

1  
2  
3  
4  
5 BEFORE THE ETHICS COMMISSION  
OF SNOHOMISH COUNTY

6 William Lider, PE and Linda Gray,  
7 Natural Persons,

COMPLAINT OF ETHICS  
CODE VIOLATION

8 vs.

9 Merle Ash, Snohomish County Planning  
10 Commissioner,  
11 Alleged Violator

12 Dave Somers, County Executive

13 Respondent.

14 Come now the Complainants above named and, based upon facts within the personal  
15 knowledge of the Complainants, allege a violation of chapter 2.50, Snohomish County Code,  
16 as follows:

17 **I.**

18 The full names, titles, residence addresses, mailing addresses and phone numbers of the  
19 Complainant are:

20 William Lider, PE  
21 Lider Engineering, PLLC  
22 2526 – 205th Place SW  
Lynwood, WA 98036  
425-776-0671

Linda Gray  
22629-78th Ave SE  
Woodinville, WA 98072  
206-818-2293

23 **II.**

24 The full name, title, residence address (if known) mailing address and phone number (if  
25 known) of the Respondents are:  
26

1 Merle Ash, Alleged Violator  
2 Land Technologies, Inc.  
3 18820 3rd Ave NE  
4 Arlington, WA 98223

Dave Somers, Respondent  
Snohomish County  
3000 Rockefeller Avenue M/S 407  
Everett, WA 98201

### III.

5 A detailed factual description of the alleged violation including the date, time and place of  
6 each occurrence is as follows:

7 The chronology of events is as follows:

- 8
- 9 ➤ Merle Ash, Developer, Master Builders Association (MBA) member, was appointed to  
10 the Planning Commission, District 1, on January 22, 2014 by Snohomish County  
11 Council member Ken Klein, former Vice Chair SC Planning Commission. Since that  
12 time, he shepherded his Frogmal Estates development design in Edmonds from the DS  
13 decision in 2007 to May 25, 2016 Snohomish County Hearing Examiner's affirmation  
14 of site – 112 lots, to drive Ordinance 18-106, to Amendment 1A providing retroactive  
15 to Jan 11, 2016.
- 16 ➤ On August 4, 2005, the Frogmal subdivision application deemed completed.
- 17 ➤ On August 27, 2007 Determination of Significance (DS) requiring SEPA  
18 environmental review was issued.
- 19 ➤ On January 22, 2014 Merle Ash appointed to Planning Commission
- 20
- 21 ➤ On July 23, 2014, the Frogmal Draft EIS issued; and on September 13, 2015, the Final  
22 EIS issued both authored by Merle Ash in violation of Planning Commission Bylaw  
23 Article XI. (Exhibit 1)
- 24 ➤ In 2015, MBA, PAC & 45 of the largest Building Industry made campaign donations  
25 total \$185,056 for Dave Somers 2015 County Executive election bid. (Exhibit 2)
- 26 ➤ May 25, 2016, The Hearing Examiner issued affirmative decision on Frogmal Estates.

- 1
- 2 ➤ August 1, 2016 Snohomish County Council voted 3-2 to affirm the Hearing
- 3 Examiner’s decision granting conditional approval. (Affirmative Kline, Ryan,
- 4 Dunshee) (Negative Sullivan, Wright). (Exhibit 2) (Exhibit 2a)
- 5
- 6 ➤ March 6, 2017 on appeal, King County Superior Court sided with Snohomish County
- 7 in approval of permit.
- 8
- 9 ➤ In 2017, MBA & 45 of the largest Building Industry campaign donations total \$77,587
- 10 for Sam Lowe, \$77,360 for Nate Nehring, and \$37,500 (no MBA) Terry Ryan all for
- 11 2017 Council member bids. (Exhibit 2) (Exhibit 2a)
- 12
- 13 ➤ On March 7, 2018 Tyler Foster, PE, an employee of Mr. Ash’s Land Technologies
- 14 firm, sealed design drawings for Frogal Estates requiring zero setbacks for retaining
- 15 walls from property line, in violation of then current code. These drawings were then
- 16 submitted to Snohomish County Planning and Development Services under PFN 18-
- 17 112370-LDA, shortly thereafter. (Exhibit 3)
- 18
- 19 ➤ June 29, 2018 at 10:00 am William Lider attended a meeting at the County
- 20 Administration Building in room SCD-Conf AdmW2a-08 Project Room, at the
- 21 request of Stephen Fesler. This meeting was called by Stephen Fesler, for the stated
- 22 purpose of, “Reforming Ground Disturbance Provisions (Stakeholder Discussion)”.  
23 Under the old land use rule, retaining walls or other development could only be built  
24 on the property line, with neighbor’s permission. In many cases, such as Frogal, this  
25 permission was not granted by neighbors, requiring developments to implement a 2-  
26 foot setback in building and grading at property lines. At this meeting in personal  
conversation, Mr. Fesler confirmed to Mr. Lider that Merle Ash was driving  
Ordinance 18-106 change. (Exhibit 1)
- In a contemporaneous e-mail dated August 20, 2018 on the PDS proposal, Reforming  
Ground Disturbance Provisions: Draft Code Language, Mr. Lider conveyed his  
understanding that was based on Mr. Lider’s personal discussion with Mr. Fesler, that,

1 “This rule change is being pushed by development community and specifically by  
2 Merle Ash.” (Exhibit 4)

- 3
- 4 ➤ At the September 25, 2018 Snohomish County Planning Commission, Stephen Fesler  
5 made the first presentation of the proposed Ordinance 18-106 at time mark 2:28 in the  
6 audio recording of the hearing. One of the stated reasons for Ord. 18-106 was that  
7 neighbors almost never gave permission - mentioned at time mark 2:33:50-2:34:19.  
8 At time mark 2:43, Merle Ash opines on his opinion that no setback be required for fill  
9 placement or fill retaining walls. Mr. Ash failed to disclose that this change would  
10 directly benefit his firm’s design of the Frogal Estates project. (Exhibit 13) (Exhibit  
11 3)
- 12 ➤ At the October 23, 2018 Snohomish County Planning Commission Hearing voted the  
13 Commission’s recommended approval of the Ordinance 18-106 to eliminate building  
14 and grading setbacks at property lines. Mr. Ash failed to disclose his conflict of  
15 interest in Ordinance 18-106, the Frogal design and voted yes in violation of SCC  
16 2.50.030 (1) (3) a b c and 2.50.040. If Ordinance 18-106 did not pass, a significant  
17 redesign to the Frogal project would be required. (Exhibit 1) (Exhibit 5)
- 18 ➤ December 6, 2018, clearing and logging commenced on the Frogal site. On  
19 December 10, 2018, Mr. Lider informed Mr. Countryman, PDS Supervisor, that  
20 clearing up to the property lines had occurred at Frogal in violation of current County  
21 Code. Snohomish County PDS took no action to halt clearing up to the property line  
22 and did not respond to Mr. Lider’s December 10, 2018 e-mail (Exhibit 6). Mike  
23 McCrary acknowledged receipt of Mr. Lider’s e-mail (Exhibit 6) at 8:59 AM the same  
24 day.
- 25 ➤ Following Mr. Lider’s e-mail (Exhibit 6) on December 10, 2018, ECAF 67641  
26 included the County Executive recommended approval of Ordinance 18-106 and  
adding Amendment 1A, without explanation, to retroactively allow developers to opt-  
in any developments vested after 1/16/16. Mr. McCrary signed off on the Amendment

1 1-A addition for Barbara Mock; heretofore there had been no discussion in the  
2 Stakeholders' meeting or at any of the Planning Commission meetings for a need to  
3 make Ord. 18-106 apply retroactively. Since Frogmal was approved May 25, 2016,  
4 this last minute, "opt-in" amendment was introduced by the Executive, without  
5 explanation, public/stakeholder notification, or public input. The code change was  
6 then retroactively applied to the benefit of Mr. Ash's/Land Technologies design for  
7 the Frogmal 112 lot subdivision that had proceeded in violation of code at that time, to  
clear up to the property line. (Exhibit 7)

- 8
- 9 ➤ December 18, 2018 Snohomish County Council Planning & Community development  
10 meeting recording. At clip time mark 12:00 Steven Fesler discussed the Executive  
11 approved amendment to make Ord. 18-106 retroactive, after the PDS receipt of Mr.  
12 Lider's December 10, 2018 e-mail. At clip- time mark 15:17 Terry Ryan asks if the  
13 example displayed is of development right on the property line. It is confirmed.  
(Exhibit 8).
  - 14 ➤ December 19, 2018 Snohomish County General Legislation Session set the Hearing  
15 date January 16, 2019.
  - 16 ➤ January 16, 2019, the County Council Hearing where Ordinance 18-106 and  
17 Amendment 1A were approved by the Snohomish County Council (affirmative  
18 Nehring, Lowe, Ryan, & Sullivan; negative Wright) after confirmation the Executive  
19 and the Planning Commission both recommended approval. Of note, Merle Ash again  
20 failed to disclose his conflict of interest with Frogmal, his position as a Planning  
21 Commissioner and testified as a citizen not as a developer at this January 16, 2019  
22 hearing. Mr. Ash went on to state in his testimony, referring to the 2-foot rule  
23 ordinance change that, "I understand that I am going to get rich from it, so I'd really  
24 like to have you say yes." (Time Mark 54:54, Exhibit 9)
- 25  
26

- January 17, 2019, Dave Somers 2019 campaign received approximately \$20,000 from 24 different developers including \$1,500 from Merle Ash (Land Technologies, Inc.) and \$2,000 from Integral NW (owner of Frogнал) (Exhibit 2) (Exhibit 2a) (Exhibit 10)
- On January 20, 2019, the Everett Herald noted that Merle Ash was, “A consultant, Ash has played a lead role shepherding the Frogнал project through the county’s land-use approval process.” (Exhibit 11)
- On March 13, 2019 Sthaeli Consultants issued a report on the non-constructability of the Frogнал design submitted by Mr. Ash’s firm. Sthaeli Consultants were retained by the Alderwood Water and Wastewater District (AWWD) to independently review Mr. Lider’s concerns. Sthaeli found that the sanitary sewer design was very high risk and strongly encouraged AWWD to reconsider the installation of the sewer as proposed by Mr. Ash. (Exhibit 14)
- On or about August 30, 2019 PDS approved Mr. Ash’s Frogнал project Permit No. 18-112370-LDA to proceed with grading and construction of retaining walls, knowing that sanitary sewer design required for the project was not constructible on the steep slope next to a landslide hazard area and that no viable solution to this fatal flaw had been proposed or approved by the AWWD and that sanitary sewers are required for all developments in Urban Growth Area pursuant to SCC 30.29.010.
- On July 23, 2020, Frogнал Holdings, LLC filed for Chapter 11 Bankruptcy in U.S. Bankruptcy Court, Western District of Washington (Seattle) Bankruptcy Petition #: 20-11966-TWD. In this filing it was revealed that Frogнал Holdings owed Mr. Ash’s firm Land Technologies over \$200,000 (Exhibit 12).

#### IV.

The specific section(s) of the Ethics Code which have allegedly been violated are: SCC 2.50.030 (1), (2), (3) a and b, 2.50.040. Mr. Ash failed to disclose his business interest in Frogнал Development and the benefit to his firm, Land Technologies if Ordinance. 18-106

1 and Amendment 1A were to be enacted. Mr. Ash either needs to resign his position or be  
2 removed by the County Council.

3 V.

4 All available documentation or other evidence to support the allegations of this complaint is  
5 attached hereto, marked Exhibits 1 through 11, and hereby made a part hereof.  
6

7 Exhibit 1 - Planning Commission bylaws

8 "ARTICLE XI: CONFLICT OF INTEREST

9 If it shall appear to any member at any time that a conflict of his or her interest may arise  
10 which could embarrass the integrity of the Commission, it shall be the member's duty to  
11 openly state the nature of such conflict, and shall then refrain from any subsequent  
12 Commission participation, deliberation or voting on the subject matter for which conflict  
13 arises. (Emphasis Added).

14 Exhibit 2 – Excel spreadsheet from Public Disclosure Commission 2015, 2017 and 2019  
15 Campaign donations

16 Exhibit 2a – Table with Council members, terms and campaign donations

17 Exhibit 3 – Frogal Estates Sheet C-16 Site Sections Sealed March 7, 2018

18  
19 Exhibit 4 – 2018-08-20 Lider email

20  
21 Exhibit 5 – October 23, 2018 Snohomish County Planning Commission Hearing Minutes

22 Exhibit 5a Recording - Recording, clip at 54:37 mentioned example of fence on  
23 property line is not legal s/be pursued as a violation.

24 <https://www.snohomishcountywa.gov/DocumentCenter/View/64499/PC-2018102> -

25 Exhibit 6 - 2018-12-10 Lider e-mail to Countryman  
26

1 Exhibit 6a - 2018-12-10 Lider e-mail to Countryman Attachment Photo 1

2 Exhibit 6b - 2018-12-10 Lider e-mail to Countryman Attachment Photo 2

3  
4 Exhibit 7 – Ordinance 18-106 Packet, ECAF

5 Exhibit 7a - Amendment 1A

6 Exhibit 8 - December 18, 2018 Snohomish County Council Planning & Community  
7 development meeting recording beginning at clip at time mark 15:17 Terry Ryan asks if the  
8 example displayed is of development right on the property line. It is confirmed

9 [https://snohomish.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=6623&meta\\_id=430796](https://snohomish.granicus.com/MediaPlayer.php?view_id=2&clip_id=6623&meta_id=430796)

10 Exhibit 9 - Jan 16, 2019 Snohomish County Council Hearing

11 [https://snohomish.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=6650&meta\\_id=433598](https://snohomish.granicus.com/MediaPlayer.php?view_id=2&clip_id=6650&meta_id=433598) clip  
12 at time mark 52:45 MBA testimony, time mark 54:54 Merle Ash testimony admits he's going  
13 to get rich, and time mark 1-05:31 Terry Ryan confirmed Exe and Planning Commission  
14 recommended approval.

15 Exhibit 10 - Donations for Dave Somers 2019 campaign showing 24 building industry  
16 donations totaling \$20,000 including \$1500 Land Technologies Inc (Merle Ash) and \$2000  
17 from Integral NW (owner of Frogal) dated January 17 the day after Snohomish County  
18 Council approved.

19 Exhibit 11 - 2019-01-20 Herald Article SCC30.63B.130

20 Exhibit 12 - Bankruptcy Filing Case No. 20-11966-TWD

21 Exhibit 13 – Recording of Snohomish County Planning Commission meeting, September  
22 25, 2018, Stephen Fesler presentation at time mark 2:28 and Merle Ash opining on reducing  
23 fill and fill wall setbacks at time mark 2:43.

24 <https://www.snohomishcountywa.gov/DocumentCenter/View/64513/PC-20180925-Recording>



1 Exhibit 14 - 2019-03-13 Frognal - Staheli HDD Sewer NOT CONSTRUCTIBLE

2  
3 VI

4 The names, addresses and phone numbers of other persons having knowledge regarding such  
5 violation, and a brief summary of the knowledge of each of such persons is as follows: (insert  
6 N/A if not applicable):

7 Steven Fesler, PDS Planner

8 Address: Unknown

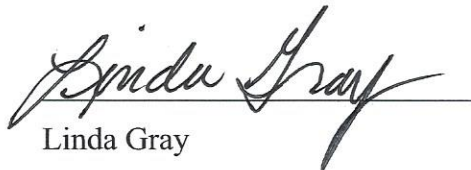
9 Knowledge of stakeholder meetings and origins of Ord. 18-106

10 I declare under penalty of perjury under the laws of the State of Washington that the  
11 foregoing statements are true and correct to the best of my knowledge.

12 DATED this 3<sup>rd</sup> day of August, 2020

13  
14  
15 

16 \_\_\_\_\_  
17 William Linder

18  
19  
20 

21 \_\_\_\_\_  
22 Linda Gray



## Snohomish County

### PLANNING COMMISSION PLANNING & DEVELOPMENT SERVICES

3000 Rockefeller Avenue, M/S #604  
Everett, WA 98201  
(425) 388-3285

## PLANNING COMMISSION BYLAWS

April 22, 2014

<a href="#">ARTICLE I</a>	Establishment
<a href="#">ARTICLE II</a>	Members
<a href="#">ARTICLE III</a>	Officers
<a href="#">ARTICLE IV</a>	Meetings
<a href="#">ARTICLE V</a>	Agenda and Staff Reports for Regular Meetings
<a href="#">ARTICLE VI</a>	Minutes and Records
<a href="#">ARTICLE VII</a>	Hearings
<a href="#">ARTICLE VIII</a>	Quorum, Majority and Voting Requirements
<a href="#">ARTICLE IX</a>	Public Statements
<a href="#">ARTICLE X</a>	Ex-Parte Contacts and Sharing of Information
<a href="#">ARTICLE XI</a>	Conflict of Interest
<a href="#">ARTICLE XII</a>	Ethics
<a href="#">ARTICLE XIII</a>	Committees
<a href="#">ARTICLE XIV</a>	Order of Business
<a href="#">ARTICLE XV</a>	Attendance
<a href="#">ARTICLE XVI</a>	Conduct of Business
<a href="#">ARTICLE XVII</a>	Decisions of the Commission
<a href="#">ARTICLE XVIII</a>	Amendments to Bylaws

### ARTICLE I: ESTABLISHMENT

This Commission was established under the authority of RCW 36.70.060 and under the authority of the Snohomish County Charter, sections 2.20 and 11.30. The official title of this Commission shall be the "Snohomish County Planning Commission."

### ARTICLE II: MEMBERS

The Planning Commission shall consist of eleven members who shall be appointed by the County Council. Members shall serve for a term of four years and may be reappointed for a second term by the Council. One of the members shall be an at-large position that may be

made by the County Executive and any Council member. The others, two from each Council district, shall be nominated by the Council member representing that district. Members shall reside within Snohomish County. If a member removes his or her legal residence from Snohomish County, the Commission shall declare that member's position vacant and shall so notify the Council and the County Executive. If a member removes his or her legal residence from the district from which he or she was appointed, that member shall notify the Council in writing of the change in residence. The Council may declare a vacancy in any position held by a member whose legal residence is removed from the Council district for which he or she was appointed, but not from Snohomish County. If the Council declares a vacancy, that member may continue to serve until the vacancy is filled by the Council, or until that member's term expires, whichever occurs first.

### **ARTICLE III: OFFICERS**

The elected officers of the Commission shall be a Chairperson and Vice-Chairperson. The Vice-Chairperson shall serve in the absence of the Chairperson. In the absence of both the Chairperson and Vice-Chairperson, the members present at such meeting shall elect a Chairperson Pro-Tempore.

The terms of office for Chairperson and Vice-Chairperson shall be one year (January through December); for Chairperson Pro-Tempore, only for the meeting at which appointed. In the event of a vacancy from office, a replacement Chairperson and/or Vice-Chairperson shall be elected to serve the unexpired term of the vacant office(s). The vacancy shall be filled forthwith.

The Director of the Department of Planning and Development Services or representative shall act as Secretary and shall provide other staff services necessary to carry on the work of the Planning Commission.

### **ARTICLE IV: MEETINGS**

The regular meetings of the Commission shall be held on the fourth Tuesday of every calendar month at a time set in advance by the Commission so as to ensure reasonable public participation, PROVIDED:

If the regular meeting falls on a legal holiday, that meeting shall automatically be held on the next day which is not a holiday unless the Commission, by formal action, sets a special meeting day.

A quorum of the Commission may, at any regular meeting, substitute another day for the regular meeting of the following month and shall cause notice to be given thereof in the manner provided for notice of special meetings.

If, for any reason, the business to be considered at a regular or special meeting day cannot be then completed, the Commission may at such meeting recess and designate the time to reconvene to consider the uncompleted matter, provided that such action shall be publicly

announced at the meeting, and notice thereof shall be immediately posted in a conspicuous place on the County Campus. Provided, further, that if such reconvened meeting is not held on a regular meeting day, notice thereof shall be given in the manner provided for notice of special meetings.

Special meetings may be called at any time by the Chairperson or, in the Chairperson's absence, by the Vice-Chairperson, or by a majority of the members of the Commission, by delivering personally, electronically, or by mail, written notice to each member of the Commission; and to each local newspaper of general circulation, and to each local radio or television station which has on file with the Commission a written request to be notified of such special meeting or of all special meetings. Such notice must be delivered personally, electronically or by mail at least twenty-four hours before the time of such meetings as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No discussions, actions or decisions shall be taken on any other matter at such meetings. Such written notice may be dispensed with as to any member who at or prior to the time and meeting convenes files with the Secretary of the Commission a written waiver of notice. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.

All regular and special meetings of the Commission shall be open and the public shall be permitted to attend.

#### **ARTICLE V: AGENDA AND STAFF REPORTS FOR REGULAR MEETINGS**

A copy of the agenda for every regular meeting of the Planning Commission shall be provided each member not less than six calendar days prior to the date of the meeting at which such agenda is to be considered.

The Secretary of the Planning Commission, in consultation with the Chairperson, shall set the agenda for any given meeting. No subject matter shall be placed on the agenda for action at any given meeting which was not formally filed with the Department of Planning and Development Services, as hereafter provided, or which was not initiated by motion of the Planning Commission. The Chairperson may, however, place housekeeping and non-action items on the agenda.

Where any matters filed with the Department of Planning and Development Services for consideration and action by the Planning Commission, which matter is deemed by the Director of the Department of Planning and Development Services to be of concern to other departments of the County and other public agencies in the County, the Department of Planning and Development Services shall notify each such interested department of the impending matter and request a report or recommendation, if any, on the matter. The notification to the other departments shall include any pertinent information, maps or other

material and data as will clearly indicate the type of action under consideration. Information resulting from the departmental reports and recommendations shall be considered by the Planning Commission at the time the matter is before it.

The Planning Commission Secretary shall review the times on the agenda in consultation with the Chairperson and then submit the agenda and pertinent staff materials to the Planning Commission Clerk for notification and distribution.

## **ARTICLE VI: MINUTES AND RECORDS**

The Commission meetings shall be summarized in the minutes, which constitute a portion of the public record. The minutes shall be reviewed by the Chairperson and approved by motion by the Commission at the following meeting. An electronic recording shall be made of each meeting. The recordings shall be made a part of the public record along with applications made under provisions of law and the complete files of proceedings and actions taken in connection therewith. The agenda, with a record of action taken and attendance sheet, signed by the members in attendance and the Commission Secretary, shall also be made part of the public record.

A copy of public records from any meeting shall be provided by the Department of Planning and Development Services staff to anyone on request.

Formal recommendations considered by the Planning Commission shall constitute a part of the public record of the meeting at which such recommendation was considered, provided that the text of any such recommendation may be considered as being contained in the public record when properly identified as to the agenda item and/or case file number.

All actions of the Planning Commission, whether by motion or resolution, shall be considered conclusive as to general import as of the date of such action, provided that such action, as to details of phraseology, conditions, etc., shall be subject to approval by the Planning Commission Chairperson presiding over the specific action.

## **ARTICLE VII: HEARINGS**

Hearings conducted by the Planning Commission shall conform to the provisions of law in the matter of public notice, time, number and reporting.

In all cases where it shall appear any notice of publication or posting or communication may be defective, any member, after hearing the statement of the defect, can rise to a point of order and demand that the issue of notice be tabled and that the matter proceed, reserving to any aggrieved person the right to appeal and, upon a vote by the majority, the issue of notice shall become moot as to the Planning Commission. The tabling of an issue of notice shall not prejudice the rights of any aggrieved party to full consideration of the apparent defect at a subsequent review phase.

- 1.1.0 Public hearings may not be held in the same meeting as a briefing on the same topic unless overridden by a two-thirds (2/3) vote of the currently appointed members of the Planning Commission.

## **ARTICLE VIII: QUORUM, MAJORITY AND VOTING REQUIREMENTS**

Six members of the Planning Commission shall constitute a quorum. All actions of the Planning Commission shall require a majority vote of the confirmed Commission membership at a meeting at which a quorum is present except in the case outlined in Article VII, 1.1.0. The term "action" as used in this article means recommendations made to the county council, decisions to initiate Type 3 legislative action or recommendations of other code amendments.

## **ARTICLE IX: PUBLIC STATEMENTS**

While any member has a right to express personal views and opinions pursuant to our Constitutional guarantees of freedom of speech, statements purporting to represent the view or pronouncements of the Commission or committees thereof shall not be made in advance of the Commission's final determination of the matter, except as directed or authorized by a majority of the entire Commission at any special or regular meeting or public hearing. The Commission shall appoint one of its members to issue such statements as the Commission deems necessary. This shall not prejudice the right of any dissenting members to express their minority position.

Commission members who wish to speak to or submit written opinions to government bodies or the media on issues commonly associated with those considered by the Planning Commission but not being immediately considered by it should nonetheless identify themselves as Commission members and state that they are acting for themselves and not for the Commission, unless they are authorized by the Commission to do so.

## **ARTICLE X: EX-PARTE CONTACTS AND SHARING OF INFORMATION**

It is in the public interest that, to the greatest extent possible, all members of the Planning Commission should have an opportunity to be aware of and act upon the information that is available to other members. Therefore, all members are individually encouraged to place upon the record of the Planning Commission the substance of all ex-parte contacts on their part that have occurred during the time that a quasi-judicial issue has been introduced and is still before the Planning Commission for a decision. Examples of legislative issues on which the Planning Commission deliberates and make recommendations include comprehensive plan amendments, area-wide rezones, code amendments, and other policy recommendations.

With respect to matters of a quasi-judicial nature, members shall abide by the provisions of the Appearance of Fairness Doctrine of the State of Washington, as codified at chapter 42.36 RCW; and the Snohomish County Code of Ethics, chapter 2.50 Snohomish County Code ("SCC"), as adopted or subsequently amended. Examples of quasi-judicial land use matters are those which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceedings. Ex-parte communications during the pendency of any

quasi-judicial proceeding are prohibited unless the member engaged in such communications: 1) places on the record the substance of any written or oral ex-parte communications concerning the decision of action; and 2) provides that a public announcement of the content of the communication and of the parties' rights to rebut the substance of the communication shall be made at each hearing where action is considered.

## **ARTICLE XI: CONFLICT OF INTEREST**



If it shall appear to any member at any time that a conflict of his or her interest may arise which could embarrass the integrity of the Commission, it shall be the member's duty to openly state the nature of such conflict, and shall then refrain from any subsequent Commission participation, deliberation or voting on the subject matter for which conflict arises.

## **ARTICLE XII: ETHICS**

Planning Commission members are subject, as appointed officials, to chapter 2.50 SCC, as well as state law. SCC 2.50.080 creates a Snohomish County Ethics Commission to receive complaints of ethics violations and otherwise administer chapter 2.50 SCC. Citizen or member complaints concerning the standards of behavior or conduct of the Planning Commission or its members should be filed in accordance with chapter 2.50 SCC.

## **ARTICLE XIII: COMMITTEES**

Committees may be created by majority vote. A committee shall be comprised of between two and five members. If more than five members wish to serve on a committee, the appointees will be decided by majority vote of the Commission. The Chairperson or Commission may appoint or recommend its members to outside committees.

## **ARTICLE XIV: ORDER OF BUSINESS**

The order of business at regular meetings shall be:

- (a) Roll call and, at the first meeting of the calendar year, elections
- (b) Announcement of the agenda
- (c) Approval of minutes of the previous meeting
- (d) Status of past recommendations and future agenda items
- (e) Old business
- (f) New business
- (g) Adjournment

## **ARTICLE XV: ATTENDANCE**

Each Commission member should strive to attend as many Commission meetings as possible, to hear, read and consider the briefing information provided by county Planning staff and the written and oral testimony submitted by the public, and to express his or her views as a part of full and complete discussions by the body.

Four unexcused absences in any calendar year by any member obligate the Commission to declare the position vacant and to promptly notify the Council and Executive of such vacancy.

Except in instances of sudden illness or other unforeseen hardship, members shall advise the Department of Planning and Development Services, who shall notify the Chairperson, of their intended absence prior to 4:30 p.m. on the day prior to the meeting. Excused absences will be recorded at the roll call.

## **ARTICLE XVI: CONDUCT OF BUSINESS**

The Planning Commission Chairperson shall conduct the meetings.

Members desiring to question staff, applicants or witnesses shall first ask leave of the Chairperson.

The Commission Chairperson may participate in the discussion and debate of matters before the Commission, and may vote on such matters.

The Chairperson shall neither move nor second a motion before the Commission.

The Chairperson shall be responsible for the compilation, approval and submittal of individual letters of transmittal to the County Council concerning each Commission action on matters presented to the Commission that seek recommendation to the Council.

## **ARTICLE XVII: DECISIONS OF THE COMMISSION**

The Planning Commission's principal purpose is to provide recommendations to the County Council on matters referred to the Commission for action.

### Majority Recommendations and Minority Reports

A majority recommendation is reached by a majority vote of the appointed Commission. For each majority recommendation reached by the Commission and intended for transmittal to the County Council, a separate written report shall be prepared. The report or reports shall include findings of fact and conclusion therefrom, and whether the motion was to approve, approve with amendments or deny the proposal. The report or reports shall also include any proposed amendments, if applicable, and the final vote of each member in attendance. In cases of approval with amendments, the statement shall include explanations and reasons for the amendments.

In cases where majority, but non-unanimous decisions are reached, minority reports may be prepared and forwarded to the Council. When the minority consists of a single member, that member may give notice to the Chairperson of intent to prepare a minority report. When the minority consists of more than one member, the minority report may be prepared by the Department of Planning and Development Services staff upon request. Notice of intent to file a minority report must be provided to the Chairperson within three calendar days of the



Commission decision. A minority report or reports shall be submitted within ten calendar days of the Commission decision or the right to transmit such report shall be deemed to have been waived. All minority reports shall be signed by the members who prepare or request preparation of the report and shall be transmitted by the Chairperson to the Department of Planning and Development Services at the same time as the majority recommendation.

In every case where the majority action of the Planning Commission is overruled, reversed or not adopted by the County Council, the Director of the Department of Planning and Development Services will make available to the Planning Commission, at its next regular meeting, the findings, conclusions and decision of the Council.

### Non-Recommendation Reports

In cases where a recommendation is not reached, Department of Planning and Development Services staff shall draft a written non-recommendation report for transmittal to Council. The Chairperson shall review this report prior to submittal. Similar in form to a majority recommendation, the non-recommendation report shall include findings of fact and conclusion therefrom, whether the motion voted upon was to recommend approval, approval with amendments, or denial of the given proposal, and the final vote made by each member in attendance. The non-recommendation report will summarize the major differences in opinion that lead to the failure to reach a majority decision. To aid in this summary, individual members wishing to provide the Chairperson with succinct statements of their principal considerations on the issue may submit these within three calendar days of the date of the vote.

Copies of all Commission transmittal letters to Council shall be provided to all Commission members.

### ARTICLE XVIII: AMENDMENTS TO BYLAWS

The Planning Commission may at any regular or special meeting amend the Commission's Bylaws. Any proposal to amend the Bylaws must be requested by a member of the Commission under New Business and must then be included as an item on a subsequent Commission agenda. Commission action to amend the Bylaws shall be made by motion and shall require a majority vote of the appointed Commissioners. Amendments to the Bylaws shall be incorporated into the text of the Bylaws and will thus constitute a formal, dated revision that that will supersede all previous versions of the Bylaws. At such times as the Bylaws are amended, all earlier Resolutions concerning Commission operating procedures, with any desired revisions therein, will be incorporated into the new Bylaw text and thus made moot as Resolutions.

Bylaws adopted the 26th day of April 1971.

AMENDED AS INCORPORATED HEREIN  
the 26th day of October 1971.

AMENDED AS INCORPORATED HEREIN  
the 27th day of January 1981.

AMENDED AS INCORPORATED HEREIN  
the 28th day of May 1991.

AMENDED AS INCORPORATED HEREIN  
the 25th day of April 1995.

AMENDED AS INCORPORATED HEREIN  
the 9th day of April 1996.

AMENDED AS INCORPORATED HEREIN  
the 26<sup>TH</sup> day of August 2008.

AMENDED AS INCORPORATED HEREIN  
the 25<sup>th</sup> day of August 2009.

AMENDED AS INCORPORATED HEREIN  
the 23<sup>rd</sup> day of March 2010.

AMENDED AS INCORPORATED HEREIN  
the 22<sup>nd</sup> day of April 2014.

## STEPHANIE WRIGHT, 2019 Candidate Overview

Registration: December 30, 2018 (C1 report) Office: COUNTY COUNCIL MEMBER Primary Election Status: None reported General Election Status: None

### Largest Contributions

Cash contributions: \$20,748 [View/Download](#) Contributions by contributor category Individual: \$1,550 [Click chart to display dollar amounts.](#) As of June 2019 for details, total is as of

[https://twitter.com/intent/tweet?text=Explore+the+STEPHANIE+WRIGHT+campaign+for+COUNTY+COUNCIL+MEMBER,+2019+at+the+PDC&url=https%3A%2F%2Fwww.pdc.wa.gov%2Freports%2Fcampaign\\_finance\\_overview%3Felection\\_year%3D2019%26filer\\_id%3DWRIGS%2520%252037%23contributions-content](https://twitter.com/intent/tweet?text=Explore+the+STEPHANIE+WRIGHT+campaign+for+COUNTY+COUNCIL+MEMBER,+2019+at+the+PDC&url=https%3A%2F%2Fwww.pdc.wa.gov%2Freports%2Fcampaign_finance_overview%3Felection_year%3D2019%26filer_id%3DWRIGS%2520%252037%23contributions-content)  
[http://www.facebook.com/sharer/sharer.php?u=https%3A%2F%2Fwww.pdc.wa.gov%2Freports%2Fcampaign\\_finance\\_overview%3Felection\\_year%3D2019%26filer\\_id%3DWRIGS%2520%252037%23contributions-content](http://www.facebook.com/sharer/sharer.php?u=https%3A%2F%2Fwww.pdc.wa.gov%2Freports%2Fcampaign_finance_overview%3Felection_year%3D2019%26filer_id%3DWRIGS%2520%252037%23contributions-content)

Contributor name contains Search Clear

#### Top 45 contributors to this campaign

Name	City	Industry	Cash/In-kind	Amount
SCHATZBERG DEBRAH	MARYSVILLE		Cash	1000
THOMPSON JOSH	EDMONDS		Cash	250
WALLACE JESSICA	EDMONDS LAKE		Cash	250
BOE KAREN SMALL	STEVENS		Cash	50
CONTRIBUTIONS			Cash	25

## DAVID SOMERS, 2019 Candidate Overview

Registration: March 21, 2016 (C1 report) Office: COUNTY EXECUTIVE Primary Election Status: None reported General Election Status: None

### Largest Contributions

Campaign starting balance: 3,276.46 Contributions: 178,518.00 Loans: 0.00  
 Total: 181,794.46 as of election Expenditures: 62,253.02 contributions as of June 2019

#### Top 45 contributors to this campaign

Name	City	Industry	Cash/In-kind	Amount
AFFORDABLE HOUSING COUNCIL	BELLEVUE	Building	Cash	2000
APPLEBY MIKE	MARYSVILLE	VP Chicago Title	Cash	2200
ART BY GRANITE FALLS	FALLS	Landscaping	Cash	2000
NATURE BALLARD	EVERETT	Village Life – Builder	Cash	1250
KEVIN BDZ CONSTRUCTION	EVERETT	Construction	Cash	2000
BOSA KELLY	SEATTLE	KLB Construction	Cash	1500
COLE GORDON	SNOHOMISH	Real Estate Developer	Cash	1000
CPH CONSULTANTS	REDMOND	land use consulting	Cash	1000
DEVCO, INC	BELLEVUE	Real Estate Invest	Cash	2000
FRENCH CREEK HUNT CLUB	SEATTLE	Catering	Cash	2000
GAHAN MERISA	BOTHELL	Hangar 420	Cash	2000
GAHAN PATRICK	SNOHOMISH	Hangar 420 Attorney, WA	Cash	2000
GOLDMAN PETER	SEATTLE	Conservation	Cash	2000
GRADY ROXANNE	KIRKLAND	KLB Construction	Cash	1000
GRADY WILLIAM	KIRKLAND	KLB Construction	Cash	1500
GUNNING SCOTT	SNOHOMISH	Real Estate Invest	Cash	1500
HANSEN MIKE	MARYSVILLE	Realtor	Cash	2500
HARVEY KANDACE	SNOHOMISH	Snohomish Flying Service	Cash	2000
HNTB HOLDINGS LTD, PAC	KANSAS CITY	Home Builder	Cash	1100
HUSEBY DARIN	WOODINVILLE	Home Builder	Cash	2000
INTEGRAL NORTHWEST CORP	EVERETT LAKE	Construction	Cash	2000
KAINTZ TIM	STEVENS	Builder	Cash	2000
KNUTSEN JOHN	SNOHOMISH	construction	Cash	2000
KOCH RICHARD	SEATTLE	All City Fence Building Ind	Cash	2000
KONGSGAARD MARTHA	SEATTLE	Env Protection Foundation	Cash	2000
LADUM CLAYTON	SEATTLE	Property Mgmt Deve, SC Planning	Cash	1500
LAND TECHNOLOGIES INC	ARLINGTON	Comm, Master Builder	Cash	1500
LIND KIMBERLY	BOTHELL	Hangar 420 Valley Supply Com.	Cash	2000
MASTERS JERRY	MUKILTEO	Res. Building	Cash	2250
PIGNATARO TONY	EVERETT	Pignataro VW Real Estate	Cash	1500
ROBINETT HENRY	SNOHOMISH	Developer	Cash	2000
ROBINETT INVESTMENT CO	SNOHOMISH	Real Estate Developer	Cash	2000
ROBINETT LAND CO, LLC	EVERETT	Real Estate Developer	Cash	1000
ROBINETT LAUREEN	EVERETT	Real Estate Developer	Cash	2000
ROBINETT MANAGEMENT CO, LLC	EVERETT	Real Estate Developer	Cash	1000
ROBINETT MARTIN	EVERETT	Real Estate Developer	Cash	2000
SMARTWEED LLC	BURIEN		Cash	1500
SMITH BRETT SUPERIOR CONCRETE INC	SHORELINE LAKE STEVENS	Real Estate Invest Building	Cash	2000
COMMUNICATIONS GROUP	SEATTLE	Marketing & Advertising	Cash	1750
THE TULALIP TRIBES	MARYSVILLE		Cash	1100
VILLAGE LIFE INC	LYNNWOOD	Builder	Cash	1750
WALTZ ROBERT R JR	CLINTON	Retired	Cash	2000
WASHINGTON TEAMSTERS LEGISLATIVE LEAGUE	TUKWILA	Union	Cash	1900
WEST FORK PROPERTIES LLC	ARLINGTON	Construction	Cash	1500
<b>shaded totals</b>				<b>\$55,050.00</b>

**Excluding Independent Contributions – 35%**

SAMUEL LOW, 2017 Candidate Overview

Registration: December 8, 2016 (C1 report) Office: COUNTY COUNCIL MEMBER Primary Election Status: Qualified for general General Election Status: Won in general Election Status: None reported. Campaign status: Candidate declared Jurisdiction: SNOHOMISH

Balance: \$8,877.00/Contributions: 96,038.24/Loans: 0.00/Total: 104,887.29/Expenses: 98,014.00/Independent (3rd party)

Largest Contributions

Cash contributions: 91,742.84 In-kind contributions: 4,287.40 View/Download Contributions by contributor category. Click chart to display dollar amounts.

Contributor name contains Search Clear Top 45 contributors to this campaign Amounts shown are aggregate totals of cash and in-kind contributions.

Table with columns: Name, City, Industry, Cash/In-kind, Amount. Lists major contributors to Samuel Low's campaign, including AFFORDABLE HOUSING COUNCIL, APPLEBY MIKE, and BOEING COMPANY.

NATE NEHRING, 2017 Candidate Overview

Registration: January 23, 2017 (C1 report) Office: COUNTY COUNCIL MEMBER Primary Election Status: Qualified for general General Election Status: Won in general Election Status: None reported. Campaign status: Candidate declared Jurisdiction: SNOHOMISH

Balance: 0.00/Contributions: 133,361.99/Loans: 0.00/Total: 133,361.99/Expenses: 133,361.99/Independent (3rd party)

Largest Contributions

Cash contributions: 125,728.64 In-kind contributions: 7,633.35 View/Download Contributions by contributor category. Click chart to display dollar amounts.

Contributor name contains Search Clear Top 45 contributors to this campaign Amounts shown are aggregate totals of cash and in-kind contributions.

Table with columns: Name, City, Industry, Cash/In-kind, Amount. Lists major contributors to Nate Nehring's campaign, including AFFORDABLE HOUSING COUNCIL, ART BY NATURE INC, and BOEING COMPANY.

TERRY RYAN, 2017 Candidate Overview

Registration: December 4, 2015 (C1 report) Office: COUNTY COUNCIL MEMBER Primary Election Status: Qualified for general General Election Status: Won in general Election Status: None reported. Campaign status: Candidate declared Jurisdiction: SNOHOMISH

Balance: 7,682.44/Contributions: 96,696.00/Loans: 0.00/Total: 104,378.44/Expenses: 98,231.00/Independent (3rd party)

Largest Contributions

Cash contributions: 96,246.00 In-kind contributions: 450.00 View/Download Contributions by contributor category. Click chart to display dollar amounts.

Contributor name contains Search Clear Top 45 contributors to this campaign Amounts shown are aggregate totals of cash and in-kind contributions.

Table with columns: Name, City, Industry, Cash/In-kind, Amount. Lists major contributors to Terry Ryan's campaign, including AFFORDABLE HOUSING COUNCIL, ARTAH SAIED, and AFFORDABLE HOUSING COUNCIL.

DAVID SOMERS, 2015 Candidate Overview

Registration: May 18, 2015 (C1 report) Office: COUNTY EXECUTIVE Primary Election Status: Qualified for general General Election Status: Won in general Election Status: None reported. Campaign status: Candidate declared Jurisdiction: SNOHOMISH

Balance: 25,000.00/Contributions: 194,953.76/Loans: 12,900.00/Total: 212,853.76/Expenses: 202,757.30/Independent (3rd party)

Largest Contributions

Cash contributions: 194,953.76 View/Download Contributions by contributor category. Click chart to display dollar amounts.

Contributor name contains Search Clear Top 45 contributors to this campaign Amounts shown are aggregate totals of cash and in-kind contributions.

Table with columns: Name, City, Industry, Cash/In-kind, Amount. Lists major contributors to David Somers' campaign, including AFFORDABLE HOUSING COUNCIL, AFFORDABLE HOUSING COUNCIL, and AFFORDABLE HOUSING COUNCIL.

STEPHANIE WRIGHT, 2015 Candidate Overview

Registration: February 3, 2014 (C1 report) Office: COUNTY COUNCIL MEMBER Primary Election Status: Unopposed in general General Election Status: Won in general Election Status: None reported. Campaign status: Candidate declared Jurisdiction: SNOHOMISH

Balance: 0.00/Contributions: 7,983.00/Loans: 0.00/Total: 7,983.00/Expenses: 0.00/Independent (3rd party)

Largest Contributions

Cash contributions: 7,983.00 View/Download Contributions by contributor category. Click chart to display dollar amounts.

Contributor name contains Search Clear Top 45 contributors to this campaign Amounts shown are aggregate totals of cash and in-kind contributions.

Table with columns: Name, City, Industry, Cash/In-kind, Amount. Lists major contributors to Stephanie Wright's campaign, including AFFORDABLE HOUSING COUNCIL, AFFORDABLE HOUSING COUNCIL, and AFFORDABLE HOUSING COUNCIL.

BRIAN SULLIVAN, 2015 Candidate Overview

Registration: February 11, 2015 (C1 report) Office: COUNTY COUNCIL MEMBER Primary Election Status: Qualified for general General Election Status: Won in general Election Status: None reported. Campaign status: Candidate declared Jurisdiction: SNOHOMISH

Balance: 7,028.46/Contributions: 107,311.05/Loans: 0.00/Total: 114,339.51/Expenses: 114,169.78/Independent (3rd party)

Largest Contributions

Cash contributions: 106,105.00 In-kind contributions: 1,206.05 View/Download Contributions by contributor category. Click chart to display dollar amounts.

Contributor name contains Search Clear Top 45 contributors to this campaign Amounts shown are aggregate totals of cash and in-kind contributions.

Table with columns: Name, City, Industry, Cash/In-kind, Amount. Lists major contributors to Brian Sullivan's campaign, including TRUCKING ACTION COMMITTEE, TRUCKING ACTION COMMITTEE, and TRUCKING ACTION COMMITTEE.

Master Builders \$29,137 Excluding Independent Contributions (MBA, Building Industry) donations account for 53% Including Indep Cont -- 64%

\$49,150 Excluding Independent Cont -- 39% Including Independent Cont -- 50%

\$28,210 Master Builders and/or Independent Contributions - \$0.00 Excluding Independent Cont -- 39% No Indep Contributions

\$57,959.57 Master Builders Voters for a Strong Economy Excluding Independent Contributions -- 30% Including Independent Contributions -- 58%

\$58,800 Excluding Independent Contributions -- 24% No Indep Contributions

\$1,900 WA St Council of City & St Emp - IAF Local 46 Excluding Independent Contributions -- 10% Including Independent Contributions -- 20%

## Exhibit 2a

District	MBA donations*	Bldg ind donations	Name	Total Term in office
1			Ken Klein	1/2014 - 12/31/16
1	\$28,210 for 2017	\$49,150 for 2017	Nate Nehring	1/27/2017 - current
2		\$11,050 for 2015	Brian Sullivan	1/2008 - 1/20
2			Megan Dunn	1/20 - current
3	0	\$1,900 for 2015	Stephanie Wright	1/2010 - current
4	0	\$37,500 for 2017	Terry Ryan	2014-2/7/20
4			Jared Mead	4/8/20 - current
5			Dave Somers	2005 -12/2015
5			Hans Dunshee	2/29/16 - 11/29/2016
5	\$29,137 for 2017	\$48,450 for 2017	Sam Lowe	12/16 - current
Executive	\$57,960 for 2015	\$58,500 for 2015	Dave Somers	1/2016 - current
	\$68,596 for 2015* voters for strong economy			
Executive	0	\$55,050 for 2019** uncontested	Dave Somers	1/2016 - current

\* Master Builders Association donation unless identified as another PAC

\*\* includes \$20,000 deposited in Dave's reelection campaign 1/17/19 the day after the positive vote for Ordinance 18-106

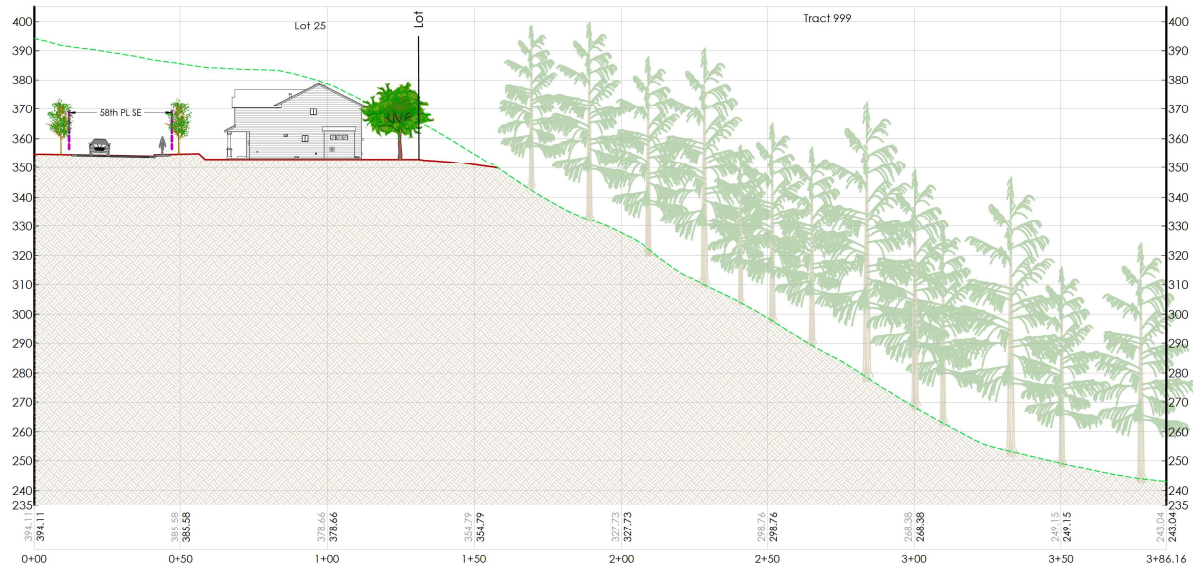
Note bldg industry donations include only those from the top 45 dollar amounts (see excel spreadsheet for details)

EXHIBIT 3



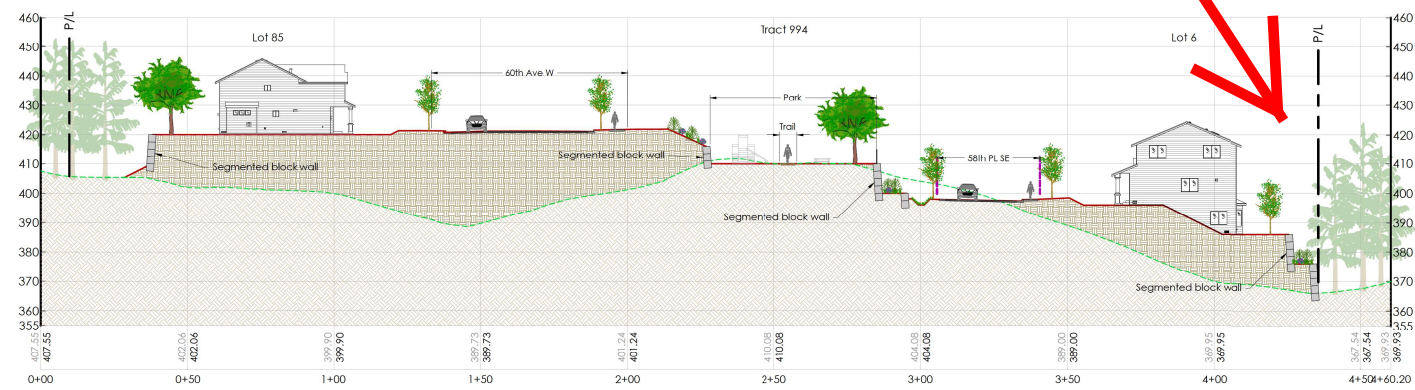
5 - PROFILE

SCALE: Horiz 1"=30'  
Vert 1"=30'



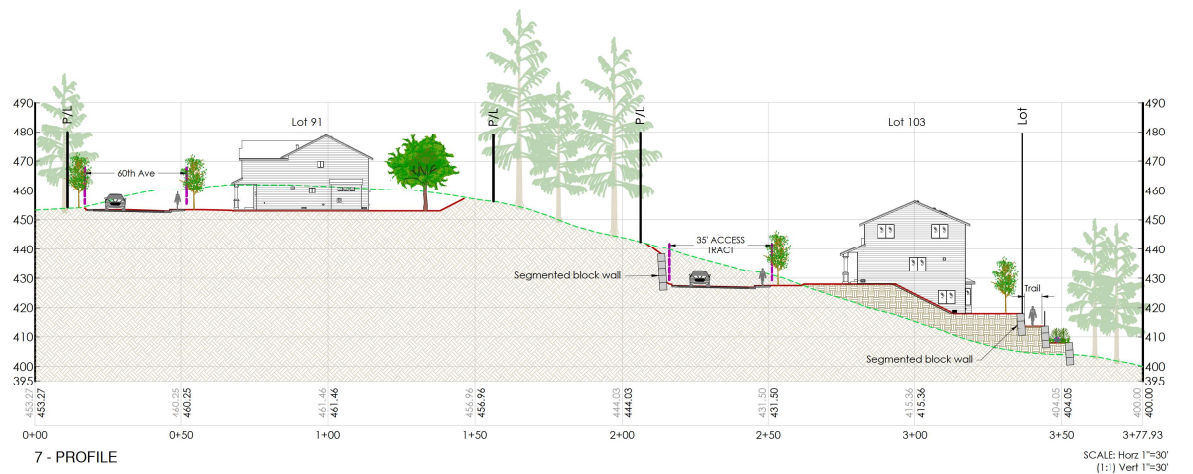
6 - PROFILE

SCALE: Horiz 1"=30'  
Vert 1"=30'



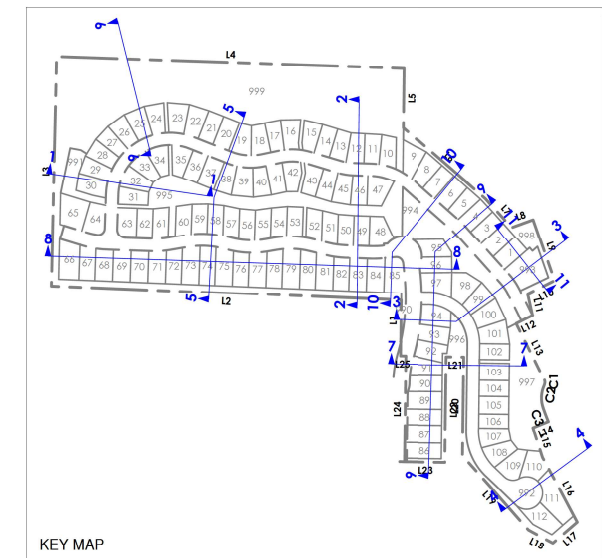
10 - PROFILE

SCALE: Horiz 1"=30'  
Vert 1"=30'



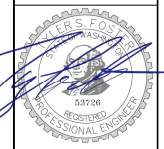
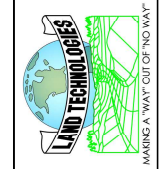
7 - PROFILE

SCALE: Horiz 1"=30'  
Vert 1"=30'



KEY MAP

**LAND TECHNOLOGIES**  
18820 Third Avenue, N.E.  
Arlington, WA 98223  
360-652-9727



PROJECT LEAD: Maria  
CHECKED BY: Joe, Alex, Tyler  
DRAWN BY: Joe, Alex, Tyler  
DATE: February 25, 2018  
REVISION 1:  
REVISION 2:  
REVISION 3:  
REVISION 4:  
AS-BUILT: ###

**FROGNAL ESTATES**  
60th Ave W, Edmonds, WA 98206  
A PORTION OF SECTION 32 & 33, TOWNSHIP 28 NORTH RANGE 04 EAST, W.M.

**Frognal Holdings, LLC**  
9201 NE Juvenile Dr., Ste 102, Kirkland, WA 98034

SHEET  
**C16** of **C42**  
24x36  
05-123050 SD

CALL AT LEAST 2 BUSINESS DAYS BEFORE YOU DIG  
1-800-424-5555

SNOHOMISH COUNTY PLANNING AND DEVELOPMENT SERVICES APPROVED FOR CONSTRUCTION (OR GRADING IN THE CASE OF GRADING PERMITS)  
BY: RANDOLPH SLEIGHT PE, PLS  
R/W PERMIT NO. \_\_\_\_\_

3/5/2018 3:45 PM  
Z:\John Latham\Horseman Trail\Sheets\C17 Site Sections.dwg

William Lider

**From:** William Lider <Bill@LiderEngineering.com>  
**Sent:** Monday, August 20, 2018 10:07 AM  
**To:** David Bain (dbain@friendsnorthcreekforest.org); Eric Adman; Jeff Staley; Marilyn Knutson; Mark Phillips; Mickie Gundersen (hilltop.locust@frontier.com)  
**Subject:** FW: Reforming Ground Disturbance Provisions: Draft Code Language  
**Attachments:** Reforming Ground Disturbance Provisions - Draft Code Lider comments.pdf

All, I attended the briefing meeting on this last June with the County and briefed the SKWC Board. Kristen Kelly, PAS/Smart Growth was also at that meeting.

This rule change is being pushed by development community and specifically by Merle Ash. The developers are trying to increase profits by increasing development areas.



Currently there is a 2-foot setback requirement in the County Code from an adjacent property line to the top of a cut or the toe of a fill. This change will allow not only cuts and fills to be made right up to the property line, but also retaining walls to be constructed right on the property line.

There is no protection for significant trees >10" dbh. The Code should include an Arborist's Report that if the reduction of the setback is not allowed if it will harm significant trees, as defined in the County Code 30.91S.320 e.g. >10" dbh. Any tree roots extending outside of the minimum setback shall be saw cut perpendicular to the root.

Comments are due back to the County by August 25<sup>th</sup> and it will be presented to the Planning Commission on September 25<sup>th</sup> for a public hearing.

I suggest we submit comments and try turnout as many as many folks as possible to speak against this code revision at the public hearing in September.

I can take the first cut at drafting comments.

William (Bill) Lider, PE, CESCL  
 Lider Engineering, PLLC  
 2526 – 205<sup>th</sup> Place SW  
 Lynnwood, WA 98036  
 425-776-0671 (W)  
 206-661-0787 (C)

---

**From:** Fesler, Stephen [mailto:Stephen.Fesler@co.snohomish.wa.us]  
**Sent:** Friday, August 17, 2018 11:28 AM  
**Subject:** Reforming Ground Disturbance Provisions: Draft Code Language

Good morning:

On August 17, 2018, Snohomish County Planning and Development Services (PDS) [released draft code language](#) to [reform ground disturbance provisions](#) under Chapter 30.63B SCC. The draft code changes primarily pertain to grading within two feet of exterior property lines. Changes would provide additional flexibility for such grading activities if detailed engineering information and recommendations are provided to PDS. As part of the information, an applicant would need to ensure safety and protection of adjoining properties during and after construction. Changes would also include corrections to maximum slope standards and citations to the International Building Code.

Comment on the draft code language is open through the end of Friday, August 31, 2018. If you have any feedback, please contact the project manager, Stephen Fesler (see contact information below). Following the comment period, PDS will review comments received and consider them as part of a draft proposal to be transmitted to the Snohomish County Planning Commission. PDS has tentatively identified September 25, 2018 as a potential date to brief the Planning Commission on the draft proposal.

**Stephen A. Fesler** | *Senior Planner*

[Snohomish County Planning and Development Services](#) | Permitting

3000 Rockefeller Avenue, M/S 604 | Everett, Washington 98201

425.262.2053 | [stephen.fesler@snoco.org](mailto:stephen.fesler@snoco.org)

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 ([RCW 42.56](#)).





Snohomish County

PLANNING COMMISSION

PLANNING &amp; DEVELOPMENT SERVICES

3000 Rockefeller Avenue, M/S #604, Everett, WA 98201

(425) 388-3224, FAX (425) 388-3670

Clerk Email: Brandi.Spores@snoco.org

# REGULAR SESSION

## OCTOBER 23, 2018

### MINUTES

#### A. CALL TO ORDER, ROLL CALL, AND ANNOUNCEMENT OF THE AGENDA

Jim Langston, Planning Commission Chair, called the meeting to order at 5:30 p.m. Of the ten (10) currently appointed commissioners eight (8) were in attendance (a quorum being six (6) members and a majority being six (6) members):

Merle Ash	Jim Langston	Erica Temple
Doug Hannam	Tom Norcott	Bob Wold
Leah Everett	Loren Simmonds	

Commissioner Larsen and Taft were absent for this meeting.

Ikuno Masterson, Planning and Development Services (PDS), Long Range Planning (LRP) Manager, served as Planning Commission Secretary for this meeting.

The October 23, 2018 Agenda was unanimously approved by the Commissioners.

#### B. APPROVAL OF MEETING MINUTES

**By Unanimous Consent** the September 25, 2018, regular meeting, minutes were accepted as written.

#### C. STATUS OF PAST RECOMMENDATIONS AND FUTURE AGENDA ITEMS

Ikuno Masterson, relayed to the Planning Commission the activities that were before the County Council for action during the last month. Ms. Masterson briefly reviewed agenda topics for future Planning Commission meetings.

Commissioners voted unanimously to cancel the December 18, 2018 Planning Commission Meeting.

Commissioner Langston introduced the new motion worksheet to the Commissioners.

This complete presentation and discussion is on file (via recording) in PDS.

#### D. PUBLIC COMMENT

No public comments were offered.

## E. UNFINISHED BUSINESS

### 1. Reforming Ground Disturbance Provisions: Hearing

The Planning Commission was briefed on a proposal to reform ground disturbance provisions under Title 30 SCC on September 25, 2018. The proposed code amendments primarily focus on streamlining the methodology to allow grading activities (i.e., cuts and fills) within two feet of exterior site boundary lines. Proposed changes would also make several technical corrections to related sections of code. Mike McCrary, Deputy Director of PDS, provided a brief overview of the proposed code amendments prior to the opening of public testimony.

**Chair Langston opened the hearing to public testimony at 6:00.** Three individuals had signed up to speak. Two individuals testified against the proposal. They expressed concerns about what the proposed code amendments would do to neighboring trees and to property rights. The third individual spoke in favor of the proposed code changes, alerting the Commissioners to problems in the vacant land area between properties often created as a result the existing code. **Chair Langston closed the public hearing at 6:15.**

Several of the Commissioners voiced their concerns about the need for the code to protect significant trees on adjacent properties. Additional questions were asked of staff.

**Motion** was made by Commissioner Temple and seconded by Commissioner Hannam recommending approval of the proposed code amendments contained in the staff report with supported findings and conclusions as written.

#### **VOTE (Motion):**

6 in favor (*Ash, Everett, Hannam, Langston, Temple and Wold*)

2 opposed (*Simmonds and Norcott*)

0 abstentions

#### **Motion Passed**

This hearing, including testimony, deliberations, and action taken, is on file (via recording) in PDS.

### 2. 2019 Shoreline Master Program Periodic Review: Hearing

Alison Hodgkin, PDS staff, provided the Planning Commission with an update of the proposed amendments to the county's Shoreline Management Program (SMP) as part of the required periodic review. The main goal of this project is to update the county's SMP to: 1) achieve compliance with applicable state shoreline laws and guidelines in effect at the time of review; 2) achieve consistency with amendments made to the county's Growth Management Act Comprehensive Plan (GMACP) since the SMP was last updated in 2012; and 3) reflect changed circumstances, new information and improved data. The Commissioners had a robust discussion with Ms. Hodgkin and other staff on the project prior to public testimony.

**Chair Langston opened the hearing to public testimony at 7:34.** One member of the Tulalip Tribes brought testimony to the commissioners with concerns for some of the code changes being proposed. **Chair Langston closed the public hearing at 7:40.**

The Commissioners were concerned that they were unable to review the letters that came in at the last minute.

**Motion** was made by Commissioner Langston and seconded by Commissioner Ash to continue the deliberations for the 2019 Shoreline Master Program Periodic Review until a later meeting. Public testimony however is closed.

**VOTE (Motion):**

8 in favor (*Ash, Everett, Hannam, Langston, Norcott, Simmonds, Temple, Wold*)

0 opposed

0 abstention

**Motion Passed**

This hearing, including testimony, deliberations, and action taken, is on file (via recording) in PDS.

**F. NEW BUSINESS**

3. Internal Consistency Code Amendments: Briefing

Richard Craig, PDS staff, briefed the Planning Commissioners on a package of proposed code amendments for Internal Consistency.

Internal Consistency Code Amendments are an ongoing cycle of ordinances intended to reconcile or eliminate ambiguities, duplications and inconsistencies in Title 30 of the SCC. They will contain a range of technical amendments necessary for overall code uniformity, but do not include amendments related to policy. In this cycle, Mr. Craig introduced sixteen proposed amendments for the Commissioners to consider.

With no questions for Mr. Craig the Planning Commission scheduled to hold a public hearing on November 27, 2018 for the Internal Consistency Code Amendments.

4. VISION 2050: Informational Briefing

Stephen Toy, PDS staff, provided an informational briefing on the region's VISION 2050 project and schedule, including how Snohomish County is engaging in the regional plan update effort. The project is an update of the VISION 2040 regional plan which was adopted by the Puget Sound Regional Council (PSRC) in 2008. VISION provides a long-range environmental, economic, and transportation strategy for managing growth in the four-county central Puget Sound region, which includes King, Pierce, Snohomish and Kitsap counties. In order to address responsibilities that PSRC has under federal and state law for transportation planning and funding, economic development, and growth management, VISION needs to be updated and its plan horizon extended to 2050.

Between 2018 and 2020, PSRC will work with tribes, cities, counties, other agencies and interest groups, and the public to develop VISION 2050, which is scheduled for adoption by the PSRC General Assembly in spring 2020. Snohomish County intends to be an active participant in this process. The decisions that will be made during the VISION update will affect Snohomish County growth management planning efforts for the next decade since state law requires consistency between Snohomish County's comprehensive plan and the regional plan.

**G. ADJOURN REGULAR MEETING**

This regular meeting was adjourned at 8:53 p.m.

William Lider

**From:** William Lider <Bill@LiderEngineering.com>  
**Sent:** Monday, December 10, 2018 8:58 AM  
**To:** 'Countryman, Ryan'; 'Sleight, Randy'  
**Cc:** 'Mock, Barb'; 'McCrary, Mike'; 'Somers, Dave J'; 'County Executive'; 'minkkathy@gmail.com'; 'info@regattaestates.com'  
**Subject:** Frogнал, Improper Clearing  
**Attachments:** \_95C7726.jpg; \_95C7696.jpg

**Importance:** High

<b>Tracking:</b>	<b>Recipient</b>	<b>Read</b>
	'Countryman, Ryan'	
	'Sleight, Randy'	
	'Mock, Barb'	
	'McCrary, Mike'	
	'Somers, Dave J'	
	'County Executive'	
	'minkkathy@gmail.com'	
	'info@regattaestates.com'	
	'Emily'	
	'Julie Meghji'	
	McCrary, Mike	Read: 12/10/2018 8:59 AM
	Emily Mydynski	Read: 12/10/2018 9:13 AM

After Judge Linde ordered a temporary stay in Frogнал construction on Friday, December 7, 2018 and in response to concerned citizens who had contacted me, I viewed the ongoing Frogнал construction work from approximately 1:50 pm to 4:00 pm. I noted that clearing above and beyond what was required to install only those TESC measures required to stabilize the site were occurring. This was documented both photographically and video recorded for future use at the hearing as needed.

I also noted that the clearing limits had been incorrectly established. Per County Code:

30.63B.320 Site inspection for clearing limits.  
Upon submittal of a complete land disturbing activity permit application, the county must perform a preliminary site inspection prior to any land disturbing activity to confirm that the clearing limits, if applicable, are marked in the field, and that natural drainage courses are not blocked or altered.

As I had previously reported to you by e-mail on December 5, 2018, the clearing limits fencing had not be installed prior to commencement of clearing work.

The silt fence/high visibility fence along the Frogнал Estates and Steven Ourada/Kathy Mink property line at 13607 58TH PL W, EDMONDS, WA 98026, Parcel No. 00853500006200 had been incorrectly installed on the property line rather than the required 2-foot minimum setback. Clearing and grading had occurred right up to the Ourada/Mink property line.

Per County Code 30.63B.130 "The top of cut slopes shall not be nearer to a site boundary line than 20 percent of the vertical height of cut, and in no event nearer than two feet from the boundary line." (Emphasis Added)

By allowing clearing up to the property line, Frogнал has threatened the stability of existing significant trees on the Ourada/Mink property,

Additionally the slit fence was incorrectly installed running perpendicular to the slope contours, rather than parallel to the slope contours as required by SNOCO's BMP C233. This will greatly increase the likelihood of runoff onto the downslope Regatta Estates property.

Attached are two photographs showing the surveyed property corner and incorrectly installed silt fence along the Ourada/Mink northerly property line.

It is requested that PDS order the Frogna Contractor to relocate the silt fence back the required two feet from the property line today. This work should be required by hand and without the use of heavy equipment, in accordance with the judge's order. Once the silt fence is relocated parallel to the contours, the disturbed grade along the property line should be restored and re-vegetated.

Please notify me by close of business today, if Snohomish County will enforce the requirements of its above referenced code, and require relocation of the silt fence.

William (Bill) Lider, PE, CESCL  
Lider Engineering, PLLC  
2526 – 205<sup>th</sup> Place SW  
Lynnwood, WA 98036  
425-776-0671 (W)  
206-661-0787 (C)





LOG NUMBERS  
BGT. , 12/7/18 CEO 20067646 DEC 10 2018

EXECUTIVE/COUNCIL APPROVAL FORM

MANAGEMENT ROUTING:  
EXECUTIVE Dave Somers  
EXEC. DIR. Ken Klein *ck*  
DIRECTOR/ELECTED Barbara Mock *M.M. For BM*  
DEPARTMENT Planning & Dev Services  
DIV. MGR. Ikuno Masterson  
DIVISION Planning  
ORIGINATOR Stephen Fesler *SF*  
DATE 12/6/2018 EXT. 2053

TO: COUNCIL CHAIRPERSON:  
SNOHOMISH COUNTY COUNCIL

EXECUTIVE RECOMMENDATION:  
 Approve  No Recommendation  
 Further Processing  
 Requested By

*[Signature]*  
KEN KLEIN  
Executive Director  
Executive Office Signature  
CEO Staff Review *Cap*  
Received at Council Office *CA 9115*  
*12/10/18*  
*DEC 10 2018*  
*12/11/18*

DOCUMENT TYPE:

BUDGET ACTION:  
 Emergency Appropriation  
 Supplemental Appropriation  
 Budget Transfer  
CONTRACT:  
 New  
 Amendment  
GRANT APPLICATION  
 ORDINANCE  
 Code Amendment SCC  
 PLAN  
 OTHER

DOCUMENT / AGENDA TITLE:

RELATING TO GROWTH MANAGEMENT; CONCERNING LAND DISTURBING ACTIVITIES; AMENDING CHAPTER 30.63B OF THE SNOHOMISH COUNTY CODE

APPROVAL AUTHORITY:

EXECUTIVE \_\_\_\_\_ COUNCIL   
CITE BASIS Chapters 1.02, 2.48, and 30.73 SCC

HANDLING: NORMAL  EXPEDITE \_\_\_\_\_ URGENT \_\_\_\_\_ DEADLINE DATE \_\_\_\_\_

PURPOSE: To adopt amendments to Title 30 of the Snohomish County Code relating to streamline the methodology for allowing grading activities within two feet of a property line.

BACKGROUND:

The recommended code amendments streamline the methodology for allowing grading activities within two feet of a property line. Several of the code amendments would also make housekeeping changes.

PDS briefed the Planning Commission on the proposed code amendments on September 25, 2018. The Planning Commission held a public hearing on October 23, 2018 and recommended approval of the proposed code amendments contained in the ordinance transmitted with this ECAF package.

Additionally, an Executive-recommended amendment is proposed to allow for time-limited retroactive applicability of the grading activity code amendments through an opt-in provision.



**FISCAL IMPLICATIONS:**

EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL	N/A	N/A	N/A

REVENUE: FUND, AGY, ORG, REV, SOURCE	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL	N/A	N/A	N/A

**DEPARTMENT FISCAL IMPACT NOTES:**

No fiscal impacts anticipated.

BUDGET REVIEW: Analyst *DM* Administrator *MR* Recommend Approval

**CONTRACT INFORMATION:**

ORIGINAL \_\_\_\_\_ CONTRACT # \_\_\_\_\_ AMOUNT \_\_\_\_\_  
 AMENDMENT \_\_\_\_\_ CONTRACT # \_\_\_\_\_ AMOUNT \$ \_\_\_\_\_

**CONTRACT PERIOD:**

ORIGINAL Start \_\_\_\_\_ End \_\_\_\_\_  
 AMENDMENT Start \_\_\_\_\_ End \_\_\_\_\_

**CONTRACT / PROJECT TITLE:**

**CONTRACTOR NAME & ADDRESS (City/State only):**

**APPROVED:**

RISK MANAGEMENT Yes *n/a* No \_\_\_\_\_

COMMENTS \_\_\_\_\_

PROSECUTING ATTORNEY - AS TO FORM: Yes  No \_\_\_\_\_

**OTHER DEPARTMENTAL REVIEW / COMMENTS:**

**ELECTRONIC ATTACHMENTS:**

- Council 120067641 -*
- G:\ECAF\Dept\05\_PDS\ECAF\_Ground Disturbance Provisions\ECAF.doc
  - G:\ECAF\Dept\05\_PDS\ECAF\_Ground Disturbance Provisions\Ordinance.docx
  - G:\ECAF\Dept\05\_PDS\ECAF\_Ground Disturbance Provisions\Planning Commission Recommendation Letter.pdf
  - G:\ECAF\Dept\05\_PDS\ECAF\_Ground Disturbance Provisions\Amendment 1.docx
  - G:\ECAF\Dept\05\_PDS\ECAF\_Ground Disturbance Provisions\Summary Notice.docx
  - G:\ECAF\Dept\05\_PDS\ECAF\_Ground Disturbance Provisions\Capital Facility Development Cost Analysis Summary.docx
  - G:\ECAF\Dept\05\_PDS\ECAF\_Ground Disturbance Provisions\Housing Job Matrix.docx
  - G:\ECAF\Dept\05\_PDS\ECAF\_Ground Disturbance Provisions\Index of Records

**NON-ELECTRONIC ATTACHMENTS:**

- Ordinance
- Planning Commission Letter
- Amendment 1
- Summary Notice
- Capital Facility Development Cost Analysis Summary
- Housing Job Matrix
- Index of Records (A CD will be delivered to Council staff separately)

1 Adopted:  
2 Effective:

3  
4 SNOHOMISH COUNTY COUNCIL  
5 Snohomish County, Washington

6  
7 ORDINANCE NO. 18-106

8  
9 RELATING TO GROWTH MANAGEMENT; CONCERNING LAND DISTURBING ACTIVITIES;  
10 AMENDING CHAPTER 30.63B OF THE SNOHOMISH COUNTY CODE  
11

12 WHEREAS, counties and cities that are required to plan under the Growth Management  
13 Act (GMA), chapter 36.70A of the Revised Code of Washington (RCW), must ensure that their  
14 comprehensive plans and development regulations encourage economic development,  
15 encourage availability of affordable housing, and reduce sprawl; and  
16

17 WHEREAS, the Snohomish County GMA Comprehensive Plan (GMACP) – General  
18 Policy Plan (GPP) directs Snohomish County to provide for expeditious and efficient  
19 development, land use practices that reduce housing costs, and a regulatory environment that  
20 facilitates growth of the local economy; and  
21

22 WHEREAS, chapter 30.63B of the Snohomish County Code (SCC) establishes land  
23 disturbing activity regulations for development, including standard setbacks, cutting and filling of  
24 materials and maximum slopes; and  
25

26 WHEREAS, chapter 30.63B SCC currently restricts the cutting and filling of materials  
27 within two feet of a property line on a development site unless authorization is granted by  
28 adjoining properties that may be affected by the activity and certain requirements are met by the  
29 project proponent; and  
30

31 WHEREAS, Snohomish County (the "County") seeks to promote the delivery of more  
32 affordable housing throughout Snohomish County by allowing more efficient use of land; and  
33

34 WHEREAS, the County seeks to maintain flexible development regulations; and  
35

36 WHEREAS, the County seeks to safeguard the health, safety, and general welfare of all  
37 communities in the County through appropriate land use and development controls; and  
38

39 WHEREAS, the proposed code amendments will provide a streamlined allowance for  
40 cuts and fills within two feet of a property line on a development site when an applicant  
41 demonstrates that the integrity and soil stability of adjoining properties is maintained and  
42 complies with other applicable construction regulations; and  
43

44 WHEREAS, Snohomish County Planning and Development Services (PDS) has  
45 conducted early and continuous public participation in developing the proposed amendments to  
46 title 30 SCC that are contained in this ordinance; and  
47

1 WHEREAS, on September 25, 2018, the Snohomish County Planning Commission (the  
2 "Planning Commission") was briefed by PDS staff about the proposed code amendments  
3 contained in this ordinance; and  
4

5 WHEREAS, the Planning Commission held a public hearing on October 23, 2018, to  
6 receive public testimony concerning the code amendments contained in this ordinance; and  
7

8 WHEREAS, at the conclusion of the Planning Commission's public hearing, the Planning  
9 Commission deliberated on the proposed code amendments contained in this ordinance and  
10 voted to recommend amendments to the County code relating to standard setbacks for land  
11 disturbing activities as shown in its recommendation letter dated November 5, 2018; and  
12

13 WHEREAS, the County Council held a public hearing on \_\_\_\_\_, 2018,  
14 and considered public comment and the entire record related to the proposed code  
15 amendments contained in this ordinance; and  
16

17 WHEREAS, following the public hearing, the County Council deliberated on the  
18 proposed code amendments contained in this ordinance;  
19

20 NOW, THEREFORE, BE IT ORDAINED:  
21

22 **Section 1.** The County Council adopts the following findings in support of this ordinance:  
23

- 24 A. The foregoing recitals are adopted as findings as if set forth in full herein.  
25  
26 B. This ordinance will amend title 30 SCC concerning standard setbacks for land disturbing  
27 activities, including cuts and fills, maximum slopes, and related citations and regulations.  
28  
29 C. The purpose of the proposed code amendments is to provide additional flexibility for grading  
30 activities within two feet of property lines, which will facilitate efficient and economical land  
31 use, particularly for housing development, while serving to safeguard public health and  
32 safety.  
33  
34 D. In developing the proposed code amendments, the County considered the goals of the  
35 GMA, specifically those goals related to reducing sprawl, encouraging affordable housing,  
36 and promoting economic development. The proposed code amendments are consistent  
37 with:  
38  
39 1. GMA Goal 2: "Reduce sprawl. Reduce the inappropriate conversion of undeveloped land  
40 into sprawling, low-density development."  
41  
42 2. GMA Goal 4: "Housing. Encourage the availability of affordable housing to all economic  
43 segments of the population of this state, promote a variety of residential densities and  
44 housing types, and encourage preservation of existing housing stock."  
45  
46 3. GMA Goal 5: "Economic development. Encourage economic development throughout  
47 the state that is consistent with adopted comprehensive plans, promote economic  
48 opportunity for all citizens of this state, especially for unemployed and for disadvantaged

1 persons, promote the retention and expansion of existing businesses and recruitment of  
2 new businesses, recognize regional differences impacting economic development  
3 opportunities, and encourage growth in areas experiencing insufficient economic growth,  
4 all within the capacities of the state's natural resources, public services, and public  
5 facilities.”  
6

7 E. The proposed code amendments will comply with and implement the following goals,  
8 objectives, and policies contained in the County's GMACP – GPP by providing flexibility for  
9 additional infill development, facilitating more affordable housing, promoting economic  
10 development, allowing more efficient use of land, and utilizing established engineering  
11 practices to protect the health, safety, and general welfare of the public:  
12

- 13 1. Housing Goal 1: “Ensure that all county residents have the opportunity to obtain safe,  
14 healthy, and affordable housing.”  
15
- 16 2. Housing Objective 1.B: “Ensure that a broad range of housing types and affordability  
17 levels is available in urban and rural areas.”  
18
- 19 3. Housing Objective 1.C: “Make adequate provisions for the existing and projected  
20 housing needs of all economic segments of the population.”  
21
- 22 4. Housing Goal 2: “Ensure the vitality and character of existing residential neighborhoods.”  
23
- 24 5. Housing Objective 2.A: “Promote opportunities for all county residents to reside in safe  
25 and decent neighborhoods.”  
26
- 27 6. Housing Goal 3: “Land use policies and regulations should contribute as little as possible  
28 to the cost of housing.”  
29
- 30 7. Housing Objective 3.A: “Encourage land use practices, development standards, and  
31 building permit requirements that reduce housing production costs.”  
32
- 33 8. Land Use Goal 2: “Establish development patterns that use urban land more efficiently.”  
34
- 35 9. Land Use Objective 2.C: “Encourage intensification and revitalization of existing and  
36 planned commercial and industrial areas.”  
37
- 38 10. Land Use Objective 2.E: “Provide for reasonable flexibility in land use regulation and  
39 planned mixing of uses, where appropriate, while maintaining adequate protection for  
40 existing neighborhoods.”  
41
- 42 11. Economic Development Objective 2.A: “Develop and maintain a regulatory system that  
43 is fair, understandable, coordinated and timely.”  
44
- 45 12. Economic Development Policy 2.A.2: “Snohomish County should stress predictability but  
46 maintain enough flexibility in the Comprehensive Plan and development codes to allow  
47 for timely response to unanticipated and desirable developments.”  
48

1 13. Natural Environment Goal 1: "Continue existing and develop new county plans and  
2 programs which establish priorities to protect and enhance the natural environment  
3 through a coordinated policy framework to maintain and improve the quality of life for  
4 Snohomish County. The policy framework below provides a non-exclusive list of the core  
5 priorities and strategies that must be addressed in all plans and programs that affect the  
6 natural environment."  
7

8 14. Natural Environment Goal 8: "Protect public health and safety by minimizing the potential  
9 for physical injury and property damage."  
10

11 F. The proposed code amendments are consistent with the record:  
12

13 1. This ordinance will amend SCC 30.63B.130 to eliminate the standard setbacks for cuts  
14 and fills within two feet of a site boundary line. This will resolve issues that have been  
15 encountered with existing regulations that inadvertently discourage or prevent property  
16 owners from maximizing development potential. The amendments to this section of code  
17 will provide flexibility for additional infill development, facilitate more affordable housing,  
18 promote economic development, allow more efficient use of land, and protect the health,  
19 safety, and general welfare of the public. Additionally, amendments to this section of  
20 code will include technical corrections and housekeeping changes to improve readability  
21 and regulatory implementation.  
22

23 2. This ordinance will amend SCC 30.63B.200 to specify that any grading within two feet of  
24 a site boundary line require engineered construction plans and may require a  
25 geotechnical report that demonstrate protection of adjoining properties. The amendment  
26 will provide a simplified review process for such grading. Additionally, amendments to  
27 this section of code will include corrections to land disturbance citations to the  
28 International Building Code (IBC) that have changed since the 2006 IBC and were  
29 inadvertently not amended in the last major revision of chapter 30.63B SCC.  
30

31 3. This ordinance will amend SCC 30.63B.220, 30.63B.230, 30.63B.240, and 30.63B.250  
32 to correct land disturbance citations to the IBC that have changed since the 2006 IBC  
33 and were inadvertently not amended in the last major revision of chapter 30.63B SCC.  
34

35 G. The proposed code amendments are consistent with the record as set forth in the PDS  
36 Supplemental Staff Report dated October 5, 2018.  
37

38 H. Procedural requirements:  
39

- 40 1. The proposal is a Type 3 legislative action under SCC 30.73.010 and 30.73.020.  
41  
42 2. The public participation process used in the adoption of the proposed code amendments  
43 has complied with all applicable requirements of the GMA and SCC.  
44  
45 3. In accordance with RCW 30.70A.106(1), a notice of intent to adopt the proposed code  
46 amendments was transmitted to the Washington State Department of Commerce for  
47 distribution to state agencies on August 17, 2018.  
48

- 1 4. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with  
2 respect to this non-project action have been satisfied through the completion of an  
3 environmental checklist and the issuance of a determination of non-significance on  
4 September 12, 2018.  
5  
6 5. As required by RCW 30.70A.370, the Washington State Attorney General last issued an  
7 advisory memorandum in December 2015 entitled "Advisory Memorandum: Avoiding  
8 Unconstitutional Takings of Private Property" to help local governments avoid  
9 unconstitutional takings of private property. The process outlined in the State Attorney  
10 General's 2015 advisory memorandum was used by the County in objectively evaluating  
11 the regulatory changes in this ordinance.  
12

13 **Section 2.** The County Council makes the following conclusions:  
14

- 15 A. The proposal is consistent with Washington State law and Snohomish County Code.  
16  
17 B. The proposal is consistent with the GMACP and with the goals, objectives, and policies of  
18 the GPP.  
19  
20 C. The regulations proposed by this ordinance do not result in an unconstitutional taking of  
21 private property for a public purpose.  
22  
23 D. The County complied with the state and local public participation requirements under the  
24 GMA and chapter 30.73 SCC.  
25

26 **Section 3.** The County Council bases its findings and conclusions on the entire record of  
27 the County Council, including all testimony and exhibits. Any finding, which should be deemed a  
28 conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.  
29

30 **Section 4.** Snohomish County Code Section 30.63B.130, last amended by Ordinance  
31 15-103 on January 11, 2016, is amended to read:  
32

33 **30.63B.130 Standard setbacks and maximum slopes for cuts and fills.**

34 (1) Before performing any land disturbing activity subject to a land disturbing activity permit,  
35 the applicant shall mark on the site and show on the land disturbing activity site plan the limits of  
36 all proposed land disturbing activities, trees and native vegetation to be retained, and drainage  
37 courses, so that setbacks can be determined. Cut and fill slopes shall be set back from site  
38 boundaries in accordance with this section. Setback dimensions shall be horizontal distances  
39 measured perpendicular to the site boundary.

40 (2) The top of cut slopes shall not be nearer to a site boundary line than 20 percent of the  
41 vertical height of the cut slope~~((, and in no event nearer than two feet from the boundary line))~~.  
42 The setback shall be increased when necessary to stabilize any required subsurface drainage  
43 or surcharge, as determined by the geotechnical engineering report, soils engineering report, or  
44 engineering geology report pursuant to SCC 30.63B.220 through 30.63B.240.

45 (3) The toe of fill slopes shall not be made nearer to the site boundary line than 50 percent of  
46 the vertical height of the fill slope~~((, but in no event nearer than two feet from the boundary  
47 line))~~.

1     ~~((4) Cuts and fills shall be set back a minimum of two feet from the property line unless the~~  
2     ~~both of the following are provided:~~

3     ~~(a) A construction easement, written agreement or letter of authorization from all the affected~~  
4     ~~property owners allowing a setback of less than two feet; and~~

5     ~~(b)) (4) For any proposed cut, fill, rockery, or retaining wall within six inches of a site~~  
6     ~~boundary line, ((A)) a survey by a land surveyor licensed in Washington State shall be~~  
7     ~~completed that ensures compliance with construction and land disturbing activity site plans prior~~  
8     ~~to construction in the affected area. ((of cut, fill, rockery, or a retaining wall proposed within six~~  
9     ~~inches of a property line.))~~

10     (5) The grades and cuts and fills established on the land disturbing activity plan shall be  
11     prepared based on topographic data obtained to comply with SCC 30.63A.400 and volume I of  
12     the Drainage Manual.

13  
14             **Section 5.** Snohomish County Code Section 30.63B.200, last amended by Amended  
15     Ordinance 17-070 on November 1, 2017, is amended to read:

16  
17     **30.63B.200 Land disturbing activities and projects requiring engineered construction**  
18     **plans.**

19     (1) The following land disturbing activities require the submittal of construction plans prepared  
20     by and stamped by an engineer licensed in the State of Washington:

21     ~~(a) All grading activity within two feet of a site boundary line;~~

22     ~~((a)) (b) All land disturbing activity in excess of 5,000 cubic yards;~~

23     ~~((b)) (c) All land disturbing activity located within public or private roads and their rights-of-~~  
24     ~~way, tracts, or easements;~~

25     ~~((e)) (d) All land disturbing activity that is subject to environmental review under chapter~~  
26     ~~30.61 SCC or is related to development activity that is subject to environmental review under~~  
27     ~~chapter 30.61 SCC;~~

28     ~~((d)) (e) All land disturbing activity projects that require civil engineering, as determined by~~  
29     ~~the department pursuant to subtitle 30.5 SCC and IBC sections ((1802-4,)) 1803.3, ((1802-6))~~  
30     ~~1803.6, and ((1803-4(2);)) 1804.5(2);~~

31     ~~((e)) (f) All land disturbing activity that has drainage impacts that are required to be mitigated~~  
32     ~~by construction of detention, water quality treatment (including low impact development best~~  
33     ~~management practices used to meet requirements of Minimum Requirement 6 per the Drainage~~  
34     ~~Manual), and/or bioretention systems; and~~

35     ~~((f)) (g) All land disturbing activity that may cause impacts to wetlands or streams as~~  
36     ~~described in chapter 30.63A SCC or volume I of the Drainage Manual.~~

37     (2) Engineered construction plans for the land disturbing activities identified in subsection (1)  
38     of this section shall also comply with chapter 30.52A SCC and the EDDS.

39  
40             **Section 6.** Snohomish County Code Section 30.63B.220, last amended by Ordinance  
41     15-103 on January 11, 2016, is amended to read:

42  
43     **30.63B.220 Geotechnical engineering report.**

44     If a geotechnical engineering report is required by SCC 30.63B.210 or chapter 18 of the IBC,  
45     the applicant's geotechnical engineer, civil engineer, or engineering geologist shall inspect and  
46     determine the suitability of the prepared ground to receive fills and the stability of cut slopes with  
47     respect to soil, hydrologic, and geologic conditions. This information shall be incorporated in the  
48     engineering report. The geotechnical engineering report shall also evaluate the need for

1 subdrains or other groundwater drainage devices. To verify safety, the department may require  
2 testing for required compaction, soil bearing capacity, stability of all finished slopes, and the  
3 adequacy of structural fills as a condition of permit approval. The required content of the  
4 geotechnical engineering report is contained in section ((1802.6)) 1803.6 of the IBC and volume  
5 I, chapter 3 of the Drainage Manual.

6  
7 **Section 7.** Snohomish County Code Section 30.63B.230, last amended by Ordinance  
8 15-103 on January 11, 2016, is amended to read:

9  
10 **30.63B.230 Soils engineering report.**

11 When required by chapters 16, 18, and 33 of the IBC for expansive soils, questionable soils  
12 and the potential for soils near high groundwater, a soils engineering report shall be required.  
13 The required content of the soils engineering report is contained in sections 1613, ((1802.6))  
14 1803.6, and 3304 of the IBC and volume I, chapter 3 of the Drainage Manual. The report also  
15 shall include the following:

- 16 (1) Data regarding the nature, distribution, site classification, and strength of existing soils;
- 17 (2) Conclusions and recommendations for land disturbing activity procedures identified in the  
18 reports required by SCC 30.63B.210 or chapters 16, 18, and 33 of the IBC;
- 19 (3) Design criteria for corrective measures, including structural fills, when necessary due to  
20 subsurface soils or groundwater conditions;
- 21 (4) An analysis of the adequacy of affected soils for the intended use of the site as affected by  
22 soils engineering factors;
- 23 (5) An analysis that describes the hydraulic conductivity, cation exchange capacity, depth to  
24 seasonal high water table, and groundwater flow direction and gradient within the soils; and
- 25 (6) A determination if it is feasible to infiltrate stormwater into the underlying site soils as part  
26 of the LID BMP selection or design for the site, without adversely affecting adjoining or off-site  
27 properties.

28  
29 **Section 8.** Snohomish County Code Section 30.63B.240, added by Amended Ordinance  
30 10-023 on June 9, 2010, is amended to read:

31  
32 **30.63B.240 Engineering geology report.**

33 When required by chapters 16 and 18 of the IBC to analyze soil characteristics due to the  
34 location of on-site faults, an engineering geology report shall be required. The report shall  
35 include an adequate description of the geology of the site, conclusions, and recommendations  
36 regarding the effect of geologic conditions on the proposed development, and an analysis of the  
37 adequacy for the intended use of sites to be developed by the proposed land disturbing activity,  
38 as affected by geologic factors. The required content of the engineering geology report is  
39 contained in sections 1613 or ((1802)) 1803 of the IBC as applicable.

40  
41 **Section 9.** Snohomish County Code Section 30.63B.250, added by Amended Ordinance  
42 10-023 on June 9, 2010, is amended to read:

43  
44 **30.63B.250 Liquefaction report.**

45 Based on the soil strength identified in the soils engineering report, the department may  
46 require a geotechnical or geologic investigation and report in accordance with section ((1802.4))  
47 1803 of the IBC, which shall address the potential for liquefaction.



1           **Section 10.** Severability and savings. If any section, sentence, clause, or phrase of this  
2 ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings  
3 Board, or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect  
4 the validity or constitutionality of any other section, sentence, clause, or phrase of this  
5 ordinance. Provided, however, that if any section, sentence, clause, or phrase of this ordinance  
6 is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence,  
7 clause, or phrase in effect prior to the effective date of this ordinance shall be in full force and  
8 effect for that individual section, sentence, clause, or phrase as if this ordinance had never been  
9 adopted.

10  
11  
12 PASSED this \_\_\_ day of \_\_\_\_\_, 2018.

13  
14  
15                                   SNOHOMISH COUNTY COUNCIL  
16                                   Snohomish County, Washington

17  
18  
19  
20 \_\_\_\_\_  
21 Council Chair

22 ATTEST:

23  
24 \_\_\_\_\_  
25 Asst. Clerk of the Council

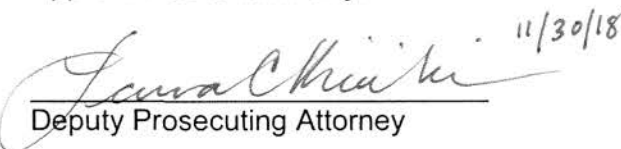
- 26  
27 ( ) APPROVED  
28 ( ) EMERGENCY  
29 ( ) VETOED

30 DATE: \_\_\_\_\_

31  
32  
33 \_\_\_\_\_  
34 County Executive

35 ATTEST:

36  
37  
38 \_\_\_\_\_  
39  
40 Approved as to form only:

41  
42  
43  11/30/18  
44 \_\_\_\_\_  
45 Deputy Prosecuting Attorney

**Snohomish County: Analysis of Building and Land Use Regulation Effects on Housing and Jobs**

Proposed Regulation: Ordinance No. 18-\_\_\_\_, RELATING TO GROWTH MANAGEMENT; CONCERNING LAND DISTURBING ACTIVITIES; AMENDING CHAPTER 30.63B OF THE SNOHOMISH COUNTY CODE

Date: **December 6, 2018**

Staff Contact: **Stephen Fesler, PDS, Ext. 2053**

	Increase	Decrease	Neutral	Uncertain	Comments
<b>Housing</b>					
Capacity/Targets			X		Not impacted by proposal
Cost of housing dvpt:			X		On balance, housing costs are likely to remain neutral
• Infrastructure			X		Not impacted by proposal
• Site		X			Potential for slight decrease in per unit costs related to design
• Building const.		X			Potential for slight decrease in per unit costs related to design
• Fees			X		Not impacted by proposal
• Yield	X				Increase potential residential development capacity
Timing			X		Not impacted by proposal
<b>Jobs</b>					
Capacity/Targets			X		Not impacted by proposal
Cost of com'l/ind dvpt:			X		Not impacted by proposal
• Infrastructure			X		Not impacted by proposal
• Site		X			Potential for slight decrease in costs related to design
• Building const.		X			Potential for slight decrease in costs related to design
• Fees			X		Not impacted by proposal
• Yield	X				Increase potential development capacity
Time to Create Jobs			X		Not impacted by proposal
# Family Wage Jobs			X		Not impacted by proposal

**Discussion:**

This is a non-project proposal to amend Title 30 of the Snohomish County Code (SCC) to streamline the methodology for allowing grading activities within two feet of a property line. Several of the proposed code amendments would also make housekeeping changes.

## Snohomish County Capital Facility Development Cost Analysis Summary

Project/Document Title: Ordinance No. 18-\_\_\_\_, RELATING TO GROWTH MANAGEMENT; CONCERNING LAND DISTURBING ACTIVITIES; AMENDING CHAPTER 30.63B OF THE SNOHOMISH COUNTY CODE.

Date: **December 6, 2018**

Primary Staff Contact: **Stephen Fesler, Ext. 2053**

### General Cost Analysis Summary:

This is a non-project proposal to amend Title 30 of the Snohomish County Code (SCC) to streamline the methodology for allowing grading activities within two feet of a property line. Several of the code amendments would also make housekeeping changes. The proposal is not anticipated to increase the demand for county capital facilities.

Necessary Facility	Quantification/Qualification of Anticipated Cost:
Parks	County Funded Impacts – <b>None anticipated.</b> Other Fund Sources Impacts – <b>None.</b>
Roads & Transit	County Funded Impacts – <b>None anticipated.</b> Other Fund Sources Impacts – <b>None.</b>
Surface Water	County Funded Impacts – <b>None anticipated.</b> Other Fund Sources Impacts – <b>None.</b>
Public Schools	County Funded Impacts – <b>None. Funding of schools is the responsibility of the local district.</b> Other Fund Sources Impacts – <b>None.</b>
Electric Power	County Funded Impacts – <b>None. Funding of electric power is the responsibility of the local district or city.</b> Other Fund Sources Impacts – <b>None.</b>
Public Water	County Funded Impacts – <b>None. Funding of public water is the responsibility of the local district or city.</b> Other Fund Sources Impacts – <b>None.</b>
Wastewater	County Funded Impacts – <b>None. Funding of wastewater treatment is the responsibility of the local district or city.</b> Other Fund Sources Impacts – <b>None.</b>



## Snohomish County

### SNOHOMISH COUNTY PLANNING COMMISSION

November 5, 2018

Snohomish County Council  
County Administration Building  
M/S 609, 3000 Rockefeller Avenue  
Everett, WA 98201-4046

**SUBJECT:** Planning Commission recommendations on proposed amendments related to reforming ground disturbance provisions

Dear Snohomish County Council,

On behalf of the Snohomish County Planning Commission, I am forwarding our recommendations which would amend the Snohomish County Code (SCC) regarding ground disturbance regulations. The Planning Commission had a briefing on September 25, 2018 and conducted a public hearing on October 23, 2018 to consider a proposal that would reform and update ground disturbance provisions in Title 30 SCC.

The primary purpose of the code amendments is to streamline the methodology for allowing grading activities within two feet of a property line. Several of the code amendments would also make housekeeping changes.

Three individuals provided public testimony on the proposed code amendments, two of whom opposed the proposal and one of whom favored the proposal. The Planning Commission closed public testimony and concluded deliberations on October 23, 2018.

#### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission recommends approval of the proposed code amendments after considering information presented during the public hearing process:

**Main Motion** was made by Commissioner Temple and seconded by Commissioner Hannam recommending approval of the proposed code amendments contained in the staff report with supported findings and conclusions as written.

**Vote:**

6 in favor (*Ash, Everett, Hannam, Langston, Temple, and Wold*)

2 opposed (*Simmonds and Norcott*)

0 abstentions

**Motion passed**


Respectfully submitted,


SNOHOMISH COUNTY PLANNING COMMISSION  
Jim Langston, Chair

cc: Dave Somers, Snohomish County Executive  
Barbara Mock, Director, Planning and Development Services

**AMENDMENT SHEET 1**

**ORDINANCE NO. 18-\_\_**


**Amendment Name:** Executive recommendation for opt-in applicability 

**Brief Description:** This amendment would implement the Executive recommendation. It would provide for an opt-in provision to make the code amendments contained in the ordinance retroactive in applicability for land disturbing activity permits submitted prior to the effective date of the ordinance between January 11, 2016, and the effective date of the ordinance. 

**Affected Ordinance Sections:** Sections 1, 10, and 11

**New Findings to Add:**

Page 4, Line 35, insert the following finding:

4. This ordinance will add a new section SCC 30.63B.025 to allow vested land disturbing activity permit applications to opt-in to streamlined provisions contained in this ordinance that allow grading activities within two feet of property lines. 

Page 4, Line 38, insert and adjust and renumber other findings accordingly:

H. Existing provisions that authorize grading activities within two feet of property lines present a very high burden to applicants since the regulations require permission be obtained from adjoining property owners. The County received comments from applicants that in many instances sufficient agreement with adjoining property owners was not reached or that negotiations with adjoining property owners often required expensive agreement proposals to obtain permission. The intent of the existing regulations is to make grading within two feet of property lines possible for applicants while protecting the interests of the adjoining property owners. The existing regulations are not operating as intended. The proposed regulations to streamline the process for allowing grading activities within two feet of property lines will create an equal or better outcome for all parties by achieving the original intent of allowing flexibility in development while protecting the integrity of adjacent land. To ensure that the development proposals under review by the County may take immediate benefit of the streamlined process for allowing grading activities within two feet of property lines, the County hereby intends to make Sections 4 through 5 retroactive.

**Modify Existing Ordinance Section and Add New Ordinance Section:**

Page 8, delete:

**Section 10.** Severability and savings. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board, or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance. Provided, however, that if any section, sentence, clause, or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause, or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause, or phrase as if this ordinance had never been adopted.

And insert:

**Section 10.** A new section is added to chapter 30.63B of the Snohomish County Code to read:

**30.63B.025 Allowing a complete land disturbing activity permit application to opt-in to amended provisions adopted by Amended Ordinance No. 18-\_\_\_\_.**

(1) An applicant with a land disturbing activity permit within unincorporated Snohomish County, determined to be complete between January 11, 2016, and the effective date of Amended Ordinance 18-\_\_\_\_, may voluntarily submit a signed waiver to the department requesting the permit application be reviewed under amended provisions for grading activities within two feet of a property line (SCC 30.63B.110 and 30.63B.200) adopted by sections 4 and 5 of Amended Ordinance No. 18-\_\_\_\_. All other development regulations in effect as of the date of the original permit application was determined to be complete shall apply.

(2) Applicants submitting a signed waiver shall have 12 months from the effective date of Amended Ordinance 18-\_\_\_\_ to submit revised construction plans.

(3) Revised construction plans submitted under this section shall require:

(a) Public notice under chapter 30.70 SCC unless the original land disturbing activity permit application was exempt from public notice requirements; and

(b) Payment of any applicable fees.

(4) The department shall include in its written decision for a Type 1 permit or staff recommendation for Type 2 permit a statement explaining that revised provisions for grading activities within two feet of a property line (refer to SCC 30.63B.110 and 30.63B.200) established under Amended Ordinance No. 18-\_\_\_\_ apply.

(5) This section is repealed effective 12 months from the effective date of Amended Ordinance No. 18-\_\_\_\_.


**Section 11.** Severability and savings. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board, or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance. Provided, however, that if any section, sentence, clause, or phrase of this ordinance is held to be invalid by the Board or court

of competent jurisdiction, then the section, sentence, clause, or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause, or phrase as if this ordinance had never been adopted.

**Council Disposition:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**AMENDMENT SHEET 1A****ORDINANCE NO. 18-106**

**Amendment Name:** Executive recommendation for opt-in applicability 

**Brief Description:** This amendment would implement the Executive recommendation. It would provide for an opt-in provision to make the code amendments contained in the ordinance retroactive in applicability for land disturbing activity permits submitted prior to the effective date of the ordinance between January 11, 2016, and the effective date of the ordinance. 

**Affected Ordinance Sections:** Sections 1, 10, and 11

**New Findings to Add:**

Page 4, Line 35, insert the following finding:

4. This ordinance will add a new section SCC 30.63B.025 to allow vested land disturbing activity permit applications to opt-in to streamlined provisions contained in this ordinance that allow grading activities within two feet of property lines.

Page 4, Line 38, insert and adjust and renumber other findings accordingly:

H. Existing provisions that authorize grading activities within two feet of property lines present a very high burden to applicants since the regulations require permission be obtained from adjoining property owners. The County received comments from applicants that in many instances sufficient agreement with adjoining property owners was not reached or that negotiations with adjoining property owners often required expensive agreement proposals to obtain permission. The intent of the existing regulations is to make grading within two feet of property lines possible for applicants while protecting the interests of the adjoining property owners. The existing regulations are not operating as intended. The proposed regulations to streamline the process for allowing grading activities within two feet of property lines will create an equal or better outcome for all parties by achieving the original intent of allowing flexibility in development while protecting the integrity of adjacent land. To ensure that the development proposals under review by the County may take immediate benefit of the streamlined process for allowing grading activities within two feet of property lines, the County hereby intends to make Sections 4 through 5 retroactive.



**Modify Existing Ordinance Section and Add New Ordinance Section:**

Page 8, delete:

**Section 10.** Severability and savings. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board, or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance. Provided, however, that if any section, sentence, clause, or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause, or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause, or phrase as if this ordinance had never been adopted.

And insert:

**Section 10.** A new section is added to chapter 30.63B of the Snohomish County Code to read:

**30.63B.025 Allowing a complete land disturbing activity permit application to opt-in to amended provisions adopted by Amended Ordinance No. 18-\_\_\_\_.**

(1) An applicant with a land disturbing activity permit application within unincorporated Snohomish County, determined to be complete between January 11, 2016, and the effective date of Amended Ordinance No. 18-\_\_\_\_, may voluntarily submit a signed waiver to the department requesting the permit application be reviewed under amended provisions for grading activities within two feet of a property line (SCC 30.63B.110 and 30.63B.200) adopted by sections 4 and 5 of Amended Ordinance No. 18-\_\_\_\_. All other development regulations in effect as of the date of the original permit application was determined to be complete shall apply.

(2) Applicants submitting a signed waiver shall have 12 months from the effective date of Amended Ordinance No. 18-\_\_\_\_ to submit revised construction plans.

(3) Revised construction plans submitted under this section shall require:

(a) Public notice under chapter 30.70 SCC unless the original land disturbing activity permit application was exempt from public notice requirements; and

(b) Payment of any applicable fees.

(4) The department shall include in its written decision for a Type 1 permit or staff recommendation for Type 2 permit a statement explaining that revised provisions for grading activities within two feet of a property line (refer to SCC 30.63B.110 and 30.63B.200) established under Amended Ordinance No. 18-\_\_\_\_ apply.

(5) This section is repealed effective 12 months from the effective date of Amended Ordinance No. 18-\_\_\_\_.

**Section 11. Severability and savings.** If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board, or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance. Provided, however, that if any section, sentence, clause, or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause, or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause, or phrase as if this ordinance had never been adopted.

**Council Disposition:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Exhibit 8 - December 18, 2018 Snohomish County Council Planning & Community development meeting recording

[https://snohomish.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=6623&meta\\_id=430796](https://snohomish.granicus.com/MediaPlayer.php?view_id=2&clip_id=6623&meta_id=430796)

## Exhibit 9 - Jan 16, 2019 Snohomish County Council Hearing

[https://snohomish.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=6650&meta\\_id=433598](https://snohomish.granicus.com/MediaPlayer.php?view_id=2&clip_id=6650&meta_id=433598)

**CASH RECEIPTS  
 MONETARY  
 CONTRIBUTIONS**

**C3**  
 (1/02)

**EXHIBIT 10**  
 THIS SPACE FOR OFFICE USE  
 100881827  
 01-20-2019

Candidate or Committee Name (Do not abbreviate. Use full name.)  
**DAVID J SOMERS (Citizens to Elect Dave Somers)**

Mailing Address  
**P.O. Box 1565**

City Zip + 4 Office Sought (candidates) Election Date  
**Everett, WA 98206 COUNTY EXECUTIVE 2019**

1. MONETARY CONTRIBUTIONS DEPOSITED IN ACCOUNT

Date Received		Amount	Total
	a. Anonymous .....		
	b. Candidate's personal funds deposited in the bank (include candidate loans in 1c).....		
	c. Loans, notes, security agreements. Attach Schedule L .....		
	d. Miscellaneous receipts (interest, refunds, auctions, other). Attach explanation .....		
	e. Small contributions \$25.00 or less not itemized and number of persons giving _____ (persons)		

2. CONTRIBUTIONS OVER \$25.00

Date Received	Contributor's Name, Address, City, State, Zip	Contributions of more than \$100:* Employer's Name, City and State	P R I	G E N	Amount	Aggregate* Total
01/17/19	JOHN MIRANTE 4110 125th Pl SE Everett, WA 98208	Pacific Ridge Homes Bothell, WA OccupationMANAGER	X		\$200.00	\$200.00
01/17/19	RYAN LARSEN 1718 272nd St NE Arlington, WA 98223	Land Pro Group Inc Lake Stevens, WA OccupationPLANNER	X		\$250.00	\$250.00
01/17/19	STEVE OHLENKAMP 16506 79th Pl NE Kenmore, WA 98028	TCG, LLC Seattle, WA OccupationPUBLIC AFFAIRS	X		\$250.00	\$250.00
01/17/19	BRIAN HOLTZCLAW 14604 32nd Dr SE Mill Creek, WA 98012	Village Life Inc Lynnwood, WA OccupationGENERAL COUNSEL	X		\$300.00	\$300.00
01/17/19	MIKE HANSEN P.O. Box 1304 Marysville, WA 98270	Keller Williams Marysville, WA OccupationREAL ESTATE	X		\$500.00	\$500.00
	<input checked="" type="checkbox"/> Check here if additional pages are attached	Sub-total			\$1,500.00	*See reverse for details.
		Amount from attached pages			\$21,500.00	
3. TOTAL FUNDS RECEIVED AND DEPOSITED OR CREDITED TO ACCOUNT Sum of parts 1 and 2 above. Enter this amount in line 1, Schedule A to C4.					\$23,000.00	

4. Date of Deposit  
**01/22/19**

Treasurer's Daytime Telephone No.: **(360)652-1550**

I certify that this report is true and complete to the best of my knowledge

Treasurer's Signature: **Claudia L Hayton** Date: **01-20-2019**

# RECEIPTS CONTINUATION SHEET (Attachment to C-3 Form)

Candidate or Committee Name (Do not abbreviate. Use full name.) <b>DAVID J SOMERS (Citizens to Elect Dave Somers)</b>	Deposit Date <b>01/22/19</b>
--	---------------------------------

2. CONTRIBUTIONS OVER \$25.00

Date Received	Contributor's Name, Address, City, State, Zip	Contributions of more than \$100:* Employer's Name, City and State	P R I	G E N	Amount	Aggregate Total*
01/17/19	DEVCO, INC 10900 NE 8th St, Ste 1200 Bellevue, WA 98004	Occupation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$1,000.00	\$1,000.00
01/17/19	SCOTT GUNNING 12329 Old Snohomish Monroe Road Snohomish, WA 98290	Gunning & Associates Seattle, WA Occupation REAL ESTATE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$1,000.00	\$1,000.00
01/17/19	EVAN HUNDEN 18236 SE 43rd Pl Issaquah, WA 98027	Devco, Inc Bellevue, WA Occupation PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$1,000.00	\$1,000.00
01/17/19	INTEGRAL NORTHWEST CORP 8115 Broadway, Ste 204 Everett, WA 98203	Occupation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$1,000.00	\$1,000.00
01/17/19	INTEGRAL NORTHWEST CORP 8115 Broadway, Ste 204 Everett, WA 98203	Occupation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$1,000.00	\$1,000.00
01/17/19	TIM KAIN TZ P.O. Box 610 Lake Stevens, WA 98258	KR-N9, LLC Lake Stevens, WA Occupation BUILDER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$1,000.00	\$1,000.00
01/17/19	TIM KAIN TZ P.O. Box 610 Lake Stevens, WA 98258	KR-N9, LLC Lake Stevens, WA Occupation BUILDER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$1,000.00	\$1,000.00
01/17/19	LAURENCE JOHNSON 516 E. Lake Stevens Rd Lake Stevens, WA 98258	Windermere Real Estate Marysville, WA Occupation REAL ESTATE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$1,000.00	\$1,000.00
01/17/19	CLAYTON LADUM P.O. Box 30889 Seattle, WA 98113	Oracle Management LLC Seattle, WA Occupation PRINCIPAL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$1,000.00	\$1,000.00
01/17/19	STEPHANIE DURHAM-MCCOURT 10515 20th St SE, Ste 202 Lake Stevens, WA 98258	MPS55 Inc Lake Stevens, WA Occupation TREASURER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$1,000.00	\$1,000.00
01/17/19	GARY PETERSHAGEN 9932 Vernon Road Lake Stevens, WA 98258	CD2IS, Inc Lake Stevens, WA Occupation REAL ESTATE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$1,000.00	\$1,000.00

# RECEIPTS CONTINUATION SHEET (Attachment to C-3 Form)

Candidate or Committee Name (Do not abbreviate. Use full name.) <b>DAVID J SOMERS (Citizens to Elect Dave Somers)</b>	Deposit Date <b>01/22/19</b>
--	---------------------------------

2. CONTRIBUTIONS OVER \$25.00

Date Received	Contributor's Name, Address, City, State, Zip	Contributions of more than \$100:* Employer's Name, City and State	P R I	G E N	Amount	Aggregate Total*
01/17/19	RAM ENGINEERING 16531 13th Ave W, Ste A108 Lynnwood, WA 98037	Occupation	<input checked="" type="checkbox"/>		\$1,000.00	\$1,000.00
01/17/19	KELLY BOSHA 2020 Parkside Dr E Seattle, WA 98112	KLB Construction Mukilteo, WA Occupation OWNER	<input checked="" type="checkbox"/>		\$1,000.00	\$1,000.00
01/17/19	KELLY BOSHA 2020 Parkside Dr E Seattle, WA 98112	KLB Construction Mukilteo, WA Occupation OWNER		<input checked="" type="checkbox"/>	\$500.00	\$500.00
01/17/19	WILLIAM GRADY 8425 NE Woodland Cove Dr Kirkland, WA 98034	KLB Construction Mukilteo, WA Occupation OWNER	<input checked="" type="checkbox"/>		\$1,000.00	\$1,000.00
01/17/19	WILLIAM GRADY 8425 NE Woodland Cove Dr Kirkland, WA 98034	KLB Construction Mukilteo, WA Occupation OWNER		<input checked="" type="checkbox"/>	\$500.00	\$500.00
01/17/19	VILLAGE LIFE INC 19020 33rd Ave W, #450 Lynnwood, WA 98036	Occupation	<input checked="" type="checkbox"/>		\$750.00	\$1,000.00
01/17/19	VILLAGE LIFE INC 19020 33rd Ave W, #450 Lynnwood, WA 98036	Occupation		<input checked="" type="checkbox"/>	\$750.00	\$750.00
01/17/19	LAND TECHNOLOGIES INC 18820 3rd Ave NE Arlington, WA 98223	Occupation	<input checked="" type="checkbox"/>		\$1,000.00	\$1,000.00
01/17/19	LAND TECHNOLOGIES INC 18820 3rd Ave NE Arlington, WA 98223	Occupation		<input checked="" type="checkbox"/>	\$500.00	\$500.00
01/17/19	WEST FORK PROPERTIES LLC 16720 Smokey Point Blvd, Ste 3 Arlington, WA 98223	Occupation	<input checked="" type="checkbox"/>		\$1,000.00	\$1,000.00
01/17/19	WEST FORK PROPERTIES LLC 16720 Smokey Point Blvd, Ste 3 Arlington, WA 98223	Occupation		<input checked="" type="checkbox"/>	\$500.00	\$500.00

# RECEIPTS CONTINUATION SHEET (Attachment to C-3 Form)

Candidate or Committee Name (Do not abbreviate. Use full name.)  
**DAVID J SOMERS (Citizens to Elect Dave Somers)**

Deposit Date  
**01/22/19**

2. CONTRIBUTIONS OVER \$25.00

Date Received	Contributor's Name, Address, City, State, Zip	Contributions of more than \$100:* Employer's Name, City and State	P R I	G E N	Amount	Aggregate Total*
01/17/19	KEVIN BALLARD 1311 Grand Ave Everett, WA 98201	Village Life Inc Lynnwood, WA  Occupation <b>DEVELOPER</b>	X		\$750.00	\$1,000.00
01/17/19	KEVIN BALLARD 1311 Grand Ave Everett, WA 98201	Village Life Inc Lynnwood, WA  Occupation <b>DEVELOPER</b>		X	\$250.00	\$250.00
01/17/19	ALLISON BALLARD 1311 Grand Ave Everett, WA 98201	Everett School District Everett, WA  Occupation <b>TEACHER</b>	X		\$1,000.00	\$1,000.00
		Occupation				
		Occupation				
		Occupation				
		Occupation				
		Occupation				
		Occupation				
		Occupation				
		Occupation				





Developers say a now-removed restriction had the unintended consequence of creating "no man's lands" of unused space along the edges of newly built neighborhoods. (Merle Ash)



# County allows developers to grade up to property lines

Developers supported the change, but opponents said it could put neighboring properties at risk.

By Noah Haglund

Sunday, January 20, 2019 1:30am | LOCAL NEWS EVERETT

EVERETT — The Snohomish County Council voted Wednesday to get rid of a rule that prevented developers from grading with 2 feet of a property line.

Developers said the restriction had the unintended consequence of creating “no man’s lands” of unused space along the edges of newly built neighborhoods, but some homeowners believe it puts their land at greater risk.

“This 2-foot rule effectively does not let people use the property they own and pay taxes on,” said Lynn Eshleman, a developer who has long been active in south Snohomish County.

The County Council voted 4-1 to allow grading and clearing up to the property line. Councilwoman Stephanie Wright voted in opposition.

At the hearing, Eshleman and others contended that the 2- to 4-foot spaces left along property lines — often closed off by fences or retaining walls — become magnets for trash, rodents and squatters. They also prevent a landowner from developing a property to its full potential, adding extra costs and decreasing housing densities.

Many in the audience disagreed.

Eric Adman, president of the environmental group the Sno-King Watershed Council, countered that the change was motivated by profit, not any greater good.


“I believe this is primarily a developer-sponsored ordinance to allow more houses per lot, which is going to have the net effect of making more money for the developers, but I do not believe it will increase the goals of creating more affordable housing and I believe it will have some adverse effects,” Adman said.

Some of those effects, he said, include damaging the root structure of trees on adjacent properties and forcing neighbors to allow workers to trespass on their property for construction and maintenance.

Nearly two dozen people spoke at the hearing. Many live next to the controversial [Frognal Estates subdivision](#) in the Picnic Point area southeast of Mukilteo, where a developer recently clear-cut woods after winning a series of court challenges.

The rule change was recommended by the county [Planning Commission](#). Some opponents who spoke Wednesday criticized Planning Commissioner Merle Ash of Arlington for not recusing himself from those deliberations. A consultant, ~~Ash~~ has played a lead role shepherding the Frognal project through the county’s land-use approval process. Ash spoke at the hearing to defend himself.

The new grading rule applies across all unincorporated areas. County Executive Dave Somers' administration endorsed it.



Before the change, a developer could grade up to the edge of the site, only if the neighboring landowner granted permission. That was often hard to obtain. Now, it's no longer needed.

Neighbors still have protections for steep slopes and significant trees on their property. Opponents, however, said those safeguards are weak.

Mike Pattison, a lobbyist for the [Master Builders Association of King and Snohomish Counties](#), said the 2-foot buffer was adopted a decade ago, during the recession. Its negative impacts weren't immediately obvious during the lull in housing starts. Pattison said neighbors still have the ability to challenge proposed grading activities.

The new ordinance adds a requirement for construction plans to be stamped by a licensed engineer when they include earth-moving within 2 feet of a project's boundary line.

Noah Haglund: 425-339-3465; [nhaglund@heraldnet.com](mailto:nhaglund@heraldnet.com).  
Twitter: [@NWhaglund](#).



© 2019, Everett Herald and Sound Publishing, Inc.

[About](#) | [Site Map](#) | [Contests](#) | [Newsletters](#) | [Subscribe](#) | [About Comments](#) | [Privacy Policy](#) | [Terms of Use](#) | [Contact](#) | [Social Media](#)

**U.S. Bankruptcy Court  
Western District of Washington (Seattle)  
Bankruptcy Petition #: 20-11966-TWD**

Date filed: 07/23/2020  
341 meeting: 08/26/2020 11:00 AM

Assigned to: Timothy W. Dore  
Chapter 11  
Voluntary  
Asset

**Debtor****Frognal Holdings, LLC**

1610 Everett Mall Way  
Everett, WA 98208  
SNOHOMISH-WA  
Tax ID / EIN: 80-0841095

represented by **Christine M Tobin-Presser**

Bush Kornfeld LLP  
601 Union St Ste 5000  
Seattle, WA 98101  
206-292-2110  
Email: [ctobin@bskd.com](mailto:ctobin@bskd.com)

**US Trustee****United States Trustee**



700 Stewart St Ste 5103  
Seattle, WA 98101  
(206) 553-2000

represented by **Matthew Joseph Plahuta Johnson**

DOJ-Ust  
700 Stewart Street  
Ste 5103  
Seattle, WA 98101  
206-553-2000  
Email: [matthew.j.johnson@usdoj.gov](mailto:matthew.j.johnson@usdoj.gov)

**Kathryn E Perkins**

Office of the United States Trustee  
700 Stewart St, #5103  
Seattle, WA 98101  
206-553-2000  
Email: [kathryn.e.perkins@usdoj.gov](mailto:kathryn.e.perkins@usdoj.gov)  
**TERMINATED: 07/24/2020**

Filing Date	#	Select <a href="#">all</a> / <a href="#">clear</a>	Docket Text
07/23/2020	 <a href="#">1</a>	<input checked="" type="checkbox"/>	Chapter 11 Voluntary Petition, Non-Individual. Filed by Christine M Tobin-Presser on behalf of Frognal Holdings, LLC (Tobin-Presser, Christine) (Entered: 07/23/2020 at 12:04:37)
07/23/2020			<b>Receipt of filing fee for Chapter 11 Voluntary Petition( <a href="#">20-11966</a>) [misc,1032] (1717.00). Receipt number <b>A26590764</b>. Fee amount \$1717.00. (U.S. Treasury) (Entered: 07/23/2020 at 12:07:18)</b>
07/23/2020			Creditor matrix uploaded/added 39 creditor(s). (admin) (Entered: 07/23/2020 at 12:31:02)

07/23/2020	<a href="#">2</a>	<input type="checkbox"/>	Notice of Appearance Filed by Kathryn E Perkins on behalf of United States Trustee. (Perkins, Kathryn) (Entered: 07/23/2020 at 16:13:02)
07/24/2020	<a href="#">3</a>	<input type="checkbox"/>	Withdrawal and Substitution of Attorney. Involvement of Kathryn E Perkins Terminated.. Filed by Matthew Joseph Plahuta Johnson on behalf of United States Trustee. (Johnson, Matthew) (Entered: 07/24/2020 at 09:31:09)
07/24/2020	<a href="#">4</a>		Meeting of Creditors Business Filed by Matthew Joseph Plahuta Johnson on behalf of United States Trustee. With 341(a) meeting to be held on 8/26/2020 at 11:00 AM at Telephonic Creditors Meeting Chapter 11. (Johnson, Matthew) (Entered: 07/24/2020 at 11:28:23)
07/24/2020	<a href="#">5</a>	<input checked="" type="checkbox"/>	341 Meeting of Creditors Notice Sent to BNC for Mailing . (JCF) (Entered: 07/24/2020 at 11:41:10)
07/24/2020	<a href="#">6</a>	<input checked="" type="checkbox"/>	US Trustee's Notice of Telephonic 341 Meeting of Creditors. (admin) (Entered: 07/24/2020 at 12:05:38)

View Selected

or

Download Selected

Fill in this information to identify your case:

United States Bankruptcy Court for the:

WESTERN DISTRICT OF WASHINGTON

Case number (if known) \_\_\_\_\_ Chapter 11

Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

04/20

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, Instructions for Bankruptcy Forms for Non-Individuals, is available.

1. Debtor's name Frognal Holdings, LLC

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and doing business as names

3. Debtor's federal Employer Identification Number (EIN) 80-0841095

4. Debtor's address Principal place of business Mailing address, if different from principal place of business

1610 Everett Mall Way  
Everett, WA 98208

Number, Street, City, State & ZIP Code

Snohomish  
County

P.O. Box, Number, Street, City, State & ZIP Code

Location of principal assets, if different from principal place of business

13500 60th Avenue West Edmonds, WA 98026  
Number, Street, City, State & ZIP Code

5. Debtor's website (URL) \_\_\_\_\_

6. Type of debtor

Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

Partnership (excluding LLP)

Other. Specify: \_\_\_\_\_



7. Describe debtor's business

A. Check one:

- Health Care Business (as defined in 11 U.S.C. § 101(27A))
- Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- Railroad (as defined in 11 U.S.C. § 101(44))
- Stockbroker (as defined in 11 U.S.C. § 101(53A))
- Commodity Broker (as defined in 11 U.S.C. § 101(6))
- Clearing Bank (as defined in 11 U.S.C. § 781(3))
- None of the above

B. Check all that apply

- Tax-exempt entity (as described in 26 U.S.C. §501)
- Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
- Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.  
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

\_\_\_\_\_

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- Chapter 7
- Chapter 9
- Chapter 11. Check all that apply:

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

- The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11.** If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- A plan is being filed with this petition.
- Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- No.
- Yes.

If more than 2 cases, attach a separate list.

District _____	When _____	Case number _____
District _____	When _____	Case number _____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

- No
- Yes.

List all cases. If more than 1, attach a separate list

Debtor _____	Relationship _____
District _____	When _____ Case number, if known _____

**11. Why is the case filed in this district?**

Check all that apply:

- Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

**12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?**

No

Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

**Why does the property need immediate attention?** (Check all that apply.)

- It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.  
What is the hazard? \_\_\_\_\_
- It needs to be physically secured or protected from the weather.
- It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).
- Other \_\_\_\_\_

**Where is the property?**

Number, Street, City, State & ZIP Code

**Is the property insured?**

- No
- Yes. Insurance agency \_\_\_\_\_

Contact name \_\_\_\_\_

Phone \_\_\_\_\_

**Statistical and administrative information**

**13. Debtor's estimation of available funds**

Check one:

- Funds will be available for distribution to unsecured creditors.
- After any administrative expenses are paid, no funds will be available to unsecured creditors.

**14. Estimated number of creditors**

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000-5,000   | <input type="checkbox"/> 25,001-50,000     |
| <input type="checkbox"/> 50-99           | <input type="checkbox"/> 5001-10,000   | <input type="checkbox"/> 50,001-100,000    |
| <input type="checkbox"/> 100-199         | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input type="checkbox"/> 200-999         |  |  |

**15. Estimated Assets**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> \$0 - \$50,000          | <input type="checkbox"/> \$1,000,001 - \$10 million             | <input type="checkbox"/> \$500,000,001 - \$1 billion     |
| <input type="checkbox"/> \$50,001 - \$100,000    | <input checked="" type="checkbox"/> \$10,000,001 - \$50 million | <input type="checkbox"/> \$1,000,000,001 - \$10 billion  |
| <input type="checkbox"/> \$100,001 - \$500,000   | <input type="checkbox"/> \$50,000,001 - \$100 million           | <input type="checkbox"/> \$10,000,000,001 - \$50 billion |
| <input type="checkbox"/> \$500,001 - \$1 million | <input type="checkbox"/> \$100,000,001 - \$500 million          | <input type="checkbox"/> More than \$50 billion          |

**16. Estimated liabilities**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> \$0 - \$50,000          | <input type="checkbox"/> \$1,000,001 - \$10 million             | <input type="checkbox"/> \$500,000,001 - \$1 billion     |
| <input type="checkbox"/> \$50,001 - \$100,000    | <input checked="" type="checkbox"/> \$10,000,001 - \$50 million | <input type="checkbox"/> \$1,000,000,001 - \$10 billion  |
| <input type="checkbox"/> \$100,001 - \$500,000   | <input type="checkbox"/> \$50,000,001 - \$100 million           | <input type="checkbox"/> \$10,000,000,001 - \$50 billion |
| <input type="checkbox"/> \$500,001 - \$1 million | <input type="checkbox"/> \$100,000,001 - \$500 million          | <input type="checkbox"/> More than \$50 billion          |

Debtor **Frogna Holdings, LLC**  
Name

Case number (if known)

**Request for Relief, Declaration, and Signatures**

**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature of authorized representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.  
I have been authorized to file this petition on behalf of the debtor.  
I have examined the information in this petition and have a reasonable belief that the information is true and correct.  
I declare under penalty of perjury that the foregoing is true and correct.  
Executed on July 23, 2020  
MM / DD / YYYY

**X /s/ Abdul Latif Lakhani**  
Signature of authorized representative of debtor  
  
**President of Integral Northwest Corporation, Manager**  
Title

**Abdul Latif Lakhani**  
Printed name

**18. Signature of attorney**

**X /s/ Christine M. Tobin-Presser**  
Signature of attorney for debtor

Date **July 23, 2020**  
MM / DD / YYYY

**Christine M. Tobin-Presser**  
Printed name

**Bush Kornfeld LLP**  
Firm name

**601 Union St., Suite 5000  
Seattle, WA 98101-2373**  
Number, Street, City, State & ZIP Code

Contact phone **(206) 292-2110** Email address **ctobin@bskd.com**

**WSBA 27628 WA**  
Bar number and State

**Fill in this information to identify the case:**

Debtor name Frognal Holdings, LLC

United States Bankruptcy Court for the: WESTERN DISTRICT OF WASHINGTON

Case number (if known) \_\_\_\_\_

Check if this is an amended filing

Official Form 202

**Declaration Under Penalty of Perjury for Non-Individual Debtors**

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

**WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.**

**Declaration and signature**

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)
- Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- Schedule H: Codebtors* (Official Form 206H)
- Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- Amended Schedule \_\_\_\_\_
- Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- Other document that requires a declaration \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 23, 2020

X /s/ Abdul Latif Lakhani

Signature of individual signing on behalf of debtor

Abdul Latif Lakhani

Printed name

President of Integral Northwest Corporation, Manager

Position or relationship to debtor

**Fill in this information to identify the case:**

Debtor name **Frognal Holdings, LLC**  
 United States Bankruptcy Court for the: **WESTERN DISTRICT OF WASHINGTON**  
 Case number (if known): \_\_\_\_\_

Check if this is an amended filing

**Official Form 204**

**Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders** 12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
16525 Ash Way, LLC 1610 SE Everett Mall Way Everett, WA 98208		Intercompany Payable				\$207,560.27
Aero Construction PO Box 295 Snohomish, WA 98291						\$27,799.80
Associated Earth Sciences, Inc 911 Fifth Ave, Suite 100 Kirkland, WA 98033		Geotechnical Services				\$78,302.72
Bill's Blueprint, Inc. 2920 Rockefeller Ave Everett, WA 98201		Printing/Reproductions				\$3,536.48
Chicago Title of Washington 1111 Third Avenue, Suite 320 Seattle, WA 98101		ALTA				\$432.10
Earth Solutions NW LLC 15365 NE 90th Street, Suite 10 Redmond, WA 98052		Environmental Site Assessment				\$1,125.00
Land Technologies 18820 3rd Ave NE Arlington, WA 98223		Engineering/Permitting				\$200,793.75
Metron and Associates, Inc. 307 N. Olympic, Suite 205 Arlington, WA 98223		Land Surveying, Mapping, Planning				\$5,757.50

Debtor **Frogna! Holdings, LLC**  
Name \_\_\_\_\_

Case number (if known) \_\_\_\_\_

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
North Peak Associates, LLC 10512 NE 140th St. Kirkland, WA 98034		Survey				\$5,519.00
Oseran Hahn, PS 10900 NE Fourth St, Suite 1430 Bellevue, WA 98004		Legal Services				\$13,928.49
Paul Jay Landscape Architect 2917 East Division Mount Vernon, WA 98274		Landscape Design				\$5,040.00
Perkl Properties, LLC 9725 32nd St SE Lake Stevens, WA 98258		Owners Representative/Project Management				\$34,853.32
Robert A. Underhill PC 601 Union Street, Suite 3300 Seattle, WA 98101		Tax Accounting Services				\$8,346.25
S.A. Newman Firm Inc. PO Box 156 Everett, WA 98206-0156		Forest Practice Consulting				\$1,716.22
Sound Publishing Inc. 11323 Commando Rd W Everett, WA 98204		Public Notice Publishing				\$110.25
Trinity Real Estate 3720 Carillon Point Kirkland, WA 98033		Broker Services	Contingent Unliquidated Disputed			\$11,637.50
Washington State Dept. Ecology PO Box 47611 Olympia, WA 98504-7611		Water Quality Program/Stormwater Construction Permit				\$2,216.00

**Fill in this information to identify the case:**

Debtor name Frognal Holdings, LLC

United States Bankruptcy Court for the: WESTERN DISTRICT OF WASHINGTON

Case number (if known) \_\_\_\_\_

Check if this is an amended filing

**Official Form 206Sum  
Summary of Assets and Liabilities for Non-Individuals**

12/15

**Part 1: Summary of Assets**

1. **Schedule A/B: Assets-Real and Personal Property** (Official Form 206A/B)

1a. <b>Real property:</b> Copy line 88 from <i>Schedule A/B</i> .....	\$ <u>30,800,000.00</u>
1b. <b>Total personal property:</b> Copy line 91A from <i>Schedule A/B</i> .....	\$ <u>121,624.10</u>
1c. <b>Total of all property:</b> Copy line 92 from <i>Schedule A/B</i> .....	\$ <u>30,921,624.10</u>

**Part 2: Summary of Liabilities**

2. <b>Schedule D: Creditors Who Have Claims Secured by Property</b> (Official Form 206D) Copy the total dollar amount listed in Column A, <i>Amount of claim</i> , from line 3 of <i>Schedule D</i> .....	\$ <u>10,325,493.84</u>
3. <b>Schedule E/F: Creditors Who Have Unsecured Claims</b> (Official Form 206E/F)	
3a. <b>Total claim amounts of priority unsecured claims:</b> Copy the total claims from Part 1 from line 5a of <i>Schedule E/F</i> .....	\$ <u>0.00</u>
3b. <b>Total amount of claims of nonpriority amount of unsecured claims:</b> Copy the total of the amount of claims from Part 2 from line 5b of <i>Schedule E/F</i> .....	+\$ <u>976,737.46</u>
4. <b>Total liabilities</b> ..... Lines 2 + 3a + 3b	\$ <u>11,302,231.30</u>

**Fill in this information to identify the case:**

Debtor name Frognal Holdings, LLC

United States Bankruptcy Court for the: WESTERN DISTRICT OF WASHINGTON

Case number (if known) \_\_\_\_\_

Check if this is an amended filing

# Official Form 206A/B

## Schedule A/B: Assets - Real and Personal Property

12/15

Disclose all property, real and personal, which the debtor owns or in which the debtor has any other legal, equitable, or future interest. Include all property in which the debtor holds rights and powers exercisable for the debtor's own benefit. Also include assets and properties which have no book value, such as fully depreciated assets or assets that were not capitalized. In Schedule A/B, list any executory contracts or unexpired leases. Also list them on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G).

Be as complete and accurate as possible. If more space is needed, attach a separate sheet to this form. At the top of any pages added, write the debtor's name and case number (if known). Also identify the form and line number to which the additional information applies. If an additional sheet is attached, include the amounts from the attachment in the total for the pertinent part.

For Part 1 through Part 11, list each asset under the appropriate category or attach separate supporting schedules, such as a fixed asset schedule or depreciation schedule, that gives the details for each asset in a particular category. List each asset only once. In valuing the debtor's interest, do not deduct the value of secured claims. See the instructions to understand the terms used in this form.

**Part 1: Cash and cash equivalents**

1. Does the debtor have any cash or cash equivalents?

- No. Go to Part 2.
- Yes Fill in the information below.

All cash or cash equivalents owned or controlled by the debtor

Current value of debtor's interest

3. **Checking, savings, money market, or financial brokerage accounts** (Identify all)

Name of institution (bank or brokerage firm)	Type of account	Last 4 digits of account number	
--	-----------------	---------------------------------	--

3.1. <u>Union Bank</u>	<u>Checking</u>	<u>8218</u>	<u>\$48.73</u>
------------------------	-----------------	-------------	----------------

3.2. <u>Union Bank</u>	<u>Money Market</u>	<u>8723</u>	<u>\$205.76</u>
------------------------	---------------------	-------------	-----------------

3.3. <u>US Bank</u>	<u>Checking</u>	<u>0309</u>	<u>\$481.61</u>
---------------------	-----------------	-------------	-----------------

4. **Other cash equivalents** (Identify all)

5. **Total of Part 1.**

Add lines 2 through 4 (including amounts on any additional sheets). Copy the total to line 80.

<u>\$736.10</u>
-----------------

**Part 2: Deposits and Prepayments**

6. Does the debtor have any deposits or prepayments?

- No. Go to Part 3.
- Yes Fill in the information below.

7. **Deposits, including security deposits and utility deposits**

Description, including name of holder of deposit

8. **Prepayments, including prepayments on executory contracts, leases, insurance, taxes, and rent**

Description, including name of holder of prepayment



Debtor Frognal Holdings, LLC  
Name

Case number (If known) \_\_\_\_\_

8.1. **Legal Retainer** **\$70,888.00**

9. **Total of Part 2.**  
Add lines 7 through 8. Copy the total to line 81.

**\$70,888.00**

**Part 3: Accounts receivable**

10. Does the debtor have any accounts receivable?

- No. Go to Part 4.
- Yes Fill in the information below.

11. **Accounts receivable**

11b. Over 90 days old:	<b>3,100,340.40</b>	-	<b>3,100,340.40</b>	=....	<b>Unknown</b>
	face amount		doubtful or uncollectible accounts		
	<b>Intercompany Receivables - \$3,098,340.40; Due from Abdul Latif Lakhani - \$2,000.00</b>				

12. **Total of Part 3.**  
Current value on lines 11a + 11b = line 12. Copy the total to line 82.

**\$0.00**

**Part 4: Investments**

13. Does the debtor own any investments?

- No. Go to Part 5.
- Yes Fill in the information below.

**Part 5: Inventory, excluding agriculture assets**

18. Does the debtor own any inventory (excluding agriculture assets)?

- No. Go to Part 6.
- Yes Fill in the information below.

**Part 6: Farming and fishing-related assets (other than titled motor vehicles and land)**

27. Does the debtor own or lease any farming and fishing-related assets (other than titled motor vehicles and land)?

- No. Go to Part 7.
- Yes Fill in the information below.

**Part 7: Office furniture, fixtures, and equipment; and collectibles**

38. Does the debtor own or lease any office furniture, fixtures, equipment, or collectibles?

- No. Go to Part 8.
- Yes Fill in the information below.

**Part 8: Machinery, equipment, and vehicles**

46. Does the debtor own or lease any machinery, equipment, or vehicles?

- No. Go to Part 9.
- Yes Fill in the information below.

**Part 9: Real property**

54. Does the debtor own or lease any real property?

Debtor Frogнал Holdings, LLC  
Name

Case number (If known) \_\_\_\_\_

- No. Go to Part 10.
- Yes Fill in the information below.

55. Any building, other improved real estate, or land which the debtor owns or in which the debtor has an interest

Description and location of property Include street address or other description such as Assessor Parcel Number (APN), and type of property (for example, acreage, factory, warehouse, apartment or office building, if available).	Nature and extent of debtor's interest in property	Net book value of debtor's interest (Where available)	Valuation method used for current value	Current value of debtor's interest
55.1. <b>13500 60th Avenue W Edmonds, WA 98026</b>  <b>Proposed 112-lot residential subdivision</b>  10-03-18 - \$27,200,000.00 10-18-19 - \$24,600,000.00 03-2020 - \$30,000,000.00 (per potential lender)	100% owner	Unknown	Appraisal	\$30,800,000.00

56. Total of Part 9.

Add the current value on lines 55.1 through 55.6 and entries from any additional sheets. Copy the total to line 88.

\$30,800,000.00

57. Is a depreciation schedule available for any of the property listed in Part 9?

- No
- Yes

58. Has any of the property listed in Part 9 been appraised by a professional within the last year?

- No
- Yes

**Part 10: Intangibles and intellectual property**

59. Does the debtor have any interests in intangibles or intellectual property?

- No. Go to Part 11.
- Yes Fill in the information below.

**Part 11: All other assets**

70. Does the debtor own any other assets that have not yet been reported on this form?

Include all interests in executory contracts and unexpired leases not previously reported on this form.

- No. Go to Part 12.
- Yes Fill in the information below.

Current value of debtor's interest

71. Notes receivable  
Description (include name of obligor)

Debtor Frognal Holdings, LLC  
Name

Case number (If known) \_\_\_\_\_

72. **Tax refunds and unused net operating losses (NOLs)**  
Description (for example, federal, state, local)

73. **Interests in insurance policies or annuities**

74. **Causes of action against third parties (whether or not a lawsuit has been filed)**

75. **Other contingent and unliquidated claims or causes of action of every nature, including counterclaims of the debtor and rights to set off claims**

**Claim for return of deposit. Silver Arch Capital LLC is improperly retaining a deposit with respect to financing that was being contemplated but was never provided.**

\$50,000.00

Nature of claim Claim for turnover

Amount requested \$50,000.00

76. **Trusts, equitable or future interests in property**

77. **Other property of any kind not already listed** *Examples: Season tickets, country club membership*

78. **Total of Part 11.**

Add lines 71 through 77. Copy the total to line 90.

\$50,000.00

79. **Has any of the property listed in Part 11 been appraised by a professional within the last year?**

No

Yes

**Part 12: Summary**

In Part 12 copy all of the totals from the earlier parts of the form

Type of property	Current value of personal property	Current value of real property
80. <b>Cash, cash equivalents, and financial assets.</b> <i>Copy line 5, Part 1</i>	<b>\$736.10</b>	
81. <b>Deposits and prepayments.</b> <i>Copy line 9, Part 2.</i>	<b>\$70,888.00</b>	
82. <b>Accounts receivable.</b> <i>Copy line 12, Part 3.</i>	<b>\$0.00</b>	
83. <b>Investments.</b> <i>Copy line 17, Part 4.</i>	<b>\$0.00</b>	
84. <b>Inventory.</b> <i>Copy line 23, Part 5.</i>	<b>\$0.00</b>	
85. <b>Farming and fishing-related assets.</b> <i>Copy line 33, Part 6.</i>	<b>\$0.00</b>	
86. <b>Office furniture, fixtures, and equipment; and collectibles.</b> <i>Copy line 43, Part 7.</i>	<b>\$0.00</b>	
87. <b>Machinery, equipment, and vehicles.</b> <i>Copy line 51, Part 8.</i>	<b>\$0.00</b>	
88. <b>Real property.</b> <i>Copy line 56, Part 9.....&gt;</i>		<b>\$30,800,000.00</b>
89. <b>Intangibles and intellectual property.</b> <i>Copy line 66, Part 10.</i>	<b>\$0.00</b>	
90. <b>All other assets.</b> <i>Copy line 78, Part 11.</i>	<b>+</b> <b>\$50,000.00</b>	
91. <b>Total.</b> Add lines 80 through 90 for each column	<b>\$121,624.10</b>	<b>+</b> 91b. <b>\$30,800,000.00</b>
92. <b>Total of all property on Schedule A/B.</b> Add lines 91a+91b=92		<b>\$30,921,624.10</b>

**Fill in this information to identify the case:**

Debtor name Frognal Holdings, LLC

United States Bankruptcy Court for the: WESTERN DISTRICT OF WASHINGTON

Case number (if known) \_\_\_\_\_

Check if this is an amended filing

**Official Form 206D**

**Schedule D: Creditors Who Have Claims Secured by Property**

12/15

Be as complete and accurate as possible.

**1. Do any creditors have claims secured by debtor's property?**

- No. Check this box and submit page 1 of this form to the court with debtor's other schedules. Debtor has nothing else to report on this form.
- Yes. Fill in all of the information below.

**Part 1: List Creditors Who Have Secured Claims**

2. List in alphabetical order all creditors who have secured claims. If a creditor has more than one secured claim, list the creditor separately for each claim.

		Column A Amount of claim <small>Do not deduct the value of collateral.</small>	Column B Value of collateral that supports this claim
<p><b>2.1 Shaughnessy Capital LLC</b> Creditor's Name</p> <p><b>333 Mamaroneck Ave #291 White Plains, NY 10605</b> Creditor's mailing address</p> <p><b>brose@mb2management.com</b> Creditor's email address, if known</p> <p><b>Date debt was incurred 05/23/17 (asserted balance as of 07/15/20)</b> Last 4 digits of account number <b>2MB2</b></p> <p><b>Do multiple creditors have an interest in the same property?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Specify each creditor, including this creditor and its relative priority.</p>	<p><b>Describe debtor's property that is subject to a lien</b> <b>13500 60th Avenue West Edmonds, WA 98026</b></p> <hr/> <p><b>Describe the lien</b> <b>Deed of Trust</b></p> <p><b>Is the creditor an insider or related party?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p> <p><b>Is anyone else liable on this claim?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Fill out <i>Schedule H: Codebtors</i> (Official Form 206H)</p> <hr/> <p><b>As of the petition filing date, the claim is:</b> Check all that apply <input checked="" type="checkbox"/> Contingent <input checked="" type="checkbox"/> Unliquidated <input checked="" type="checkbox"/> Disputed</p>	<b>\$10,309,406.00</b>	<b>\$30,800,000.00</b>

<p><b>2.2 Snohomish Cty. Treasurer</b> Creditor's Name</p> <p><b>M/S #501 3000 Rockefeller Ave. Everett, WA 98201</b> Creditor's mailing address</p> <p>Creditor's email address, if known</p> <p><b>Date debt was incurred</b></p> <p><b>Last 4 digits of account number</b></p> <p><b>Do multiple creditors have an interest in the same property?</b></p>	<p><b>Describe debtor's property that is subject to a lien</b> <b>13500 60th Avenue West Edmonds, WA 98026</b></p> <hr/> <p><b>Describe the lien</b> <b>Real Property Lien</b></p> <p><b>Is the creditor an insider or related party?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p> <p><b>Is anyone else liable on this claim?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Fill out <i>Schedule H: Codebtors</i> (Official Form 206H)</p> <hr/> <p><b>As of the petition filing date, the claim is:</b> Check all that apply</p>	<b>\$16,087.84</b>	<b>\$30,800,000.00</b>
--	---	--------------------	------------------------

Debtor **Frognal Holdings, LLC**  
Name

Case number (if known)

- No  
 Yes. Specify each creditor, including this creditor and its relative priority.
- Contingent  
 Unliquidated  
 Disputed

3. Total of the dollar amounts from Part 1, Column A, including the amounts from the Additional Page, if any.

**\$10,325,493.**  
**84**

**Part 2: List Others to Be Notified for a Debt Already Listed in Part 1**

List in alphabetical order any others who must be notified for a debt already listed in Part 1. Examples of entities that may be listed are collection agencies, assignees of claims listed above, and attorneys for secured creditors.

If no others need to be notified for the debts listed in Part 1, do not fill out or submit this page. If additional pages are needed, copy this page.

Name and address

On which line in Part 1 did you enter the related creditor?

Last 4 digits of account number for this entity

**Fill in this information to identify the case:**

Debtor name Frognal Holdings, LLC

United States Bankruptcy Court for the: WESTERN DISTRICT OF WASHINGTON

Case number (if known) \_\_\_\_\_

Check if this is an amended filing

**Official Form 206E/F**  
**Schedule E/F: Creditors Who Have Unsecured Claims**

12/15

Be as complete and accurate as possible. Use Part 1 for creditors with PRIORITY unsecured claims and Part 2 for creditors with NONPRIORITY unsecured claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on *Schedule A/B: Assets - Real and Personal Property* (Official Form 206A/B) and on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G). Number the entries in Parts 1 and 2 in the boxes on the left. If more space is needed for Part 1 or Part 2, fill out and attach the Additional Page of that Part included in this form.

**Part 1: List All Creditors with PRIORITY Unsecured Claims**

1. Do any creditors have priority unsecured claims? (See 11 U.S.C. § 507).

- No. Go to Part 2.  
 Yes. Go to line 2.

**Part 2: List All Creditors with NONPRIORITY Unsecured Claims**

3. List in alphabetical order all of the creditors with nonpriority unsecured claims. If the debtor has more than 6 creditors with nonpriority unsecured claims, fill out and attach the Additional Page of Part 2.

		Amount of claim	
3.1	<b>Nonpriority creditor's name and mailing address</b> <b>16525 Ash Way, LLC</b> <b>1610 SE Everett Mall Way</b> <b>Everett, WA 98208</b>  Date(s) debt was incurred _____ Last 4 digits of account number _____	<b>As of the petition filing date, the claim is:</b> <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed  <b>Basis for the claim:</b> <u>Intercompany Payable</u>  Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<u>\$207,560.27</u>
3.2	<b>Nonpriority creditor's name and mailing address</b> <b>Abdul John Lakhani</b> <b>1610 SE Everett Mall Way</b> <b>Everett, WA 98208</b>  Date(s) debt was incurred _____ Last 4 digits of account number _____	<b>As of the petition filing date, the claim is:</b> <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed  <b>Basis for the claim:</b> _____  Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<u>\$59,762.13</u>
3.3	<b>Nonpriority creditor's name and mailing address</b> <b>Aero Construction</b> <b>PO Box 295</b> <b>Snohomish, WA 98291</b>  Date(s) debt was incurred <u>May 2019; May 2020</u> Last 4 digits of account number <u>OG10</u>	<b>As of the petition filing date, the claim is:</b> <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed  <b>Basis for the claim:</b> _____  Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<u>\$27,799.80</u>
3.4	<b>Nonpriority creditor's name and mailing address</b> <b>Allegro at Ash Creek, LLC</b> <b>1610 SE Everett Mall Way</b> <b>Everett, WA 98208</b>  Date(s) debt was incurred _____ Last 4 digits of account number _____	<b>As of the petition filing date, the claim is:</b> <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed  <b>Basis for the claim:</b> <u>Intercompany Payable</u>  Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<u>\$1,500.00</u>

Debtor **Frogna! Holdings, LLC**  
Name

Case number (if known)

3.5	<b>Nonpriority creditor's name and mailing address</b> <b>Anthem</b> <b>1610 SE Everett Mall Way</b> <b>Everett, WA 98208</b> Date(s) debt was incurred _ Last 4 digits of account number _	<b>As of the petition filing date, the claim is:</b> <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <b>Basis for the claim:</b> <u>Intercompany Payable</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>\$4,749.00</b>
3.6	<b>Nonpriority creditor's name and mailing address</b> <b>Associated Earth Sciences, Inc</b> <b>911 Fifth Ave, Suite 100</b> <b>Kirkland, WA 98033</b> Date(s) debt was incurred <u>October 2019-June 2020</u> Last 4 digits of account number <u>H001</u>	<b>As of the petition filing date, the claim is:</b> <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <b>Basis for the claim:</b> <u>Geotechnical Services</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>\$78,302.72</b>
3.7	<b>Nonpriority creditor's name and mailing address</b> <b>Bill's Blueprint, Inc.</b> <b>2920 Rockefeller Ave</b> <b>Everett, WA 98201</b> Date(s) debt was incurred <u>August 2019 to present</u> Last 4 digits of account number <u>0600</u>	<b>As of the petition filing date, the claim is:</b> <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <b>Basis for the claim:</b> <u>Printing/Reproductions</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>\$3,536.48</b>
3.8	<b>Nonpriority creditor's name and mailing address</b> <b>BPH Development Group, LLC</b> <b>1610 SE Everett Mall Way</b> <b>Everett, WA 98208</b> Date(s) debt was incurred _ Last 4 digits of account number _	<b>As of the petition filing date, the claim is:</b> <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <b>Basis for the claim:</b> <u>Intercompany Payable</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>\$30,088.81</b>
3.9	<b>Nonpriority creditor's name and mailing address</b> <b>Chicago Title of Washington</b> <b>1111 Third Avenue, Suite 320</b> <b>Seattle, WA 98101</b> Date(s) debt was incurred <u>July 2019</u> Last 4 digits of account number <u>3325</u>	<b>As of the petition filing date, the claim is:</b> <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <b>Basis for the claim:</b> <u>ALTA</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>\$432.10</b>
3.10	<b>Nonpriority creditor's name and mailing address</b> <b>Earth Solutions NW LLC</b> <b>15365 NE 90th Street, Suite 10</b> <b>Redmond, WA 98052</b> Date(s) debt was incurred <u>February 2020</u> Last 4 digits of account number <u>2673</u>	<b>As of the petition filing date, the claim is:</b> <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <b>Basis for the claim:</b> <u>Environmental Site Assessment</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>\$1,125.00</b>
3.11	<b>Nonpriority creditor's name and mailing address</b> <b>Integral Northwest Corp</b> <b>1610 SE Everett Mall Way</b> <b>Everett, WA 98208</b> Date(s) debt was incurred _ Last 4 digits of account number _	<b>As of the petition filing date, the claim is:</b> <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <b>Basis for the claim:</b> <u>Intercompany Payable</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>\$43,923.87</b>



Debtor **Frognal Holdings, LLC**  
Name

Case number (if known)

3.12	<b>Nonpriority creditor's name and mailing address</b> <b>Integral Northwest Corp</b> <b>1610 SE Everett Mall Way</b> <b>Everett, WA 98208</b> Date(s) debt was incurred <u>07/21/20</u> Last 4 digits of account number _	<b>As of the petition filing date, the claim is:</b> <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <b>Basis for the claim:</b> <u>Loan for legal retainer</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>\$75,000.00</b>
3.13	<b>Nonpriority creditor's name and mailing address</b> <b>Kamil Lakhani</b> <b>1610 SE Everett Mall Way</b> <b>Everett, WA 98208</b> Date(s) debt was incurred _ Last 4 digits of account number _	<b>As of the petition filing date, the claim is:</b> <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <b>Basis for the claim:</b> _ Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>\$75,379.50</b>
3.14	<b>Nonpriority creditor's name and mailing address</b> <b>Land Technologies</b> <b>18820 3rd Ave NE</b> <b>Arlington, WA 98223</b> Date(s) debt was incurred <u>November 2017 to present</u> Last 4 digits of account number _	<b>As of the petition filing date, the claim is:</b> <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <b>Basis for the claim:</b> <u>Engineering/Permitting</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>\$200,793.75</b>
3.15	<b>Nonpriority creditor's name and mailing address</b> <b>Metron and Associates, Inc.</b> <b>307 N. Olympic, Suite 205</b> <b>Arlington, WA 98223</b> Date(s) debt was incurred <u>October 2018,</u> <u>December 2018, March 2019</u> Last 4 digits of account number <u>6110</u>	<b>As of the petition filing date, the claim is:</b> <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <b>Basis for the claim:</b> <u>Land Surveying, Mapping, Planning</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>\$5,757.50</b>
3.16	<b>Nonpriority creditor's name and mailing address</b> <b>North Peak Associates, LLC</b> <b>10512 NE 140th St.</b> <b>Kirkland, WA 98034</b> Date(s) debt was incurred <u>May 2019</u> Last 4 digits of account number <u>1864</u>	<b>As of the petition filing date, the claim is:</b> <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <b>Basis for the claim:</b> <u>Survey</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>\$5,519.00</b>
3.17	<b>Nonpriority creditor's name and mailing address</b> <b>Oseran Hahn, PS</b> <b>10900 NE Fourth St, Suite 1430</b> <b>Bellevue, WA 98004</b> Date(s) debt was incurred <u>June 2019 to May 2020</u> Last 4 digits of account number <u>025M</u>	<b>As of the petition filing date, the claim is:</b> <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <b>Basis for the claim:</b> <u>Legal Services</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>\$13,928.49</b>
3.18	<b>Nonpriority creditor's name and mailing address</b> <b>Paul Jay Landscape Architect</b> <b>2917 East Division</b> <b>Mount Vernon, WA 98274</b> Date(s) debt was incurred <u>February 2019</u> Last 4 digits of account number _	<b>As of the petition filing date, the claim is:</b> <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <b>Basis for the claim:</b> <u>Landscape Design</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<b>\$5,040.00</b>

3.19 Nonpriority creditor's name and mailing address **Perkl Properties, LLC** **9725 32nd St SE** **Lake Stevens, WA 98258** **Date(s) debt was incurred March 2019 to present** **Last 4 digits of account number \_** **As of the petition filing date, the claim is: *Check all that apply.*** **\$34,853.32**  
 Contingent  
 Unliquidated  
 Disputed  
**Basis for the claim: Owners Representative/Project Management**  
Is the claim subject to offset?  No  Yes

3.20 Nonpriority creditor's name and mailing address **Robert A. Underhill PC** **601 Union Street, Suite 3300** **Seattle, WA 98101** **Date(s) debt was incurred May 2020** **Last 4 digits of account number AL10** **As of the petition filing date, the claim is: *Check all that apply.*** **\$8,346.25**  
 Contingent  
 Unliquidated  
 Disputed  
**Basis for the claim: Tax Accounting Services**  
Is the claim subject to offset?  No  Yes

3.21 Nonpriority creditor's name and mailing address **S.A. Newman Firm Inc.** **PO Box 156** **Everett, WA 98206-0156** **Date(s) debt was incurred January 2019, January 2020** **Last 4 digits of account number \_** **As of the petition filing date, the claim is: *Check all that apply.*** **\$1,716.22**  
 Contingent  
 Unliquidated  
 Disputed  
**Basis for the claim: Forest Practice Consulting**  
Is the claim subject to offset?  No  Yes

3.22 Nonpriority creditor's name and mailing address **Shergar Land Corp.** **1610 SE Everett Mall Way** **Everett, WA 98208** **Date(s) debt was incurred \_** **Last 4 digits of account number \_** **As of the petition filing date, the claim is: *Check all that apply.*** **\$77,659.50**  
 Contingent  
 Unliquidated  
 Disputed  
**Basis for the claim: Easement**  
Is the claim subject to offset?  No  Yes

3.23 Nonpriority creditor's name and mailing address **Sound Publishing Inc.** **11323 Commando Rd W** **Everett, WA 98204** **Date(s) debt was incurred October 2019** **Last 4 digits of account number 0050** **As of the petition filing date, the claim is: *Check all that apply.*** **\$110.25**  
 Contingent  
 Unliquidated  
 Disputed  
**Basis for the claim: Public Notice Publishing**  
Is the claim subject to offset?  No  Yes

3.24 Nonpriority creditor's name and mailing address **Trinity Real Estate** **3720 Carillon Point** **Kirkland, WA 98033** **Date(s) debt was incurred May 2020** **Last 4 digits of account number \_** **As of the petition filing date, the claim is: *Check all that apply.*** **\$11,637.50**  
 Contingent  
 Unliquidated  
 Disputed  
**Basis for the claim: Broker Services**  
Is the claim subject to offset?  No  Yes

3.25 Nonpriority creditor's name and mailing address **Washington State Dept. Ecology** **PO Box 47611** **Olympia, WA 98504-7611** **Date(s) debt was incurred August 2019** **Last 4 digits of account number \_** **As of the petition filing date, the claim is: *Check all that apply.*** **\$2,216.00**  
 Contingent  
 Unliquidated  
 Disputed  
**Basis for the claim: Water Quality Program/Stormwater Construction Permit**  
Is the claim subject to offset?  No  Yes

**Part 3: List Others to Be Notified About Unsecured Claims**

Debtor **Frognal Holdings, LLC**  
Name

Case number (if known)

4. List in alphabetical order any others who must be notified for claims listed in Parts 1 and 2. Examples of entities that may be listed are collection agencies, assignees of claims listed above, and attorneys for unsecured creditors.

If no others need to be notified for the debts listed in Parts 1 and 2, do not fill out or submit this page. If additional pages are needed, copy the next page.

Name and mailing address

On which line in Part 1 or Part 2 is the related creditor (if any) listed?

Last 4 digits of account number, if any

**Part 4: Total Amounts of the Priority and Nonpriority Unsecured Claims**

5. Add the amounts of priority and nonpriority unsecured claims.

5a. Total claims from Part 1

5b. Total claims from Part 2

5c. Total of Parts 1 and 2  
Lines 5a + 5b = 5c.

		Total of claim amounts
5a.	\$	<u>0.00</u>
5b.	+	\$ <b>976,737.46</b>
5c.	\$	<b>976,737.46</b>

**Fill in this information to identify the case:**

Debtor name Frognal Holdings, LLC

United States Bankruptcy Court for the: WESTERN DISTRICT OF WASHINGTON

Case number (if known) \_\_\_\_\_

Check if this is an amended filing

**Official Form 206G**

**Schedule G: Executory Contracts and Unexpired Leases**

12/15

Be as complete and accurate as possible. If more space is needed, copy and attach the additional page, number the entries consecutively.

**1. Does the debtor have any executory contracts or unexpired leases?**

No. Check this box and file this form with the debtor's other schedules. There is nothing else to report on this form.

Yes. Fill in all of the information below even if the contacts of leases are listed on *Schedule A/B: Assets - Real and Personal Property* (Official Form 206A/B).

**2. List all contracts and unexpired leases**

**State the name and mailing address for all other parties with whom the debtor has an executory contract or unexpired lease**

2.1. State what the contract or lease is for and the nature of the debtor's interest **Construction Contract**

State the term remaining \_\_\_\_\_

List the contract number of any government contract \_\_\_\_\_

**Aero Construction**  
**PO Box 295**  
**Snohomish, WA 98291**

2.2. State what the contract or lease is for and the nature of the debtor's interest **Geotechnical Services**

State the term remaining \_\_\_\_\_

List the contract number of any government contract \_\_\_\_\_

**Associated Earth Sciences**  
**2911 1/2 Hewitt Ave, Ste. 2**  
**Everett, WA 98201**

2.3. State what the contract or lease is for and the nature of the debtor's interest **Environmental Site Assessment**

State the term remaining \_\_\_\_\_

List the contract number of any government contract \_\_\_\_\_

**Earth Solutions NW LLC**  
**15365 NE 90th Street, Suite 10**  
**Redmond, WA 98052**

2.4. State what the contract or lease is for and the nature of the debtor's interest **Engineering Contract**

State the term remaining \_\_\_\_\_

List the contract number of any government contract \_\_\_\_\_

**Land Technologies**  
**18820 3rd Ave NE**  
**Arlington, WA 98223**

**Additional Page if You Have More Contracts or Leases**

**2. List all contracts and unexpired leases**

**State the name and mailing address for all other parties with whom the debtor has an executory contract or unexpired lease**

2.5. State what the contract or lease is for and the nature of the debtor's interest **Land Surveying, Mapping, Planning**

State the term remaining \_\_\_\_\_

List the contract number of any government contract \_\_\_\_\_

**Metron and Associates, Inc.  
307 N. Olympic, Suite 205  
Arlington, WA 98223**

2.6. State what the contract or lease is for and the nature of the debtor's interest **Survey**

State the term remaining \_\_\_\_\_

List the contract number of any government contract \_\_\_\_\_

**North Peak Associates, LLC  
10512 NE 140th St.  
Kirkland, WA 98034**

2.7. State what the contract or lease is for and the nature of the debtor's interest **Owners Representative/Project Management**

State the term remaining \_\_\_\_\_

List the contract number of any government contract \_\_\_\_\_

**Perkl Properties, LLC  
9725 32nd St SE  
Lake Stevens, WA 98258**

2.8. State what the contract or lease is for and the nature of the debtor's interest **Forest Practice Consulting**

State the term remaining \_\_\_\_\_

List the contract number of any government contract \_\_\_\_\_

**S.A. Newman Firm Inc.  
PO Box 156  
Everett, WA 98206-0156**

**Fill in this information to identify the case:**

Debtor name Frognal Holdings, LLC

United States Bankruptcy Court for the: WESTERN DISTRICT OF WASHINGTON

Case number (if known) \_\_\_\_\_

Check if this is an amended filing

# Official Form 206H Schedule H: Your Codebtors

12/15

Be as complete and accurate as possible. If more space is needed, copy the Additional Page, numbering the entries consecutively. Attach the Additional Page to this page.

**1. Do you have any codebtors?**

No. Check this box and submit this form to the court with the debtor's other schedules. Nothing else needs to be reported on this form.

Yes

**2. In Column 1, list as codebtors all of the people or entities who are also liable for any debts listed by the debtor in the schedules of creditors, Schedules D-G. Include all guarantors and co-obligors. In Column 2, identify the creditor to whom the debt is owed and each schedule on which the creditor is listed. If the codebtor is liable on a debt to more than one creditor, list each creditor separately in Column 2.**

*Column 1: Codebtor*

*Column 2: Creditor*

**Name**

**Mailing Address**

**Name**

*Check all schedules that apply:*

2.1 **Shergar Land Corp**

**Shergar hypothecated real property as additional collateral for the loan to the Debtor**

**Shaughnessy Capital LLC**

D \_\_\_\_\_  
 E/F \_\_\_\_\_  
 G \_\_\_\_\_

**Fill in this information to identify the case:**

Debtor name Frognal Holdings, LLC  
 United States Bankruptcy Court for the: WESTERN DISTRICT OF WASHINGTON  
 Case number (if known) \_\_\_\_\_

Check if this is an amended filing

**Official Form 207**

**Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy**

04/19

The debtor must answer every question. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known).

**Part 1: Income**

**1. Gross revenue from business**

None.

Identify the beginning and ending dates of the debtor's fiscal year, which may be a calendar year

From the beginning of the fiscal year to filing date:  
 From **8/01/2020** to **Filing Date**

Sources of revenue  
 Check all that apply

Gross revenue  
 (before deductions and exclusions)

- Operating a business  
**See attached for fiscal year operating revenues**
- Other \_\_\_\_\_

**\$0.00**

**2. Non-business revenue**

Include revenue regardless of whether that revenue is taxable. *Non-business income* may include interest, dividends, money collected from lawsuits, and royalties. List each source and the gross revenue for each separately. Do not include revenue listed in line 1.

None.

Description of sources of revenue

Gross revenue from each source  
 (before deductions and exclusions)

**Part 2: List Certain Transfers Made Before Filing for Bankruptcy**

**3. Certain payments or transfers to creditors within 90 days before filing this case**

List payments or transfers--including expense reimbursements--to any creditor, other than regular employee compensation, within 90 days before filing this case unless the aggregate value of all property transferred to that creditor is less than \$6,825. (This amount may be adjusted on 4/01/22 and every 3 years after that with respect to cases filed on or after the date of adjustment.)

None.

Creditor's Name and Address

Dates

Total amount of value

Reasons for payment or transfer  
 Check all that apply

**4. Payments or other transfers of property made within 1 year before filing this case that benefited any insider**

List payments or transfers, including expense reimbursements, made within 1 year before filing this case on debts owed to an insider or guaranteed or cosigned by an insider unless the aggregate value of all property transferred to or for the benefit of the insider is less than \$6,825. (This amount may be adjusted on 4/01/22 and every 3 years after that with respect to cases filed on or after the date of adjustment.) Do not include any payments listed in line 3. *Insiders* include officers, directors, and anyone in control of a corporate debtor and their relatives; general partners of a partnership debtor and their relatives; affiliates of the debtor and insiders of such affiliates; and any managing agent of the debtor. 11 U.S.C. § 101(31).

None.

Insider's name and address Relationship to debtor	Dates	Total amount of value	Reasons for payment or transfer
--	-------	-----------------------	---------------------------------

**5. Repossessions, foreclosures, and returns**

List all property of the debtor that was obtained by a creditor within 1 year before filing this case, including property repossessed by a creditor, sold at a foreclosure sale, transferred by a deed in lieu of foreclosure, or returned to the seller. Do not include property listed in line 6.

None

Creditor's name and address	Describe of the Property	Date	Value of property
<b>Shaughnessy Capital LLC</b> 333 Mamaroneck Ave #291 White Plains, NY 10605	<b>13500 60th Avenue W</b> Edmonds, WA 98026 Foreclosure pending as of Petition Date		<b>\$30,800,000.00</b>

**6. Setoffs**

List any creditor, including a bank or financial institution, that within 90 days before filing this case set off or otherwise took anything from an account of the debtor without permission or refused to make a payment at the debtor's direction from an account of the debtor because the debtor owed a debt.

None

Creditor's name and address	Description of the action creditor took	Date action was taken	Amount
-----------------------------	---	-----------------------	--------

**Part 3: Legal Actions or Assignments****7. Legal actions, administrative proceedings, court actions, executions, attachments, or governmental audits**

List the legal actions, proceedings, investigations, arbitrations, mediations, and audits by federal or state agencies in which the debtor was involved in any capacity—within 1 year before filing this case.

None.

Case title Case number	Nature of case	Court or agency's name and address	Status of case
---------------------------	----------------	------------------------------------	----------------

**8. Assignments and receivership**

List any property in the hands of an assignee for the benefit of creditors during the 120 days before filing this case and any property in the hands of a receiver, custodian, or other court-appointed officer within 1 year before filing this case.

None

**Part 4: Certain Gifts and Charitable Contributions****9. List all gifts or charitable contributions the debtor gave to a recipient within 2 years before filing this case unless the aggregate value of the gifts to that recipient is less than \$1,000**

None

Recipient's name and address	Description of the gifts or contributions	Dates given	Value
------------------------------	---	-------------	-------

**Part 5: Certain Losses****10. All losses from fire, theft, or other casualty within 1 year before filing this case.**



None

Description of the property lost and how the loss occurred	Amount of payments received for the loss	Dates of loss	Value of property lost
	If you have received payments to cover the loss, for example, from insurance, government compensation, or tort liability, list the total received.  List unpaid claims on Official Form 106A/B (Schedule A/B: Assets – Real and Personal Property).		

**Part 6: Certain Payments or Transfers**

**11. Payments related to bankruptcy**

List any payments of money or other transfers of property made by the debtor or person acting on behalf of the debtor within 1 year before the filing of this case to another person or entity, including attorneys, that the debtor consulted about debt consolidation or restructuring, seeking bankruptcy relief, or filing a bankruptcy case.

None.

	Who was paid or who received the transfer? Address	If not money, describe any property transferred	Dates	Total amount or value
11.1.	<b>Bush Kornfeld LLP</b> 601 Union St., #5000 Seattle, WA 98101-2373		July 16, 2020	\$1,815.00
	Email or website address bskd.com			
	Who made the payment, if not debtor? Integral NW Corp (on behalf of Debtor)			
11.2.	<b>Bush Kornfeld LLP</b> 601 Union St., #5000 Seattle, WA 98101-2373			\$9,112.00
	Email or website address bskd.com			
	Who made the payment, if not debtor? Frognal Holdings, LLC and Integral NW (on behalf of Debtor)			

**12. Self-settled trusts of which the debtor is a beneficiary**

List any payments or transfers of property made by the debtor or a person acting on behalf of the debtor within 10 years before the filing of this case to a self-settled trust or similar device. Do not include transfers already listed on this statement.

None.

Name of trust or device	Describe any property transferred	Dates transfers were made	Total amount or value

**13. Transfers not already listed on this statement**

List any transfers of money or other property by sale, trade, or any other means made by the debtor or a person acting on behalf of the debtor within 2 years before the filing of this case to another person, other than property transferred in the ordinary course of business or financial affairs. Include both outright transfers and transfers made as security. Do not include gifts or transfers previously listed on this statement.

None.

Who received transfer? Address	Description of property transferred or payments received or debts paid in exchange	Date transfer was made	Total amount or value
-----------------------------------	---	---------------------------	--------------------------

**Part 7: Previous Locations**

**14. Previous addresses**

List all previous addresses used by the debtor within 3 years before filing this case and the dates the addresses were used.

Does not apply

Address	Dates of occupancy From-To
---------	-------------------------------

14.1. <b>8115 Broadway, Suite 204 Everett, WA 98203</b>	<b>1993 to 04/01/20</b>
---	-------------------------

**Part 8: Health Care Bankruptcies**

**15. Health Care bankruptcies**

Is the debtor primarily engaged in offering services and facilities for:  
- diagnosing or treating injury, deformity, or disease, or  
- providing any surgical, psychiatric, drug treatment, or obstetric care?

- No. Go to Part 9.
- Yes. Fill in the information below.

Facility name and address	Nature of the business operation, including type of services the debtor provides	If debtor provides meals and housing, number of patients in debtor's care
---------------------------	---	---

**Part 9: Personally Identifiable Information**

**16. Does the debtor collect and retain personally identifiable information of customers?**

- No.
- Yes. State the nature of the information collected and retained.

**17. Within 6 years before filing this case, have any employees of the debtor been participants in any ERISA, 401(k), 403(b), or other pension or profit-sharing plan made available by the debtor as an employee benefit?**

- No. Go to Part 10.
- Yes. Does the debtor serve as plan administrator?

**Part 10: Certain Financial Accounts, Safe Deposit Boxes, and Storage Units**

**18. Closed financial accounts**

Within 1 year before filing this case, were any financial accounts or instruments held in the debtor's name, or for the debtor's benefit, closed, sold, moved, or transferred?  
Include checking, savings, money market, or other financial accounts; certificates of deposit; and shares in banks, credit unions, brokerage houses, cooperatives, associations, and other financial institutions.

None

Financial Institution name and Address	Last 4 digits of account number	Type of account or instrument	Date account was closed, sold, moved, or transferred	Last balance before closing or transfer
---	------------------------------------	----------------------------------	---	---

**19. Safe deposit boxes**

List any safe deposit box or other depository for securities, cash, or other valuables the debtor now has or did have within 1 year before filing this case.

None

Depository institution name and address	Names of anyone with access to it Address	Description of the contents	Do you still have it?
---	---	-----------------------------	-----------------------

**20. Off-premises storage**

List any property kept in storage units or warehouses within 1 year before filing this case. Do not include facilities that are in a part of a building in which the debtor does business.

None

Facility name and address	Names of anyone with access to it	Description of the contents	Do you still have it?
---------------------------	-----------------------------------	-----------------------------	-----------------------

**Part 11: Property the Debtor Holds or Controls That the Debtor Does Not Own**

**21. Property held for another**

List any property that the debtor holds or controls that another entity owns. Include any property borrowed from, being stored for, or held in trust. Do not list leased or rented property.

None

**Part 12: Details About Environment Information**

For the purpose of Part 12, the following definitions apply:

*Environmental law* means any statute or governmental regulation that concerns pollution, contamination, or hazardous material, regardless of the medium affected (air, land, water, or any other medium).

*Site* means any location, facility, or property, including disposal sites, that the debtor now owns, operates, or utilizes or that the debtor formerly owned, operated, or utilized.

*Hazardous material* means anything that an environmental law defines as hazardous or toxic, or describes as a pollutant, contaminant, or a similarly harmful substance.

Report all notices, releases, and proceedings known, regardless of when they occurred.

**22. Has the debtor been a party in any judicial or administrative proceeding under any environmental law? Include settlements and orders.**

- No.
- Yes. Provide details below.

Case title Case number	Court or agency name and address	Nature of the case	Status of case
---------------------------	----------------------------------	--------------------	----------------

**23. Has any governmental unit otherwise notified the debtor that the debtor may be liable or potentially liable under or in violation of an environmental law?**

- No.
- Yes. Provide details below.

Site name and address	Governmental unit name and address	Environmental law, if known	Date of notice
-----------------------	------------------------------------	-----------------------------	----------------

**24. Has the debtor notified any governmental unit of any release of hazardous material?**

- No.
- Yes. Provide details below.

Site name and address	Governmental unit name and address	Environmental law, if known	Date of notice
-----------------------	------------------------------------	-----------------------------	----------------

**Part 13: Details About the Debtor's Business or Connections to Any Business**

**25. Other businesses in which the debtor has or has had an interest**

List any business for which the debtor was an owner, partner, member, or otherwise a person in control within 6 years before filing this case. Include this information even if already listed in the Schedules.

None

Business name address	Describe the nature of the business	Employer Identification number Do not include Social Security number or ITIN.
		<b>Dates business existed</b>

**26. Books, records, and financial statements**

26a. List all accountants and bookkeepers who maintained the debtor's books and records within 2 years before filing this case.

None

Name and address	Date of service From-To
26a.1. <b>Kristi Baird dba Axis Admin Svcs 10106 177th Ave NE Redmond, WA 98052</b>	<b>September 2015 to present</b>

26b. List all firms or individuals who have audited, compiled, or reviewed debtor's books of account and records or prepared a financial statement within 2 years before filing this case.

None

Name and address	Date of service From-To
26b.1. <b>Robert A. Underhill PC 60 Union Street, Suite 3300 Seattle, WA 98101</b>	<b>2010 to present</b>

26c. List all firms or individuals who were in possession of the debtor's books of account and records when this case is filed.

None

Name and address	If any books of account and records are unavailable, explain why
26c.1. <b>Kristi Baird dba Axis Admin Svcs 10106 177th Ave NE Redmond, WA 98052</b>	

26d. List all financial institutions, creditors, and other parties, including mercantile and trade agencies, to whom the debtor issued a financial statement within 2 years before filing this case.

None

Name and address
26d.1. <b>Silver Arch Capital Partners LLC 411 Hackensack Avenue, Suite 80 Hackensack, NJ 07601</b>

**27. Inventories**

Have any inventories of the debtor's property been taken within 2 years before filing this case?

No

Yes. Give the details about the two most recent inventories.

Name of the person who supervised the taking of the inventory	Date of inventory	The dollar amount and basis (cost, market, or other basis) of each inventory

**28. List the debtor's officers, directors, managing members, general partners, members in control, controlling shareholders, or other people in control of the debtor at the time of the filing of this case.**

Name	Address	Position and nature of any interest	% of interest, if any
Integral Northwest Corp		Manager	0
Grosvener Pacific Holdings, Inc.		Member	90.1
The Eternal Sapling, LLC		Member	9.9

29. Within 1 year before the filing of this case, did the debtor have officers, directors, managing members, general partners, members in control of the debtor, or shareholders in control of the debtor who no longer hold these positions?

- No
- Yes. Identify below.

30. **Payments, distributions, or withdrawals credited or given to insiders**

Within 1 year before filing this case, did the debtor provide an insider with value in any form, including salary, other compensation, draws, bonuses, loans, credits on loans, stock redemptions, and options exercised?

- No
- Yes. Identify below.

Name and address of recipient	Amount of money or description and value of property	Dates	Reason for providing the value
-------------------------------	--	-------	--------------------------------

31. Within 6 years before filing this case, has the debtor been a member of any consolidated group for tax purposes?

- No
- Yes. Identify below.

Name of the parent corporation	Employer Identification number of the parent corporation
Grosvenor Pacific Holdings, Inc.	EIN: 91-1939054

32. Within 6 years before filing this case, has the debtor as an employer been responsible for contributing to a pension fund?

- No
- Yes. Identify below.

Name of the pension fund	Employer Identification number of the parent corporation
--------------------------	--

**Part 14: Signature and Declaration**

**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

I have examined the information in this *Statement of Financial Affairs* and any attachments and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **July 23, 2020**

**/s/ Abdul Latif Lakhani**  
Signature of individual signing on behalf of the debtor

**Abdul Latif Lakhani**  
Printed name

Position or relationship to debtor **President of Integral Northwest Corporation, Manager**

Are additional pages to *Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy (Official Form 207)* attached?

- No
- Yes

**ATTACHMENT TO STATEMENT OF FINANCIAL AFFAIRS 1**

Gross Income

Fiscal year runs from 08/01 to 07/31

08/01/19-Petition Date - \$0.00

08/01/18 to 07/31/19 - \$252,626.24

08/01/17 to 07/31/18 - \$0.00

**United States Bankruptcy Court  
Western District of Washington**

In re **Frogna! Holdings, LLC**

Debtor(s)

Case No.

Chapter **11**

**DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)**

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept .....	\$	<u><b>0.00</b></u>
Prior to the filing of this statement I have received .....	\$	<u><b>0.00</b></u>
Balance Due .....	\$	<u><b>0.00</b></u>

2. The source of the compensation paid to me was:

Debtor       Other (specify):

3. The source of compensation to be paid to me is:

Debtor       Other (specify):

4.  I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
- c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
- d. [Other provisions as needed]

**Preparation of a plan and disclosure statement and negotiations with creditors regarding the same.**

6. By agreement with the debtor(s), the above-disclosed fee does not include the following service:

**CERTIFICATION**

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

**July 23, 2020**

*Date*

**/s/ Christine M. Tobin-Presser**

**Christine M. Tobin-Presser**

*Signature of Attorney*

**Bush Kornfeld LLP**

**601 Union St., Suite 5000**

**Seattle, WA 98101-2373**

**(206) 292-2110 Fax: (206) 292-2104**

**ctobin@bskd.com**

*Name of law firm*



**United States Bankruptcy Court  
Western District of Washington**

In re Frognal Holdings, LLC

Debtor(s)

Case No.

Chapter 11

**LIST OF EQUITY SECURITY HOLDERS**

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
<b>Grovsenor Pacific Hdgs, Inc.</b>		<b>90.1%</b>	<b>Membership</b>
<b>The Eternal Sapling, LLC</b>		<b>9.9</b>	<b>Membership Interest</b>

**DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP**

I, the **President of Integral Northwest Corporation, Manager** of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date July 23, 2020

Signature /s/ Abdul Latif Lakhani  
Abdul Latif Lakhani

*Penalty for making a false statement of concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.  
18 U.S.C. §§ 152 and 3571.*

**United States Bankruptcy Court  
Western District of Washington**

In re **Frognal Holdings, LLC**

Debtor(s)

Case No.  
Chapter

**11**

**VERIFICATION OF CREDITOR MATRIX**

I, the President of Integral Northwest Corporation, Manager of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: **July 23, 2020**

**/s/ Abdul Latif Lakhani**

**Abdul Latif Lakhani/President of Integral Northwest Corporation,  
Manager  
Signer/Title**

US ATTORNEY  
ATTN BANKRUPTCY ASSISTANT  
700 STEWART STREET  
ROOM 5220  
SEATTLE, WA 98101-4438

INTERNAL REVENUE SVC (PHIL)  
CENTRALIZED INSOL OPERATIONS  
PO BOX 7346  
PHILADELPHIA, PA 19101-7346

COMMODITY FUTURES TRADING  
1155 21ST ST NW  
WASHINGTON, DC 20581

SECURITIES & EXCHANGE COMM  
OFFICE OF REORGANIZATION  
444 S FLOWER ST. #900  
LOS ANGELES, CA 90071

US TREASURY  
SECRETARY OF THE TREASURY  
1500 PENNSYLVANIA AVE NW  
WASHINGTON, DC 20220

WA DEPT OF REV-SEA  
BANKRUPTCY/CLAIMS UNIT  
2101 4TH AVE #1400  
SEATTLE, WA 98121-2300

WA DEPT OF L&I-OLY  
COLLECTIONS  
PO BOX 44171  
OLYMPIA, WA 98504-4171

WA DEPT OF EMP SEC-OLY  
UI TAX ADMIN  
PO BOX 9046  
OLYMPIA, WA 98507-9046

WA ATTORNEY GENERAL  
BANKRUPTCY & COLLECTIONS UNIT  
800 5TH AVE #2000  
SEATTLE, WA 98104

CHRISTINE M. TOBIN-PRESSER  
BUSH KORNFELD LLP  
601 UNION ST., SUITE 5000  
SEATTLE, WA 98101-2373

FROGNAL HOLDINGS, LLC  
1610 EVERETT MALL WAY  
EVERETT, WA 98208

16525 ASH WAY, LLC  
1610 SE EVERETT MALL WAY  
EVERETT, WA 98208

ABDUL JOHN LAKHANI  
1610 SE EVERETT MALL WAY  
EVERETT, WA 98208

AERO CONSTRUCTION  
PO BOX 295  
SNOHOMISH, WA 98291

ALLEGRO AT ASH CREEK, LLC  
1610 SE EVERETT MALL WAY  
EVERETT, WA 98208

ANTHEM  
1610 SE EVERETT MALL WAY  
EVERETT, WA 98208

ASSOCIATED EARTH SCIENCES  
2911 1/2 HEWITT AVE, STE. 2  
EVERETT, WA 98201

ASSOCIATED EARTH SCIENCES, INC  
911 FIFTH AVE, SUITE 100  
KIRKLAND, WA 98033

BILL'S BLUEPRINT, INC.  
2920 ROCKAFELLER AVE  
EVERETT, WA 98201

BPH DEVELOPMENT GROUP, LLC  
1610 SE EVERETT MALL WAY  
EVERETT, WA 98208

CHICAGO TITLE OF WASHINGTON  
1111 THIRD AVENUE, SUITE 320  
SEATTLE, WA 98101

EARTH SOLUTIONS NW LLC  
15365 NE 90TH STREET, SUITE 10  
REDMOND, WA 98052

INTEGRAL NORTHWEST CORP  
1610 SE EVERETT MALL WAY  
EVERETT, WA 98208

KAMIL LAKHANI  
1610 SE EVERETT MALL WAY  
EVERETT, WA 98208

LAND TECHNOLOGIES  
18820 3RD AVE NE  
ARLINGTON, WA 98223



METRON AND ASSOCIATES, INC.  
307 N. OLYMPIC, SUITE 205  
ARLINGTON, WA 98223

NORTH PEAK ASSOCIATES, LLC  
10512 NE 140TH ST.  
KIRKLAND, WA 98034

OSERAN HAHN, PS  
10900 NE FOURTH ST, SUITE 1430  
BELLEVUE, WA 98004

PAUL JAY LANDSCAPE ARCHITECT  
2917 EAST DIVISION  
MOUNT VERNON, WA 98274

PERKL PROPERTIES, LLC  
9725 32ND ST SE  
LAKE STEVENS, WA 98258

ROBERT A. UNDERHILL PC  
601 UNION STREET, SUITE 3300  
SEATTLE, WA 98101

S.A. NEWMAN FIRM INC.  
PO BOX 156  
EVERETT, WA 98206-0156

SHAUGHNESSY CAPITAL LLC  
333 MAMARONECK AVE #291  
WHITE PLAINS, NY 10605

SHERGAR LAND CORP

SHERGAR LAND CORP.  
1610 SE EVERETT MALL WAY  
EVERETT, WA 98208

SNOHOMISH CTY. TREASURER  
M/S #501  
3000 ROCKEFELLER AVE.  
EVERETT, WA 98201

SOUND PUBLISHING INC.  
11323 COMMANDO RD W  
EVERETT, WA 98204

TRINITY REAL ESTATE  
3720 CARILLON POINT  
KIRKLAND, WA 98033

WASHINGTON STATE DEPT. ECOLOGY  
PO BOX 47611  
OLYMPIA, WA 98504-7611

**United States Bankruptcy Court  
Western District of Washington**

In re **Frognal Holdings, LLC**

Debtor(s)

Case No.

Chapter **11**

**CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)**

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **Frognal Holdings, LLC** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

None [*Check if applicable*]

**July 23, 2020**

Date

**/s/ Christine M. Tobin-Presser**

**Christine M. Tobin-Presser**

Signature of Attorney or Litigant  
Counsel for **Frognal Holdings, LLC**

**Bush Kornfeld LLP**

**601 Union St., Suite 5000**

**Seattle, WA 98101-2373**

**(206) 292-2110 Fax:(206) 292-2104**

**ctobin@bskd.com**

**Information to identify the case:**
 Debtor Frognal Holdings, LLC  
 Name

EIN: 80-0841095

United States Bankruptcy Court Western District of Washington

Date case filed for chapter: 11 7/23/20

Case number: 20-11966-TWD

**Official Form 309F1 (For Corporations or Partnerships)****Notice of Chapter 11 Bankruptcy Case**

02/20

**For the debtor listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered.**

**This notice has important information about the case for creditors and debtors, including information about the meeting of creditors and deadlines. Read both pages carefully.**

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from the debtor by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

Confirmation of a chapter 11 plan may result in a discharge of debt. A creditor who wants to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadline specified in this notice. (See line 11 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at [www.pacer.gov](http://www.pacer.gov)).

**The staff of the bankruptcy clerk's office cannot give legal advice.**

**Do not file this notice with any proof of claim or other filing in the case.**

<b>1. Debtor's full name</b>	Frognal Holdings, LLC	
<b>2. All other names used in the last 8 years</b>		
<b>3. Address</b>	1610 Everett Mall Way Everett, WA 98208	
<b>4. Debtor's attorney</b> Name and address	Christine M Tobin-Presser Bush Kornfeld LLP 601 Union St Ste 5000 Seattle, WA 98101	Contact phone 206-292-2110 Email: ctobin@bskd.com
<b>5. Bankruptcy clerk's office</b> Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at <a href="http://www.pacer.gov">www.pacer.gov</a> .	700 Stewart St, Room 6301 Seattle, WA 98101	Hours open: 8:30 am - 4:30 pm Monday - Friday Contact phone 206-370-5200 Date: 7/24/20
<b>6. Meeting of creditors</b> The debtor's representative must attend the meeting to be questioned under oath. Creditors may attend, but are not required to do so.	<b>August 26, 2020 at 11:00 AM</b> The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket. <b>*** Valid photo identification and proof of social security number required ***</b>	Location: <b>Telephonic Meeting of Creditors, Chapter 11</b>

**For more information, see page 2 >**



<b>7. Proof of claim deadline</b>	<b>Deadline for filing proof of claim:</b>	Not yet set. If a deadline is set, the court will send you another notice.
	A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at <a href="http://www.uscourts.gov">www.uscourts.gov</a> or any bankruptcy clerk's office.	
	Your claim will be allowed in the amount scheduled unless: <ul style="list-style-type: none"> <li>• your claim is designated as <i>disputed</i>, <i>contingent</i>, or <i>unliquidated</i>;</li> <li>• you file a proof of claim in a different amount; or</li> <li>• you receive another notice.</li> </ul>	
	If your claim is not scheduled or if your claim is designated as <i>disputed</i> , <i>contingent</i> , or <i>unliquidated</i> , you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled.	
	You may review the schedules at the bankruptcy clerk's office or online at <a href="http://www.pacer.gov">www.pacer.gov</a> .	
	Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.	
<b>8. Exception to discharge deadline</b>	If § 523(c) applies to your claim and you seek to have it excepted from discharge, you must start a judicial proceeding by filing a complaint by the deadline stated below.	
The bankruptcy clerk's office must receive a complaint and any required filing fee by the following deadline.	<b>Deadline for filing the complaint:</b>	_____
<b>9. Creditors with a foreign address</b>	If you are a creditor receiving notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.	
<b>10. Filing a Chapter 11 bankruptcy case</b>	Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the property and may continue to operate its business.	
<b>11. Discharge of debts</b>	Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See 11 U.S.C. § 1141(d). A discharge means that creditors may never try to collect the debt from the debtor except as provided in the plan. If you want to have a particular debt owed to you excepted from the discharge and § 523(c) applies to your claim, you must start a judicial proceeding by filing a complaint and paying the filing fee in the bankruptcy clerk's office by the deadline.	

Notice of Potential Dismissal

If the debtor fails to file required schedules, statements or lists within 15 days from the date the petition is filed, or object to dismissal of the case indicating why dismissal is not appropriate, the case may be dismissed without further notice. If the Debtor(s) fails to appear at the meeting of creditors, the U.S. Trustee may apply for an order of dismissal without further notice.

Anyone can register for the Electronic Bankruptcy Noticing program at [ebn.uscourts.gov](http://ebn.uscourts.gov) OR (2) Debtors can register for DeBN by filing local form DeBN Request Form with the Clerk of Court. Both options are FREE and allow the clerk to quickly send you court-issued notices and orders by email.

**NOTICE FROM THE U.S. TRUSTEE'S OFFICE WITH  
INSTRUCTIONS AND INFORMATION FOR PARTICIPATING IN  
TELEPHONIC SECTION 341 CREDITORS' MEETINGS  
IN THE U.S. BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF WASHINGTON**

For <b>Chapter 7</b> Debtors Residing In	Normal 341 Location	Presiding Trustees	Call In Information
Whatcom County Skagit County San Juan County	Bellingham	Virginia A. Burdette Dennis Lee Burman	Conference Line: 1-888-396-5019 Participant Code: 6032931
Clallam County Jefferson County Kitsap County	Bremerton	Michael P. Klein John S. Peterson	Conference Line: 1-866-660-6472 Participant Code: 8196120
Snohomish County Island County	Everett	Virginia A. Burdette Dennis Lee Burman Michael P. Klein	Conference Line: 1-866-763-1542 Participant Code: 4624291
King County	Seattle	Ronald G. Brown Nancy L. James Edmund J. Wood	Conference Line: 1-866-707-2446 Participant Code: 7204500
Pierce, Grays Harbor, Thurston, Lewis and Mason Counties	Tacoma	Brian Lowell Budsberg Terrence J. Donahue Kathryn A. Ellis Mark D. Waldron	Conference Line: 1-866-829-9875 Participant Code: 4230506
Clark, Cowlitz, Pacific, Skamania and Wahkiakum Counties	Vancouver	Charles D. Carlson Russell D. Garrett Donald A. Thacker	Conference Line: 1-866-882-3107 Participant Code: 4674917
<b>ALL Chapter 12</b> cases		Virginia A. Burdette	Conference Line: 1-866-628-6911 Participant Code: 9032639
<b>ALL Chapter 13</b> cases		Jason Wilson-Aguilar Michael G. Malaier	Conference Line: 1-866-880-5064 Participant Code: 6951575
<b>ALL Chapter 11</b> Cases		U.S. Trustee's Office	Conference Line: 1-866-741-6993 Participant Code: 7578142

**Identification Procedures:**

Debtors should provide copies of their photo identification and proof of Social Security number to the presiding trustee prior to the start of the section 341 meeting. Copies may be provided through debtor's counsel or directly to the presiding trustee if debtor is unrepresented. If such proof has not been provided, the examination of the debtor may go forward but the meeting will be ultimately continued until the trustee has received proof of identification.

**Preparation for the Call:**

- Use a stable telephone line to avoid interruptions and background noise.
- Each call will have multiple parties; after connecting to the call please place your phone on mute and wait until your case is called before speaking.
- When your case is called, please speak loudly into the phone as the meeting is being audio recorded by the trustee.
- Debtors should be prepared and have copies of documents on which they can reasonably expect to be examined (petition, schedules, statement of financial affairs, tax returns, Rule 4002 documents, etc.) or any documents the trustee has indicated in advance that debtors should have available for questioning.

## Exhibit 13 – Recording of Snohomish County Planning Commission meeting, September 25, 2018

<https://www.snohomishcountywa.gov/DocumentCenter/View/64513/PC-20180925-Recording>



5405 196<sup>th</sup> Street SW  
Lynnwood, WA 98036  
Phone: 425-205-4930  
www.StaheliTrenchless.com

March 13, 2019

Scott Smith, P.E.  
Project Manager  
Alderwood Water and Wastewater District  
3626 156<sup>th</sup> Street SW  
Lynnwood, WA 98087

Re: Frogнал Estates Proposed HDD Sewer Installation

Scott:

Staheli Trenchless Consultants (STC) was asked to evaluate the proposed installation of a 12-inch sewer with Horizontal Directional Drilling as part of the Frogнал Estates Project. As part of the evaluation, STC reviewed the following documents as they pertain to the HDD portion of the project:

1. 3620G Electronic Plans 12-18-18
2. 2018-10-17 AESI Geotech Frogнал Plat
3. 2018-10-17 AESI Redi-Rock Walls Report
4. 3620G Agreement Letter and Signature Pages
5. Response to AWWD DEA Comments Frogнал

The HDD as shown in the plans (12-18-18) is not constructible as designed. The depth of the bore is such that the drilling mud pressures will not be contained by the earth pressures and inadvertent returns (frac out) will occur along the side of the hill. The drilling mud, which is relied upon to remove excavated material from borehole, will follow the path of least resistance and continue to drain through the hillside. Due to the large elevation difference between the entry and exit of the bore (approximately 115-120 feet), this issue is not simply resolved by deepening the bore.

STC considered several scenarios to determine if the bore could be adjusted and built with an acceptable amount of risk; however, the risk profile for installing the pipeline with HDD is very high with any configuration. The following paragraphs provide some explanation as to why STC considers the bore to be fatally flawed as designed and extremely high risk with HDD installation methods, regardless of design profile.

The HDD process relies of maintaining drilling fluid within the borehole at all times to ensure a stable borehole throughout the drilling process. The drilling mud is pumped from the mud plant to the boring head where it assists in cutting the bore hole. The mud is then pumped back to the entry location carrying the excavated material from the borehole to the entry mud pit. The mud is then pumped from the entry pit to the soil separation plant (reclaimer) where the soil is separated from the drilling mud and the drilling mud is ready to begin the process once again.

To install a 16-inch HDD pipe, the bore will be drilled to approximately 24-inches per industry standard. If drilling commences from the top, the borehole will remain full of mud; however, the drilling mud is lifted to the entry location to remove the excavated material. The mud pressure to lift the drilling mud to remove cuttings is significant as the bore gets deeper from the top. At some depth, the mud pressure will overcome the confining pressure of the soil and mud will escape through the hillside. This will occur, even if the design is adjusted and the pipe is significantly shifted laterally into the hillside (more than 50 to 60 feet). In addition, drilling mud is certain

to escape at the bottom of the hill as the bore approaches the lower exit location and the entire borehole will drain. Besides the mud flow containment issues, the borehole will no longer be stabilized and will have the propensity to collapse.

If drilling commences from the bottom, a pressure relief valve will be required. The drilling will take place through this gasketed valve that controls the pressure in the bore, limiting it to the static pressure of the drilling mud in the bore used to hold the hole open. However, with the elevation difference on this pipeline, the full column of mud pressure acting on the hillside is very high and is likely to result in mud loss along the hillside. In addition, the pressure valve will need to be removed prior to pull-back of the pipe. When this occurs, the borehole will fully drained and the borehole will have the propensity to collapse.

Finally, applying high pressure drilling mud across potential landslide failure planes is very high risk and should be avoided. This issue is typically mitigated by installing a steel casing at the lower end of the bore that crosses the slip planes, followed by grouting between the installed casing and the soil. This is a significant concern that must be mitigated with a design that specifically addresses this issue. STC was unable to find any information addressing mitigation for managing landslides pertaining to the HDD operations in the documents provided for review. Although the document appears to be a “final” (stamped) drawings, I have concern that the design has not addressed critical slopes. If this issue has been considered in the design, the information needs review by AWWD to understand the risks that were carried in the current design by the Engineer of Record.

STC strongly encourages AWWD to reconsider the installation of the sewer with HDD and discuss risk mitigation measures with the developer prior to moving forward with the project. If you have any questions, please do not hesitate to contact me.

Sincerely,



Kimberlie Staheli, Ph.D. P.E.  
Principal, Staheli Trenchless Consultants