



Snohomish County

Office of Hearings Administration

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Peter Camp

Hearing Examiner

DECISION of the SNOHOMISH COUNTY HEARING EXAMINER

I. SUMMARY

DATE OF DECISION: March 24, 2026

PLAT: Stillwater Preserve RB
No Address Yet
South of Dubuque Road, between 200th Drive SE and 211th
Ave. SE
Snohomish, Washington 98290

APPLICANT: Stillwater Preserve LLC
2825 Colby Ave. Ste. 304
Everett, Washington 98201-3553

OWNER: Stillwater Preserve LLC
2825 Colby Ave. Ste. 304
Everett, Washington 98201-3553

FILE NO.: 25-101010 PSD

TYPE OF REQUEST: Preliminary 14-lot rural cluster subdivision

DECISION SUMMARY: Preliminary 14-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.....	7
7	C. The Record	7
8	D. Public Notice	7
9	E. Background Information.....	7
10	1. Proposal	7
11	2. Site Description and Surrounding Uses	8
12	3. Comments.....	8
13	F. Compliance with Codes and Policies	8
14	1. Subdivisions (Chapter 30.41A SCC)	8
15	2. Rural Cluster Subdivisions (Chapter 30.41C SCC).....	9
16	a. Yield	9
17	b. Open Space Management.....	9
18	c. Design Standards	9
19	3. Fire Code	10
20	4. Environmental Review.....	10
21	a. SEPA (Chapter 30.61 SCC)	10
22	b. Critical Areas Regulations (Chapters 30.62A, 30.62 B, and 32.62C SCC)	10
23	c. Drainage and Grading (Chapters 30.63A, 30.63B, and 30.63C SCC)	10
24	5. Mitigation.....	12
25	a. Park and Recreation Mitigation (Chapter 30.66A SCC).....	12
26	b. School Impact Mitigation (Chapter 30.66C SCC)	12
27	c. Traffic Mitigation (Chapter 30.66B SCC)	12
28	6. Concurrency Determination (SCC 30.66B.120)	13
29	7. Transportation (Title 13 SCC, EDDS 3-02, and SCC 30.66B.420).....	13
30	a. Internal Road System.....	13

Stillwater Preserve RB

25-101010 PSD

Decision Approving Rural Cluster Subdivision with Conditions

Page 2 of 29

1	b. Existing Public Roads.....	13
2	i. Improvements (SCC 30.66B.410) and Right of Way (SCC 30.66B.510, .520)...	13
3	ii. Deviations	14
4	iii. Inadequate Road Conditions (IRC) (SCC 30.66B.210).....	14
5	iv. Bicycle Facilities.....	15
6	v. State Highway Impacts (SCC 30.66B.710)	15
7	vi. Other Jurisdiction Traffic Impacts (SCC 30.66B.720)	15
8	c. Pedestrian Facilities (RCW 58.17.110 and 58.17.060)	15
9	8. Utilities	17
10	V. CONCLUSIONS	18
11	VI. DECISION	18
12	VII. CONDITIONS.....	18
13	A. General.....	18
14	B. Site Development	19
15	C. Final Plat Content.....	21
16	D. Final Plat Approval	23
17	E. Building Permits	25
18	F. Prior to Earlier of Any Certificate of Occupancy or Building Permit Final Inspection	25
19	G. Expiration	26
20	RECONSIDERATION AND APPEAL PROCEDURES.....	27
21	Reconsideration—Who May Petition and Deadline	27
22	Filing.....	27
23	Contents	27
24	Appeal	28
25		

Stillwater Preserve RB

25-101010 PSD

Decision Approving Rural Cluster Subdivision with Conditions

1

III. SITE SUMMARY

LOCATION: No Address Yet
 South of Dubuque Road, between 200th Drive SE and 211th Ave. SE
 Snohomish, Washington 98290

TAX PARCEL NUMBER: 005975-000-012-00

ACREAGE: 52.82 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: Snohomish School District No. 201

FIRE DISTRICT: Snohomish County Fire District No. 16

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 Stillwater Preserve LLC applied to Snohomish County Planning and Development Services
7 department (PDS) for approval of a rural cluster subdivision on January 22, 2025. PDS determined
8 the application was complete and vested on the date submitted. Stillwater submitted additional
9 information on September 9, 2025, and November 25, 2025.

1 During the open record hearing, the Hearing Examiner inquired of PDS and Stillwater whether the
2 application indeed vested on January 22, 2025. An application vests to existing land use controls
3 in county code when a complete application is filed. A complete application for a rural cluster
4 subdivision must include, *inter alia*, “A completed third party certification checklist and proof of
5 payment to the appropriate third party for the review and certification of the rural cluster
6 development.” SCC 30.41C.040(9) (2024). Such checklist and proof of payment did not appear to
7 have been submitted as part of Stillwater’s application.

8 PDS advised that completion of a third-party certification checklist before preliminary plat
9 approval is not possible and that SCC 30.41C.030 had been amended prior to Stillwater’s
10 application to require a preliminary subdivision condition of approval for “proof of enrollment in a
11 third-party certification program **prior to issuance of individual building permits.**” SCC
12 30.41C.030(6) (2025) (emphasis added). Although SCC 30.41C.030 was amended, SCC
13 30.41C.040 was not, raising the possibility that Stillwater’s application was incomplete and
14 therefore did not vest.

15 In 2024, the county added sustainable construction requirements to rural cluster subdivision
16 developments. Amend. Ord. 24-021 (adopted August 28, 2024, eff. September 19, 2024). An
17 application for a rural cluster subdivision must include a “third party certification” and a
18 “completed third party certification checklist and proof of payment to the appropriate third party
19 for the review and certification of the rural cluster development.” *Id.* at §7, 14:26-27. A rural
20 cluster subdivision could not receive preliminary approval without “documentation of third party
21 certification.” *Id.* at §6, 13:23-24.

22 Conditions of approval for the subdivision or short subdivision shall require all lots
23 containing new buildings receive third party certification prior to issuance of
24 individual building permits.

25 *Id.* at §6, 13:24-32.

26 Applicants could not comply with these new requirements, however, because third party
27 certification occurs when homes are built, not when subdivision approval is sought or building
28 permits are issued. Homes are not built prior to preliminary subdivision approval.

29 County Council adopted Amend. Ord. 25-052 to fix this problem.

30 WHEREAS, Amended Ordinance No. 24-021 included a new provision within SCC
31 30.41C.030(6) requiring third-party certification of the environmental efficiency of
32 proposed structures; and

33 WHEREAS, SCC 30.41C.030(6) requires the applicant to obtain certification prior to
34 issuance of building permits and preliminary approval of the rural cluster
35 subdivision or short subdivision, and this timing does not align with the

Stillwater Preserve RB

25-101010 PSD

Decision Approving Rural Cluster Subdivision with Conditions

1 requirements of the Built Green Program that requires construction to be underway
2 before it certifies the work; and

3 WHEREAS, the code amendments contained in this ordinance will amend the
4 timeline for the provision of third party certification for rural cluster subdivisions,
5 short subdivisions, and building permits within such subdivisions to correct the
6 discrepancy in timelines that make current code as adopted not feasible . . .

7 Amend. Ord. 25-052, p. 1-2, ll. 36-4 (adopted September 17, 2025, eff. September 28, 2025). The
8 ordinance only amended SCC 30.41C.030 regarding approval criteria and did not amend the
9 submittal requirements of SCC 30.41C.040.

10 When Stillwater applied for approval of the subdivision on January 22, 2025, SCC 30.41C.030(6)
11 and SCC 30.41C.040(9) conflicted. .030(6) required third party certification at the building permit
12 stage and .040(9) required third party certification when the subdivision application was
13 submitted, a practical impossibility.

14 The Hearing Examiner concludes that the amendment of .030(6) implicitly repealed .040(9).

15 Repeal by implication is strongly disfavored. *State v. Peterson*, 198 Wn.2d 643, 647,
16 498 P.3d 937 (2021). “This disfavor is the result of a presumption that the
17 Legislature acts with a knowledge of former related statutes and would have
18 expressed its intention to repeal them.” *Local No. 497, International Brotherhood of*
19 *Electrical Workers, AFL-CIO v. Public Utility District No. 2 of Grant County*, 103
20 Wn.2d 786, 790, 698 P.2d 1056 (1985).

21 A repeal by implication will be found only where (1) a “later act covers the entire
22 field of the earlier one, is complete in itself, and is intended to supersede prior
23 legislation” or (2) “the two acts cannot be reconciled and both given effect by a fair
24 and reasonable construction.” *State v. Conte*, 159 Wn.2d 797, 815, 154 P.3d 194
25 (2007).

26 *W. Terrace Golf LLC v. City of Spokane*, 29 Wn. App. 2d 755, 772–73, 542 P.3d 1029, 1039, *review*
27 *denied sub nom. W. Terrace Golf v. City of Spokane*, 3 Wn.3d 1006, 549 P.3d 123 (2024). Amend.
28 Ord. 25-052 did not “cover the entire field” because it did not address the criteria for a complete
29 application in .040. However, .030(6) cannot be reconciled with .040(9) and both given effect by a
30 fair and reasonable construction.

31 County Council clearly intended to require third party certification to occur at the building permit
32 stage, not at preliminary subdivision approval or upon application. *McClain v. State*, 34 Wn. App.
33 2d 247, 266, 567 P.3d 1109, 1122 (2025), citing *State v. Buck*, 2 Wn.3d 806, 819, 544 P.3d 506
34 (2024).

Stillwater Preserve RB

25-101010 PSD

Decision Approving Rural Cluster Subdivision with Conditions

1 Further, Stillwater implemented Council’s intent by enrolling the proposed subdivision with
2 BuiltGreen on January 13, 2025,¹ prior to its application to PDS on January 22, 2025. Therefore, its
3 application on January 22, 2025, was complete and vested on that date.

4 The Hearing Examiner strongly urges PDS to review chap. 30.41C for consistency and alignment of
5 County Council’s intentions with third party certification practices and procedures and to seek
6 amendments promptly to reconcile inconsistencies such as this.

7 ***B. Open Record Hearing***

8 The Hearing Examiner held an open record hearing on February 10, 2026. Ry McDuffy of Land
9 Resolutions, Inc., Everett, Washington, Joseph Smeby, P.E., of Omega Engineering, Inc., Everett,
10 Washington, and Martin Robinett of Stillwater testified in favor of the application. Stacey Abbott,
11 Rachael Carrigan, and Drew Bradshaw testified on behalf of PDS. Community member Cameron
12 Stevens testified about his concerns. The Hearing Examiner left the record open until March 2,
13 2026, for the limited purpose of receiving additional information from Stillwater and PDS regarding
14 safe walking conditions for school children and the completeness of the application on the
15 vesting date.

16 ***C. The Record***

17 The Hearing Examiner considered exhibits A.1 through H.6, H.8 through J.1, and L.1 through M.5. A
18 recording of the hearing is available from the Office of Hearings Administration.

19 ***D. Public Notice***

20 PDS notified the public of the open record hearing and determinations of traffic concurrency and
21 impact fees.²

22 ***E. Background Information***

23 **1. Proposal**

24 Stillwater requests approval of a preliminary 14-lot rural cluster subdivision of single-family
25 residences on 52.82 acres.

¹ Ex. M.4, PDF pp. 4-5.

² Exhibits F.1 through F.4.

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

2 The single parcel site is vacant and undeveloped, with two wetlands on it. The surrounding
3 properties are zoned R-5.

4 **3. Comments**

5 Neighbors expressed several concerns by email and by commenting at the open record hearing. A
6 neighbor objected to a rural cluster subdivision development,³ but county code expressly allows
7 rural cluster subdivisions. General concerns were also raised regarding stormwater, wildlife, and
8 traffic.⁴ County code and the drainage manual require that stormwater be treated for water quality
9 and managed to minimize the risk of flooding and erosion. For example, stormwater falling on
10 roofs will be collected by downspouts and discharged into vegetated strips of amended soil,
11 allowing the stormwater to be treated naturally and to infiltrate. Stormwater falling on the new
12 public road will be treated by a bioswale. As proposed and conditioned, this subdivision will
13 comply with those requirements.⁵ County code also provides standards for traffic on public roads
14 generated by proposed subdivisions and this proposed subdivision complies with those
15 standards.⁶ Generalized concerns about wildlife are not legally sufficient to deny a development
16 application; there is no evidence that this project will negatively affect species protected by state,
17 federal, or local law. Neighbors raised concerns about an easement, but the easement they
18 described is not part of this project; access will be by dedication of a new public road on property
19 owned by Stillwater. Additional concerns were raised regarding whether septic drainfields will
20 percolate, but the Health Department requires appropriate handling of septic effluent, and where
21 drainfields are not feasible, devices such as auxiliary treatment units may satisfy Health
22 Department requirements. Finally, several neighbors were concerned about the water quality of
23 their wells. Approval will be conditioned on prohibiting development near a wellhead that would
24 negatively affect water quality.⁷

25 **F. Compliance with Codes and Policies**

26 **1. 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,
29 safety, and general welfare,⁸ for open spaces, drainage ways, streets, other public ways, potable

³ Ex. I.2.

⁴ Exhibits I.2 and I.3.

⁵ See discussion below at page 10.

⁶ See discussion below at page 13.

⁷ See condition 28.

⁸ See discussion below at pages 15 *et seq.* regarding adequate pedestrian facilities for schoolchildren.

1 water supplies, sanitary wastes, parks and recreation, playgrounds, fire protection, and other
2 public facilities.⁹ The proposed lots will not be subject to flood, inundation, or swamp conditions.
3 The proposed subdivision conforms to applicable zoning codes and the comprehensive plan.

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

5 **a. Yield**

6 The project clusters the lots on the least environmentally sensitive and most buildable portion of
7 the site and retains approximately 67% of the site in restricted open space, exceeding the
8 minimum requirement of 45%.¹⁰ Including the bonus density for exceeding the amount of required
9 restricted open space, county code allows a maximum of 16 dwelling units on this site and
10 Stillwater proposes 14 dwelling units.¹¹

11 **b. Open Space Management**

12 The proposed subdivision will have open space tracts, sight obscuring buffers, and designated
13 critical areas. Stillwater submitted a preliminary open space management plan.¹² PDS
14 determined the preliminary open space management plan demonstrates compliance with
15 chapter 30.41C SCC. Approval will be conditioned on recording and implementation after PDS
16 approves the final open space management plan.

17 **c. Design Standards**

18 The proposal complies with the design standards of SCC 30.41C.070 *et seq.* The transition from
19 the residences to the adjoining properties and roads will be obscured from sight. Buffers are
20 appropriately located and sized. Utilities will be located underground. No agricultural or forestry
21 uses are proposed. The proposed cluster of lots complies with the requirement that lots be in
22 clusters of no more than thirty lots per cluster. The subdivision has been designed consistently
23 with the natural features of the site; it does not alter any of the most sensitive features, limits the
24 amount of grading required, and otherwise maintains rural character. The subdivision will not be
25 served by public sanitary sewer but will be served by individual on-site sewer systems pursuant to
26 Snohomish County Health Department regulations. Domestic water will be supplied by on-site
27 wells. The lots are located as close to the center of the site as feasible and are located within a
28 fire district. As discussed below, PDS determined the proposal is concurrent.¹³

⁹ SCC 30.41A.100 (2006).

¹⁰ Ex. B.1.

¹¹ Ex. B.1.

¹² Ex. B.4. See SCC 30.41C.120 (2024).

¹³ See concurrency discussion below at page 13.

1 **3. Fire Code**

2 Stillwater demonstrated the feasibility of compliance with the fire code. The project is exempt
3 from fire flow and fire hydrant requirements because the lots are larger than one acre.¹⁴

4 **4. Environmental Review**

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

6 PDS determined the proposal is exempt from a threshold State Environmental Policy Act (SEPA)
7 determination.¹⁵

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

9 Four wetlands are either on site or within 300 feet of the site. Wetland A is small category IV
10 depressional wetland off-site to the southeast with a habitat score of 6. The standard buffer width
11 for such a wetland is 40 feet. Wetland B is off-site, lying 50 feet to the northwest. It is a small
12 category III depressional wetland with a habitat score of 6. Wetland D is a category III
13 depressional wetland with a habitat score of 6 that lies in the northwest corner of the site. The
14 standard buffer width for wetlands B and D is 110 feet. Wetland C is a large category II
15 depressional wetland extending off-site to the west and site. Its standard buffer width is 225 feet.

16 Approval will be conditioned on permanently protecting the on-site wetlands and buffers, placing
17 buffers and on-site wetlands in one or more tracts, and installing signs and fencing around the
18 tracts.

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

20 Infiltration is generally infeasible because subsurface exploration of native soils showed seepage
21 within three of the test pits, dense soils at shallow depth, and silt content.¹⁶ Stormwater will either
22 be fully dispersed or detained and released at a controlled rate from an off-site detention pond.¹⁷
23 More than 5,000 sq. ft. of pollution generating impervious surfaces will be created, triggering a
24 requirement to comply with minimum requirements 1 through 9. Stillwater expects grading
25 quantities to be 12,000 cubic yards of cut and 10,000 cubic yards of fill.

¹⁴ Ex. H.5, PDF p. 3.

¹⁵ SCC 30.61.035(1)(a) (2022).

¹⁶ Ex. C.3, PDF p. 20.

¹⁷ Ex. C.2, PDF p. 11.

Req't	Description	How Fulfilled?
1	Stormwater Site Plan	A stormwater site plan and targeted drainage report adequately address the on-site stormwater requirements. ¹⁸
2	Stormwater Pollution Prevention Plan (SWPPP)	Stillwater provided a preliminary SWPPP. ¹⁹ 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 vegetative paths will provide water quality treatment from the lots. A bioswale will provide water quality treatment for 52 nd St. SE.
7	Flow control requirements for new development or redevelopment	Plans for full dispersion and discharge from the detention pond to approved dispersion devices satisfy requirements at the preliminary plat approval stage. Stormwater will be discharged from dispersion trenches at a rate and volume mimicking predeveloped, forested conditions.
8	Detention or treatment in wetlands or wetland buffers	No detention or treatment will occur in wetlands or buffers.

¹⁸ Exhibits B.2 and C.2.

¹⁹ Exhibits B.2, sheet 2 and C.2, PDF pp.7 *et seq.*

Stillwater Preserve RB

25-101010 PSD

Decision Approving Rural Cluster Subdivision with Conditions

9	Inspection, operation, and maintenance requirements	Stillwater provided sufficient information to ascertain feasibility of compliance with the minimum requirements. ²⁰
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1 **5. Mitigation**

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

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

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

6 Approval of the development will be conditioned upon the payment of school impact fees.²² The
7 amount for the Snohomish School District in effect on the date of vesting was \$5,361.00 per
8 dwelling unit. On or after January 23, 2030, the school impact fee will be the amount in effect at
9 the time of building permit application. Credit will be given for the existing lot. The mitigation fee
10 will be collected at the time of building permit issuance for the proposed dwelling units.

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

12 The site is in Transportation Service Area (TSA) C and is not in an urban growth area. The proposed
13 development must mitigate its impact upon the future capacity of the county road system by
14 paying a road system impact fee.²³ The road system impact fee will be equal to the average daily
15 traffic (ADT)²⁴ created by the development multiplied by the per trip amount for the specific
16 transportation service area identified in SCC 30.66B.330.

Road System Impact Fee Calculation

1.	Total number of dwelling units (DU)	14
2.	ADT per DU:	9.43
<hr/>		
3.	Total ADT resulting from the development (line 1 x line 2):	= 132.02
4.	Credit for existing trips	-0-
<hr/>		
5.	Net new ADT (line 3 – line 4)	= 132.02

²⁰ Ex. C.2, §11.

²¹ SCC 30.66A.020 (2019). The project site lies in Centennial park service area. SCC 30.66A.040(1) (2021).

²² SCC 30.66C.100.

²³ SCC 30.66B.310 (2021).

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

6.	TSA amount per ADT:	\$568.00
7.	Road system impact fee for this development (line 5 x line 6):	= \$74,987.36
8.	Impact fee per new DU: (line 7 divided by line 1)	\$5,356.24

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

2 The project is concurrent as of April 2, 2025. 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.²⁵ The transportation
4 service area had no arterial units in arrears as of the date of submittal. The project will not add
5 three or more directional peak-hour trips to a unit in arrears and is therefore concurrent.²⁶ The
6 proposed development does not need to be evaluated pursuant to SCC 30.66B.035 (2021)
7 because it generates fewer peak hour trips than the 50-peak hour trip threshold that requires such
8 analysis.²⁷

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

10 **a. Internal Road System**

11 The development will be served by a new east/west public road, 52nd St. SE that intersects 211th
12 Ave. SE. A new private road, 206th Dr. SE, will run north from 52nd St. SE and provide vehicular
13 access to the lots in the new subdivision. 206th Dr. SE will terminate in a cul-de-sac. Stillwater
14 may place a gate on the private road. If it does so, it must install an Opticom, Knox box, or other
15 mechanism to allow emergency services access as required by the Fire Marshal.

16 **b. Existing Public Roads**

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

18 The development will access the public road system by constructing a new public road, 52nd St.
19 SE, that will run east from 206th Dr. SE to 211th Ave. SE, a north/south public road.

20 52nd St. SE will be a rural non-arterial road, requiring an ultimate right of way width of 60 feet.
21 Currently 20 feet of unopened right of way exist between the southern property line and the
22 northern property line of the adjacent parcels. Approval will be conditioned on deeding sufficient
23 right of way for a width of 60 feet through the adjacent property to public road stub out of the
24 proposed development.

²⁵ SCC 30.66B.120(1) (2003).

²⁶ SCC 30.66B.160(2)(a) (2003).

²⁷ 14 dwelling units x 0.70 AM peak hour trips = 9.80 AM PHT. 14 new dwelling units x .94 PM peak hour trips = 13.16 PM PHT.

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

4 ii. Deviations

5 Stillwater asked the county Traffic Engineer to approve a deviation from EDDS' guidance for
6 pedestrian paths on both sides and crowned section.²⁸ Stillwater proposed: (1) a ditch on the cut
7 side of the road; (2) a pedestrian path on only one side; and (3) a slope of 2% across the entire
8 road section instead of a crowned section. The county Traffic Engineer approved the deviation on
9 conditions of an ultimate right of way width of 60 feet on 52nd St. SE and preventing stormwater
10 prevent standing or ponding on the new roads.²⁹

11 Stillwater also requested approval of a deviation from EDDS regarding the off-site pedestrian
12 pathway PDS required for schoolchildren to meet their buses.³⁰ Schoolchildren will meet their
13 buses at the intersection of 211th Ave. SE and Dubuque Road, requiring them to walk south on the
14 new private road to the new public road of 52nd St. SE and then north on the public road of 211th
15 Ave. SE. The new private road and 52nd St. SE will be built to current county road standards and
16 will provide adequate pedestrian paths for schoolchildren. 211th Ave. SE is older, not built to
17 current standards, and lacks an adequate pedestrian path. Stillwater proposed a separated
18 pedestrian facility on one side of 211th, a low volume road with a posted speed limit of 25 mph.
19 Woods Creek Bridge (no. 48150) crosses 211th and lacks a pedestrian facility. Woods Creek Bridge
20 is flat, horizontally straight and has clear sight lines of 300 feet to the south and 150 feet to the
21 north. Three homes exist south of the bridge. The new Stillwater subdivision will result in total of
22 17 homes south of the bridge. Instead of building a new pedestrian bridge across Woods Creek or
23 rebuilding the existing bridge, Stillwater proposed installation of signage and illumination at the
24 bridge. The County Traffic Engineer approved the deviation, conditioned on providing signing and
25 illumination.³¹

26 iii. Inadequate Road Conditions (IRC) (SCC 30.66B.210)

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

²⁸ Ex. G.1, ,PDS file no. 25-114525 WMD.

²⁹ Ex. L.3.

³⁰ Ex. G.2; PDS file no. 24-118579 WMD.

³¹ The County Traffic Engineer noted that if a marked crossing is needed, the department of Public Works will provide the crosswalk markings.

1 iv. Bicycle Facilities

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

4 v. State Highway Impacts (SCC 30.66B.710)

5 Pursuant to the county's authority under SEPA, a traffic mitigation payment is required if the
6 development affects a state highway.³² The proposed development is exempt from SEPA;
7 therefore the county does not have authority to impose mitigation impact fees on behalf of
8 WSDOT.

9 vi. Other Jurisdiction Traffic Impacts (SCC 30.66B.720)

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

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

15 The development cannot be approved unless school children have safe walking conditions.³³ The
16 Snohomish School District advised that schoolchildren from the development would meet their
17 buses at the intersection of 211th Ave. SE and Dubuque Road. 211th Ave. SE lacks a pedestrian
18 pathway. PDS therefore recommended conditioning approval of the subdivision on construction
19 of an adequate pedestrian path along 211th Ave. SE from the intersection of new public road 52nd
20 St. SE north to Dubuque Road, approximately half a mile. Stillwater requested a deviation from
21 EDDS regarding Woods Creek Bridge that represented it would install a detached pedestrian
22 pathway.³⁴

23 Stillwater contends the off-site pedestrian pathway lacks sufficient nexus and is disproportionate
24 because it may cost approximately \$300,000. Stillwater also argues that state law and county
25 code require off-site pedestrian pathways for children who "walk to school" and walking to a bus
26 stop is not subsumed within that term.

27 PDS disagrees, and argues that it has long interpreted "walk to school" to include walking to a bus
28 stop.

³² SCC 30.66B.055; Interlocal Agreement between Snohomish County and WSDOT (December 21, 1997).

³³ RCW 58.17.060(2) (1990); RCW 58.17.110(2) (1995); SCC 30.41A.100(1).

³⁴ See discussion at page 14 above.

1 First, the Hearing Examiner holds that an off-site pedestrian pathway for children to meet their
2 school bus has sufficient nexus to a hazard requiring mitigation. Specifically, children in the
3 houses constructed by Stillwater must be schooled, and walking a road with no attached
4 shoulder, sidewalk, or detached path places them at risk of being hit by cars and trucks. The
5 Hearing Examiner takes official notice that during Pacific Northwest winters, school buses often
6 pick up or drop off children in the dark or low light conditions, increasing their risk of being struck
7 by vehicles while walking to the bus stop. The harm sought to be avoided is directly caused by the
8 construction of the dwellings by Stillwater.

9 With respect to proportionality, the Hearing Examiner finds the estimated cost of \$300,000 is
10 proportional to the potential harm to be mitigated. The out-of-pocket medical expenses of a
11 pedestrian/vehicle collision can easily exceed \$300,000, and future care and lost income also can
12 easily exceed \$300,000 that amount. Note, too, that the new residences of the subdivision will be
13 sold to homeowners, and the homeowners will bear most, if not all, of the cost of the pedestrian
14 pathway in the purchase price of the home. Stillwater also argues that the off-site walkway is
15 disproportionate because few students walk on 211th or will do so in the future. Future use is
16 speculative because it is difficult to predict with any certainty the number of school-age children
17 who will reside in the new development. With respect to the current number of school bus
18 pedestrians, the off-site pathway requirement is not due to the current number of school-age
19 children walking on 211th to meet their school bus but due to Stillwater's desire to build and sell
20 14 new homes.

21 The Hearing Examiner concludes the public interest is not served by a development that does not
22 have safe pathways for schoolchildren to walk to their bus stops. The Hearing Examiner cannot
23 approve the preliminary subdivision unless it will "serve the public interest and makes
24 appropriate provision for the public health, safety, and general welfare . . ." SCC 30.41A.100. The
25 subdivision does not make appropriate provision for public health, safety, and general welfare
26 unless children can safely go to school.

27 The question of whether "walk to school" includes walking to a school bus stop is a red herring,
28 because county code states that "walk[ing] to school" is but one factor to consider when
29 determining if appropriate provisions are made for the public health, safety, and general welfare
30 whether a new subdivision is in the public's interest.

31 The hearing examiner shall approve a preliminary subdivision only if appropriate
32 provisions are made for, **but not limited to**, the public health, safety, and general
33 welfare, for open spaces, drainage ways, streets, alleys, other public ways, transit
34 stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds,
35 sites for schools and school grounds, fire protection and other public facilities. **The**
36 **hearing examiner shall consider all other relevant facts, including the physical**
37 **characteristics of the site and sidewalks and other planning features that**
38 **assure safe walking conditions for students who walk to and from school to**

1 **determine whether the public interest will be served by the subdivision and**
2 **dedication.**

3 SCC 30.41A.100(1) (2006) (emphasis added).³⁵ Having considered all relevant facts, including the
4 characteristics of the site, the location of the bus stop, and the characteristics of 211th St. SE, the
5 Hearing Examiner determines the public interest will not be served by a subdivision that does not
6 have an adequate, safe pedestrian path to the children’s school bus stop.

7 Stillwater implicitly applies the statutory construction doctrine of *inclusio unius est exclusio*
8 *alterius* to RCW 58.17.110 and SCC 30.41A.100, i.e., by arguing that inclusion of the phrase “walk
9 to and from school” excludes walking to and from a school bus stop. Both legislative acts
10 explicitly state that walking conditions for students walking to and from school are only one factor
11 to be considered when determining whether the subdivision is in the public interest and whether
12 adequate provision is made for public safety and general welfare. “When a statute utilizes
13 ‘include,’ it is generally improper to conclude that entities not specifically enumerated are
14 excluded.” 2A Sutherland Statutory Construction § 47:25 (7th ed.) (footnote omitted).

15 Approval will therefore be conditioned on installation of an off-site pedestrian pathway to the
16 school bus stop at Dubuque Road and 211th or such other location as mutually agreed by the
17 Snohomish School District, Stillwater, and the county.

18 **8. Utilities**

19 Adequate provisions have been made for utilities. Sewage disposal will be provided by on-site
20 sewer systems built according to Snohomish County Health Department regulations.³⁶ Electrical
21 service will be provided Snohomish County Public Utility District No. 1.³⁷ Domestic water will be
22 provided by on-site wells because the Public Utility District does not have any water mains near
23 the site.³⁸

³⁵ See also *In re Meadowdale Park Div. 4*, Conclusion 11 (Snohomish County Hearing Examiner, January 19, 1990, ZA 8907314), affirmed by Motion 90-071 (Snohomish County Council, February 28, 1990). Stillwater contends *Meadowdale Park* is inapposite because it was decided before RCW 58.17.110 was amended to insert the word “only.” However, County Code does not include the word only. The state legislature did not appear to preempt the field by enumerating all factors of the public interest to be considered when approving subdivisions. *State v. Richards*, 28 Wn. App. 2d 730, 746, 537 P.3d 1118, 1128 (2023), *aff’d*, 4 Wn.3d 83, 559 P.3d 107 (2024) (citations omitted). Snohomish County as a charter county may legislate unless preempted by the state legislature. Therefore, *Meadowdale Park* is still good law from the perspective of the Hearing Examiner.

³⁶ Ex. H.1.

³⁷ Ex. H.2.

³⁸ *Id.*

Stillwater Preserve RB

25-101010 PSD

Decision Approving Rural Cluster Subdivision with Conditions

1 **V. CONCLUSIONS**

- 2 1. The Hearing Examiner has authority to approve preliminary rural cluster subdivisions.³⁹
- 3 2. The Hearing Examiner concludes that Stillwater demonstrated its proposal is consistent with
4 the comprehensive plan, county code, the type and character of land use permitted on the
5 project site, and the permitted density, applicable design, and development standards.
- 6 3. The Hearing Examiner finds that adequate public services exist to serve the proposed project.
- 7 4. As conditioned, the proposed project adequately provides for the health, safety, and general
8 welfare of the public.
- 9 5. Any finding of fact in this decision which should be deemed a conclusion of law is hereby
10 adopted as a conclusion of law.
- 11 6. Any conclusion of law in this decision which should be deemed a finding of fact is hereby
12 adopted as a finding of fact.

13 **VI. DECISION**

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

16 **VII. CONDITIONS**

17 **A. General**

- 18 1. The preliminary plat received by PDS on September 9, 2025,⁴⁰ shall be the approved
19 preliminary plat. Changes to the approved plat are governed by chapters 30.41A SCC and
20 30.70 SCC.
- 21 2. The undated, proposed open space management plan shall be the approved preliminary open
22 space management plan.⁴¹
- 23 3. The preliminary landscaping plan⁴² dated July 1, 2025, shall be the approved preliminary
24 landscape plan.

³⁹ SCC 30.70.025 (2021); SCC 30.72.025 (2012); SCC 30.41C.030(1) (2009).

⁴⁰ Ex. B.1.

⁴¹ Ex. B.4.

⁴² Ex. B.3.

- 1 4. Any discrepancy between (a) the approved preliminary plat, preliminary landscape plan, or the
2 rural cluster subdivision site plan and (b) title 30 SCC shall be resolved in favor of title 30 SCC.
- 3 5. The Auditor's file number of the recorded open space management plan shall be stated on all
4 property deeds for real property in the rural cluster subdivision. SCC 30.41C.120(2) (2009).
- 5 6. A copy of the open space management plan approved by PDS and recorded with the County
6 Auditor shall be provided with ownership documents to subdivision property owners and
7 purchasers. SCC 30.41C.120(2) (2009).
- 8 7. The following notice shall be filed on the title of the properties within the plat: "Tract 999 is a
9 restricted open space tract with limited uses pursuant to chapter 30.41C SCC. The open
10 space tracts are intended to be preserved in perpetuity." SCC 30.41C.090(6) (2021).
- 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. If new private road 211th Dr. SE is gated, Stillwater shall have obtained and satisfied the
14 conditions of any permit required by the Fire Marshal to enable emergency responders' access
15 to the subdivision.
- 16 10. Nothing in this approval excuses Stillwater, any owner, lessee, agent, successor or assigns
17 from compliance with any other federal, state or local statutes, ordinances or regulations
18 applicable to this project.

19 **B. Site Development**

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

- 21 11. Stillwater must temporarily mark the boundary of all Critical Area Protection Areas (CAPAs) as
22 required by chapter 30.62A SCC and the limits of the proposed site disturbance outside of the
23 CAPA, using methods and materials acceptable to the county.
- 24 12. Stillwater shall obtain any permits required for site development work, such as:
 - 25 a. Land disturbing activity permits, as required by chapters 30.63A and 30.63B SCC;
 - 26 b. Forest practices activity class IV general conversion to the extent required by SCC
27 30.43F.100.
- 28 13. Stillwater shall include in its land disturbing activity permit application:
 - 29 a. CAPA signage specifications and locations.
 - 30 b. CAPA fencing specifications and locations, if required.

Stillwater Preserve RB

25-101010 PSD

Decision Approving Rural Cluster Subdivision with Conditions

Page 19 of 29

- 1 c. Landscape plan review fee pursuant to SCC 30.86.145(1).
- 2 d. Calculation of the amount of board feet of timber to be harvested. If harvesting more than
- 3 5,000 board feet of timber, the applicant must apply for a Class IV General – Forest
- 4 Practices Activity permit. If selling, bartering, or trading any amount of timber (i.e., not
- 5 harvesting) then the applicant must apply for a Forest Practices Activity – Class IV General
- 6 Conversion permit.
- 7 e. Monumentation at the PC/PT of the unopened right of way of 52nd St SE at the intersection
- 8 of 211th Ave SE. The monument shall include a rebar and cap in the interim while it's
- 9 unopened right of way. When the right of way becomes an opened, constructed, and
- 10 maintained public road, a permit can be filed with DNR to remove the rebar and cap and
- 11 install the full road monumentation in accordance with EDDS §4-130 or its successor.

12 Prior to issuing any land disturbing activity permit:

- 13 14. Stillwater shall pay a landscape site inspection fee required by SCC 30.86.145(3).
- 14 15. Stillwater shall pay the amount required by the county for the installation of signs and striping.
- 15 SCC 13.10.180.

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

- 17 16. All CAPA boundaries shall have been permanently marked on the site prior to final inspection
- 18 by the county, with both CAPA signs and adjacent markers which can be magnetically located
- 19 (e.g., rebar, pipe, or 20 penny nails). Stillwater may use other permanent methods and
- 20 materials provided they are first approved by the county. Where a CAPA boundary crosses
- 21 another boundary (e.g., lot, tract, plat, or road), a rebar marker with surveyors' cap and license
- 22 number must be placed at the line crossing.⁴³
- 23 17. CAPA signs shall have been placed no greater than 100 feet apart around the perimeter of the
- 24 CAPA. Minimum placement shall include one Type 1 sign per wetland, and at least one Type 1
- 25 sign shall be placed in any lot that borders the CAPA, unless otherwise approved by the county
- 26 biologist. The design and proposed locations for the CAPA signs shall be submitted to PDS for
- 27 review and approval prior to installation. CAPA signs on not needed on the site's boundary
- 28 abutting any CAPA on the adjacent site.
- 29 18. Any CAPA-compliant fencing shall have been satisfactorily installed where required.
- 30 19. All required common area landscaping shall have been installed, inspected and approved per
- 31 chapter 30.25.SCC and in conformance with the approved final landscaping plan, unless

⁴³ SCC 30.62A.160(7) (2015).

1 deferral of improvements is allowed by PDS and a bond or other guarantee of performance is
2 submitted to PDS. A qualified landscape designer shall certify that all landscaping is installed
3 per the approved plan.

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

7 **C. Final Plat Content**

8 The following text shall be written on the face of the final plat:⁴⁴

9 21. The lots within this subdivision will be subject to school impact mitigation fees for Snohomish
10 School District No. 201. The fee per dwelling unit will be \$5,361.00 for building permit
11 applications submitted on or before January 22, 2030. For building permit applications
12 submitted on or after January 23, 2030, the fee will be determined by the fee schedule in effect
13 at the time of building permit application. The impact fees must be paid prior to building
14 permit issuance, except as allowed by SCC 30.66C.200(2). Credit shall be given for one
15 existing lot at the single-family rate. Lot 1 shall receive credit.

16 22. The dwelling units within this development are subject to a park and recreation facility impact
17 fee for the Centennial park service area of the county parks system. The impact fee shall be
18 \$681.97 per dwelling unit for building permits submitted on or before January 22, 2030. For
19 building permits submitted on or after January 23, 2030, the amount of the fee per dwelling
20 unit will be determined by the fee schedule in effect at the time of building permit application.
21 Payment of these mitigation fees is required prior to building permit issuance except as
22 provided for in SCC 30.66A.020(4).

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

25 \$5,356.74 for each dwelling unit (to total \$74,987.36) for mitigation of impacts on county
26 roads paid to the county in accordance with the payment timing provisions of chapter
27 30.66B SCC.

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

⁴⁴ Numbering is for convenience and reference only.

- 1 24. Membership in the homeowners' association, and payment of dues or other assessment
2 for maintenance purposes, shall be a requirement of lot ownership and shall remain an
3 appurtenance to and inseparable from each lot. If the homeowners' association is dissolved,
4 then each lot shall have an equal and undivided ownership interest in the tracts previously
5 owned by the association as well as responsibility for maintaining the tracts.
- 6 25. The homeowners' association shall own and maintain tracts established pursuant to chap.
7 30.41 SCC, unless and until alternative ownership and maintenance responsibility is
8 authorized by the Planning and Development Services department.
- 9 26. Tract 999 is a critical area protection area tract that shall be left permanently undisturbed in a
10 substantially natural state and are intended to be preserved in perpetuity. No clearing,
11 grading, filling, building construction or placement, or road construction of any kind shall
12 occur, except removal of hazardous trees. The following are allowed in CAPAs: non-ground
13 disturbing interior or exterior building improvements; routine landscape, maintenance of
14 established, ornamental landscaping; non-ground disturbing normal maintenance or repair;
15 felling or topping of hazardous trees based on review by a qualified arborist; removal of
16 noxious weeds conducted in accordance with chapter 16-750 WAC; maintenance or
17 replacement that does not expand the affected area of septic tanks and drainfields, wells, and
18 individual utility service connections; data collection by non-mechanical means; and non-
19 mechanical survey and monument placement.
- 20 27. Tracts 999 is a restricted open space tract with limited uses pursuant to chapter 30.41C SCC.
21 Open space tracts are intended to be preserved in perpetuity.
- 22 28. Well protection zones are shown in the Snohomish County Health Department records for lots
23 1-14 of this plat. The well protection zones are not based on actual constructed wells. The well
24 protection zones may require revision if the well cannot be located as proposed. If moved, the
25 100-foot radius well protection zone shall not extend beyond the subdivision exterior
26 boundaries without written consent and recorded well protection covenant from the affected
27 property owner(s). After installation of any water well to serve lots within this subdivision, all
28 owner(s), and successors agree to maintain 100 foot well protection zones in compliance with
29 current state and local well siting and construction regulations, which, at a minimum, prevent
30 installation of drain fields within the well protection zone. The revision of the well protection
31 zone location is a private matter between the affected lot owners and does not require a plat
32 alteration.

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

3 29. All CAPAs and buffers.

4 30. Restricted open space tracts⁴⁵ must be labeled with references to the limited uses.⁴⁶

5 31. A 40-foot right of way dedication from the proposed access point to 211th Ave. SE along 52nd St
6 SE for a total of 60-feet of ultimate right of way, or as determined by the department of Public
7 Works.

8 ***D. Final Plat Approval***

9 Stillwater must fulfill the following conditions before approval of the final plat:

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

15 33. Stillwater shall record the approved final open space management plan separately from the
16 subdivision. The plan may be recorded simultaneously with the recording of the final
17 subdivision. The open space management plan shall be updated with tract numbers
18 consistent with the final plat map.

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

⁴⁵ SCC 30.41C.090(1).

⁴⁶ SCC 30.41C.110(1).

- 1 35. Stillwater shall have conveyed tract 999 to the homeowners' association, recorded the
2 conveyance instruments, and provided PDS with copies of the recorded instruments.
- 3 36. Stillwater shall have prepared covenants, conditions, and restrictions that:
- 4 a. Identify the rights and responsibilities of the property owners and the homeowners'
5 association for use and maintenance of common vehicle access areas, on-site recreation
6 areas, landscaping, underground utilities, and common open space.
- 7 b. Restrict use of the tracts to the uses specified in the approved preliminary plat and rural
8 cluster development site plan and require compliance with the county regulations and
9 conditions of final subdivision approval.
- 10 c. State they are binding upon and inure to the benefit of the homeowners' association, the
11 owners of all the lots within the subdivision, and all others having any interest in the tracts
12 or lots.
- 13 d. State that the county is an intended beneficiary of the covenants, conditions, and
14 restrictions with the right to enforce them
- 15 37. After approval by the county, Stillwater shall record the covenants, conditions, and
16 restrictions with the County Auditor and provide a copy of the recorded document to PDS.
- 17 38. Stillwater shall have provided the Health Department:
- 18 a. An application for final subdivision review accompanied by the final plat map and review
19 fee.
- 20 b. Accurate-to-scale designs for each proposed lot, demonstrating area for a minimum 450
21 gallon/day on-site sewage system plus a 100% on-site sewage system reserve area. On-
22 site sewage systems must be located within areas of approved soil log test holes and meet
23 all minimum horizontal setback requirements. Designs must show all features that may
24 affect placement of on-site sewage systems such as wetlands, drainage systems, surface
25 water, cuts in topography, critical area protection areas, easements, building structures,
26 driveways, etc.
- 27 39. All street signage shall have been installed. County forces will install public roads signage,
28 and Stillwater shall install private road signage.
- 29 40. Any fire lane signage shall have been coordinated with the Fire Marshal's Office and installed.
- 30 41. 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

Stillwater Preserve RB

25-101010 PSD

Decision Approving Rural Cluster Subdivision with Conditions

Page 24 of 29

1 guarantee of performance is submitted to PDS. A qualified landscape designer shall certify
2 that landscaping is installed per the approved plan.

3 42. Any required site improvements, fencing, recreation facilities, open space and landscaping
4 depicted on the approved plans shall have been installed, inspected and approved unless
5 deferral of the improvements is allowed by PDS and a bond or guarantee of performance is
6 submitted to PDS.

7 43. The road establishment and construction of 52nd St. SE shall have been completed and
8 accepted by the county.

9 44. Pedestrian facilities shall have been constructed to the reasonable satisfaction of the county
10 from the subject development on 52nd St SE to Dubuque Road or other location that has been
11 accepted by the Snohomish School district and Snohomish County.

12 45. Stillwater shall possess a valid, signed plat name reservation.

13 ***E. Building Permits***

14 46. Building permit applications shall include architectural plans complying with bulk regulations
15 of chapter 30.23 and 30.41C SCC.140.

16 47. Front yard setbacks shall vary a minimum of 10 feet from those structures on adjacent lots.

17 48. Prior to building permit issuance, Stillwater shall have paid the impact fees described in
18 conditions 22 (park and recreation facility mitigation fee), 23 (road system impact mitigation
19 fee), and 21 (school district impact mitigation fee), unless allowed by county code to pay after
20 building permit issuance.

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


22 49. New lots' access to the new roads shall have been paved.

23 50. Stillwater shall have provided to PDS copies of completed third-party certification checklists
24 and proof of payment for review and certification.

1 **G. Expiration**

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

5 Decision issued this 24th 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 3, 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, 1st 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 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;

Stillwater Preserve RB

25-101010 PSD

Decision Approving Rural Cluster Subdivision with Conditions

Page 27 of 29

- 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 **7, 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, 2nd 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.

Stillwater Preserve RB

25-101010 PSD

Decision Approving Rural Cluster Subdivision with Conditions

Page 28 of 29

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. 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: Stacey Abbott

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.

Stillwater Preserve RB

25-101010 PSD

Decision Approving Rural Cluster Subdivision with Conditions

Page 29 of 29