



Snohomish County Council

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MEMORANDUM

TO: Snohomish County Council
FROM: Deborah Evison Bell, Senior Legislative Analyst
DATE: May 15, 2026
SUBJECT: Appeal of Hearing Examiner Decision: PBSS Rural Business Rezone (25-105874) & Variance (25-105880)

Purpose

This memorandum provides an overview of the closed record appeal hearing scheduled for May 22, 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

McClure and Sons stores, repairs, and maintains construction equipment and materials at property located at 19125 State Route 9 SE, known as tax parcel number: 270514-003-010-00. Construction contractor use is not allowed on R-5 zoned properties, prompting PBSS to propose to 'split zone' 2.86 of its 8.08 acres of property from Rural 5-Acre (R-5) to Rural Business (RB) to retain the existing business, the proposal also included four variance requests.

Planning & Development Services Staff Recommendation

PDS issued a staff recommendation (H.E. Exhibit L.1), in which PDS found that the current use of the property does not meet the specific criteria for construction contracting as an allowable use in the proposed RB zone, nor does it meet the intent and purpose of the RB zone. Accordingly, PDS recommended that the applicant had not demonstrated that there had been a substantial change in circumstances that would support the rezone, as the property has been zoned for

residential use since 1974. The burden of proof is on the applicant, and PDS determined that sufficient evidence was not demonstrated to justify the rezone application.

The Hearing Examiner Decision

The Snohomish County Hearing Examiner held an open record hearing beginning on February 24, 2026, and concluded on March 4, 2026. Based on the comments received, the written record, and applicable law, the Hearing Examiner issued a decision on March 27, 2026. This decision concluded that the applicant (PBSS) did not meet its burden of showing how it met county code criteria for approval of the site-specific rezone.

Appeal of the Hearing Examiner Decision

On April 10, 2026, the County Council received an appeal of the Hearing Examiner's, March 27, 2026, decision. (Council Exhibit O.1).

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 or remand to the Hearing Examiner for further proceedings. The request is for the rezone only and is not challenging the variance denials within this closed record appeal.

Appeal, Responses, Rebuttals, and Motions

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

- Appellant's appeal letter (Council Exhibit O.1)
- Written arguments from Parties of Record in support of the appeal (NA)

- Written argument from the Applicant (NA)
- Applicant's written rebuttal, received May 26, 2022 (NA)
- Rebuttals etc. (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 10, 2026.

Copy: Althea Hart, Deputy Prosecuting Attorney