



Snohomish County Council

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MEMORANDUM

TO: Snohomish County Council
FROM: Deborah Evison Bell, Senior Legislative Analyst
DATE: May 20, 2026
SUBJECT: Closed Record Appeal Hearing – Stillwater Preserve Rural Cluster Subdivision (25-101010)

Purpose

This memorandum provides an overview of the closed record appeal hearing scheduled for May 26, 2026, under the provisions of [Chapter 30.72](#) of the Snohomish County Code (SCC).

The record for the council's consideration of this appeal is limited to that which was before the Hearing Examiner and written argument timely filed with the council. Issues on appeal are limited to those raised by the appellant that are within the jurisdiction of the council. At the hearing, the council will take oral argument pertaining to the existing record. No new testimony will be taken and no new evidence or exhibits will be accepted unless specifically requested by the council and related to the issues raised in the appeal.

A closed record appeal is a quasi-judicial hearing and councilmembers must abide by the appearance of fairness doctrine, codified in [Chapter 42.36](#) of the Revised Code of Washington (RCW).

The Development Application

Stillwater Preserve LLC proposed a 14-lot rural cluster subdivision on 52.82 vacant acres of undeveloped land, currently zoned R-5. The project parcel ID is 00597500001200, with no address assigned, and is located south of Dubuque Road and East of 199th Ave SE, in Snohomish County.

Planning & Development Services Staff Recommendation

PDS issued a staff recommendation (H.E. Exhibit K.1), in which PDS recommended approval of the requested Rural Cluster Subdivision with forty-five recommended conditions of approval, including a recommended condition that the applicant construct an off-site pedestrian path along 211th Ave SE from the development's new 52nd St SE connection to the assigned school bus stop location at Dubuque Road. 211th Ave SE has no sidewalk or shoulder. The applicant initially proposed that a pedestrian path would be constructed along 211th Ave SE under separate LDA

application in connection with parcels adjacent to the project site. PDS recommended the path's construction be made a condition of approval of this project if the adjacent parcels do not submit an LDA application for the path.

The Hearing Examiner Decision

The Snohomish County Hearing Examiner held an open record hearing on February 10, 2026. At the hearing, the applicant objected to PDS's recommended condition to construct the off-site pedestrian path along 211th Ave SE to the school bus stop at Dubuque Road. The Hearing Examiner left the record open to receive additional information from PDS and the applicant. Based on the testimony and public comment received at the hearing, the written record, and applicable law, the Hearing Examiner issued a decision on March 24, 2026. The decision approved the preliminary rural cluster subdivision with conditions, including Condition 44 requiring the applicant to construct pedestrian facilities from the development on 52nd St SE to the current bus stop at Dubuque Road, or to some other location that is mutually agreed to by the County and the School District.

Appeal of the Hearing Examiner Decision

On April 6, 2026, the County Council received an appeal of the Hearing Examiner's, March 24, 2026, decision by the project applicant. (Council Exhibit N.2).

Requirements for filing a Type 2 appeal

Requirements for filing a Type 2 appeal are in SCC 30.72.080:

An appeal must be in writing and contain:

- A detailed statement of the grounds for appeal and the facts upon which the appeal is based, including references to specific hearing examiner findings or conclusions, and to exhibits or oral testimony in the record
- Argument in support of the appeal
- Contact information for the appellants

The grounds for an appeal are limited to the following:

- The decision exceeded the hearing examiner's jurisdiction;
- The hearing examiner failed to follow the applicable procedure in reaching the decision;
- The hearing examiner committed an error of law; or
- The hearing examiner's findings, conclusions, and/or conditions are not supported by substantial evidence in the record.

Summary of grounds for this appeal

The appeal letter requests that the County Council reverse the Hearing Examiners Decision to impose Condition 44 of the Stillwater Preserve LLC 14-lot Rural Cluster Subdivision requiring the construction of off-site pedestrian facilities from the development to the assigned school bus stop.

Appeal, Responses, Rebuttals, and Motions

The County Council has received the following written arguments from the Appellant/Applicant and Parties of Record.

- Appellant-Applicant's appeal letter (Council Exhibit N.1)
- Written arguments from Parties of Record (NA)
- Appellant-Applicant's written rebuttal (NA)

Council Jurisdiction for this Appeal

Appeal to Council is authorized under [SCC 30.72.070](#) and Council has jurisdiction over this closed record appeal.

Decision Options

At the conclusion of closed record public hearing, the Council must issue a decision in writing. The decision shall set forth findings and conclusions, which may include those of the Hearing Examiner, that support the Council's decision.

The Council's options, pursuant [to SCC 30.72.120\(2\)](#):

- Affirm the Hearing Examiner's decision;
- Reverse the Hearing Examiner's decision either in whole or in part; or
- Remand the matter to the Hearing Examiner for further proceedings in accordance with the Council's findings and conclusions.

The Council must issue a written decision within 60 days of the last day of the appeal period unless the applicant agrees to an extension. In this case the council's written decision should be issued no later than June 5, 2026.

Copy: Jessica Kraft-Klehm, Deputy Prosecuting Attorney