17 Bolger Lara Comment
- H.17a Bradley Brad
- H.18 Bupp Sherry Comment
- H.19 Butler Carol Comment
- H.20 Caguiat Carlos Comment
- H.21 Caguiat Julianna Comment
- H.22 Charvet James Comment
- H.23 Clifford Michael Comment
- H.24 Coles Margie Comment

EXHIBITS: Submitted for the October 13, 2022 open record hearing:

- H.25 Conklin Cari Comment
- H.26 Conley-Holcom Andrew Comment
- H.27 Crichton Shari Comment
- H.28 Crispin Beth Comment
- H.29 Cutuli Kim Comment
- H.30 D Ericka Comment
- H.31 Daly Brannon Comment
- H.32 Davis Jonis Comment
- H.33 Derr Teri Comment
- H.34 Dubey Richa Comment
- H.35 Durrentt Erin Comment
- H.36 Ebner Patty Comment
- H.37 Eenwyk John Comment
- H.38 Engle Kyley & Carrie Comment
- H.39 Ficklin Betsy Comment
- H.40 Fine David Comment
- H.41 Foster Kimberly Comment
- H.42 Gardner Robert & Thea Comment
- H.43 Gaya Ahmed Comment
- H.44 Gilbert De Vargus Sally Jo Comment
- H.45 Gilbertson Greg Comment
- H.46 Hacking Troy Comment
- H.47 Harger Del & Carol Comment
- H.48 Hartman Lee Comment
- H.49 Hassan Syed Comment
- H.50a Helmon Anja
- H.50b Herbert Deanna Comment
- H.51 Herbert Sean Comment
- H.52 Howell Anthony & Tracey Comment
- H.53 Husain Mahdi Comment
- H.54 Hussain Syed Comment
- H.55 Iqbal Awais Comment
- H.56 Jaffe Rhonda Comment
- H.57 Jafrey Owais Comment
- H.58 Jarvie Samantha Comment
- H.59 Johnson Bob Comment
- H.60 Johnson David & Teri Comment
- H.61 Judd John Comment
- H.62 Jumaan Aisha Comment
- H.63 Karim Mubarra Comment

EXHIBITS: Submitted for the October 13, 2022 open record Hearing

- H.64 Kazmi Mutahir Comment
- H.65 Keegan Laura Comment
- H.66 Khaki Neelam Comment
- H.67 Khalid Adnan Comment
- H.68 Khan Juwariya Comment
- H.69 King Robert Comment
- H.70 Kingman Cecilia Comment
- H.71 Kluth Pam Comment
- H.72 Kurtz Janelle Comment
- H.73 Laberge Ruthmarie Comment
- H.74 Larkin Sherri Comment
- H.75 Laytner Anson Comment
- H.76 Levine Rae Comment
- H.77 Lewis Charlie Comment
- H.78 Litorja Fran Fielden and Marv Comment
- H.79 Lubresky Andy Comment
- H.80 Lxxx Farah Comment
- H.81 Lyer Kanthi Comment
- H.82 Mahmood Hamid Comment
- H.83 Mahmud Rusdianto Comment
- H.84 Makary Max Comment
- H.85 Marinello Genjo Comment
- H.86 Marshall Lauren Comment
- H.87 McManus Kelly Comment
- H.88 Mohammad Ahmar Comment
- H.89 Muzzuco Dale Comment
- H.90 Muzzuco Teresa Comment
- H.91 Nelson Teresa Comment
- H.92 Nordholm Gayle Comment
- H.93 Oglesby Debbie Comment
- H.94 Olsen Patti Comment
- H.95 Ownes Sarah Comment
- H.96 Perrigo Raven Comment
- H.97 Petrie Brad Comment
- H.98 Phillips Tim Comment
- H.99 Porcello Kalyn Comment
- H.100 Price Gloria Comment
- H.101 Purcer Steven Comment
- H.102 Ramos Michael Comment
- H.103 Roberts Jan Comment

EXHIBITS: Submitted for the October 13, 2022 open record hearing:

- H.104 Rosario-Cruz Eliacin Comment
- H.105 Roseberry Valerie Comment
- H.106 Ross Nancy Comment
- H.107 Salman Musa Comment
- H.108 Samad Rizwan Comment
- H.109 Sanvik Patricia Comment
- H.110 Shaharyar Kiran Comment
- H.111 Sheriff Nickhath Comment
- H.111a Shields Ann Marie Comment
- H.112 Sial Aisha Comment
- H.113 Siddiqui Jeff Comment
- H.114 Smith Brandon Comment
- H.115 Sparks Susan Comment
- H.116 Syed Rizwan Comment
- H.117 Synder James Comment
- H.117a Thach William
- H.118 Untener Jennie Comment
- H.119 Uppala Lalita Comment
- H.120 Vance Laurin Comment
- H.120a Walker Maggie Comment
- H.121 Walton-House Nancy Comment
- H.122 Warsame Ubah Comment
- H.123 Wee Shelley Bryan Comment
- H.124 Weisman Josh Comment
- H.125 Wentzel Roger Comment
- H.126 Wilde Nancy Comment
- H.127 Willeiksen Dave Comment
- H.128 Wilson Drake Comment
- H.128a_1 Wetzel Debbie Comment
- H.128a_2 Wetzel Debbie Comment
- H.128a_3 Wetzel Debbie Comment
- H.128a_4 Wetzel Debbie Comment
- H.128a_5 Wetzel Debbie Comment
- H.128a_6 Wetzel Debbie Comment
- H.128a_7 Wetzel Debbie Comment
- H.128a_7a Video Attachment to H.128a_7
- H.128a_8 Wetzel Debbie Comment
- H.129 Ying Angela Comment
- H.130 Zafar Sohail Comment
- H.131 Zainvi Arbia Comment

Before the

HEARING EXAMINER

Snohomish County, Washington

LIST OF EXHIBITS & WITNESSES

Applicant: Zahra Abdi - Husaynia Islamic Society of Seattle

Case No.: 20 114230 CUP

Project Name: HUSAYNIA ISLAMIC SOCIETY OF SEATTLE

- H.132 Nigel Taber-Hamilton Comment
- H.133 Zahra Abidi Comment
- H.134 Mechele Moody Comment
- H.135 Andy Lubresky Comment
- H.136 Deanna Herbert Comment
- H.137 Steve Drew Comment
- H.138 Shari Crichton Comment
- H.139 Sean Herbert Comment
- H.140 Anders LaBerge Comment
- H.141 Jennifer Wyatt Comment
- H.142 Ann Casey Comment
- H.143 CMU Graystone Comment
- H.144 Tina Fong Comment
- H.145 Ann Marie Shields Comment
- H.146 Kim Cutuli Comment
- H.147 David Johnson Comment
- H.148 Maggie Walker Comment
- H.149 Deborah Wetzel Comment with Exhibits
- H.150 Amy Amend Comment
- H.151 Ruthmarie & Anders LaBerge Comment
- H.152 Mary Lou Burns/Carter Burns Comment
- H.153 Sonja Shores Comment
- H.154 Benjamin Oostra Comment
- H.155 Tyler Oostra Comment
- H.156 Sid Roberts Comment
- H.157 Dennis O'Brien Comment
- H.158 Richard Aramburu Comment
- H.159a David Johnson Comment
- H.159b David Johnson Video 1
- H.159c David Johnson Video 2
- H.159d David Johnson Video 3
- H.160a Mark Amend Video 1, Outdoors
- H.160b Mark Amend Video 2, Bedroom View
- H.161 Mark Amend Comment
- H.162 Dale Muzzuco Comment/ Duplicates submitted by email 2/23/23 and in-person at hearing?
- H.163 Teresa Muzzuco Comment

I. RESPONSE TO AGENCY / PUBLIC COMMENTS:

- I.1 Response letter
- I.2 Response letter 2

- J. STAFF RECOMMENDATION** - Department of Planning and Development Services
J.1 Staff Recommendation
- K. SUBMITTED AT HEARING:**
K.1 Religious Land Use and Institutionalized Persons Act of 2000
- L. RECORD LEFT OPEN UNTIL OCTOBER 28 FOR SUBMITTAL OF:**
L.1 PDS File Update, Recommendation
L.2 Special Events Permit, dated April 15, 2022
L.3 Building Schematic Drawing, dated July 1, 2021 [Not considered-see Ex. N.1, p.2 fn.3]
L.4 Fatah Boualamallah, Architect, Sound Mitigation Letter dated October 19, 2022 [Not considered-see Ex. N.1, p.2 fn.3]
L.5 Lori Burke Email re: Fire Department Comments & Special Events Permits, dated October 25, 2022
- M. ADDITIONAL DOCUMENTS/COMMENTS RECEIVED AFTER CLOSE OF RECORD ON OCTOBER 28 (NOT CONSIDERED BY THE HEARING EXAMINER)**
M.1 Deborah Wetzel Comment, October 31, 2022
M.2 Ahmar Mohammad Reply to M.1, October 31, 2022
M.3 Jeff Siddiqi Reply to M.1, October 31, 2022
M.4 Deborah Wetzel Comment, November 1, 2022
M.5 Teri Johnson Comment, November 2, 2022
M.6 Amanda Azad Comment, November 10, 2022
- N. HEARING EXAMINER ORDERS**
N.1 Order Reopening Record for Limited Purpose and Setting Hearing, November 10, 2022
N.2 Order Denying Petition for Reconsideration, November 29, 2022
N.3 Order Setting Hearing for Feb 23, 2023, January 23, 2023
N.4 Order on Reconsideration, January 31, 2023
- O. ADDITIONAL DOCUMENTS/COMMENTS RECEIVED RELATED TO NOVEMBER 10 REOPENING OF RECORD**
O.1 Kim Cutuli Comment, November 16, 2022
O.2 Wetzel Petition for Reconsideration, November 21, 2022
- P. ADDITIONAL DOCUMENTS RECEIVED RELATED TO NOVEMBER 29 REOPENING OF RECORD**
P.1 Public records request Sheriff's Office
P.2 Sheriff's Responsive Request Letter K080305-111722

Before the

HEARING EXAMINER

Snohomish County, Washington

LIST OF EXHIBITS & WITNESSES

Applicant: Zahra Abdi - Husaynia Islamic Society of Seattle

Case No.: 20 114230 CUP

Project Name: HUSAYNIA ISLAMIC SOCIETY OF SEATTLE

- P.3 Sheriff's Incident Reports printed November 22, 2022
- P.4 Sheriff's Incident Reports printed January 12, 2023
- P.5 Special Events Permit Issued August 17, 2020
- P.6 Special Events Permit Conditions Page
- P.7 Complaint Investigation Request Redacted - July 22, 2019
- P.8 Complaint Investigation Report Craig Odegaard July 25, 2019
- P.9 Redacted Complaint Investigation Request- August 18, 2020
- P.10 Complaint Investigation Report Edward Soderman September 17, 2020
- P.11 Lori Burke Code Violation Investigation May 13, 2021
- P.12 Complaint Investigation Report Jeff Lambier May 2021
- P.13 Complaint Investigation Letter Jeff Lambier May 17, 2021
- P.14 Complaint Investigation Report Jeff Lambier September 6, 2022
- P.15 Complaint Investigation Report September 27, 2022
- P.16 Site Noise Evaluation- SSA acoustics dated December 11, 2022
- P.17 Staff Recommendation on Re-opened Hearing Items

Q. ADDITIONAL COMMENTS RECEIVED RELATED TO NOVEMBER 29 REOPENING OF RECORD

- Q.1 Deborah Wetzel Request for Reconsideration, January 26, 2023
- Q.2 Deborah Wetzel Comment, February 13, 2023
- Q.3 Shari Crichton Comment, February 20, 2023
- Q.4 Amy Amend Comment, February 20, 2023 [Not considered-see Ex. N.1, p. 3]
- Q.5 Deborah Wetzel Comment, February 20, 2023
- Q.6 Deborah Wetzel Comment, February 20, 2023
- Q.7 Greg Gilbertson Comment, February 21, 2023 [Comments regarding restrooms not considered see Ex. N.1, p. 3]
- Q.8 Sean Herbert Comment, February 21, 2023 [not considered see Ex. N.1, p. 3]
- Q.9 Amy Amend Comment, February 21, 2023
- Q.10 Amy Amend Comment, February 21, 2023
- Q.11 Deborah Wetzel Comment, February 21, 2023 [not considered see Ex. N.1, p. 3]
- Q.12 Mark Amend Comment, February 21, 2023
- Q.13 Mary Lou Burns Comment, February 22, 2023
- Q.14 Deborah Wetzel Comment, Amendment to Q.11, February 22, 2023 [not considered see Ex. N.1, p. 3]
- Q.15 Deborah Wetzel Comment, February 22, 2023 [not considered see Ex. N.1, p. 3]
- Q.16 Carter Burns Comment, February 22, 2023
- Q.17 Richard Aramburu Comment with Appendices A-D, February 22, 2023
- Q.18 Kim Cutuli Comment, February 23, 2023
- Q.19 Amy Amend Comment, February 23, 2023
- Q.20 Jeff Siddiqi Comment, February 23, 2023
- Q.21 Cathleen Gustavson Comment, February 23, 2023

Before the

HEARING EXAMINER

Snohomish County, Washington

LIST OF EXHIBITS & WITNESSES

Applicant: Zahra Abdi - Husaynia Islamic Society of Seattle

Case No.: 20 114230 CUP

Project Name: HUSAYNIA ISLAMIC SOCIETY OF SEATTLE

SUBMITTED AT HEARING 2/23/23

- R.1 Vanner Elander Comment – no associated email found.
- R.2 Masood Zaidi Submittal – Email from Deborah Wetzel
- R.3 Dale Muzzuco Comment (also resubmitted H.162 and H.163)

SUBMITTED AFTER CLOSE OF THE OPEN RECORD HEARING (NOT CONSIDERED BY THE HEARING EXAMINER)

- S.1 Imraan Siddiqi Comment, February 23, 2023

WITNESSES, OCTOBER 13, 2022

Onum Esonu, Amkona Consulting LLC, Applicant

Zahra Abadi, Islamic Society of Seattle

Haleh Ghazanfarpour, PDS

Erin Harker, PDS

Edward Koltonowski, Kimley-Horn

PUBLIC COMMENT IN-PERSON, OCTOBER 13, 2022

Kim Cutuli

Ann Marie Shields

Nigel Tabor-Hamilton

Brad Bradley

Mary Lou Burns

Elena Gilbertson

Greg Gilbertson

Bob Johnson

Ruth LaBerge

Tom Frodsham

Imran Siddiqui

Maggie Walker

Amy Amend

David Johnson

Dale Muzzoco

Massoud Zaidi

Mark Amend

Benjamin Oostra

Steven Drew

Deborah Wetzel

Riaz Khan

Vanner Elander

PUBLIC COMMENT VIA ZOOM, OCTOBER 13, 2022

Kelly McManus

Before the
HEARING EXAMINER
Snohomish County, Washington
LIST OF EXHIBITS & WITNESSES
Applicant: Zahra Abdi - Husaynia Islamic Society of Seattle
Case No.: 20 114230 CUP
Project Name: HUSAYNIA ISLAMIC SOCIETY OF SEATTLE

Khan Mahdi Husain
Mutahir Kazmi
Richard Aramburu
Masroor Syed
Waqar Syed
Deanna Herbert
Muhammad Kazim Ali
Katrina Stewart
Tyler Oostra
Cathleen Gustafson

10/13/22 HEARING ZOOM RECORDING

<https://us02web.zoom.us/rec/share/zErUMauAwCrWqFqmSp4Rux0UFIxOT5cv9HrJr9ch6EqwSqb-imU8KclY-BBooUeL.hlkR80hJ83j6J8k5>

RECORD LEFT OPEN UNTIL OCTOBER 28 FOR SUBMITTAL OF:

Special Event Permits for past three years
Incident Reports from Code Enforcement
Sheriff Reports
Fire District Comments

RECORD REOPENED FOR LIMITED PURPOSE, 11/10/22

RECORD REOPENED FOR LIMITED PURPOSE, 11/29/22

WITNESSES, FEBRUARY 23, 2023:

Onum Esonu, Applicant Architect
Joel Esselstrom, SAA Acoustics
Haleh Ghazanfarpour, PDS
Zahra Abidi, Applicant

PUBLIC COMMENT IN-PERSON, FEBRUARY 23, 2023:

Deborah Wetzel
Kim Cutuli,
Greg Gilbertson
Dale Muzzuco
Masood Zaidi
Amy Amend
Teri Johnson
Vanner E. Elander

PUBLIC COMMENT ON ZOOM, FEBRUARY 23, 2023:

Before the

HEARING EXAMINER

Snohomish County, Washington

LIST OF EXHIBITS & WITNESSES

Applicant: Zahra Abdi - Husaynia Islamic Society of Seattle

Case No.: 20 114230 CUP

Project Name: HUSAYNIA ISLAMIC SOCIETY OF SEATTLE

Neelam Khaki
Kelly McManus
Richard Aramburu
Cathleen Gustavson
Muhammad Kazim Ali
Carter Burns
Mary Lou Burns
Masroor Syed
Aneelah Afzali

ZOOM RECORDING, FEBRUARY 23, 2023:

https://us02web.zoom.us/rec/share/qNleHp8UdEtI9kX8kntHafznrjSK_qPcoEO-ZsfTzDPDIeOCDIQpSiBegYPex5n.tgiocsHe1fRnehNF

Figure 2: Project Areas and Program

