

Robinett Investment Company, LLC
114 Ave C, Suite 101
Snohomish, WA 98290

April 14, 2026



Snohomish County Council
c/o Snohomish County PDS
3000 Rockefeller M/S 604
Everett, WA 98201

RE: Appeal of Snohomish County Hearing Examiner Decision
Petitioner: Robinett Investment Company, LLC
Blue Jay RCS Preliminary two-lot Development rural cluster subdivision
File No. 25-106910 PSD

Dear County Council:

Pursuant to SCC 30.72.070, Robinett Investment Company, LLC herewith appeals the Hearing Examiner's decision issued on March 31, 2026 in the above referenced matter.

I. Name, mailing address and daytime telephone number of the appellant:

Robinett Investment Company, LLC
114 Ave C, Suite 101
Snohomish, WA 98290
425-252-1166

II. The facts upon which the appeal is based, including references to specific hearing examiner findings or conclusion, and to exhibits or oral testimony in the record:

Appellant appeals Conditions C.10, C.15 and D.24.

VII. CONDITIONS

C. Final Plat Content

10. The lots within this subdivision will be subject to school impact mitigation fees for Lakewood School District No. 306. The fee per dwelling unit will be zero dollars for building permit applications submitted on or before June 5, 2030. For building permit applications submitted on or after June 6, 2030, the fee will be determined by the fee schedule in effect at the time of building permit application. The impact fees must be paid prior to building permit issuance, except as allowed by SCC 30.66C.200(2).
15. The homeowners' association shall own and maintain tracts established pursuant to chap. 30.41 SCC, unless and until alternative ownership and maintenance responsibility is authorized by the Planning and Development Services department.

D. Final Plat Approval

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

III. A detailed statement of the grounds for appeal:

By imposing Condition 10 the Hearing Examiner exceeded his jurisdiction and committed an error of law. Condition 10 neglects to give a school impact fee credit for an existing legal Lot as provided for by SCC 30.66C.150 (4).

SCC 30.66C.150 and SCC 30.91L.120 provide as follows:

30.66C.150 Credit for in-kind contributions/existing lots.

(4) For any development subject to the provisions of this title that is sited on one or more legal lots created prior to May 1, 1991, a credit equal to the applicable impact fee for a single-family dwelling times the number of such pre-existing lots shall apply to the fee obligation of the development.

30.91L.120 Lot.

"Lot" means a tract or parcel of land created in its present configuration by subdivision, short subdivision, or large tract segregation (recorded and/or approved by the County), a segregation exempt from subdivision requirements, or transfer of ownership prior to September 12, 1972. To be considered a "lot," each tract or parcel must be of sufficient area and dimension to meet minimum zoning requirements that were in effect at the time the tract or parcel was created, and must meet the access requirements of this title. The term shall not include descriptions, divisions, parcels, easements, exceptions, or reservations created solely to describe access, road, railroad, or utility right of way purposes or drainage courses, resolve an encroachment problem, or describe survey gaps, parcels divided by non-navigable water courses, mortgage deed or other financial contract releases, and tax title parcels.

Blue Jay RCS is a subdivision of Tract 104, Blue Jay Short Plat, Snohomish County Short Plat No. PFN: 20-101806 PSD, recorded under Auditor's File Number 202503215001. Because Tract 104 was created in its present configuration by a short subdivision, pursuant to SCC 30.66C.150(4) a school impact fee credit should have been given by the Hearing Examiner in Condition 10 of his decision.

By imposing Conditions 15 and 24 the Hearing Examiner exceeded the Hearing Examiner's jurisdiction and committed an error of law. Conditions 15 and 24 restrict the tracts in the subdivision to be being owned by a homeowners association whereas SCC 30.41C.110 does not have this limitation.

SCC 30.41C.110 provides as follows:

30.41C.110 Ownership and preservation of restricted and interim open space.

The following provisions shall apply to the ownership and preservation of restricted and interim open space as required in SCC 30.41C.090 and 30.41C.140:

- (1) Open space requirements must be met with restricted or interim open space tract(s) held in separate ownership from residential lots and marked on the face of the plat with limited uses referenced.
- (2) Restricted or interim open space tracts shall be owned by a single property owner, a homeowners association, a public agency or a not for profit organization.

Conditions 15 and 24 require that the homeowners association own the tracts within the subdivision whereas SCC 30.41C.110 allows for tracts to be owned by "a single property owner, a homeowners association, a public agency or a not for profit organization." Conditions 15 and 24 should either be deleted (the applicant has never seen them imposed before) or the conditions should be revised to be consistent with SCC 30.41C.110.

IV. The specific relief requested:

Appellant requests that Condition 10 be revised to give a school impact fee credit and Conditions 15 and 24 should either be deleted or be revised to be consistent with SCC 30.41C.110.

Very truly yours,

ROBINETT INVESTMENT COMPANY, LLC


Martin H. Robinett
Its Managing Member