



Snohomish County Council

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MEMORANDUM

TO: Snohomish County Council
FROM: Deborah Evison Bell, Senior Legislative Analyst
DATE: May 21, 2026
SUBJECT: Closed Record Appeal Hearing – Blue Jay RCS (25-106910)

Purpose

This memorandum provides an overview of the closed record appeal hearing scheduled for May 29, 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

Robinett Investment Company LLC is the owner and applicant of a proposed two-lot rural cluster subdivision on 7.15 acres of undeveloped land, currently zoned R-5. The project parcel IDs are: 31051700203400 and 31051700404300, with no address assigned, and bound on the east by Industrial Park zoning and through which Interstate 5 runs north and south. The City of Arlington boundary lies on the east side of Interstate 5. The proposed lots will be access via driveways off of the rural low volume private road 197th St. NE.

Planning & Development Services Staff Recommendation

PDS issued a staff recommendation (H.E. Exhibit K.1), in which PDS recommended approval of the requested two-lot rural cluster subdivision with thirty-two recommended conditions of approval, including but not limited to building plans, height compliance, setbacks, compliance with bulk regulations, and mitigation fees to parks and schools.

The Hearing Examiner Decision

The Snohomish County Hearing Examiner held an open record hearing on March 10, 2026. 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 31, 2026. The decision approved the preliminary subdivision with conditions, including Condition 10 requiring the applicant to pay school impact fees, and Conditions 15 and 24 restricting certain tracts to maintain homeowners association ownership.

Appeal of the Hearing Examiner Decision

On April 14, 2026, the County Council received an appeal of the Hearing Examiner's, March 31, 2026, decision by the project applicant (Council Exhibit L.1).

On April 17, 2026, the County Council received a letter from the appellant withdrawing the appeal of Condition C. 10 (Council Exhibit L.3).

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 delete or revise the Hearing Examiners Decision to impose Conditions 15 and 24 related to retention of homeowners association tracts.

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 L.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 9, 2026.

Copy: Justin Kasting, Deputy Prosecuting Attorney