



**Snohomish County**

**Office of Hearings Administration**

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**Peter Camp**

*Hearing Examiner*

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

### **I. SUMMARY**

**DATE OF DECISION:** April 7, 2026

**PLAT:** Meadowood East Rural Cluster Subdivision  
Formerly known as Meadow Landing RCS  
10010 147<sup>th</sup> Ave. NE  
Granite Falls, Washington 98252-9289

**APPLICANT:** Robinett Investment Company LLC  
114 Avenue C, Suite 101  
Snohomish, Washington 98290

**OWNER:** Robinett Investment Company LLC  
114 Avenue C, Suite 101  
Snohomish, Washington 98290

**FILE NOS.:** 22-104584 PSD  
22-104584 WMD

**TYPE OF REQUEST:** Preliminary 13-lot rural cluster subdivision

**DECISION SUMMARY:** Preliminary 13-lot rural cluster subdivision approved subject to conditions

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1 **III. SITE SUMMARY**

LOCATION: 10010 147<sup>th</sup> Avenue NE  
Granite Falls, Washington 98252

TAX PARCEL NUMBER: 300616-001-001-00

ACREAGE: 43.51 acres

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

ZONING: R-5

UTILITIES:

Water: Snohomish County Public Utility District No. 1

Sewer: On-site sewer system (septic)

Electrical: Snohomish County Public Utility District No. 1

SCHOOL DISTRICT: Marysville School District No. 25

FIRE DISTRICT: Snohomish County Fire District No. 22

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 of  
3 the evidence.

4 **IV. FINDINGS OF FACT**

5 **A. Vesting**

6 La Maison Holdings LLC applied to the Snohomish County Planning and Development Services  
7 department (PDS) for approval of a rural cluster subdivision on March 16, 2022. PDS determined  
8 the application was complete for vesting as of the date of submittal, but PDS needed additional  
9 information. La Maison submitted additional information on November 19, 2024. In February 2025,  
10 Robinett Investment Company, LLC purchased the site, succeeded La Maison in interest, and  
11 became the applicant. Robinett Investment submitted additional information on April 10, 2025.

1 **B. Open Record Hearing**

2 The Hearing Examiner held an open record hearing on June 18, 2025. Marty Robinett of Robinett  
3 Investment, LLC, testified in favor of the application. Brian Farrell, Michael Huey, P.E., and Seth  
4 Henderson testified on behalf of PDS. Neighbors Brian Lamkin, Edward Atkinson, Tim Zuver, and  
5 Doug Love testified about their concerns.

6 The Hearing Examiner left the record open after the hearing for the limited purposes of accepting  
7 more evidence regarding the availability of water, the proposed requirement to continue 146<sup>th</sup> Ave.  
8 NE north across the wetland, including emergency response and transportation connectivity, and  
9 argument regarding the authority of the Hearing Examiner to require dedication of right of way  
10 without construction of the public road across the wetland.<sup>1</sup> The Hearing Examiner further inquired  
11 of PDS and Robinett Investment regarding the site plan, to which PDS responded.<sup>2</sup>

12 **C. Further Proceedings**

13 The Hearing Examiner issued a decision conditionally approving the preliminary rural cluster  
14 subdivision on August 5, 2025. Robinett Investment petitioned for reconsideration regarding the  
15 condition requiring construction of an extension of 146<sup>th</sup> Ave. across a wetland.<sup>3</sup>

16 The Hearing Examiner determined that the county had not adequately demonstrated that it had  
17 considered all necessary factors regarding the extension of 146<sup>th</sup>. He vacated his August 5, 2025,  
18 decision, and remanded the application to PDS to re-evaluate the deviation request regarding the  
19 extension of 146<sup>th</sup> across the wetland.<sup>4</sup>

20 Upon remand, the county determined that emergency service providers did not require the  
21 extension of 146<sup>th</sup>.<sup>5</sup> The County Engineer approved the requested deviation.<sup>6</sup> The Hearing Examiner  
22 conducted a further open record hearing to allow for public comment on the county's revised  
23 recommendation to approve the preliminary rural cluster subdivision. The revised  
24 recommendation required Robinett Investment to dedicate right of way for a future extension of  
25 146<sup>th</sup> instead of constructing the road across the wetland.<sup>7</sup> Mr. Robinett, Mr. Farrell, and Randy  
26 Bacon of PDS testified at the continued hearing; no neighbors testified.

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<sup>1</sup> Ex. M.1.

<sup>2</sup> Exhibits M.13 (Hearing Examiner request for information) and M.14 (PDS response).

<sup>3</sup> Ex. N.2.

<sup>4</sup> Ex. O.1.

<sup>5</sup> Ex. P.3.

<sup>6</sup> Ex. P.5.

<sup>7</sup> Ex. P.1.

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1 **D. The Record**

2 The Hearing Examiner considered exhibits A.1 through R.1 and the testimony of witnesses at the  
3 open record hearing on June 18, 2025, and its continuation on March 17, 2026. A recording of the  
4 hearing is available from the Office of Hearings Administration.

5 **E. Public Notice**

6 PDS gave public notice of the threshold State Environmental Policy Act (SEPA) determination, open  
7 record hearing, traffic concurrency, and impact fee determinations.<sup>8</sup>

8 **F. Background Information**

9 **1. Proposal**

10 Robinett Investment requests approval of a preliminary 13-lot rural cluster subdivision of single-  
11 family residences on 43.51 acres.

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

13 The single parcel site is developed with a single-family residence and outbuilding. A category II  
14 wetland lies on the western portion of the parcel, and a small category III wetland lies on the  
15 southeast corner. The surrounding properties are zoned R-5 and developed with single family  
16 residences.

17 **3. Comments**

18 Citing environmental impacts and traffic safety, community members asked in the August 5, 2025,  
19 hearing that Robinett Investment be allowed to terminate the new public road in the subdivision  
20 (146<sup>th</sup> Ave. NE) short of the wetland in the northeast corner instead of crossing the wetland to  
21 connect to 144<sup>th</sup> Ave. NE in the subdivision on the northern border. The county contended that the  
22 county's Engineering Design and Development Standards (EDDS) require connection and therefore  
23 146<sup>th</sup> must cross the wetland despite its impact. Robinett Investment preferred not to construct the  
24 road to the north, but was willing to dedicate right of way to allow for future construction.

25 A high-quality wetland with a habitat score of 9 runs northwest to southeast across the northeast  
26 corner of the development site. The Enchantment 90 Phase 2 subdivision immediately north of the  
27 proposed subdivision has a public road (144<sup>th</sup> Ave. NE) that terminates on its southern border  
28 shared with the development proposed here.

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<sup>8</sup> Exhibits F.1 through F.3.

1 Dedicating the right of way and constructing the public road connection between the existing 144<sup>th</sup>  
2 Ave. NE on the north and 146<sup>th</sup> Ave. NE as proposed by PDS would allow vehicles from north of this  
3 proposed development to travel south to 84<sup>th</sup> St. NE, a minor east/west arterial. However, such  
4 southbound traffic would have to cross bridge no. 452 over Little Pilchuck Creek on 147<sup>th</sup> Ave. NE  
5 south of the proposed development. Bridge 452 is narrow, with a deteriorating lifespan and a load  
6 limit less than the legal limit for bridges.<sup>9</sup> The county therefore initially required construction of the  
7 connection, but gating it until bridge 452 is improved. Gating the connection would prevent general  
8 traffic but would allow emergency vehicle access.

9 In 2022, La Masion submitted a request to the county to deviate from Engineering Design and  
10 Development Standards (EDDS), requesting relief from the county's requirement to construct a  
11 road across the wetland and connect the new public road in the development to 146<sup>th</sup> to the north.  
12 The county denied the request, citing EDDS §3-01(B)(5)<sup>10</sup> and commenting, "This connection would  
13 provide a significant improvement for local connectivity, emergency service response time, and the  
14 nonmotorized uses once all the proposed improvements are completed."<sup>11</sup> The decision also cited  
15 EDDS' requirement that "New public roads within a development shall be constructed to and  
16 connect with any open or unopened public right-of-way that extends to a shared boundary." EDDS  
17 §3-01(B)(6).

18 After meeting with the applicant and county staff, the County Engineer denied reconsideration in  
19 2023 and affirmed the initial denial of the requested deviation.<sup>12</sup>

20 Subsequent to remand in this proceeding, the County Engineer approved the requested deviation  
21 to omit the requirement to construct the road across the wetland, conditioned upon installation of  
22 a temporary turnaround in this development and dedication of right of way for construction of the  
23 future road connection.

24 Neighbors further expressed concern that the skewed intersection at 146<sup>th</sup>/147<sup>th</sup> and Goebel Hill  
25 Road will create unsafe conditions. The county considered these concerns and advised that traffic  
26 only from the proposed Meadowood East development would not cause problems and therefore  
27 does not request off-site improvements by Robinett Investment. Public Works should evaluate the  
28 intersection if, as, and when the connection is constructed to the Enchantment 90 development to  
29 the north, creating further traffic through the skewed intersection.<sup>13</sup>

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<sup>9</sup> Ex. H.10, PDF p. 6.

<sup>10</sup> Robinett Investment noted that EDDS §3-01(B)(5) did not appear to apply because that requirement of two connections to another public road apply to developments of "more than 30 single family dwellings . . ." EDDS §3-01(B)(5)(i).

<sup>11</sup> Ex. M.10.

<sup>12</sup> Ex. M.11.

<sup>13</sup> Ex. H.10, PDF pp. 5-6.

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1 **G. Compliance with Codes and Policies**

2 **1. Subdivisions (Chapter 30.41A SCC)**

3 Having considered all relevant facts, the Hearing Examiner finds the proposed subdivision as  
4 conditioned will serve the public interest and makes appropriate provision for the public health,  
5 safety, and general welfare, for open spaces, drainage ways, streets, other public ways, potable  
6 water supplies, sanitary wastes, parks and recreation, playgrounds, fire protection, and other  
7 public facilities.<sup>14</sup> As conditioned, the proposed subdivision meets the general requirements of  
8 SCC 30.41A.100 (2006) with respect to health, safety, and general welfare of the community. The  
9 proposed lots will not be subject to flood, inundation, or swamp conditions. The proposed  
10 subdivision conforms to applicable zoning codes and the comprehensive plan.

11 **2. Rural Cluster Subdivisions (Chapter 30.41C SCC)**

12 **a. Yield**

13 The project clusters the lots on the least environmentally sensitive and most buildable portion of  
14 the site and retains approximately two-thirds of the site in restricted open space, exceeding the  
15 minimum requirement of 45%.<sup>15</sup> Including the bonus density for exceeding the amount of required  
16 restricted open space, county code allows a maximum of 13 dwelling units on this site and Robinett  
17 Investment proposes 13 dwelling units.

18 **b. Open Space Management**

19 The proposed subdivision will have open space tracts, sight obscuring buffers, and designated  
20 critical areas. Robinett Investment submitted a preliminary open space management plan.<sup>16</sup> PDS  
21 determined the preliminary open space management plan demonstrates compliance with chapter  
22 30.41C SCC. Approval will be conditioned on recording and implementation after PDS approves  
23 the final open space management plan.

24 **c. Design Standards**

25 The proposal complies with the design standards of SCC 30.41C.070 *et seq.* The transition from the  
26 residences to the adjoining properties and roads will be obscured from sight. Buffers are  
27 appropriately located and sized. Utilities will be located underground. No agricultural or forestry  
28 uses are proposed. The proposed cluster of lots complies with the requirement that lots be in

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<sup>14</sup> SCC 30.41A.100 (2006).

<sup>15</sup> Exhibits A.2, PDF p. 2 (67.98%) and K.1, p. 10 (63.2%). The difference is immaterial because either calculation substantially exceeds the minimum requirement.

<sup>16</sup> Ex. C.3. See SCC 30.41C.120 (2009).

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1 clusters of no more than thirty lots per cluster. The subdivision has been designed consistently with  
2 the natural features of the site; it does not alter any of the most sensitive features, limits the amount  
3 of grading required, and otherwise maintains rural character. The subdivision will not be served by  
4 public sanitary sewer but will be served by individual on-site sewer systems pursuant to Snohomish  
5 County Health Department regulations. Domestic water will be supplied by Snohomish County  
6 Public Utility District No. 1. The lots are located as close to the center of the site as feasible and are  
7 located within a fire district. As discussed below, PDS determined the proposal is concurrent.<sup>17</sup>

### 8 **3. Fire Code**

9 Robinett Investment demonstrated the feasibility of compliance with the fire code. Approval will be  
10 conditioned on compliance with the Fire Marshal’s recommendations, e.g., street parking allowed  
11 only on the side of the fire lane opposite fire hydrants.

### 12 **4. Environmental Review**

#### 13 ***a. SEPA (Chapter 30.61 SCC)***

14 PDS issued a threshold SEPA determination of no significant impact on May 14, 2025, which was  
15 not appealed.<sup>18</sup>

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

17 Several wetlands are on the site. One is a large category II depressional wetland with a habitat score  
18 of 9. This wetland is associated with two off-site streams: Little Pilchuck Creek and a tributary of  
19 that creek. Wetland B is a small<sup>19</sup> category III depressional wetland in the southwest corner of the  
20 site with a habitat score of 6. The third wetland is a small depressional category II wetland in the  
21 southeast corner of the site with a habitat score of 7. A fourth wetland that affects the site is ten  
22 feet south of the site and is a small depressional category III wetland with a habitat score of 6.

23 Except for wetland B, Robinett Investment will place critical areas such as on-site wetlands and  
24 buffers in separate tracts, reducing the nominal 225-foot buffer width by 15 percent to 191.25 feet  
25 as allowed by SCC 30.62A.320(A)(f)(i).

26 Robinett Investment will fill wetland B and mitigate that impact by purchasing mitigation bank  
27 credits, as allowed by county code.<sup>20</sup>

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<sup>17</sup> See concurrency discussion below at page 12.

<sup>18</sup> Ex. E.1.

<sup>19</sup> 1,124 sq. ft.

<sup>20</sup> SCC 30.62A.510(3)(g).

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

Infiltration is generally infeasible because subsurface exploration showed dense, cemented native soil beginning 2-3 feet below ground surface. Therefore, stormwater will be managed by dispersion.<sup>21</sup> More than 5,000 sq. ft. of pollution generating impervious surfaces will be created, triggering a requirement to comply with minimum requirements 1 through 9. Robinett Investment expects grading quantities to be 1,341 cubic yards of cut and 2,427 cubic yards of 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>22</sup>
2	Stormwater Pollution Prevention Plan (SWPPP)	A preliminary SWPPP was provided. <sup>23</sup> The SWPPP will be reviewed as part of the land disturbing activity permit process.
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 dispersion.
6	Runoff treatment	Full dispersion through vegetated flowpaths will provide water quality treatment.
7	Flow control requirements for new development or redevelopment	Plans for full dispersion satisfy requirements at the preliminary plat approval stage.

<sup>21</sup> BMP T5.30 (full dispersion), T5.12 (sheet flow dispersion), and T5.10B (downspout dispersion).

<sup>22</sup> Exhibits B.2 and C.2.

<sup>23</sup> Ex. C.2, PDF p. 7 *et seq.* and ex. B.2, sheets 3 and 4.

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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>24</sup>

1 **5. 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>25</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>26</sup> The  
7 amount will be determined according to the base fee schedule in effect for the Marysville School  
8 District at the time of building permit application and collected at the time of building permit  
9 issuance for the proposed new units.

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

11 The site is in Transportation Service Area (TSA) B and is not in an urban growth area. The proposed  
12 development must mitigate its impact upon the future capacity of the county road system by paying  
13 a road system impact fee.<sup>27</sup> The road system impact fee will be equal to the average daily trip (ADT)<sup>28</sup>  
14 created by the development multiplied by the per trip amount for the specific transportation service  
15 area identified in SCC 30.66B.330.

**Road System Impact Fee Calculation**

1.	Total number of dwelling units (DU)	13
2.	ADT per lot:	9.43

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<sup>24</sup> Ex. C.2, PDF p. 21.

<sup>25</sup> SCC 30.66A.020 (2019). The project site lies in River Meadows Park Service Area. SCC 30.66A.040(1) (2021).

<sup>26</sup> SCC 30.66C.100.

<sup>27</sup> SCC 30.66B.310 (2021).

<sup>28</sup> ADT is calculated using the current edition of the Institute of Traffic Engineers' Trip Generation Report.

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3.	Total ADT resulting from the development (line 1 x line 2):	= 122.59
4.	Credit for existing trips	9.43
5.	Net new ADT (line 3 – line 4)	= 113.16
6.	TSA amount per ADT:	\$323.00
7.	Road system impact fee for this development (line 5 x line 6):	= \$36,550.68
8.	Impact fee per new DU: (line 7 divided by line 1)	\$2,811.59

1 **6. Concurrency Determination (SCC 30.66B.120)**

2 The project is concurrent as of August 1, 2022. The project must be approved if it does not affect a  
3 county arterial unit in arrears or cause a county arterial to go into arrears.<sup>29</sup> The Transportation  
4 Service Area had no arterial units in arrears as of the date of submittal. The project will not add three  
5 or more directional peak-hour trips to a unit in arrears and is therefore concurrent.<sup>30</sup> The proposed  
6 development does not need to be evaluated pursuant to SCC 30.66B.035 (2021) because it  
7 generates fewer peak hour trips than the 50-peak hour trip threshold that requires such analysis.<sup>31</sup>

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

9 **a. Internal Road System**

10 The development will be served by a new public road, 146<sup>th</sup> Ave. NE, connecting to 146<sup>th</sup> Ave. NE at  
11 the southern property line and terminating in a cul-de-sac in the subdivision.<sup>32</sup>

<sup>29</sup> SCC 30.66B.120(1) (2003).

<sup>30</sup> SCC 30.66B.160(2)(a) (2003).

<sup>31</sup> 13 dwelling units x 0.70 AM peak hour trips - 0.70 existing trips = 8.40 AM PHT. 13 new dwelling units x .94 PM peak hour trips – 0.94 existing trips = 11.28 PM PHT.

<sup>32</sup> 146<sup>th</sup> Ave. NE is in the Cascade Highlands subdivision(Auditor’s file no. 200902045001).

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1 **b. Existing Public Roads**

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

3 The development will access the public road system at 146<sup>th</sup> Ave. NE on the southern border of the  
4 subdivision. The vertical curvature and sight distances will be reviewed when a profile is provided  
5 during construction plan submittal.<sup>33</sup>

6 The new public road within the development will be established by dedication when the final plat is  
7 recorded.

8 The County Engineer approved a deviation from the EDDS to allow a five-foot-wide separated  
9 walkway with a transition to the attached paved shoulder in Cascadian Highlands, the development  
10 to the south.<sup>34</sup> The temporary turnarounds on the north end in Enchantment 90 Phase 2 and the  
11 south end in Cascadian Highlands will need to be reconstructed.

12 The County Engineer also approved a deviation from EDDS to allow 146<sup>th</sup> Ave. NE to terminate in a  
13 temporary turnaround in the subdivision instead of connecting to 144<sup>th</sup> Ave. NE in the north,  
14 conditioned on dedication of right of way for construction of a future extension of 146<sup>th</sup> to the  
15 north.<sup>35</sup>

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

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

22 Neighbors are concerned about the intersection of 84<sup>th</sup> St. NE and 147<sup>th</sup> Ave. NE. An IRC is “any road  
23 condition, whether existing on the road system or created by a new development’s access or  
24 impact on the road system, which jeopardizes the safety of road users, including non-automotive  
25 users, as determined by the county engineer.” SCC 30.91I.020 (2003). Public Works studied the  
26 intersection, but it did not meet the criteria for an IRC.<sup>36</sup> Short-term safety improvements are being

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<sup>33</sup> Ex. H.10, PDF p. 5.

<sup>34</sup> Ex. G.1 (PDS file no. 22-104584).

<sup>35</sup> Ex. P.5.

<sup>36</sup> Ex. H.10, PDF p. 2

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1 implemented as recommended in the 84<sup>th</sup> Street NE Corridor Safety Study until longer-term  
2 improvements can be funded and implemented.<sup>37</sup>

3 iii. Bicycle Facilities

4 The proposed development does not border a bicycle facility on the county-wide bicycle facility  
5 system map. A bicycle path will therefore not be required on 146<sup>th</sup> Ave. NE.

6 iv. State Highway Impacts (SCC 30.66B.710)

7 Pursuant to the county's authority under SEPA, a traffic mitigation payment is required if the  
8 development affects a state highway.<sup>38</sup> Approval will be conditioned on payment to WSDOT of  
9 \$4,078.08, which is based upon the standard mitigation rate per average daily trip multiplied by the  
10 number of trips affecting state highways.

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

12 Pursuant to the county's authority under SEPA, a traffic mitigation payment to another jurisdiction  
13 is required if that local jurisdiction and Snohomish County have a reciprocal traffic mitigation  
14 interlocal agreement. Pursuant to the county's interlocal agreement with the city of Granite Falls,  
15 approval will be conditioned on payment to Granite Falls of \$3,000.

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

17 The development cannot be approved unless school children have safe walking conditions.<sup>39</sup>  
18 Students will meet their buses on 146<sup>th</sup> Ave. NE at the entrance to the development, where a  
19 pedestrian facility exists in the Cascade Highlands development. Construction of off-site  
20 pedestrian improvements will not be required.

21 **8. Utilities**

22 Adequate provisions have been made for utilities. Sewage disposal will be provided by on-site  
23 sewer systems built according to Snohomish County Health Department regulations.<sup>40</sup> Electrical

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<sup>37</sup> *Id.*

<sup>38</sup> SCC 30.66B.055; Interlocal Agreement between Snohomish County and WSDOT (December 21, 1997).

<sup>39</sup> RCW 58.17.060(2) (1990); RCW 58.17.110(2) (1995).

<sup>40</sup> Ex. H.3.

1 service will be provided Snohomish County Public Utility District No. 1.<sup>41</sup> Domestic water will be  
2 provided by the PUD.<sup>42</sup>

### 3 **V. CONCLUSIONS**

- 4 1. The Hearing Examiner has authority to approve preliminary rural cluster subdivisions.<sup>43</sup>
- 5 2. The Hearing Examiner concludes that Robinett Investment demonstrated its proposal is  
6 consistent with the comprehensive plan, county code, the type and character of land use  
7 permitted on the project site, and the permitted density, applicable design, and development  
8 standards.
- 9 3. The Hearing Examiner finds that adequate public services exist to serve the proposed project.
- 10 4. As conditioned, the proposed project adequately provides for the health, safety, and general  
11 welfare of the public.
- 12 5. Any finding of fact in this decision which should be deemed a conclusion of law is hereby  
13 adopted as a conclusion of law.
- 14 6. Any conclusion of law in this decision which should be deemed a finding of fact is hereby  
15 adopted as a finding of fact.

### 16 **VI. DECISION**

17 Based on the foregoing findings of fact and conclusions of law, the Hearing Examiner approves the  
18 preliminary plat, subject to the following conditions:

### 19 **VII. CONDITIONS**

#### 20 **A. General**

- 21 1. The preliminary plat dated January 14, 2026, and received by PDS on January 30, 2026,<sup>44</sup> shall  
22 be the approved plat configuration. Changes to the approved plat are governed by chapters  
23 30.41A SCC and 30.70 SCC.

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<sup>41</sup> Ex. H.2.

<sup>42</sup> Ex. M.3.

<sup>43</sup> SCC 30.70.025 (2021); SCC 30.72.025 (2012); SCC 30.41C.030(1) (2009).

<sup>44</sup> Ex. P.2.

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- 1 2. The rural cluster site plan dated January 14, 2026, and received by PDS on January 30, 2026,  
2 shall be the approved rural cluster subdivision site plan.<sup>45</sup>
- 3 3. The preliminary landscaping plan<sup>46</sup> received by PDS on March 29, 2024, shall be the approved  
4 preliminary landscape plan.
- 5 4. Any discrepancy between (a) the approved preliminary plat, preliminary landscape plan, or the  
6 rural cluster site plan and (b) title 30 SCC shall be resolved in favor of title 30 SCC.
- 7 5. The Auditor's file number of the recorded open space management plan shall be stated on all  
8 property deeds for real property in the rural cluster subdivision. SCC 30.41C.120(2) (2009).
- 9 6. A copy of the open space management plan approved by PDS<sup>47</sup> and recorded with the County  
10 Auditor shall be provided with ownership documents to subdivision property owners and  
11 purchasers. SCC 30.41C.120(2) (2009).
- 12 7. The notices filed on the title of properties within the plat must correctly identify the tracts  
13 consistent with the final plat and site plan. The identification of tracts must be carefully  
14 reviewed by PDS. Tract 995 appears on the applicant's initial plat map,<sup>48</sup> the draft open space  
15 management plan,<sup>49</sup> and preliminary civil plans,<sup>50</sup> but not in the applicant's revised plat map.<sup>51</sup>  
16 County code's definition of restricted open space includes critical area protection areas. SCC  
17 30.41C.090(2)(c) (2021). The staff recommendation does not include tracts 998 and 999 as  
18 restricted open space,<sup>52</sup> but the applicant's revised plat map<sup>53</sup> and open space management  
19 plan<sup>54</sup> identify those tracts as restricted open space and critical area protection areas. Too, the  
20 applicant's preliminary civil plans show tracts 999 and 998 as only critical area protection areas

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<sup>45</sup> Ex. P.2.

<sup>46</sup> Ex. B.3.

<sup>47</sup> Ex. C.3 is the draft open space management plan. PDS administratively approves the open space management plan. SCC 30.41C.120 (2009). County code does not provide for preliminary approval of the open space management plan by the Hearing Examiner. Therefore, the Hearing Examiner declines to include the condition proposed by PDS in which the Hearing Examiner approves the preliminary open space management plan. Ex. P.1, PDF p. 18 (proposed condition 2).

<sup>48</sup> Ex. B.1.

<sup>49</sup> Ex. C.3, PDF p. 2.

<sup>50</sup> Ex. B.2, sheet 1.

<sup>51</sup> Ex. P.2.

<sup>52</sup> Ex. P.1, proposed condition 17.

<sup>53</sup> Ex. P.2.

<sup>54</sup> Ex. C.3, PDF p. 2.

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1 and not as restricted open space.<sup>55</sup> With possible revisions for accuracy and consistency, the  
2 following notice shall be filed on the title of the properties within the plat:

3 Tracts 995 through 999 are restricted open space tracts with limited uses pursuant  
4 to chapter 30.41C SCC. The open space tract is intended to be preserved in  
5 perpetuity. SCC 30.41C.090(6) (2021).

6 8. To the extent required by the Fire Marshal, buildings shall have automatic sprinkler systems. At  
7 the time of building permit application, Robinett Investment may provide updated fire flow  
8 information. The Fire Marshal may modify sprinkler requirements based upon the updated fire  
9 flow information. If the fire flow is less than the fire flow required by Appendix B for the size and  
10 type of structure, installation of NFPA-compliant automatic fire sprinkler systems will reduce  
11 the fire flow required by 50%.

12 9. All electrical, telephone, and other utility lines and support infrastructure shall be located  
13 underground. SCC 30.41C.070(3)(a) (2017).

14 10. Nothing in this approval excuses Robinett Investment, any owner, lessee, agent, successor or  
15 assigns from compliance with any other federal, state or local statutes, ordinances or  
16 regulations applicable to this project.

17 **B. Site Development**

18 11. All existing vegetation shown to meet landscaping requirements of chapter 30.25 SCC shall be  
19 retained in accordance with the landscape plan, and a qualified landscape designer shall certify  
20 that the retention of the vegetation complies with the code and the approved plans.

21 Prior to any development activity on the site other than surveying and marking:

- 22 12. Robinett Investment shall obtain any permits required for site development work, such as:
- 23 a. Land disturbing activity permits, as required by chapters 30.63A and 30.63B SCC;
  - 24 b. Forest practices activity class IV general conversion to the extent required by SCC  
25 30.43F.100.

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<sup>55</sup> Ex. B.2, sheet 1. This is likely a minor inconsistency because (a) the civil plans are preliminary and will be reviewed more closely before issuance of a land disturbing activity permit and (2) labeling the tracts as CAPAs protects them during construction, while labeling them on title documents as CAPAs and restricted open space is important to notify future land owners and the homeowners' association of their protected status.

1 c. Any required federal and state authorizations, including but not limited to, any necessary  
2 approvals from the Army Corps of Engineers and approval of a joint aquatic resource  
3 permit application from the Washington State Department of Ecology.

4 13. Robinett Investment shall include in its land disturbing activity permit application:

- 5 a. CAPA signage specifications and locations.
- 6 b. A buffer enhancement plan included as one or more plan sheets in the applicable plan  
7 set.
- 8 c. CAPA-compliant fence specifications and locations.
- 9 d. Landscape plan review fee pursuant to SCC 30.86.145(1).

10 14. Robinett Investment must temporarily mark the boundary of all Critical Area Protection Areas  
11 (CAPAs) as required by chapter 30.62A SCC and the limits of the proposed site disturbance  
12 outside of the CAPA, using methods and materials acceptable to the county.

13 15. Prior to issuance of any land disturbing activity permit:

- 14 a. Robinett Investment shall pay a landscape site inspection fee required by SCC  
15 30.86.145(3).
- 16 b. Robinett Investment shall pay the amount required by the county for the installation of  
17 signs and striping. SCC 13.10.180.
- 18 c. Robinett Investment shall provide a performance security consistent with chap. 30.84  
19 SCC.

20 Prior to final approval of the land disturbing activity permit or other site development permits:

21 16. Robinett Investment shall have purchased the required mitigation credits (0.026) from  
22 Skykomish Basin Habitat Bank and provide proof of purchase to the County as described in  
23 *Mitigation Bank Use Plan for Meadowood East* prepared by Wetland Resources, Inc. dated  
24 October 18, 2024,<sup>56</sup> and Ex. R.1, and provided evidence of the purchase to the county.

25 17. All CAPA boundaries shall have been permanently marked on the site prior to final inspection  
26 by the county, with both CAPA signs and adjacent markers which can be magnetically located  
27 (e.g., rebar, pipe, or 20 penny nails). Robinett Investment may use other permanent methods  
28 and materials provided they are first approved by the county. Where a CAPA boundary crosses

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<sup>56</sup> Ex. C.6.

1 another boundary (e.g., lot, tract, plat, or road), a rebar marker with surveyors' cap and license  
2 number must be placed at the line crossing.<sup>57</sup>

3 18. CAPA signs shall have been placed no greater than 100 feet apart around the perimeter of the  
4 CAPA. Minimum placement shall include one Type 1 sign per wetland, and at least one Type 1  
5 sign shall be placed in any lot that borders the CAPA, unless otherwise approved by the county  
6 biologist. The design and proposed locations for the CAPA signs shall be submitted to PDS for  
7 review and approval prior to installation. CAPA signs on not needed on the site's boundary  
8 abutting any CAPA on the adjacent site.

9 19. The CAPA-compliant fencing shall have been satisfactorily installed where required.

### 10 **C. Final Plat Content**

11 The following text shall be written on the face of the final plat:<sup>58</sup>

12 20. The lots within this subdivision will be subject to school impact mitigation fees for Marysville  
13 School District No. 25. The amount of the fee per dwelling unit will be zero for building permit  
14 applications submitted on or before March 16, 2027. For building permit applications submitted  
15 on or after March 17, 2027, the fee will be determined by the fee schedule in effect at the time  
16 of building permit application. The impact fees must be paid prior to building permit issuance,  
17 except as allowed by SCC 30.66C.200(2).

18 21. The dwelling units within this development are subject to a park and recreation facility impact  
19 fee for the Robe Canyon Point Park Service Area of the county parks system.<sup>[59]</sup> The impact fee  
20 shall be \$503.84/dwelling unit for building permits submitted on or before March 16, 2027. For  
21 building permits submitted on or after March 17, 2027, the amount of the fee per dwelling unit  
22 will be determined by the fee schedule in effect at the time of building permit application.  
23 Payment of these mitigation fees is required prior to building permit issuance except as  
24 provided for in SCC 30.66A.020(4).

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<sup>57</sup> SCC 30.62A. 160(7) (2015).

<sup>58</sup> Numbering is for convenience and reference only.

<sup>59</sup> PDS must review and correctly identify the park service area. PDS's proposed condition 12 (ex. P.1, PDF p. 19) identifies Robe Canyon Park service area as the relevant service area, but PDS's revised departmental report also identifies River Meadows Park as the relevant service area. *Id.*, PDF pp. 2, 14, and 15. The applicant's project narrative states the site is in the River Meadows Park service area. Ex. A.2, PDF pp. 2 and 7.

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1 22. Chapter 30.66B SCC requires the new lot mitigation payments in the amounts shown below for  
2 each dwelling unit:

3 \$2,811.59 for each dwelling unit (to total \$36,550.68) for mitigation of impacts on county  
4 roads paid to the county in accordance with the payment timing provisions of chapter  
5 30.66B SCC.

6 \$313.70 per dwelling unit (to total \$4,078.08) for mitigation of impacts on state highways  
7 paid to the Washington State Department of Transportation. Proof of payment shall be  
8 provided to the county.

9 \$3,000.00 for mitigation of impacts on city streets for the City of Granite Falls paid to the  
10 city. Proof of payment shall be provided to the county.

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

15 23. Membership in the homeowners' association, and payment of dues or other assessment  
16 for maintenance purposes, shall be a requirement of lot ownership and shall remain an  
17 appurtenance to and inseparable from each lot.

18 24. The homeowners' association shall own and maintain tracts established pursuant to chap.  
19 30.41 SCC, unless and until alternative ownership and maintenance responsibility is authorized  
20 by the Planning and Development Services department.

21 25. Tracts 998 and 999 are designated critical area protection areas, placed in a separate tract, and  
22 shall be left permanently undisturbed in a substantially natural state. No clearing, grading,  
23 filling, building construction or placement, or road construction of any kind shall occur, except  
24 removal of hazardous trees. The following are allowed in CAPAs: Non-ground-disturbing interior  
25 or exterior building improvements; routine landscape, maintenance of established, ornamental  
26 landscaping; non-ground disturbing normal maintenance or repair; felling or topping of  
27 hazardous trees based on review by a qualified arborist; removal of noxious weeds conducted  
28 in accordance with chapter 16-750 WAC; maintenance or replacement that does not expand  
29 the affected area of septic tanks and drainfields, wells, and individual utility service  
30 connections; data collection by non-mechanical means; and non-mechanical survey and  
31 monument placement.

32 26. Tracts 995 through 999 are restricted open space tracts with limited uses pursuant to chapter  
33 30.41C SCC. Open space tracts are intended to be preserved in perpetuity.

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1 27. All residences constructed within this development shall comply with the approved rural  
2 cluster subdivision site plan and the requirements of chap. 30.41C SCC.

3 28. Duplexes are prohibited on all lots.

4 29. Street parking is allowed only on the side of the street opposite fire hydrants.<sup>60</sup>

5 30. Your real property is on, adjacent to, or within 1,300 feet of designated farmland; therefore, you  
6 may be subject to inconveniences or discomforts arising from agricultural activities, including  
7 but not limited to, noise, odors, fumes, dust, smoke, the operation of machinery of any kind  
8 (including aircraft), the storage and disposal of manure, the application by spraying or otherwise  
9 of chemical or organic fertilizers, soil amendments, herbicides and pesticides, hours of  
10 operation, and other agricultural activities.

11 Snohomish County has adopted Agricultural Lands Regulations (chapter 30.32B SCC) which  
12 may affect you and your land. You may obtain a copy of chapter 30.32B SCC from Snohomish  
13 County.

14 A provision of chapter 30.32B SCC provides that "agricultural activities conducted on  
15 designated farmland in compliance with acceptable agriculture practices are presumed to be  
16 reasonable and shall not be found to constitute a nuisance unless the activities have a  
17 substantial adverse effect on the public health or safety."

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

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

23 The following text shall be included on the final plat if the Fire Marshal requires automatic fire  
24 sprinklers:

25 31. All dwelling units shall be equipped with NFPA-compliant automatic sprinklers.

26 The following shall be shown graphically and labeled where appropriate on the final plat to the  
27 satisfaction of the county:

28 32. All CAPAs and buffers.

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<sup>60</sup> Ex. H.9, PDF p. 2.

- 1 33. The final plat must label restricted open space tracts<sup>61</sup> with references to the limited uses.<sup>62</sup>  
2 34. Dedication of right of way for the extension of 146<sup>th</sup> Ave. NE to the north to connect to 144<sup>th</sup> Ave.  
3 NE in the plat of Enchantment 90.

4 ***D. Final Plat Approval***

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

- 6 35. Robinett Investment shall have submitted and obtained PDS' approval of a final open space  
7 management plan for the long-term management of designated open space. The final plan shall  
8 provide for other qualified and capable parties to succeed to maintenance obligations for  
9 designated open space if necessary and provide for indemnification of the county by any person  
10 or entity responsible for maintenance if such person or entity does not maintain the open space.
- 11 36. Robinett Investment shall record the approved final open space management plan separately  
12 from the subdivision. The plan may be recorded simultaneously with the recording of the final  
13 subdivision. The open space management plan shall be updated with tract numbers consistent  
14 with the final plat map.
- 15 37. Robinett Investment shall have established a homeowners' association as a Washington  
16 corporation (profit or non-profit) for the purposes of tract ownership and maintenance. Robinett  
17 Investment shall provide PDS with a copy of the articles of incorporation of the homeowners'  
18 association filed with the Washington Secretary of State and with the by-laws adopted by the  
19 homeowners' association. The homeowners' association shall remain the owner of tracts  
20 unless tract ownership by all lots in the subdivision is authorized pursuant to a final plat  
21 alteration. The articles of incorporation and by-laws must provide that if the homeowners'  
22 association is dissolved, each lot shall have an equal and undivided ownership interest in the  
23 tracts previously owned by the association and shall have responsibility for maintaining the  
24 tracts. Robinett Investment shall record the by-laws with the County Auditor upon their  
25 approval by the county and adoption by the homeowners' association.
- 26 38. Robinett Investment shall have prepared covenants, conditions, and restrictions that restrict  
27 use of the tracts to the uses specified in the approved preliminary plat and require compliance  
28 with county regulations and conditions of final subdivision approval. The covenants, conditions,  
29 and restrictions shall state that they are binding upon and inure to the benefit of the  
30 homeowners' association, the owners of all lots within the subdivision, and all others having  
31 any interest in the tracts or lots. The covenants, conditions, and restrictions shall state that the  
32 county is an intended beneficiary of the covenants, conditions, and restrictions with the right to

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<sup>61</sup> SCC 30.41C.090(1).

<sup>62</sup> SCC 30.41C.110(1).

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1 enforce them. After approval by the county, Robinett Investment shall record the covenants,  
2 conditions, and restrictions with the County Auditor and provide a recorded copy to PDS.

3 39. Robinett Investment shall have provided the Health Department:

4 a. An application for final subdivision review accompanied with the final plat map and review  
5 fee.

6 b. Accurate-to-scale designs for each proposed lot, demonstrating area for a minimum 450  
7 gallon/day on-site sewage system plus a 100% on-site sewage system reserve area. On-  
8 site sewage systems must be located within areas of approved soil log test holes and  
9 meet all minimum horizontal setback requirements. Designs must show all features that  
10 may affect placement of on-site sewage systems such as wetlands, drainage systems,  
11 surface water, cuts in topography, native growth protection areas, easements, building  
12 structures, driveways, etc.

13 c. A letter of water availability from Snohomish County PUD stating that water is available  
14 to each proposed lot (lots 1-13).

15 40. Robinett Investment shall have satisfactorily decommissioned any existing wells per  
16 Washington State Department of Ecology rules and regulations by a licensed well contractor  
17 and shall submit a well abandonment log to the Health Department.

18 41. Any existing septic tank must be satisfactorily decommissioned per WAC 246-272A-0300. The  
19 septage must be pumped by a Snohomish County certified pumper, the lids removed or  
20 destroyed, and the void filled in with soil or gravel.

21 42. All street signage shall have been installed. County forces will install public roads signage and  
22 the applicant shall install private road signage.

23 43. Robinett Investment shall have provided the Fire Marshal with a final certificate of water  
24 availability verifying all hydrants have been installed, are charged and operational, and that  
25 minimum required fire flow can be met. All fire hydrants shall have a four-inch Storz steamer  
26 port and the bonnets and caps of the hydrants painted to reflect the level of fire flow service.  
27 Blue street reflectors shall have been installed on the hydrant side of the center line of roads to  
28 allow approaching emergency vehicles to locate each hydrant. Installation of reflectors may be  
29 deferred until placement of the final lift if approved by the Fire Marshal.

30 44. All common area landscaping depicted on the approved plans shall have been installed,  
31 inspected, and approved unless deferral of the improvements is allowed by PDS and a bond or  
32 guarantee of performance is submitted to PDS. A qualified landscape designer shall certify that  
33 landscaping is installed per the approved plan.

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1 45. The temporary turnaround in the adjoining plat to the south recorded under Auditor's file no.  
2 200902045001 (Cascade Highlands), shall have been removed and the road end shall be  
3 reconstructed to the satisfaction of the county.

4 46. Robinett Investment shall have constructed a temporary turn-around at the terminus of 146<sup>th</sup>  
5 Avenue NE in the subdivision to the satisfaction of the County. The design of 146<sup>th</sup> Avenue NE  
6 and the temporary turn-around shall consider the future extension of the roadway.

7 **E. Prior to Building Permit Issuance**

8 47. Building permit applications shall include architectural plans complying with bulk regulations  
9 of chapter 30.23 and 30.41C SCC.140.

10 48. Prior to building permit issuance, Robinett Investment shall have paid the impact fees  
11 described in conditions 21 (park and recreation facility mitigation fee), 22 (road system impact  
12 mitigation fee), and 20 (school district impact mitigation fee), unless allowed by county code to  
13 pay after building permit issuance.


14 49. If building permits are sought before approval of the final plat, Robinett Investment must comply  
15 with condition 43 (adequate fire flow fire and hydrants charged and operational) prior to building  
16 permit issuance.

17 50. At the time of building permit application, Robinett Investment may provide updated fire flow  
18 information. Sprinkler requirements may be modified based upon the fire flow information  
19 provided and upon review by the Fire Marshal. The minimum fire flow requirements of Appendix  
20 B of the International Fire Code in effect at the time of building permit application shall be  
21 satisfied. A 50% reduction in required fire flow will be calculated with the installation of  
22 automatic sprinkler systems

23 **F. Expiration**

24 51. Approved preliminary plats are valid for five (5) years from the date of approval and must be  
25 recorded within that time unless an extension has been requested and granted pursuant to SCC  
26 30.41A.300 or SCC 30.70.140(1) (table).

27 Decision issued this 7<sup>th</sup> day of April, 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***

6 Further petitions for reconsideration will not be considered because county code allows only one  
7 petition for reconsideration. SCC 30.72.065(5) (2013).

8 ***Appeal***

9 An appeal to the County Council may be filed by any aggrieved party of record **on or before April**  
10 **21, 2026**. If the reconsideration process of SCC 30.72.065 has been invoked, no appeal may be filed  
11 until the reconsideration petition has been decided by the Hearing Examiner. An aggrieved party  
12 may file an appeal directly to the County Council without first filing a petition for reconsideration. If  
13 a petition for reconsideration is filed, issues subsequently raised by that party on appeal to the  
14 County Council shall be limited to those issues raised in the petition for reconsideration.

15 Appeals shall be addressed to the Snohomish County Council but shall be filed in writing with the  
16 Department of Planning and Development Services, 2<sup>nd</sup> Floor, County Administration-East Building,  
17 3000 Rockefeller Avenue, Everett, Washington (Mailing address: M/S 604, 3000 Rockefeller Avenue,  
18 Everett, WA 98201), and shall be accompanied by a filing fee in the amount of five hundred dollars  
19 (\$500.00) for each appeal filed. A county department does not need to pay the filing fee. The filing  
20 fee shall be refunded in any case where an appeal is summarily dismissed in whole without hearing  
21 under SCC 30.72.075.

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

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

29 An appeal must contain the following items in order to be complete: (a) a detailed statement of the  
30 grounds for appeal; (b) a detailed statement of the facts upon which the appeal is based, including  
31 citations to specific Hearing Examiner findings, conclusions, exhibits or oral testimony; (c) written

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1 arguments in support of the appeal, including all legal arguments on which the appeal is based; (d)  
2 the name, mailing address and daytime telephone number of each appellant or appellant's  
3 representative, together with the signature of at least one of the appellants or the appellant's  
4 representative; and (d) the required filing fee. SCC 30.72.080(1).

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

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

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

14 Staff Distribution:

15 Department of Planning and Development Services: Brian Farrell

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

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