

cc: Dave Somers  
SKWC Board of Directors

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## Proposed Revision to SCC 30.71 – TYPE 1 PERMITS

### **30.71.027 Review or revocation of certain permits or approvals.**

(1) Upon timely filing of an appeal, the director shall not issue any permits or approvals for any work on the property subject to the appeal, unless approved by the hearing examiner.

(2) If the director determines that a permit or approval is in material violation of this title, the director may initiate proceedings before the hearing examiner to review or revoke the permit or approval, in whole or in part.

~~(32)~~ The hearing examiner shall hold a hearing in accordance with SCC 30.71.100. The director shall provide notice in accordance with SCC 30.70.050.

~~(43)~~ The hearing examiner, upon good cause shown, may direct the department issue a stop work order to temporarily stay the force and effect of all or any part of an issued permit or approval until the final decision of the hearing examiner is issued.

~~(54)~~ Review or revocation of a shoreline substantial development, shoreline conditional use or shoreline variance permit shall be in accordance with the provisions of chapter 30.44 SCC.

## Proposed Revision to SCC 30.72 – Type 2 Permits

### **30.72.085 Effect of appeal.**

(1) Timely filing of an appeal shall stay the effective date of the hearing examiner's decision until such time as the appeal is decided by the council or withdrawn.

(2) Upon timely filing of a Type 1 or Type 2 permit appeal, the director shall not issue any permits or approvals for any work on the property subject to the appeal, until such time as the appeal is decided by the council or withdrawn.



# SNO-KING WATERSHED COUNCIL



TRANSMITTED BY E-MAIL

August 19, 2020

Dave Somers, County Executive [county.executive@co.snohomish.wa.us](mailto:county.executive@co.snohomish.wa.us)

Subject: Ironwood Development  
Violation of SCC 30.71.027  
PDS Malicious Malfeasance

The Snohomish County Planning and Development Services (PDS) and Pacific Ridge Homes (the Applicant) acted maliciously and in bad faith, not notifying myself as the representative of Appellant Sno-King Watershed Council, and other parties of record before issuing the flowing demolition permits while the Ironwood project was under appeal:

- 20-111031 DEMO (parcel 003730-003-018-06)
- 20-111032 DEMO (parcel 003730-003-018-00)
- 20-111033 DEMO (parcel 003730-003-018-01)
- 20-111034 DEMO (parcel 003730-003-010-01)
- 20-111035 DEMO (parcel 003730-003-011-00)
- 20-111036 DEMO (parcel 003730-003-017-02)

The time line of this for this egregious behavior by PDS and the Applicant is as follows:

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|--|---|
| <input type="checkbox"/> June 29, 2020   | PDS Issues the Ironwood DNS-SEPA & Administrative Decision PFN:19-118531-LDA and 19-118577-FPA;                     |
| <input type="checkbox"/> July 22, 2020   | SKWC Appeals the PDS Ironwood DNS-SEPA & Administrative Decision  |
| <input type="checkbox"/> July 27, 2020   | Diane Swiben, Pacific Ridge Homes applies for 6-demolition permits;   |
| <input type="checkbox"/> July 27, 2020   | PDS rubber stamps 6-demolition applications and issues permits <u>the same day</u> , in violation of SCC 30.71.027; |
| <input type="checkbox"/> August 12, 2020 | PDS Withdraws its erroneous DNS Decision & illegal use of “phased review”;  |
| <input type="checkbox"/> August 17, 2020 | Hearing Examiner Camp Dismisses the SKWC Appeal and refunds SKWC;s \$500 filing fee;                                |
| <input type="checkbox"/> August 17, 2020 | Lider is notified by Ironwood neighbors of ongoing demolition;  |

- August 17, 2020 Lider/SKWC is notified by Sarah Titcomb<sup>1</sup>, PDS of the demolition permits issuance, after Lider initiates contact; and
- August 18, 2020 SKWC Attorney Bryan Telegin is notified that 21-day LUPA appeal period has lapsed.

All work on this project, including demolition work, should have been suspended until the appeal was resolved, pursuant to County Code SCC 30.71.027. The SEPA threshold determination was based on the premise of home construction to replace demolished structures in the environmental checklist submitted by the Applicant, that included demolition of seven homes<sup>2</sup>.

WAC 197-11-340(2)(a) explicitly states:

“An agency shall not act upon a proposal for fourteen days after the date of issuance of a DNS if the proposal involves:

- (i) Another agency with jurisdiction;
- (ii) Demolition of any structure or facility not exempted by WAC 197-11-800 (2)(f) or 197-11-880;<sup>3</sup>”

Yet PDS still issued the Ironwood demolition permits knowing full well that the demolition described in the DNS Environmental Checklist was under appeal. PDS intentionally concealed the Ironwood demolition applications and permits thereby effectively denying the SKWC an opportunity to request the Hearing Examiner to issue a stop work order to temporarily stay the force and effect of the issued demolition permit, until the final decision of the hearing examiner is issued, per SCC 30.71.027(3); or to allow SKWC time to file a LUPA appeal. Had I not been alerted by an observant Ironwood neighbor on August 17, 2020, this code violation still would not have been discovered.

The demolition permit application requires the Applicant to certify that:

I will comply with all provisions of law and ordinances governing this type of construction work, whether specific herein or not.

Obviously neither PDS or the Applicant had any intention of complying with the laws or ordinances governing the stay of all work, including demolition, at the Ironwood project site required because of SKWC’s appeal. PDS has demonstrated that it is not trustworthy to administer this permit and has shown favoritism to the Applicant, tainted the fair permit review process, and thwarted public participation.

Because of PDS’s actions illegally piecemealing the SEPA determination, it can be anticipated that the Applicant will use the demolition of these houses as a, “camel’s nose under the tent argument” that the Ironwood development must now move forward because they have

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<sup>1</sup> Reference Attachment 1: 2020-08-18 Titcomb e-mail to Lider

<sup>2</sup> Reference SKWC Appeal, Attachment 3, Ironwood PRD SEPA Checklist, Sections 8d and 8j, received by PDS 6/4/20 <sup>3</sup> The requirements of WAC 197-11-800 (2)(f) or 197-11-880 apply only to minor demolition and do not apply in this case.

demolished the homes under erroneous permits issued by PDS and must now recoup their expenses.

1. The County Executive should direct PDS Director Barbara Mock to immediately suspend all building permits related to the Ironwood project, pursuant to SCC 30.71.027; and
2. PDS administration of this permit should be halted and completely removed from PDS's hands; and an independent outside consultant brought in at the County's and Applicant's expense to review and administer future Ironwood permits.

Only this way may a fair review of future permit approval process be provided.

Your prompt response is requested and expected.

Sincerely,  
SNO-KING WATERSHED COUNCIL



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Attachment 1: 2020-08-18 Titcomb e-mail to Lider

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