



**Snohomish County**

**Office of Hearings Administration**

3000 Rockefeller Ave., M/S 405

Everett, WA 98201

(425) 388-3538

[Hearing.Examiner@snoco.org](mailto:Hearing.Examiner@snoco.org)

[www.snoco.org](http://www.snoco.org)

**Peter Camp**

*Hearing Examiner*

## **DECISION of the SNOHOMISH COUNTY HEARING EXAMINER**

### **I. SUMMARY**

**DATE OF DECISION:** March 31, 2026

**PLAT:** Blue Jay RCS  
Not Yet Addressed  
South of 2413 197<sup>th</sup> Street NE  
Arlington, Washington 98223

**APPLICANT:** Robinett Investment Company, LLC  
114 Ave. C, Ste. 101  
Snohomish, Washington 98290

**OWNER:** Robinett Investment Company, LLC  
114 Ave. C, Ste. 101  
Snohomish, Washington 98290

**FILE NO.:** 25-106910 PSD

**TYPE OF REQUEST:** Preliminary two-lot rural cluster subdivision in the  
Rural/Urban Transition Area

**DECISION SUMMARY:** Preliminary two-lot rural cluster subdivision is approved  
subject to conditions

## II. TABLE OF CONTENTS

1	I. SUMMARY .....	1
2	II. TABLE OF CONTENTS .....	2
3	III. SITE SUMMARY .....	4
4	IV. FINDINGS OF FACT .....	4
5	A. Vesting .....	4
6	B. Open Record Hearing.....	5
7	C. The Record .....	5
8	D. Public Notice .....	5
9	E. Background Information.....	5
10	1. Proposal .....	5
11	2. Site Description and Surrounding Uses .....	5
12	3. Comments.....	6
13	F. Compliance with Codes and Policies .....	6
14	1. Agricultural Lands (Chapter 30.32B SCC) .....	6
15	2. Airport Compatibility (Chapter 30.32E SCC) .....	6
16	3. Subdivisions (Chapter 30.41A SCC) .....	6
17	4. Rural Cluster Subdivisions (Chapter 30.41C SCC).....	7
18	a. Yield .....	7
19	b. Open Space Management.....	7
20	c. Design Standards .....	7
21	5. Fire Code .....	8
22	6. Environmental Review.....	8
23	a. SEPA (Chapter 30.61 SCC) .....	8
24	b. Critical Areas Regulations (Chapters 30.62A, 30.62 B, and 32.62C SCC) .....	8
25	c. Drainage and Grading (Chapters 30.63A, 30.63B, and 30.63C SCC) .....	8
26	7. Mitigation.....	9
27	a. Park and Recreation Mitigation (Chapter 30.66A SCC).....	9
28	b. School Impact Mitigation (Chapter 30.66C SCC) .....	9
29	c. Traffic Mitigation (Chapter 30.66B SCC) .....	10
30	8. Concurrency Determination (SCC 30.66B.120).....	10

### Blue Jay RCS

25-106910 PSD

Decision Approving Rural Cluster Subdivision with Conditions

1	9. Transportation (Title 13 SCC, EDDS 3-02, and SCC 30.66B.420).....	11
2	a. Internal Road System.....	11
3	b. Existing Public Roads.....	11
4	i. Improvements (SCC 30.66B.410) and Right of Way (SCC 30.66B.510, .520)...	11
5	ii. Inadequate Road Conditions (IRC) (SCC 30.66B.210).....	11
6	iii. Bicycle Facilities.....	11
7	iv. State Highway Impacts (SCC 30.66B.710) .....	11
8	v. Other Jurisdiction Traffic Impacts (SCC 30.66B.720) .....	12
9	c. Pedestrian Facilities (RCW 58.17.110 and 58.17.060) .....	12
10	10. Utilities .....	12
11	V. CONCLUSIONS .....	12
12	VI. DECISION .....	13
13	VII. CONDITIONS.....	13
14	A. General.....	13
15	B. Site Development .....	14
16	C. Final Plat Content.....	14
17	D. Final Plat Approval .....	16
18	E. Building Permits .....	18
19	F. Prior to Earlier of Any Certificate of Occupancy or Building Permit Final Inspection .....	18
20	G. Expiration .....	18
21	RECONSIDERATION AND APPEAL PROCEDURES.....	19
22	Reconsideration—Who May Petition and Deadline .....	19
23	Filing.....	19
24	Contents .....	19
25	Appeal .....	20
26		

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**III. SITE SUMMARY**

LOCATION: No Address Yet  
 South of 2413 197<sup>th</sup> Street NE  
 Arlington, Washington 98223

TAX PARCEL NUMBER: 310517-002-034-00  
 310517-004-043-00

ACREAGE: 7.15 acres

COMPREHENSIVE PLAN DESIGNATION: Rural Residential (1 dwelling unit/5 acres)

ZONING: R-5

UTILITIES:

Water: Individual wells

Sewer: On-site sewer system (septic)

Electrical: Snohomish County Public Utility District No. 1

SCHOOL DISTRICT: Lakewood School District No. 306

FIRE DISTRICT: Snohomish County Fire District No. 19

PDS RECOMMENDATION: Approve the proposed preliminary rural cluster subdivision, subject to conditions

2 The Hearing Examiner finds the following facts and legal conclusions based on a preponderance  
3 of the evidence.

4 **IV. FINDINGS OF FACT**

5 **A. Vesting**

6 Robinett Investment Company, LLC applied to Snohomish County Planning and Development  
7 Services department (PDS) for approval of a rural cluster subdivision on June 5, 2025. PDS

1 determined the application was complete and vested on the date submitted.<sup>1</sup> Robinett  
2 Investment submitted additional information on November 24, 2025.

3 **B. Open Record Hearing**

4 The Hearing Examiner held an open record hearing on March 10, 2026. Ry McDuffy of Land  
5 Resolutions, Inc., Everett, Washington, testified in favor of the application. Michael Dobesh, Mara  
6 Wiltshire, and Tom Bauder, P.E., testified on behalf of PDS. No community members testified.

7 **C. The Record**

8 The Hearing Examiner considered exhibits A.1 through K.1. A recording of the hearing is available  
9 from the Office of Hearings Administration.

10 **D. Public Notice**

11 PDS notified the public of the open record hearing and determinations of traffic concurrency and  
12 impact fees.<sup>2</sup>

13 **E. Background Information**

14 **1. Proposal**

15 Robinett Investment requests approval of a preliminary two-lot rural cluster subdivision of single-  
16 family residences on 7.15 acres. It is within the previously recorded short subdivision of Blue Jay  
17 Lane.<sup>3</sup>

18 **2. Site Description and Surrounding Uses**

19 The two-parcel site is vacant and undeveloped. Property to the north, south, and west is zoned R-  
20 5 and developed with single-family residences. Property immediately east is zoned Industrial Park

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<sup>1</sup> Robinett Investments did not submit a completed checklist for third party certification as required by SCC 30.41C.040(9) (2024) for a complete rural cluster subdivision application. However, it is not possible to have such a completed checklist prior to the building permit phase. County Council recognized this inability when it amended SCC 30.41C.030(6). Unfortunately, the inconsistency with SCC 30.41C.040(9) was not brought to Council's attention and .040(9) was not amended. The Hearing Examiner recently concluded that the amendment of SCC 30.41C.030(6) implicitly overruled SCC 30.41C.040(9) and that submission of a completed third-party checklist was unnecessary for a completed application and therefore for vesting. *In re Stillwater Preserve RB*, Snohomish County Hearing Examiner (no. 25-101010 PSD, March 24, 2026).

<sup>2</sup> Exhibits F.1 through F.4.

<sup>3</sup> Recorded under Auditor's file no. 202503215001. Ex. D.4. PDS file no. 20-101806 PSD. Land disturbing activities for this short subdivision were performed pursuant to the Blue Jay Lane short subdivision. There is therefore no need for conditions requiring a land disturbing activity permit.

**Blue Jay RCS**

25-106910 PSD

Decision Approving Rural Cluster Subdivision with Conditions

1 and through which Interstate 5 runs north and south. The City of Arlington boundary lies on the  
2 east side of Interstate 5.

### 3 **3. Comments**

4 Neighbors did not express any objections or concerns regarding the proposal, either by emailing  
5 PDS or the Office of Hearings Administration or by testifying at the open record hearing.

6 Tulalip Tribes and Stillaguamish Tribe requested a cultural assessment.<sup>4</sup> Tulalip Tribes did not  
7 explain why one should be required. The Stillaguamish Tribe based its request on the project's  
8 alleged proximity to a previous cultural discovery and "the significant ground disturbance  
9 anticipated during construction." However, there will be minimal ground disturbance—only 300  
10 cubic yards of cut and fill are expected. A land disturbing activity permit is unnecessary because  
11 that work was already performed pursuant to the Blue Jay Lane subdivision.<sup>5</sup> The Hearing  
12 Examiner therefore declines to require a cultural assessment. The Hearing Examiner notes that  
13 state law and county code already require an immediate stop to all work if archaeological  
14 resources are discovered. If that happens, the applicant must immediately notify PDS and  
15 promptly notify the affected Indian tribe and the Washington State Department of Archaeology  
16 and Historic Preservation. Ground disturbance may not continue until the affected Indian tribe  
17 and the state have been consulted. SCC 30.32D.220 (2021).<sup>6</sup>

## 18 **F. Compliance with Codes and Policies**

### 19 **1. Agricultural Lands (Chapter 30.32B SCC)**

20 The proposed subdivision is within 1,300 feet of land designated for farmland and agricultural  
21 activities. Approval will be conditioned on recording the notice and disclosure statement required  
22 SCC 30.32B.210 (2018).

### 23 **2. Airport Compatibility (Chapter 30.32E SCC)**

24 The project site is in an airport influence area. Approval will be conditioned on recording an  
25 appropriate notice with the county auditor.<sup>7</sup>

### 26 **3. Subdivisions (Chapter 30.41A SCC)**

27 Having considered all relevant facts, the Hearing Examiner finds the proposed subdivision as  
28 conditioned will serve the public interest and makes appropriate provision for the public health,

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<sup>4</sup> Exhibits H.13 and H.14.

<sup>5</sup> See footnote 3 above.

<sup>6</sup> See PDS Assistance Bulletin no. 103, Archaeological Sites Advisory.

<sup>7</sup> SCC 30.32E.080 (2015).

1 safety, and general welfare,<sup>8</sup> for open spaces, drainage ways, streets, other public ways, potable  
2 water supplies, sanitary wastes, parks and recreation, playgrounds, fire protection, and other  
3 public facilities.<sup>9</sup> The proposed lots will not be subject to flood, inundation, or swamp conditions.  
4 The proposed subdivision conforms to applicable zoning codes and the comprehensive plan.

#### 5 **4. Rural Cluster Subdivisions (Chapter 30.41C SCC)**

##### 6 **a. Yield**

7 The proposed rural cluster subdivision will consist of two dwellings.<sup>10</sup> The project clusters the lots  
8 on the least environmentally sensitive and most buildable portion of the site and retains  
9 approximately 87% of the site in open space,<sup>11</sup> exceeding the minimum requirement of 65%.<sup>12</sup>  
10 Including the bonus density for exceeding the amount of required open space, county code allows  
11 a maximum of two dwelling units on this site and Robinett Investment proposes two dwelling  
12 units.<sup>13</sup>

##### 13 **b. Open Space Management**

14 The proposed subdivision will have open space tracts and sight obscuring buffers. Robinett  
15 Investment submitted a preliminary open space management plan.<sup>14</sup> PDS determined the  
16 preliminary open space management plan demonstrates compliance with chapter 30.41C SCC.  
17 Approval will be conditioned on recording and implementation after PDS approves the final open  
18 space management plan.

##### 19 **c. Design Standards**

20 The proposal complies with the design standards of SCC 30.41C.070 *et seq.* The transition from  
21 the residences to the adjoining properties and roads will be obscured from sight. Buffers are  
22 appropriately located and sized. Utilities will be located underground. No agricultural or forestry  
23 uses are proposed. The proposed cluster of lots complies with the requirement that lots be in  
24 clusters of no more than thirty lots per cluster. The subdivision has been designed consistently  
25 with the natural features of the site; it does not alter any of the most sensitive features, limits the  
26 amount of grading required, and otherwise maintains rural character. The subdivision will not be  
27 served by public sanitary sewer but will be served by individual on-site sewer systems pursuant to  
28 Snohomish County Health Department regulations. Domestic water will be supplied by on-site

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<sup>8</sup> See discussion below at pages 12 *et seq.* regarding adequate pedestrian facilities for schoolchildren.

<sup>9</sup> SCC 30.41A.100 (2006).

<sup>10</sup> The minimum cluster allowed by county code is two. SCC 30.41C.070(1)(c) (2024).

<sup>11</sup> Tracts 104, 105, and 994.

<sup>12</sup> Ex. B.1.

<sup>13</sup> Ex. B.1.

<sup>14</sup> Ex. G.3. See SCC 30.41C.120 (2024).

#### **Blue Jay RCS**

25-106910 PSD

Decision Approving Rural Cluster Subdivision with Conditions

1 wells. The lots are located as close to the center of the site as feasible and are located within a  
2 fire district. As discussed below, PDS determined the proposal is concurrent.<sup>15</sup>

3 **5. Fire Code**

4 Robinett Investment demonstrated the feasibility of compliance with the fire code. The project is  
5 exempt from fire flow and fire hydrant requirements because the lots are larger than one acre.<sup>16</sup>

6 **6. Environmental Review**

7 **a. SEPA (Chapter 30.61 SCC)**

8 PDS determined the proposal is exempt from a threshold State Environmental Policy Act (SEPA)  
9 determination.<sup>17</sup>

10 **b. Critical Areas Regulations (Chapters 30.62A, 30.62 B, and 32.62C SCC)**

11 No wetlands, streams, hazardous slopes, or buffers are on the site.

12 **c. Drainage and Grading (Chapters 30.63A, 30.63B, and 30.63C SCC)**

13 Infiltration is infeasible. Robinett Investment will use infiltration and sheet flow best management  
14 practices for stormwater running off impervious surfaces, such as infiltration trenches for roof  
15 downspouts and bio-retention. More than 5,000 sq. ft. of pollution generating impervious surfaces  
16 will be created, triggering a requirement to comply with minimum requirements 1 through 9.

17 Robinett Investment expects grading quantities to be 300 cubic yards of cut and fill.

Req't	Description	How Fulfilled?
1	Stormwater Site Plan	A stormwater site plan and targeted drainage report adequately address the on-site stormwater requirements. <sup>18</sup>
2	Stormwater Pollution Prevention Plan (SWPPP)	Robinett Investment provided a preliminary SWPPP. <sup>19</sup> The SWPPP will be reviewed as part of the land disturbing activity permit process.

<sup>15</sup> See concurrency discussion below at page 10.

<sup>16</sup> Ex. H.8.

<sup>17</sup> SCC 30.61.035(1)(a) (2022).

<sup>18</sup> Exhibits B.3 and C.1.

<sup>19</sup> Exhibits B.3, sheet 2 and C.1, PDF pp.6 et seq.

**Blue Jay RCS**

25-106910 PSD

Decision Approving Rural Cluster Subdivision with Conditions

3	Water Pollution source control for new development or redevelopment	Satisfied because residential projects typically do not have to provide water pollution source control after the project is completed.
4	Preservation of natural drainage systems	Natural drainage systems will be preserved to the extent feasible. No adverse downstream impacts have been identified.
5	On-site stormwater management	On-site stormwater management has been adequately addressed according to the drainage manual by bio-retention infiltration and infiltration trenches.
6	Runoff treatment	Runoff treatment is not required because pollution generating impervious surfaces will be less than 5,000 sq. ft.
7	Flow control requirements for new development or redevelopment	Flow control is not required for the proposed amount of impervious surface.
8	Detention or treatment in wetlands or wetland buffers	No detention or treatment will occur in wetlands or buffers.
9	Inspection, operation, and maintenance requirements	Robinett Investment provided sufficient information to ascertain feasibility of compliance with the minimum requirements. <sup>20</sup>

1 **7. Mitigation**

2 **a. Park and Recreation Mitigation (Chapter 30.66A SCC)**

3 Prior to building permit issuance for each dwelling, Robinett Investment must pay a fee for each  
4 new single-family dwelling unit as acceptable mitigation for parks and recreation impacts.<sup>21</sup>

5 **b. School Impact Mitigation (Chapter 30.66C SCC)**

6 Approval of the development will be conditioned upon the payment of school impact fees.<sup>22</sup> The  
7 amount for the Lakewood School District in effect on the date of vesting was zero dollars per

<sup>20</sup> Ex. C.1, §11.

<sup>21</sup> SCC 30.66A.020 (2019). The project site lies in the Kayak Point Park service area. SCC 30.66A.040(1) (2021).

<sup>22</sup> SCC 30.66C.100.

1 dwelling unit. On or after June 6, 2030, the school impact fee will be the amount in effect at the  
2 time of building permit application. The mitigation fee will be collected at the time of building  
3 permit issuance for the proposed dwelling units.

4 **c. Traffic Mitigation (Chapter 30.66B SCC)**

5 The site is in Transportation Service Area (TSA) A and is not in an urban growth area. The proposed  
6 development must mitigate its impact upon the future capacity of the county road system by  
7 paying a road system impact fee.<sup>23</sup> The road system impact fee will be equal to the average daily  
8 traffic (ADT)<sup>24</sup> created by the development multiplied by the per trip amount for the specific  
9 transportation service area identified in SCC 30.66B.330.

**Road System Impact Fee Calculation**

1.	Total number of dwelling units (DU)	2
2.	ADT per DU	9.43
<hr/>		
3.	Total ADT resulting from the development (line 1 x line 2)	= 18.86
4.	Credit for existing trips	-0-
<hr/>		
5.	Net new ADT (line 3 – line 4)	= 18.86
6.	TSA amount per ADT	\$201.00
<hr/>		
7.	Road system impact fee for this development (line 5 x line 6)	= \$3,790.86
<hr/>		
8.	Impact fee per new DU: (line 7 divided by line 1)	\$1,895.43
<hr/>		

10 **8. Concurrency Determination (SCC 30.66B.120)**

11 The project is concurrent as of June 4, 2025. The project must be approved if it does not affect a  
12 county arterial unit in arrears or cause a county arterial to go into arrears.<sup>25</sup> The transportation  
13 service area had no arterial units in arrears as of the date of submittal. The project will not add  
14 three or more directional peak-hour trips to a unit in arrears and is therefore concurrent.<sup>26</sup> The  
15 proposed development does not need to be evaluated pursuant to SCC 30.66B.035 (2021)  
16 because it generates fewer peak hour trips than the 50-peak hour trip threshold that requires such  
17 analysis.<sup>27</sup>

<sup>23</sup> SCC 30.66B.310 (2021).

<sup>24</sup> ADT is calculated using the current edition of the Institute of Traffic Engineers' Trip Generation Report.

<sup>25</sup> SCC 30.66B.120(1) (2003).

<sup>26</sup> SCC 30.66B.160(2)(a) (2003).

<sup>27</sup> 2 dwelling units x 0.70 AM peak hour trips = 1.40 AM PHT. 2 new dwelling units x .94 PM peak hour trips = 1.88 PM PHT.

1 **9. Transportation (Title 13 SCC, EDDS 3-02, and SCC 30.66B.420)**

2 **a. Internal Road System**

3 The development will be served by 197<sup>th</sup> St. NE, a rural low volume private access road and 23<sup>d</sup>  
4 Ave. NE, a rural non-arterial sub-collector road. The lots will access 197<sup>th</sup> St. NE by driveways.

5 **b. Existing Public Roads**

6 **i. Improvements (SCC 30.66B.410) and Right of Way (SCC 30.66B.510, .520)**

7 Right of way dedication is not required for 197<sup>th</sup> St. NE, a private access road.

8 23<sup>d</sup> Ave. NE requires a right of way width of 30 feet on each side of the center line and 30 feet  
9 exist. Therefore, dedication of right of way will not be required.

10 Sight distances for the access points comply with EDDS §3-08. The proposed development does  
11 not front any public, open, maintained county road; frontage improvements will therefore not be  
12 required.

13 **ii. Inadequate Road Conditions (IRC) (SCC 30.66B.210)**

14 Mitigation for inadequate road conditions (IRC) is not required now because the development  
15 proposal will not create an IRC, nor will it affect any IRCs within TSA A with three or more of its PM  
16 peak hour trips. Therefore, it is expected that mitigation will not be required with respect to IRC  
17 and no restrictions on building permit issuance or certificate of occupancy/final inspection will be  
18 imposed under SCC 30.66B.210.

19 **iii. Bicycle Facilities**

20 The proposed development does not border a bicycle facility on the county-wide bicycle facility  
21 system map. A bicycle path will therefore not be required.

22 **iv. State Highway Impacts (SCC 30.66B.710)**

23 Pursuant to the county's authority under SEPA, a traffic mitigation payment is required if the  
24 development affects a state highway.<sup>28</sup> The proposed development is exempt from SEPA;  
25 therefore the county does not have authority to impose mitigation impact fees on behalf of  
26 WSDOT.

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<sup>28</sup> SCC 30.66B.055; Interlocal Agreement between Snohomish County and WSDOT (December 21, 1997).

1 v. Other Jurisdiction Traffic Impacts (SCC 30.66B.720)

2 Pursuant to the county's authority under SEPA, a traffic mitigation payment to another jurisdiction  
3 is required if that local jurisdiction and Snohomish County have a reciprocal traffic mitigation  
4 interlocal agreement. The proposed development is exempt from SEPA; therefore the county does  
5 not have authority to impose mitigation impact fees on behalf of another jurisdiction.

6 **c. Pedestrian Facilities (RCW 58.17.110 and 58.17.060)**

7 The development cannot be approved unless school children have safe walking conditions.<sup>29</sup>  
8 Lakewood School District advised that schoolchildren from the development would meet their  
9 buses on 23<sup>rd</sup> Ave. NE at the development's entrance. The existing pedestrian path on 197<sup>th</sup> St. NE  
10 will provide an adequate pedestrian pathway for schoolchildren to reach their bus stop.  
11 Additional pedestrian facilities will not be required.

12 **10. Utilities**

13 Adequate provisions have been made for utilities. Sewage disposal will be provided by on-site  
14 sewer systems built according to Snohomish County Health Department regulations.<sup>30</sup> Electrical  
15 service will be provided Snohomish County Public Utility District No. 1.<sup>31</sup> Domestic water will be  
16 provided by on-site wells.

17 **V. CONCLUSIONS**

- 18 1. The Hearing Examiner has authority to approve preliminary rural cluster subdivisions.<sup>32</sup>
- 19 2. The Hearing Examiner concludes that Robinett Investment demonstrated its proposal is  
20 consistent with the comprehensive plan, county code, the type and character of land use  
21 permitted on the project site, and the permitted density, applicable design, and development  
22 standards.
- 23 3. The Hearing Examiner finds that adequate public services exist to serve the proposed project.
- 24 4. As conditioned, the proposed project adequately provides for the health, safety, and general  
25 welfare of the public.

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<sup>29</sup> RCW 58.17.060(2) (1990); RCW 58.17.110(2) (1995); SCC 30.41A.100(1).

<sup>30</sup> Ex. H.3.

<sup>31</sup> Ex. H.2.

<sup>32</sup> SCC 30.70.025 (2021); SCC 30.72.025 (2012); SCC 30.41C.030(1) (2009).

1 5. Any finding of fact in this decision which should be deemed a conclusion of law is hereby  
2 adopted as a conclusion of law.

3 6. Any conclusion of law in this decision which should be deemed a finding of fact is hereby  
4 adopted as a finding of fact.

5 **VI. DECISION**

6 Based on the foregoing findings of fact and conclusions of law, the Hearing Examiner approves  
7 the preliminary subdivision, subject to the following conditions:

8 **VII. CONDITIONS**

9 **A. General**

- 10 1. The preliminary plat received by PDS on November 24, 2025, shall be the approved preliminary  
11 plat.<sup>33</sup> Changes to the approved plat are governed by chapters 30.41A SCC and 30.70 SCC.
- 12 2. The proposed open space management plan shall be the approved preliminary open space  
13 management plan.<sup>34</sup>
- 14 3. Any discrepancy between (a) the approved preliminary plat, preliminary landscape plan, or the  
15 rural cluster subdivision site plan and (b) title 30 SCC shall be resolved in favor of title 30 SCC.
- 16 4. The Auditor’s file number of the recorded open space management plan shall be stated on all  
17 property deeds for real property in the rural cluster subdivision. SCC 30.41C.120(2) (2009).
- 18 5. A copy of the open space management plan approved by PDS and recorded with the County  
19 Auditor shall be provided with ownership documents to subdivision property owners and  
20 purchasers. SCC 30.41C.120(2) (2009).
- 21 6. The following notice shall be filed on the title of the properties within the plat: “Tracts 994, 104,  
22 and 105 are open space tracts reserved for future development if, as, and when the Urban  
23 Growth Area is expanded to include the open space parcel. Future development of this tract  
24 may include residential, commercial and industrial uses commonly found in an urban area.  
25 The open space tract is not intended to be preserved in perpetuity.”<sup>35</sup>

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<sup>33</sup> Ex. B.1.

<sup>34</sup> Ex. G.3.

<sup>35</sup> SCC 30.41C.140(8) (2024).

- 1 7. Prior to the closing of a transfer of real property in this development by sale, exchange, gift,  
2 real estate contract, lease with option to purchase, any other option to purchase, or any other  
3 means of transfer (except transfers made by testamentary provisions or the laws of descent),  
4 the transferor shall provide the transferee a copy of the disclosure text in SCC 30.32B.220  
5 (agricultural land acknowledgement) and shall record with the County Auditor a copy of the  
6 same showing an acknowledgment of receipt executed by the transferee in a form prescribed  
7 by the director of PDS. The form of the acknowledged disclosure text shall include a statement  
8 that the disclosure notice applies to the subject real property as of the date of the transfer,  
9 and may not be applicable thereafter if areas designated farmland are changed from the  
10 farmland designation
- 11 8. All electrical, telephone, and other utility lines and support infrastructure shall be located  
12 underground. SCC 30.41C.070(3)(a) (2017).
- 13 9. Nothing in this approval excuses Robinett Investment, any owner, lessee, agent, successor or  
14 assigns from compliance with any other federal, state or local statutes, ordinances or  
15 regulations applicable to this project.

16 **B. Site Development**

17 No site development conditions are needed because the land disturbing activity requirements  
18 were satisfied in the creation of the Blue Jay Lane subdivision.<sup>36</sup>

19 **C. Final Plat Content**

20 The following text shall be written on the face of the final plat:<sup>37</sup>

- 21 10. The lots within this subdivision will be subject to school impact mitigation fees for Lakewood  
22 School District No. 306. The fee per dwelling unit will be zero dollars for building permit  
23 applications submitted on or before June 5, 2030. For building permit applications submitted  
24 on or after June 6, 2030, the fee will be determined by the fee schedule in effect at the time of  
25 building permit application. The impact fees must be paid prior to building permit issuance,  
26 except as allowed by SCC 30.66C.200(2).
- 27 11. The dwelling units within this development are subject to a park and recreation facility impact  
28 fee for the Kayak Point Park service area of the county parks system. The impact fee shall be  
29 \$681.97 per dwelling unit for building permits submitted on or before June 5, 2030. For building  
30 permits submitted on or after June 6, 2030, the amount of the fee per dwelling unit will be  
31 determined by the fee schedule in effect at the time of building permit application. Payment of

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<sup>36</sup> See text accompanying footnote 3 above.

<sup>37</sup> Numbering is for convenience and reference only.

1 these mitigation fees is required prior to building permit issuance except as provided for in  
2 SCC 30.66A.020(4).

3 12. Chapter 30.66B SCC requires the new lot mitigation payments in the amounts shown below  
4 for each dwelling unit:

5 \$1,895.43 for each dwelling unit (to total \$3,790.86) for mitigation of impacts on county  
6 roads paid to the county in accordance with the payment timing provisions of chapter  
7 30.66B SCC.

8 Payment of these fees is due prior to or at the time of building permit issuance, unless  
9 deferment is allowed pursuant to chapter 30.66B SCC, for the individual building permits.  
10 Notice of these mitigation payments shall be contained in any deeds involving this subdivision  
11 or the lots therein.

12 13. Membership in the homeowners' association, and payment of dues or other assessment  
13 for maintenance purposes, shall be a requirement of lot ownership and shall remain an  
14 appurtenance to and inseparable from each lot. If the homeowners' association is dissolved,  
15 then each lot shall have an equal and undivided ownership interest in the tracts previously  
16 owned by the association as well as responsibility for maintaining the tracts.

17 14. Tracts 994, 104, and 105 are open space tracts reserved for future development if, as, and  
18 when the Urban Growth Area is expanded to include the open space parcel. Future  
19 development of this tract may include residential, commercial and industrial uses commonly  
20 found in an urban area. The open space tract is not intended to be preserved in perpetuity.<sup>[38]</sup>

21 15. The homeowners' association shall own and maintain tracts established pursuant to chap.  
22 30.41 SCC, unless and until alternative ownership and maintenance responsibility is  
23 authorized by the Planning and Development Services department.

24 16. This real property is on, adjacent to, or within 1,300 feet of designated farmland; therefore, you  
25 may be subject to inconveniences or discomforts arising from agricultural activities, including  
26 but not limited to, noise, odors, fumes, dust, smoke, the operation of machinery of any kind  
27 (including aircraft), the storage and disposal of manure, the application by spraying or  
28 otherwise of chemical or organic fertilizers, soil amendments, herbicides and pesticides,  
29 hours of operation, and other agricultural activities.

30 17. Snohomish County has adopted Agricultural Lands Regulations (chap. 30.32B SCC) which  
31 may affect you and your land. You may obtain a copy of chapter 30.32B SCC from Snohomish  
32 County.

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<sup>38</sup> SCC 30.41C.140(8) (2024).

1 18. Chapter 30.32B SCC provides that agricultural activities conducted on designated farmland in  
2 compliance with acceptable agricultural practices are presumed to be reasonable and shall  
3 not be found to constitute a nuisance unless the activities have a substantial adverse effect on  
4 the public health or safety.

5 19. This disclosure applies to the real property upon any development or building permit approval;  
6 or, in the case of real property transfers, the disclosure applies to the subject property as of  
7 the date of the transfer. This disclosure may not be applicable thereafter if areas designated  
8 as farmland are changed from the farmland designation.

9 20. Nothing in chapter 30.32B SCC shall affect or impair any right to sue for damages.

10 ***D. Final Plat Approval***

11 Robinett Investment must fulfill the following conditions before approval of the final plat:

12 21. Robinett Investment shall have submitted and obtained PDS' approval of a final open space  
13 management plan for the long-term management of designated open space. The final plan  
14 shall provide for other qualified and capable parties to succeed to maintenance obligations for  
15 designated open space if necessary and provide for indemnification of the county by any  
16 person or entity responsible for maintenance if such person or entity does not maintain the  
17 open space.

18 22. Robinett Investment shall record the approved final open space management plan separately  
19 from the subdivision. The plan may be recorded simultaneously with the recording of the final  
20 subdivision. The open space management plan shall be updated with tract numbers  
21 consistent with the final plat map.

22 23. Robinett Investment shall have established a homeowners' association as a Washington  
23 corporation (profit or non-profit) for the purposes of tract ownership and maintenance.  
24 Robinett Investment shall provide PDS with a copy of the articles of incorporation of the  
25 homeowners' association filed with the Washington Secretary of State and with the by-laws  
26 adopted by the homeowners' association. The homeowners' association shall remain the  
27 owner of tracts unless tract ownership by all lots in the subdivision is authorized pursuant to a  
28 final plat alteration. The articles of incorporation and by-laws must provide that if the  
29 homeowners' association is dissolved, each lot shall have an equal and undivided ownership  
30 interest in the tracts previously owned by the association and shall have responsibility for  
31 maintaining the tracts. Robinett Investment shall record the by-laws with the County Auditor  
32 upon their approval by the county and adoption by the homeowners' association.

33 24. Robinett Investment shall have conveyed tracts to the homeowners' association, recorded the  
34 conveyance instruments, and provided PDS with copies of the recorded instruments.

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25-106910 PSD

Decision Approving Rural Cluster Subdivision with Conditions

- 1 25. Robinett Investment shall have prepared covenants, conditions, and restrictions that:
- 2 a. Identify the rights and responsibilities of the property owners and the homeowners’
- 3 association for use and maintenance of common vehicle access areas, on-site recreation
- 4 areas, landscaping, underground utilities, and common open space.
- 5 b. Restrict use of the tracts to the uses specified in the approved preliminary plat and rural
- 6 cluster development site plan and require compliance with the county regulations and
- 7 conditions of final subdivision approval.
- 8 c. State they are binding upon and inure to the benefit of the homeowners’ association, the
- 9 owners of all the lots within the subdivision, and all others having any interest in the tracts
- 10 or lots.
- 11 d. State that the county is an intended beneficiary of the covenants, conditions, and
- 12 restrictions with the right to enforce them
- 13 26. After approval by the county, Robinett Investment shall record the covenants, conditions, and
- 14 restrictions with the County Auditor and provide a copy of the recorded document to PDS.
- 15 27. Robinett Investment shall have provided the Health Department:
- 16 a. An application for final subdivision review accompanied by the final plat map and review
- 17 fee.
- 18 b. Accurate-to-scale designs for each proposed lot, demonstrating area for a minimum 450
- 19 gallon/day on-site sewage system plus a 100% on-site sewage system reserve area. On-
- 20 site sewage systems must be located within areas of approved soil log test holes and meet
- 21 all minimum horizontal setback requirements. Designs must show all features that may
- 22 affect placement of on-site sewage systems such as wetlands, drainage systems, surface
- 23 water, cuts in topography, critical area protection areas, easements, building structures,
- 24 driveways, etc.
- 25 28. All street signage shall have been installed. County forces will install public roads signage,
- 26 and Robinett Investment shall install private road signage.
- 27 29. Any fire lane signage shall have been coordinated with the Fire Marshal’s Office and installed.
- 28 30. All common area landscaping depicted on the approved plans shall have been installed,
- 29 inspected, and approved unless deferral of the improvements is allowed by PDS and a bond or
- 30 guarantee of performance is submitted to PDS. A qualified landscape designer shall certify
- 31 that landscaping is installed per the approved plan.
- 32 31. Robinett Investment shall possess a valid, signed plat name reservation.

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25-106910 PSD

Decision Approving Rural Cluster Subdivision with Conditions

1 **E. Building Permits**

- 2 32. Building permit applications shall include architectural plans complying with bulk regulations  
3 of chapter 30.23 and 30.41C SCC.140.
- 4 33. Front yard setbacks shall vary a minimum of 10 feet from those structures on adjacent lots.
- 5 34. Prior to building permit issuance, Robinett Investment shall have paid the impact fees  
6 described in conditions 11 (park and recreation facility mitigation fee), 12 (road system impact  
7 mitigation fee), and 10 (school district impact mitigation fee), unless allowed by county code  
8 to pay after building permit issuance.

9 **F. Prior to Earlier of Any Certificate of Occupancy or Building Permit Final Inspection**

- 10 35. Robinett Investment shall have provided to PDS copies of completed third-party certification  
11 checklists and proof of payment for review and certification.

12 **G. Expiration**

- 13 36. Approved preliminary plats are valid for five (5) years from the date of approval and must be  
14 recorded within that time unless an extension has been requested and granted pursuant to  
15 SCC 30.41A.300 or SCC 30.70.140(1) (table).

16 Decision issued this 31<sup>st</sup> day of March, 2026.

  
\_\_\_\_\_  
Peter B. Camp  
Snohomish County Hearing Examiner

1 **RECONSIDERATION AND APPEAL PROCEDURES**

2 The following paragraphs summarize the reconsideration and appeal processes. For more  
3 information about reconsideration and appeal procedures, please see chapter 30.72 SCC and the  
4 respective Hearing Examiner and Council Rules of Procedure.

5 ***Reconsideration—Who May Petition and Deadline***

6 Any party of record may request reconsideration by the Hearing Examiner by filing a petition for  
7 reconsideration no later than **April 10, 2026**.

8 **Filing**

9 A petition for reconsideration must be filed in writing. A petition for reconsideration is deemed  
10 filed when:

- 11 (a) the original paper is delivered in person, by messenger, or by courier to the Office of  
12 Hearings Administration, 1<sup>st</sup> Floor, Administration West building, 3000 Rockefeller Avenue,  
13 Everett, Washington, before or at 4 p.m. on the day of the deadline;
- 14 (b) the original paper mailed to the Office of Hearings Administration, M/S No. 405, 3000  
15 Rockefeller Avenue, Everett WA 98201 is postmarked by the United States Postal Service  
16 on or before the day of the deadline, though the postal service may deliver such  
17 postmarked original after the day of the deadline; or
- 18 (c) the emailed petition to [hearing.examiner@snoco.org](mailto:hearing.examiner@snoco.org) is timestamped as sent on or before  
19 midnight of the deadline day.

20 There is no fee for filing a petition for reconsideration. The petitioner for reconsideration shall mail  
21 or otherwise provide a copy of the petition for reconsideration to all parties of record (including  
22 the applicant) on the date of filing. SCC 30.72.065. The petitioner for reconsideration shall file  
23 with the Office of Hearings Administration a declaration of service under penalty of perjury  
24 describing the documents served, the parties or persons served, and the method of service. A  
25 sample form is available from the Clerk upon request.

26 **Contents**

27 A petition for reconsideration does not have to be in a special form but must:

- 28 (a) Contain the petitioner’s name, petitioner’s mailing address, petitioner’s daytime  
29 telephone number, and the signature of the petitioner or of the petitioner’s attorney, if any;
- 30 (b) Identify the specific findings, conclusions, actions, and conditions for which  
31 reconsideration is requested;

**Blue Jay RCS**

25-106910 PSD

Decision Approving Rural Cluster Subdivision with Conditions

Page 19 of 21

- 1 (c) State the relief requested; and,
- 2 (d) If applicable, identify the specific nature of any newly discovered evidence and changes  
3 proposed by the applicant.
- 4 The grounds for seeking reconsideration are limited to the following:
- 5 (a) The Hearing Examiner exceeded his jurisdiction;
- 6 (b) The Hearing Examiner failed to follow the applicable procedure in reaching his decision;
- 7 (c) The Hearing Examiner committed an error of law;
- 8 (d) The Hearing Examiner's findings, conclusions, or conditions are not supported by the  
9 record;
- 10 (e) The petitioner discovered new evidence which could not reasonably have been produced  
11 at the hearing and which is material to the decision; or
- 12 (f) The applicant proposed changes to the application in response to deficiencies identified in  
13 the decision.

14 Petitions for reconsideration will be processed and considered by the Hearing Examiner pursuant  
15 to the provisions of SCC 30.72.065. Please include the county file number in any correspondence  
16 regarding this case.

## 17 **Appeal**

18 An appeal to the County Council may be filed by any aggrieved party of record **on or before April**  
19 **14, 2026**. If the reconsideration process of SCC 30.72.065 has been invoked, no appeal may be  
20 filed until the reconsideration petition has been decided by the Hearing Examiner. An aggrieved  
21 party may file an appeal directly to the County Council without first filing a petition for  
22 reconsideration. If a petition for reconsideration is filed, issues subsequently raised by that party  
23 on appeal to the County Council shall be limited to those issues raised in the petition for  
24 reconsideration.

25 Appeals shall be addressed to the Snohomish County Council but shall be filed in writing with the  
26 Department of Planning and Development Services, 2<sup>nd</sup> Floor, Administration West building, 3000  
27 Rockefeller Avenue, Everett, Washington (Mailing address: M/S 604, 3000 Rockefeller Avenue,  
28 Everett, WA 98201), and shall be accompanied by a filing fee in the amount of five hundred dollars  
29 (\$500.00) for each appeal filed. A county department does not need to pay the filing fee. The filing  
30 fee shall be refunded in any case where an appeal is summarily dismissed in whole without  
31 hearing under SCC 30.72.075.

### **Blue Jay RCS**

25-106910 PSD

Decision Approving Rural Cluster Subdivision with Conditions

Page 20 of 21

1 Appeals may be accepted electronically by the Planning and Development Services Department  
2 and paid for by credit card over the phone as follows:

- 3 1. Scan the original manually signed (handwritten) copy of the appeal document;
- 4 2. Send your appeal as an email attachment to [epermittech@snoco.org](mailto:epermittech@snoco.org). Please include your  
5 phone number where you can be reliably reached.
- 6 3. Staff will call you to collect your credit card information and process your payment.
- 7 4. Mail the original to Snohomish County PDS, 3000 Rockefeller M/S 604, Everett, WA 98201.

8 An appeal must contain the following items in order to be complete: (a) a detailed statement of  
9 the grounds for appeal; (b) a detailed statement of the facts upon which the appeal is based,  
10 including citations to specific Hearing Examiner findings, conclusions, exhibits or oral testimony;  
11 (c) written arguments in support of the appeal, including all legal arguments on which the appeal  
12 is based; (d) the name, mailing address and daytime telephone number of each appellant or  
13 appellant's representative, together with the signature of at least one of the appellants or the  
14 appellant's representative; and (d) the required filing fee. SCC 30.72.080(1).

15 The grounds for filing an appeal shall be limited to the following:

- 16 (a) The decision exceeded the Hearing Examiner's jurisdiction;
- 17 (b) The Hearing Examiner failed to follow the applicable procedure in reaching his decision;
- 18 (c) The Hearing Examiner committed an error of law; or
- 19 (d) The Hearing Examiner's findings, conclusions, or conditions are not supported by  
20 substantial evidence in the record.

21 SCC 30.72.080(2). Appeals will be processed and considered by the County Council pursuant to  
22 the provisions of chapter 30.72 SCC. Please include the county file number in any  
23 correspondence regarding the case.

24 Staff Distribution:

25 Department of Planning and Development Services: Mara Wiltshire

26 The following statement is provided pursuant to RCW 36.70B.130: "Affected property owners may  
27 request a change in valuation for property tax purposes notwithstanding any program of  
28 revaluation." A copy of this decision is being provided to the Snohomish County Assessor as  
29 required by RCW 36.70B.130.

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25-106910 PSD

Decision Approving Rural Cluster Subdivision with Conditions