

**SNOHOMISH COUNTY COUNCIL
INDEX TO FILE**

FILE: Blue Jay RCS 25-106910 PSD

DATE: Closed Record Appeal Hearing - Friday, May 29, 2026 @ 10:30 a.m.

COUNCIL STAFF: Deb Bell

PDS STAFF: Mara Wiltshire

PA: Justin Kasting

The complete Hearing Examiner record is available upon request of the Clerk of the Council

Exhibit No.

TBD Pending Council Staff Report

I. Appeal Letter

L.1 Appeal Letter received via e-mail April 14, 2026 @ 3:56 p.m. from Marty Robinett, Applicant and Appellant

II. Examiner's Decision

L.2 Decision of the Snohomish County Hearing Examiner dated March 31, 2026

Hearing Examiner List of Exhibits (*Exhibits available upon request at contact.council@snoco.org*)

Hearing Examiner Parties-of-Record

III. Copies of Hearing Examiner exhibits cited and/or germane to the appeal

K.1 Staff Recommendation

E.1 Determination of Nonsignificance with Environmental Checklist

D.1 Ownership - Zoning Map

D.2 Aerial Map

The following are additional exhibits listed in order as cited in the Appeal Letter ([Exhibit L.1](#))

N/A

IV. Responses to Appeal

N/A

V. Rebuttal

N/A

VI. Submissions/Exhibits Entered for Council Closed Record Appeal

- L.3** Appellant Letter withdrawing appeal of Condition C.10
- L.4** Signed Verification of Appeal Received by Steven Clausen on 4/14/26
- L.5** Notice of Closed Record Appeal dated 4/21/26
- L.6** Affidavit of Mailing – Notice Closed Record Appeal – e-mailed and U.S. mailed on 4/21/26
- L.7** Letter to Applicant/posting notice – date 4/21/26
- L.8** Notarized statement/affidavit – applicant posting notice – 5/2/26
- L.9** Affidavit of Publication – Notice of Closed Record Appeal – dated 4/27/26

*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



Snohomish County

Office of Hearings Administration

3000 Rockefeller Ave., M/S 405

Everett, WA 98201

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Peter Camp

Hearing Examiner

DECISION of the SNOHOMISH COUNTY HEARING EXAMINER

I. SUMMARY

DATE OF DECISION:	March 31, 2026
PLAT:	Blue Jay RCS Not Yet Addressed South of 2413 197 th Street NE Arlington, Washington 98223
APPLICANT:	Robinett Investment Company, LLC 114 Ave. C, Ste. 101 Snohomish, Washington 98290
OWNER:	Robinett Investment Company, LLC 114 Ave. C, Ste. 101 Snohomish, Washington 98290
FILE NO.:	25-106910 PSD
TYPE OF REQUEST:	Preliminary two-lot rural cluster subdivision in the Rural/Urban Transition Area
DECISION SUMMARY:	Preliminary two-lot rural cluster subdivision is approved subject to conditions

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Blue Jay RCS

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Decision Approving Rural Cluster Subdivision with Conditions

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1 **III. SITE SUMMARY**

LOCATION:	No Address Yet South of 2413 197 th Street NE Arlington, Washington 98223
TAX PARCEL NUMBER:	310517-002-034-00 310517-004-043-00
ACREAGE:	7.15 acres
COMPREHENSIVE PLAN DESIGNATION:	Rural Residential (1 dwelling unit/5 acres)
ZONING:	R-5
UTILITIES:	
Water:	Individual wells
Sewer:	On-site sewer system (septic)
Electrical:	Snohomish County Public Utility District No. 1
SCHOOL DISTRICT:	Lakewood School District No. 306
FIRE DISTRICT:	Snohomish County Fire District No. 19
PDS RECOMMENDATION:	Approve the proposed preliminary rural cluster subdivision, subject to conditions

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

4 **IV. FINDINGS OF FACT**

5 **A. Vesting**

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

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

B. Open Record Hearing

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

C. The Record

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

D. Public Notice

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

E. Background Information

1. Proposal

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

2. Site Description and Surrounding Uses

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

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

² Exhibits F.1 through F.4.

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

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

3. Comments

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

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

F. Compliance with Codes and Policies

1. Agricultural Lands (Chapter 30.32B SCC)

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

2. Airport Compatibility (Chapter 30.32E SCC)

The project site is in an airport influence area. Approval will be conditioned on recording an appropriate notice with the county auditor.⁷

3. Subdivisions (Chapter 30.41A SCC)

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

⁴ Exhibits H.13 and H.14.

⁵ See footnote 3 above.

⁶ See PDS Assistance Bulletin no. 103, Archaeological Sites Advisory.

⁷ SCC 30.32E.080 (2015).

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

4. Rural Cluster Subdivisions (Chapter 30.41C SCC)

a. Yield

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

b. Open Space Management

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

c. Design Standards

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

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

⁹ SCC 30.41A.100 (2006).

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

¹¹ Tracts 104, 105, and 994.

¹² Ex. B.1.

¹³ Ex. B.1.

¹⁴ Ex. G.3. See SCC 30.41C.120 (2024).

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

5. Fire Code

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

6. Environmental Review

a. SEPA (Chapter 30.61 SCC)

PDS determined the proposal is exempt from a threshold State Environmental Policy Act (SEPA) determination.¹⁷

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

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

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

Infiltration is infeasible. Robinett Investment will use infiltration and sheet flow best management practices for stormwater running off impervious surfaces, such as infiltration trenches for roof downspouts and bio-retention. 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 300 cubic yards of cut and fill.

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

¹⁵ See concurrency discussion below at page 10.

¹⁶ Ex. H.8.

¹⁷ SCC 30.61.035(1)(a) (2022).

¹⁸ Exhibits B.3 and C.1.

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

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

7. Mitigation

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

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

b. School Impact Mitigation (Chapter 30.66C SCC)

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

²⁰ Ex. C.1, §11.

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

²² SCC 30.66C.100.

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

c. Traffic Mitigation (Chapter 30.66B SCC)

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

Road System Impact Fee Calculation

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

8. Concurrency Determination (SCC 30.66B.120)

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

²³ SCC 30.66B.310 (2021).

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

²⁵ SCC 30.66B.120(1) (2003).

²⁶ SCC 30.66B.160(2)(a) (2003).

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

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

2 **a. Internal Road System**

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

5 **b. Existing Public Roads**

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

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

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

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

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

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

19 **iii. Bicycle Facilities**

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

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

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

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

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

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

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

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

12 **10. Utilities**

13 Adequate provisions have been made for utilities. Sewage disposal will be provided by on-site
14 sewer systems built according to Snohomish County Health Department regulations.³⁰ Electrical
15 service will be provided Snohomish County Public Utility District No. 1.³¹ Domestic water will be
16 provided by on-site wells.

17 **V. CONCLUSIONS**

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

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

³⁰ Ex. H.3.

³¹ Ex. H.2.

³² SCC 30.70.025 (2021); SCC 30.72.025 (2012); SCC 30.41C.030(1) (2009).

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

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

VI. DECISION

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

VII. CONDITIONS

A. General

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

³³ Ex. B.1.

³⁴ Ex. G.3.

³⁵ SCC 30.41C.140(8) (2024).

7. Prior to the closing of a transfer of real property in this development by sale, exchange, gift, real estate contract, lease with option to purchase, any other option to purchase, or any other means of transfer (except transfers made by testamentary provisions or the laws of descent), the transferor shall provide the transferee a copy of the disclosure text in SCC 30.32B.220 (agricultural land acknowledgement) and shall record with the County Auditor a copy of the same showing an acknowledgment of receipt executed by the transferee in a form prescribed by the director of PDS. The form of the acknowledged disclosure text shall include a statement that the disclosure notice applies to the subject real property as of the date of the transfer, and may not be applicable thereafter if areas designated farmland are changed from the farmland designation

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

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

B. Site Development

No site development conditions are needed because the land disturbing activity requirements were satisfied in the creation of the Blue Jay Lane subdivision.³⁶

C. Final Plat Content

The following text shall be written on the face of the final plat:³⁷

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).

11. The dwelling units within this development are subject to a park and recreation facility impact fee for the Kayak Point Park service area of the county parks system. The impact fee shall be \$681.97 per dwelling unit for building permits submitted on or before June 5, 2030. For building permits submitted on or after June 6, 2030, the amount of the fee per dwelling unit will be determined by the fee schedule in effect at the time of building permit application. Payment of

³⁶ See text accompanying footnote 3 above.

³⁷ Numbering is for convenience and reference only.

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

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

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

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

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

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

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.

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

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

³⁸ SCC 30.41C.140(8) (2024).

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

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

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

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

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

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

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

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

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

1 25. Robinett Investment shall have prepared covenants, conditions, and restrictions that:

- 2 a. Identify the rights and responsibilities of the property owners and the homeowners' association for use and maintenance of common vehicle access areas, on-site recreation
3 areas, landscaping, underground utilities, and common open space.
- 5 b. Restrict use of the tracts to the uses specified in the approved preliminary plat and rural
6 cluster development site plan and require compliance with the county regulations and
7 conditions of final subdivision approval.
- 8 c. State they are binding upon and inure to the benefit of the homeowners' association, the
9 owners of all the lots within the subdivision, and all others having any interest in the tracts
10 or lots.
- 11 d. State that the county is an intended beneficiary of the covenants, conditions, and
12 restrictions with the right to enforce them

13 26. After approval by the county, Robinett Investment shall record the covenants, conditions, and
14 restrictions with the County Auditor and provide a copy of the recorded document to PDS.

15 27. Robinett Investment shall have provided the Health Department:

- 16 a. An application for final subdivision review accompanied by the final plat map and review
17 fee.
- 18 b. Accurate-to-scale designs for each proposed lot, demonstrating area for a minimum 450
19 gallon/day on-site sewage system plus a 100% on-site sewage system reserve area. On-
20 site sewage systems must be located within areas of approved soil log test holes and meet
21 all minimum horizontal setback requirements. Designs must show all features that may
22 affect placement of on-site sewage systems such as wetlands, drainage systems, surface
23 water, cuts in topography, critical area protection areas, easements, building structures,
24 driveways, etc.

25 28. All street signage shall have been installed. County forces will install public roads signage,
26 and Robinett Investment shall install private road signage.

27 29. Any fire lane signage shall have been coordinated with the Fire Marshal's Office and installed.

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

32 31. Robinett Investment shall possess a valid, signed plat name reservation.

Blue Jay RCS

25-106910 PSD

Decision Approving Rural Cluster Subdivision with Conditions

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1 **E. Building Permits**

2 32. Building permit applications shall include architectural plans complying with bulk regulations
3 of chapter 30.23 and 30.41C SCC.140.

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

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

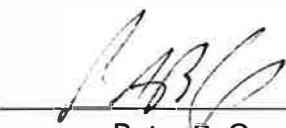
9 **F. Prior to Earlier of Any Certificate of Occupancy or Building Permit Final Inspection**

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

12 **G. Expiration**

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

16 Decision issued this 31st day of March, 2026.



Peter B. Camp
Snohomish County Hearing Examiner

RECONSIDERATION AND APPEAL PROCEDURES

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

Reconsideration—Who May Petition and Deadline

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

Filing

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

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

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

Contents

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

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

Blue Jay RCS

25-106910 PSD

Decision Approving Rural Cluster Subdivision with Conditions

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(c) State the relief requested; and,

(d) If applicable, identify the specific nature of any newly discovered evidence and changes proposed by the applicant.

The grounds for seeking reconsideration are limited to the following:

(a) The Hearing Examiner exceeded his jurisdiction;

(b) The Hearing Examiner failed to follow the applicable procedure in reaching his decision;

(c) The Hearing Examiner committed an error of law;

(d) The Hearing Examiner's findings, conclusions, or conditions are not supported by the record;

(e) The petitioner discovered new evidence which could not reasonably have been produced at the hearing and which is material to the decision; or

(f) The applicant proposed changes to the application in response to deficiencies identified in the decision.

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

Appeal

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

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

Blue Jay RCS

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Decision Approving Rural Cluster Subdivision with Conditions

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

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

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

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

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

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

Staff Distribution:

Department of Planning and Development Services: Mara Wiltshire

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

Blue Jay RCS

25-106910 PSD

Decision Approving Rural Cluster Subdivision with Conditions

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Before the
HEARING EXAMINER
Snohomish County, Washington
LIST OF EXHIBITS & WITNESSES

Applicant: Robinett Investment Company LLC
Case No.: 25 106910 PSD
Project Name: Blue Jay RCS

EXHIBITS: Submitted for the March 10, 2026 open record hearing

A. APPLICATION:

- A.1 Master Permit Application, filed May 05, 2025 and amended filed November 24, 2025
- A.2 Project Narrative, received November 24, 2025
- A.3 Signing Authority Information, dated April 15, 2025
- A.4 Plat Name Reservation Certificate, expires January 08, 2027

B. PLANS:

- B.1 Plat Map, dated October 6, 2025
- B.2 Landscape Plans, dated 8, 2025
- B.3 Civil Drawings, dated October 21, 2025
- B.4 Shadow Plat, dated November 11, 2025

C. REPORTS:

- C.1 Drainage Report, dated October 2025
- C.2 Critical Area Report, dated December 27, 2019
- C.3 Groundwater Monitoring Memo, dated April 19, 2021

D. PROPERTY:

- D.1 Ownership – Zoning Map
- D.2 Aerial Map
- D.3 Plat Certificate, dated November 04, 2025
- D.4 Short Plat Map AFN 202503215001, recorded March 21, 2025
- D.5 BLA Map AFN 202501135002, recorded January 13, 2025

E. ENVIRONMENTAL:

- E.1 SEPA Exemption, dated February 25, 2026

F. NOTICE AND ROUTING DOCUMENTS:

- F.1 Notice of Application
- F.2 Affidavit of Mailing – Notice of Open Record Hearing, Threshold Determination, and Concurrency and Traffic Impact Fee Determinations
- F.3 Affidavit of Notification (publication) – Notice of Open Record Hearing, Threshold Determination, and Concurrency and Traffic Impact Fee Determinations

- F.4 Posting Verification – Notice of Open Record Hearing, Threshold Determination, and Concurrency and Traffic Impact Fee Determinations

G. OTHER SUBMITTAL ITEMS:

- G.1 1st RCL, dated July 07, 2025
- G.2 Response to 1st RCL, received November 24, 2025
- G.3 OSMP, dated October 13, 2025
- G.4 Third Party Enrollment Verification, dated April 16, 2025

H. GOVERNMENT / TRIBAL COMMENTS:

- H.1 City of Arlington Water Letter, dated October 02, 2025
- H.2 Snohomish P.U.D., dated May 30, 2025
- H.3 SHD Memo, dated June 04, 2025
- H.4 Lakewood School District Letter, dated February 7, 2020
- H.5 WSDOT Letter, dated May 28, 2025
- H.6 GIS Letter, dated May 15, 2025
- H.7 Fire Review Memo, dated December 09, 2025
- H.8 Fire Hydrant Determination Letter, dated August 04, 2025
- H.9 Traffic Review Memo, dated December 12, 2025
- H.10 Drainage Review Memo, dated December 24, 2025
- H.11 Arlington Airport RFR, dated May 09, 2025
- H.12 Arlington Airport Letter, dated February 13, 2020
- H.13 Stillaguamish Tribes, dated May 14, 2025
- H.14 Tulalip Tribes, dated June 02, 2025

I. PUBLIC COMMENTS

Received during the public comment period:

- I.1 Craig Kackman, received May 09, 2025

J. RESPONSE TO AGENCY / PUBLIC COMMENTS:

- J.1 Applicant Response, received November 24, 2025

K. STAFF RECOMMENDATION - Department of Planning and Development Services

- K.1 Staff Recommendation

Witnesses at the March 10, 2026 open record hearing

Ry McDuffy, Land Resolutions
Mara Wiltshire, PDS Senior Planner
Tom Bauder, PE, PDS Drainage Review

Before the

HEARING EXAMINER

Snohomish County, Washington

LIST OF EXHIBITS & WITNESSES

Applicant: Ginger Amundson - Robinett Investment Company LLC

Case No.: 25 106910 PSD

Project Name: Blue Jay RCS

Michael Dobesh, PDS Division Manager

Public Comment

none

Organization	Name	Address	City	State	Zip	Email	Service by
POR & AGENCY REGISTER 25 106910 PSD Blue Jay RCS 03-10-2026 at 9:30am							
APPLICANT/Owner							
Robinett Investment Company LLC	Ginger Amundson					ginger@robinettland.com	email
CONTACT PERSON(s)							
ORCA Land Surveying	Jacqueline Evans					jacie@orcalandsurveying.com	email
Land Resolutions	Ry McDuffy					ry@orcalandsurveying.com	email
GOVERNMENT/TRIBES							
Tulalip Tribes	Gene Enick					genick@tulaliptribes-nsn.gov	email
SNO CO PLAN & DEV/LAND USE	Mara Wiltshire, PDS Plar	3000 Rockefeller Av #604	Everett	WA	98201	mara.wiltshire@snoco.org	email
SNO CO DEPT OF PUBLIC WORKS	Doug McCormick	3000 Rockefeller Ave #607	Everett	WA	98201	dmccormick@snoco.org	email
SNOHOMISH HEALTH Department	Natalie Delacruz	3020 Rucker Ave Suite #104	Everett	WA	98201	natalie.peterson@snoco.org	email
S SNO CO FIRE & RESCUE	Chief Strotz	12425 Meridian Ave	Everett	WA	98208	kstrotz@firedistrict19.com	email
						info@southsnofire.org	email
STILLAGUAMISH TRIBES	Nakita Strangeways	3322 236 th St NE	Arlington	WA	98223	nstrangeways@stillaguamish.com	email
SNO CO PUD NO 1	Mary Wicklund	PO BOX 1107	Everett	WA	98206-1107	mlwicklund@snopud.com	email
WA STATE OF TRANSPORTATION	PETER ALM	PO BOX 330310	Seattle	WA	98133-9710	peter.alm@wsdot.wa.gov	email
WA STATE OF TRANSPORTATION	DAWN ANDERSON	PO BOX 330310	Seattle	WA	98133-9710	dawn.anderson@wsdot.wa.gov	email
PUBLIC COMMENT/POR							
	Craig Kackman					ckk51@live.com	email



Snohomish County

Departments of Planning and Development Services and Public Works

STAFF RECOMMENDATION

SUMMARY

FILE NUMBER:	25 106910 PSD
APPLICATION VESTING DATE:	May 05, 2025
PROJECT NAME:	Blue Jay RCS
APPLICANT:	Ginger Amundson Robinett Investment Company LLC 116 Avenue C Everett, WA 98201
PROJECT MANAGER	Mara Wiltshire, Senior Planner
HEARING DATE:	March 10, 2026
TYPE OF REQUEST:	Two-lot Rural Cluster Subdivision in the Rural/Urban Transition Area
RECOMMENDATION:	Approval with Conditions

PROPERTY INFORMATION

Tax Parcel Numbers	310517-002-034-00, 310517-004-043-00
Location	2413 197 th Street NE, Arlington
Section/Township/Range	17-31-5
Acreage	7.15 acres (311,260 square feet)
Current Zoning	R-5
Municipal Urban Growth Area	Not in a Municipal Urban Growth Area
County Urban Growth Area	Not in an Urban Growth Area
County Comprehensive Plan Designation	Rural Residential (1 DU/5 Acres Basic)
School District	Lakewood School District 306
Fire District	Fire District 19
Water Service	Private wells
Sewer Service	Private septic systems
Electrical Service	Snohomish County Public Utility District No. 1
Park Service Area	Kayak Point
Transportation Service Area	A

FINDINGS OF FACT

Background Information

Applicant's Proposal

The applicant is proposing to subdivide a 7.15-acre site into two lots of approximately 0.46 acres each utilizing Rural Cluster in a Rural/Urban Transition Area (R/UTA) standards. The applicant further proposes the establishment of three interim open space tracts in accordance with Snohomish County Code (SCC) 30.41C.140. Access to all lots will be via individual private driveways from 197th Street Northeast, a private road. Each lot will be served by a private group well water system and individual on-site septic systems. For the purposes of rural clustering, this application is proposing to cluster residential lots with lots to the north of the site previously approved under Project File Number 20 101806 PSD.

Project Chronology

The Rural Cluster Subdivision (RCS) application was originally submitted to Snohomish County Planning and Development Services (PDS) and was determined on June 05, 2025 to be complete for regulatory purposes. On July 03, 2025 the 1st Review Completion Letter (Exhibit G.1) was sent out requesting corrections and additional information. A resubmittal of the application was received on November 24, 2025, which was determined to be sufficient for further review. The 170-day clock started on June 05, 2025. PDS notified the applicant within the second review completion letter regarding the 170-day review period per SCC 30.70.110(5).

Site Description

The 7.15-acre site is relatively flat with no critical areas. A wetlands report was prepared by Wetland Resources indicating a lack of wetland indicators (Exhibit C.2). A building site has been cleared along the north side of the property abutting 197th Street Northeast. The rest of the property is dominated by young trees, shrubs, and blackberry undergrowth. The property abuts Interstate 5 to the east.

Snohomish County Geographic and Information Systems were unable to verify the project boundary at the time of first submittal (Exhibit H.6). The applicant provided a written response within the First Review Completion Letter Response (Exhibit G.2) and a revised Plat Certificate (Exhibit D.3) with an updated legal description based on the recently recorded Blue Jay Lane Short Plat AFN 202503215001 (Exhibit D.4) and previous Boundary Line Adjustment AFN 202501135002 (Exhibit D.5).

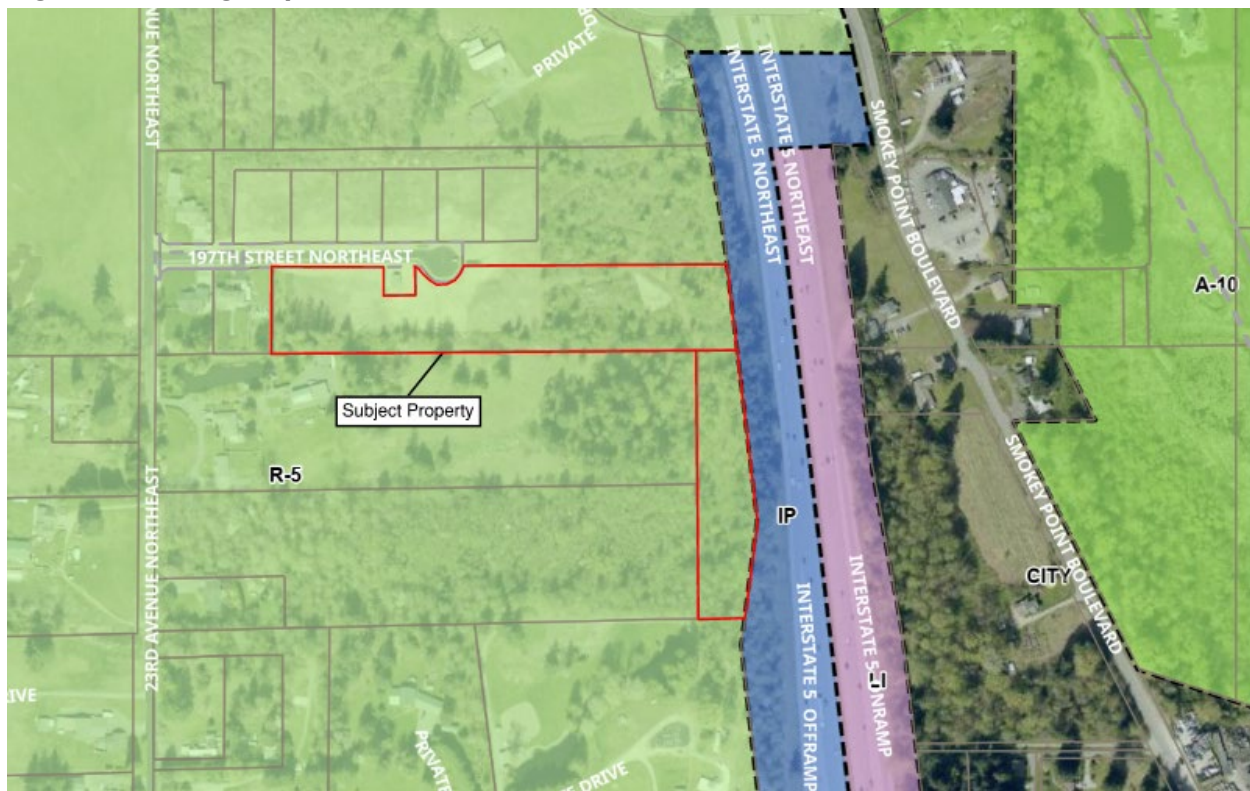
Figure 1: Aerial Image of Subject Property



Surrounding Uses/Zoning

Location	Existing	Zoning
Subject property	Vacant	R-5
North of subject property	Single-family residential	R-5
South of subject property	Single-family residential	R-5
East of subject property	Interstate 5	IP (Industrial Park)
West of subject property	Single-family residential	R-5

Figure 2: Zoning Map



WRIA 5

The subject property is within Water Resource Inventory Area Five (Stillaguamish Watershed). The applicant proposes a group permit exempt well serving each lot as the domestic water source for the future single-family residences. The subject property is within the City of Arlington water service area; however, the applicant provided a letter from the water purveyor (Exhibit H.2) stating they do not, and will not, provide service to the subject property in the near future; therefore, the proposed wells are acceptable water sources. Applicants must comply with the water usage limits established in the in-stream flow rule (WAC 173-505-090), generally limited to less than 5,000 gallons per day annual average. It is a recommended condition of approval that this restriction be placed on the face of the final plat (Condition 8).

Issues of Concern

Comments were received from Craig Kackman, Gene Enick of Tulalip Tribes, and Nakita Strangeways of Stillaguamish Tribes (Exhibits I.1, H.13 and H.14).

Topics of concern are summarized as follows:

- Archeological artifacts
- Hydrology in proximity to Interstate 5
- General information inquiry

The applicant has provided written documents in response to these concerns (Exhibit J.1). The proposal has been reviewed by PDS and found to be in compliance with all applicable codes and policies, subject to the conditions of approval at the end of this recommendation.

Project Consistency with Adopted Codes and Policies

Chapter 30.22 SCC Uses Allowed in Zones

“Dwelling, single family” is a permitted use in the R-5 zone pursuant to SCC 30.22.110. As proposed the subdivision complies with this regulation.

Chapter 30.23 SCC General Development Standards – Bulk Regulations

The minimum lot area required in the R-5 zone is typically 200,000 square feet, although the subject proposal is a rural cluster subdivision (RCS) that allows for smaller lots and other revised bulk regulations in return for additional design requirements. For further details on lot coverage, lot width, and setbacks, see the RCS section within this staff recommendation below.

Building Height

Per Table SCC 30.23.030, the maximum building height within the R-5 zone is 45 feet, although the subject property is within the airport compatibility area. Proposed building heights have not yet been provided, although if any proposed structure will be 30 feet or taller, the applicant must demonstrate compliance with SCC 30.32E.060(2) prior to issuance of any building permits. It is a recommended condition of approval that building height be verified prior to building permit issuance (Condition 25).

Chapter 30.23A SCC Urban Residential Design Standards

The proposal is exempt from compliance with Urban Residential Design Standards (URDS) per SCC 30.23A.020(1), as the subject property is located outside of the Urban Growth Area (UGA) of Unincorporated Snohomish County.

Chapter 30.24 SCC Access and Road Network

There is one proposed access point into the development stemming from the public road of 23rd Avenue NE. All lots will take access from the internal private road, 197th Street Northeast. The proposed access is in compliance with SCC 30.24.020, SCC 30.24.050, and SCC 30.24.055.

Per SCC 30.24.080, pedestrian facilities are required to, from, and between the proposed lots and open space. Further, per SCC 30.41C.080 the pedestrian facilities must be physically separate from the vehicular roadways. The project site will utilize an existing separated paved pedestrian path along one side of the private road, connecting the properties with the open space tracts.

Chapter 30.25 SCC Landscaping

Typically, landscaping is not required for residential development located outside of the UGA, although landscaping is required for rural cluster subdivisions per SCC 30.25.033. RCS development shall provide screening from adjoining roadways and residential uses. The code states that, "While 100 percent screening is not necessary, the view of new development should be softened and minimized to the greatest extent possible." This screening shall be provided through some combination of retention of native vegetation and new plantings within the various required buffers and open space areas. The applicant submitted a preliminary landscape plan (Exhibit B.2) on May 05, 2025 and it is a recommended condition of approval that this shall be the approved preliminary landscape plan (Condition 2). The applicant states that the subject property is currently forested, and is the only necessary screening, although the preliminary landscape plan includes a supplemental planting schedule in case clearing does occur within the sight obscuring buffer. It is a recommended condition of approval that retained vegetation shall not be removed without approval of an LDA permit. Where existing vegetation does not provide sufficient sight obscuring buffer, then the area shall be augmented with plantings in accordance with the details on the preliminary plat (Condition 19).

Chapter 30.26 SCC Parking

A standard of two parking stalls per dwelling unit is required pursuant to Table 30.26.030(1). Therefore, a total of four parking stalls, two per lot, is required for the subject development. The applicant provided a typical parking detail within the preliminary plat that appears to display an unobstructed area of nineteen feet by seventeen feet within each dwellings garage, and two parking spaces within each lot's driveway. There is more than sufficient area to accommodate vehicle storage on each lot within the proposed and existing driveways.

Chapter 30.32B SCC Agricultural Lands

The subject property is located within 1,300 feet of designated farmland, and disclosure notice is required per SCC 30.32B.210. The disclosure text of SCC 30.32B.220 shall be included on the face of the final plat. This is a recommended condition of approval (Condition 15).

Chapter 30.32E SCC Airport Compatibility

The subject property is within the airport compatibility and influence area of the Arlington Airport. Per SCC 30.32E.060, the applicant is responsible for researching 14 CFR Part 77 to determine whether notification to the Federal Aviation Administration (FAA) is required. Further, any proposed structure over a height of 30 feet, shall provide documentation to the FAA per Chapter 30.32E SCC. The applicant has indicated that all structures will be less than 30 feet in height. A recommended condition of approval states that if any proposed structure is over 30 feet, the applicant must provide documentation in compliance with SCC 30.32E.060 (Condition 22).

In accordance with SCC 30.32E.050, notice was given to the Arlington Airport; however, no comments were received (Exhibit H.11). A response from the previously approved rural cluster short subdivision, PFN 20 101806 PSD, encompassing the same property locations has been included (Exhibit H.12).

Per SCC 30.32E.080(1), development approvals and building permits cannot be issued until the owner of the property signs and records a disclosure notice with the County Auditor. The disclosure text is located within SCC 30.32E.090. It is a recommended condition of approval that a signed notice be recorded with the Snohomish County Auditor prior to issuance of any construction permits (Condition 14).

Figure 3: Distance from Runway



Chapter 30.41A SCC Subdivisions

The proposed subdivision meets Chapter 30.41A SCC requirements. A complete application for the proposed subdivision was received on May 05, 2025. It is a recommended condition of approval that the preliminary plat map (Exhibit B.1) received on November 24, 2025 shall serve as the approved plat configuration (Condition 1).

SCC 30.41A.040 Procedure and Special Notice Requirements

Subdivisions are processed as Type 2 applications that the Hearing Examiner may approve, approve with modifications, or deny per Chapter 30.72 SCC.

SCC 30.41A.060 Subdivision Name Reservation

Blue Jay was reserved as a plat name on January 08, 2026 and expires on January 08, 2027 (Exhibit A.4). A valid Plat Name Reservation Certificate is required prior to final plat recording and is included as a recommended condition of approval (Condition 20).

SCC 30.41A.100 Decision Criteria

The Hearing Examiner shall approve the preliminary subdivision application only if the criteria listed on SCC 30.41A.100 can be met. With recommended conditions of approval, the proposed preliminary subdivision complies with the decision criteria of SCC 30.41A.100, as well as the applicable decision criteria and design standards of SCC 30.41A.130 through SCC 30.41A.250. The subject development is not within the Shoreline Management Area, and all proposed lots are outside of all flood hazard areas with a minimum of 1,000 square feet of accessible area suitable for construction. With the recommended conditions, the proposed preliminary subdivision will

meet design standards for roads, storm drainage, landscaping, critical areas, and fire protection. There are open space tracts within the plat, and mitigation for parks and schools will be provided. The proposed subdivision conforms to applicable zoning codes and the comprehensive plan.

SCC 30.41A.300 Preliminary Subdivision Approval

The standard term of approval for a preliminary subdivision pursuant to SCC 30.70.140 is five years. An applicant must file for and complete final plat approval within the five-year period, running from the date of preliminary subdivision approval, or the approval will expire. An extension to this five-year period may be granted if the criteria in SCC 30.41A.300(1) are met. A recommended condition of approval reflecting this requirement is at the end of this report (Condition 32).

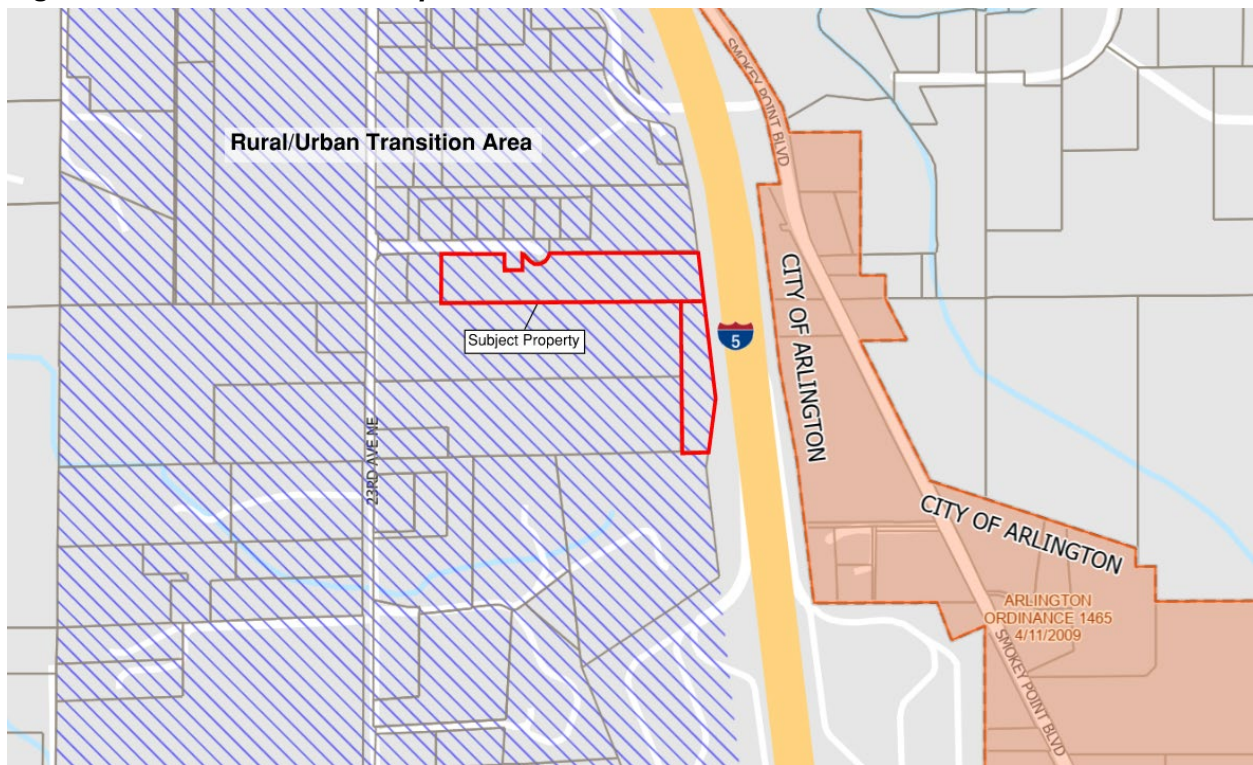
SCC 30.41A.675 Homeowners Association

The applicant noted that a Homeowners Association (HOA) will be established for tract ownership and maintenance for Tracts 104 and 105. The HOA shall be incorporated as a profit or non-profit corporation and it shall remain the owner unless tract ownership by all lots within the subdivision is authorized pursuant to a final plat alteration. In the event that an HOA established pursuant to this title should be dissolved, then each lot shall have an equal and undivided ownership interest in the tracts previously owned by the association as well as responsibility for maintaining the tracts. It is a recommended condition of approval that these responsibilities be recorded on the face the final plat (Condition 9) A covenant that requires maintenance of the tracts consistent with county code, that restricts use of the tracts to that specified in the approved preliminary plat, and that requires compliance with those county regulations and conditions of final subdivision approval specified on the plat, must be approved by the County and recorded with the County Auditor. Said covenant shall be binding upon and inure to the benefit of the HOA, the owners of all lots within the subdivision and all others having any interest in the tracts or lots. Prior to the recording of the final plat, the department shall receive evidence that the articles of incorporation for the HOA have been filed. In any subdivision containing an HOA approved pursuant to this title, membership in the HOA and payment of dues or other assessments for maintenance purposes shall be a requirement of lot ownership and shall remain an appurtenance to and inseparable from each lot. These are recommended conditions of approval (Condition 21).

Chapter 30.41C SCC Rural Cluster Development

The proposed subdivision meets Chapter 30.41C SCC requirements when considered together with the neighboring new development to the north approved under PFN 20 101806 PSD. A complete application for the proposed subdivision was received on May 05, 2025. The subject development is in compliance with the rural cluster subdivision applicability criteria of SCC 30.41C.020 as the subject property is within the R-5 zone. A revised Project Narrative was received on November 24, 2025 and discusses how the proposal aligns with the purpose of rural cluster subdivisions as described within SCC 30.41C.010 and SCC 30.41C.050 (Exhibit A.2). The subject property is also within the Rural/Urban Transition Area (R/UTA) and as such there are additional and slightly different requirements from other rural cluster subdivisions not within the R/UTA as discussed below.

Figure 4: Future Land Use Map



30.41C.030 Approval procedure and 30.41C.040 Submittal requirements

In regard to SCC 30.41C.030(6) and SCC 30.41C.040(9) requirements for third-party certification prior to preliminary plat approval, PDS recognizes that a conflict exists between these two code sections. The following information is provided for consideration:

Amended Ordinance No. 24-021 was adopted by the Snohomish County Council on August 28, 2024, and became effective on September 19, 2024. Among other changes, the ordinance amended:

- SCC 30.41C.030 (Approval Procedure); and
- SCC 30.41C.040 (Submittal Requirements).

As adopted in Amended Ordinance No. 24-021, SCC 30.41C.030(6) required third-party certification prior to preliminary subdivision approval through one of the following options:

1. Built Green Community certification for preliminary approval and Built Green Single Family/Townhome certification for building permits;
2. LEED Neighborhood Development certification for preliminary approval and LEED Home certification for building permits; or
3. Another third-party certification approved by the Director and adopted through administrative rule.

SCC 30.41C.040 was also amended to add Subsection (9), requiring submission of a completed third-party certification checklist and proof of payment to the appropriate third party for review and certification of the rural cluster development.

Following adoption of Amended Ordinance No. 24-021, PDS was informed that the certifications referenced in SCC 30.41C.030(6) could not be granted until the rural cluster subdivision was fully constructed, including all residential buildings. As a result, the certification requirement prior to preliminary approval was functionally impossible to satisfy.

To address this issue, the County adopted Amended Ordinance No. 25-052 on September 17, 2025, effective September 25, 2025. Ordinance 25-052 amended SCC 30.41C.030(6) as follows (underlines & strikeouts used to show deleted and added language):

(6) ~~((Rural cluster subdivisions and short subdivisions must provide documentation of third party certification prior to receiving preliminary approval.))~~ Conditions of approval for the subdivision or short subdivision shall require that all lots containing new buildings ~~((receive))~~ provide proof of enrollment in a third party certification program prior to issuance of individual building permits. Options for third-party certification are:

- (a) ~~((Built Green Community certification for the preliminary approval and))~~ Built Green Single Family/Townhome certification for building permits;
- (b) ~~((LEED Neighborhood Development certification for the preliminary approval and))~~ LEED Home certification for building permits; or
- (c) Additional third party certification as approved by the director and adopted through administrative rule.

The amendment eliminated the requirement for final certification and shifted the timing requirement to proof of enrollment prior to building permit issuance.

Section 6 of Ordinance 25-052 states that the ordinance is “*curative, remedial, and retroactive*” and applies to all applications submitted on or after September 19, 2024, which applies to this application with a vesting date of May 05, 2025.

However, Ordinance 25-052 did not amend or remove SCC 30.41C.040(9), which continues to list, as a submittal requirement, a completed third-party certification checklist and proof of payment for review and certification of the rural cluster development. This creates an internal inconsistency between:

- SCC 30.41C.030 (approval procedure and conditions of approval), and
- SCC 30.41C.040 (submittal requirements).

PDS Position

It is the position of PDS that, for applications subject to Ordinance 25-052:

1. Rural cluster developments are required to provide proof of enrollment in an approved third-party certification program prior to issuance of building permits, as a condition of subdivision approval under SCC 30.41C.030(6); and
2. Proof of enrollment is not required at the time of preliminary subdivision application submittal.

Under the plain language of SCC 30.41C.030(6), as amended by Ordinance 25-052, the governing approval standard now requires proof of enrollment prior to building permit issuance; not prior to preliminary subdivision approval. Requiring proof of enrollment at the time of subdivision application does not advance any approval criterion and would reintroduce a timing requirement that the Council expressly removed.

Where two provisions appear to conflict, the more recent and more specific amendment governs. Ordinance 25-052 expressly modified the timing of the certification requirement and declared itself curative, remedial, and retroactive. Considering the findings in Ord. 25-052, PDS believes that interpreting SCC 30.41C.040(9) to require proof of enrollment and completed checklist at submittal would be inconsistent with the Council’s subsequent amendment and expressed intent.

Accordingly, failure to provide proof of enrollment and completed checklist at the time of application is not a basis for determining an application incomplete or for denying preliminary approval.

PDS acknowledges that Ordinance 25-052 did not simultaneously amend SCC 30.41C.040(9), resulting in a potential internal inconsistency within the code. As a result, PDS intends to initiate a code amendment to reconcile these provisions and align the submittal requirements with the amended approval procedure.

It is therefore a recommended condition of approval that the applicant provide a completed third party checklist prior to occupancy or final inspection (Condition 30). Proof of enrollment in a third party certification program is not required until prior to issuance of individual building permits (Condition 29); however, the applicant has provided a letter dated April 16, 2025 indicating proof of enrollment in an approved third party certification program at the time of preliminary application (Exhibit G.4).

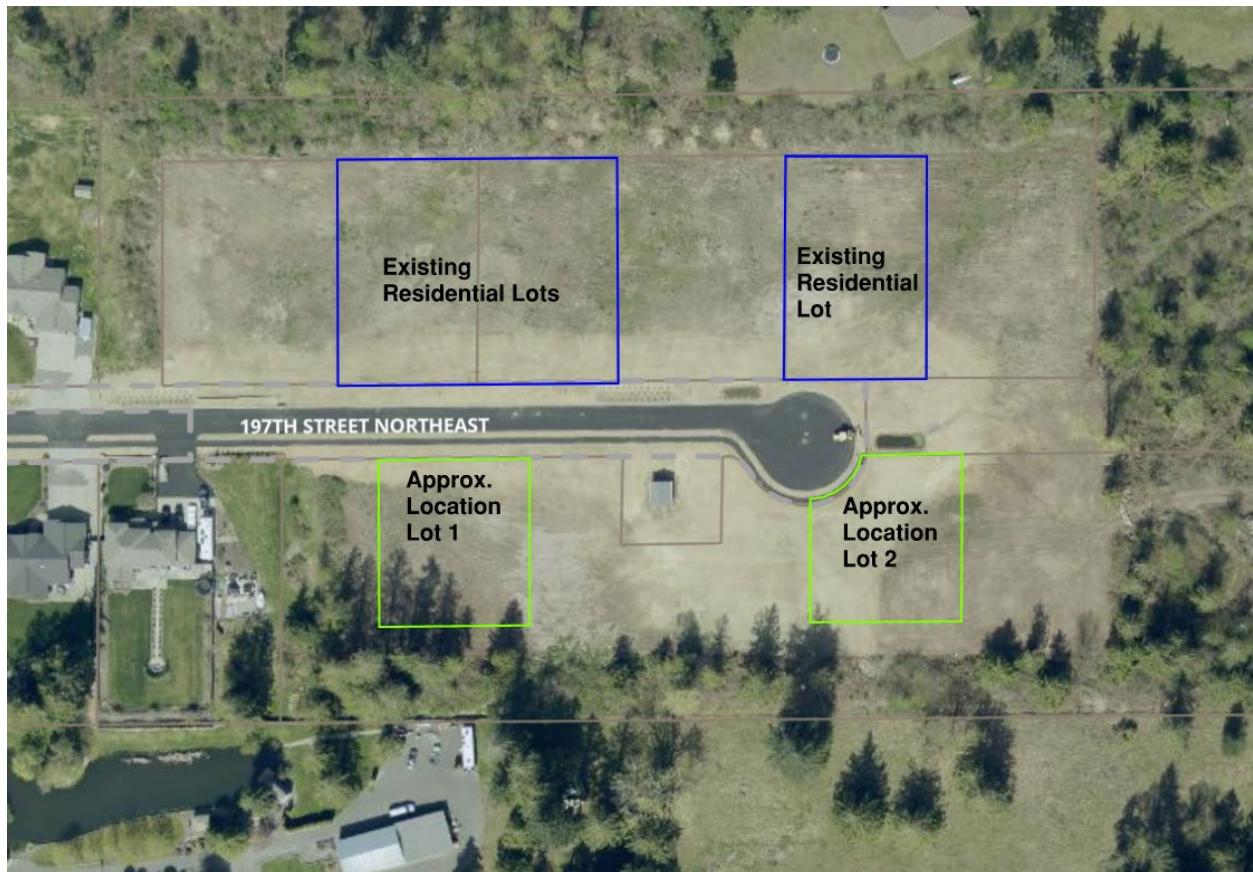
SCC 30.41C.050 Site Planning Principles

Pursuant to SCC 30.41C.050, all rural cluster subdivisions must comply with ten site planning principles to the greatest extent possible. These planning principles primarily revolve around ensuring the proposal blends in with the existing landscape and is screened from neighboring properties, as well as encouraging visual diversity and connections to open space within the development. More specifically, the proposal shall keep the view of the site from adjacent roads as similar as possible to pre-development views. The applicant should avoid placing lots on ridgelines, landscaping should minimize views of new development, 50 percent of tree canopy should be retained where feasible, and cluster should be configured to maintain natural features and reduce the need for clearing. Further, there should be visual diversity in building sites and connectivity between open space tracts and natural habitat where practical. Finally, applicants should avoid placement of impervious surfaces in areas appropriate for low impact development. The applicant has discussed compliance with these principles within the project narrative. The applicant will also accomplish the goals to minimize the impact of the proposal through the proposed 60 to approximately 390-foot buffers within the interim open space Tract 994. More than 50 percent of the existing canopy will be retained, and the proposed lots appear to avoid ridgelines, as the property is flat and connected to open spaces. The project narrative provides further discussion of how the proposal is in compliance with the planning principles of SCC 30.41C.050 (Exhibit A.2).

SCC 30.41C.070 Site Design and Development Standards

Rural cluster subdivisions can contain more than one cluster of lots where the minimum cluster is two and the maximum is thirteen. The proposal complies with these design standards with two proposed clusters: two lots that will cluster with lots previously approved under PFN 20 101806 PSD, Rural Cluster Short Subdivision Blue Jay Lane, consisting of one three-lot cluster and one two-lot cluster, as stated by the applicant within the narrative.

Figure 5: Clustering Arrangement



It is a further design requirement that front yard setbacks vary by a minimum of ten feet between adjacent lots, and that clusters must be located a minimum of 100 feet from adjacent natural resource lands. The rural cluster site plan displays front yard setbacks that can vary by ten feet, and there are no adjacent natural resource lands. As the building footprints displayed are conceptual, it is a recommended condition of approval that the applicant display compliance within this required standard prior to building permit issuance (Condition 26). Additionally, there are no critical areas onsite, and the applicant has proposed full infiltration for stormwater management as described in the Storm Drainage Report (Exhibit C.1).

SCC 30.41C.070(2) notes that tree retention is encouraged on building sites with fire mitigation, and the rural cluster site plan and landscape plan display where the existing vegetation will be retained. It is a recommended condition of approval that clearing shall not occur beyond the clearing limits of the building lots, tracts 104 and 105 and tract 994 unless a site specific tree preservation and landscaping plan is submitted to PDS prior to Land Disturbing Activity (LDA) permit issuance (Condition 6).

It is a recommended condition of approval that all electric, telephone, and other utility lines to support the proposal shall be located underground pursuant to SCC 30.41C.070(3)(a) (Condition 3). Further, the subject development has proposed individual septic systems in compliance with SCC 30.41C.070(3)(b). No streetlights are proposed, although if they are in the future, they must comply with SCC 30.41C.070. Finally, the applicant has indicated that there is no public water source within one quarter of a mile from the subject property, and the development will be served by a community well within Tract 995 of the adjacent Blue Jay Lane Short Subdivision.

SCC 30.41C.075 Buffers and Open Space

Rural cluster subdivisions are required to provide perimeter buffers and open space. More specifically, SCC 30.41C.075(1) requires that any road that borders the development be buffered by at least 100 feet from the nearest proposed lot. Lot 1 is the closest proposed lot and is located more than 330 feet from the closest road of 23rd Avenue NE. In addition, there is a 100-foot vegetated buffer along the eastern property boundary that abuts I-5. Further, 60-foot existing vegetated buffers are proposed along the southern and western external property lines. These buffers are all a part of interim open space Tract 994 in compliance with SCC 30.41C.075(1) and (2) and shown on the Preliminary Plat Map (Exhibit B.1).

Tract 994 is composed entirely of open space and is 220,571 square feet in size. Tracts 104 and 105 are also composed of interim open space and located adjacent to proposed Lots 1 and 2 to serve as potential future development. With a gross site area of 311,260 square feet, Tracts 994, 104, and 105 make up over 87 percent of the gross site (271,260 square feet or 6.23 acres). The proposal is in compliance with SCC 30.41C.075(4) that requires a minimum of 65 percent of the gross site to be protected as open space in the R/UTA.

SCC 30.41C.080 Roads, Gates, and Pedestrian Facilities

The proposed internal private road and shared driveway shall be designed and constructed in accordance with the Engineering Design and Development Standards (EDDS) and provide access to each proposed lot, in compliance with SCC 30.41C.080(1) and (2). It is also a requirement that pedestrian facilities be physically separated from vehicular roadways, and that all rural cluster subdivisions comply with the provisions of Chapter 30.24 SCC. An existing physically separated paved pedestrian facility that connects to the adjacent public road of 23rd Avenue NE, and to each lot within the development satisfies this requirement.

SCC 30.41C.090 Restricted Open Space

The subject property is within the R/UTA, and therefore restricted open space is not required per SCC 30.41C.090(3). Although per SCC 30.41C.140(5), the required interim open space may be utilized per SCC 30.41C.090(2)(c). The applicant has proposed all open space tracts to be interim open space to meet the minimum open space requirements and aid in the lot yield calculations.

Tract 994 qualifies as interim open space as it is composed of existing vegetation that serves as a buffer area, and the applicant has indicated that Tracts 104 and 105 will be utilized for landscaping and passive recreation. At least 25 percent of the open space must also be accessible by residents for passive recreation, and this is possible due to all tracts being directly adjacent to one or both lots along with a paved pedestrian path that connects all lots and tracts.

The applicant is also required to keep 30 percent of the open space undisturbed. The narrative notes that 5.06 acres of the open space tracts will remain in their natural vegetated state, which represents approximately 81 percent of the total interim open space area.

SCC 30.41C.110 Ownership and Preservation of Restricted Open Space

Per SCC 30.41C.140(6), interim open space shall be established and maintained in accordance with SCC 30.41C.110 and SCC 30.41C.120. Pursuant to SCC 30.41C.110, the interim open space tracts are displayed as separate tracts on the preliminary site plan and will be owned by a combination of single owner and Homeowner Association (HOA). This is further discussed within the applicant's open space management plan (Exhibit G.3). It is a recommended condition of approval that the applicant shall provide PDS with a description of the HOA, proof of incorporation, and a copy of its bylaws, conditions, covenants, and restrictions regulating the use of the property and setting forth methods for maintaining open space prior to approval of the final plat. Membership in the HOA and dues or other assessments for maintenance purposes would also become a requirement of lot ownership (Conditions 22 and 23).

SCC 30.41C.120 Open Space Management Plan

The applicant provided an open space management plan dated October 13, 2025 in compliance with SCC 30.41C.120 (Exhibit G.3). PDS determines that the single owner referenced in the plan for Tract 994 and the HOA for Tracts 104 and 105 shall be responsible for maintenance of the restricted open space and are capable of performing this function. The county is indemnified should the responsible parties not fulfill their management obligations. It is a recommended condition of approval that this document shall be recorded as a separate document from the subdivision. The recording number shall be referenced on all property deeds (Condition 23(f)).

SCC 30.41C.130 Rural Cluster Bulk Regulations

This section is not applicable as the subject property is within the R/UTA, as discussed below.

SCC 30.41C.140 Bulk Regulations and Interim Open Space for Rural Clusters in the R/UTA

Pursuant to this provision, the open space of the subject property shall be designed as interim open space to be reserved for future use as urban development. Further, the bulk regulations required for rural cluster subdivision proposals in the R/UTA are detailed in the table below. The applicant has demonstrated it is feasible to comply with all required regulations within the rural cluster subdivision site plan, and the conceptual building footprints. It is a recommended condition of approval that the applicant submit building plans that demonstrate compliance with all bulk regulations prior to building permit issuance (Condition 27).

Bulk Regulations	Requirement
Minimum interim open space	65 percent
Minimum lot coverage	35 percent
Minimum lot frontage on a public or private street	80 feet
Minimum lot size	Average of 7,200 square feet and enough to comply with Snohomish Health Department rules
Maximum lot size	20,000 square feet
Minimum front yard setback	20 feet
Minimum rear yard setback	5 feet
Minimum side yard setback	10 feet

The subject property is also required to maintain the rural character of the site and facilitate future re-division of the interim open space per SCC 30.41C.140(3). Further, interim open space shall not be fragmented by private road easements, and the location of the interim open space tracts shall accommodate future public roadway access upon re-division. Finally, the proposed interim open space on the preliminary plat map shall display a non-binding conceptual shadow plat of four dwelling units per acre to reflect the potential for the interim open space to be subdivided in the future. This can be done with a shadow plat that is not required to be depicted on the final plat. The applicant has demonstrated compliance with these provisions on the submitted potential future development shadow plat for the Blue Jay subdivision (Exhibit B.4).

It is important to note that the interim open space tracts shall not be eligible for further division until the subject property is removed from R/UTA as designated on the future land use map of the Comprehensive Plan, and becomes a part of an Urban Growth Area (UGA) that can also be served with adequate utilities. It is a recommended condition of approval that this restriction noted in SCC 30.41C.140(8) shall be recorded on the face of the final plat (Condition13).

SCC 30.41C.230, SCC 30.41C.240 Lot Yield and Density Bonus

The gross site of the subject property is 311,260 square feet, and this means that the base yield for this property in the R-5 zone is two lots (311,260 gross site / 200,000 min lot size in R-5 zone = 1.6 lots). As the subject development has proposed to utilize the provisions of rural cluster subdivisions, a density bonus is allowed based on the amount of the proposed open space. If a rural cluster subdivision proposes to protect the minimum open space area required of 65 percent, the proposal would receive a fifteen percent residential density bonus. If additional open space is proposed beyond the 65 percent minimum, the density bonus can increase by one percent for every additional one percent of open space provided, up to a maximum of 35 percent. The subject property has designated 87.15 percent of the site as interim open space within the three tracts. As a result, the proposal is awarded the maximum density bonus of 22 percent. The maximum lot yield of the proposal with the density bonus is therefore two lots.

$(311,260 \text{ square feet} / 200,000 \text{ square feet}) * 1.22 \text{ (22 percent density bonus)} = 1.95 \text{ allowed lots.}$
Per SCC 30.41C.230(4), when a result is a fractional equivalent of 0.5 or more, the allowed yield can be rounded up to the next whole number. The maximum allowed number of lots on the subject property is two, and the applicant has applied for two lots in compliance with this provision.

Chapter 30.53A SCC Fire Code

The proposed project was reviewed for consistency with the adopted International Fire Code and Snohomish County Fire Code. The applicant has sufficiently demonstrated that the development can provide adequate fire apparatus access and sufficient fire protection water supply.

The Snohomish County Fire Marshal's Office provided a review memo dated December 09, 2025 (Exhibit H.7) which outlines how each specific code section is met. The Snohomish County Fire Marshal's Office also provided a letter of determination of compliance with code for existing fire hydrant access and location for the subject site (Exhibit H.8).

Chapter 30.61 SCC Environmental Review (SEPA)

SCC 30.61.035(1) This project is exempt from SEPA review per the minor new construction exemption.

Chapter 30.62A SCC Wetlands and Fish and Wildlife Habitat Conservation Areas

The proposed project was reviewed for compliance with the Snohomish County regulations related to Wetlands and Fish and Wildlife Habitat Conservation Areas. Both existing on-site conditions and submitted critical area report (Exhibit C.2) were reviewed in addition to available critical areas GIS data and historical information.

It has been determined that no critical areas are located on site; therefore, the proposal will comply with Chapter 30.62A SCC (Critical Areas Regulation/Wetlands and Fish & Wildlife Habitat Conservation Areas) and is consistent with the purpose and objectives of the Chapter in regulation of development activities in Critical Areas to safeguard the public health, safety, and welfare.

Chapter 30.63A SCC Drainage

Chapter 30.63B SCC Land Disturbing Activities

The proposed project was reviewed for compliance with the Snohomish County stormwater regulations and drainage manual and has been found to be compliant with these stormwater discharge regulations that prevent and control adverse impacts of drainage and stormwater on the public health safety, and general welfare, consistent with the provisions of the Federal Clean Water Act. Submitted Preliminary Civil Drawings (Exhibit B.3) and Groundwater Monitoring Memo prepared by Nelson Geotechnical Associates, Inc. (Exhibit C.3) were included in the review.

Infiltration Infeasibility

The Geotechnical Engineering Evaluation by Nelson Geotechnical Engineering, Inc. dated December 23, 2020, found within the Storm Drainage Report (Exhibit C.1, Pages 99-105), indicates that infiltration is feasible.

The Snohomish County Drainage Review Memo dated December 24, 2025 (Exhibit H.10) outlines how the project can feasibly fulfill the requirements of the Snohomish County Code and policies, including the Snohomish County Drainage Manual and Engineering Design and Development Standards. The memo also outlines how the project is consistent with the minimum requirements 1-9 of the Snohomish County Drainage Manual. Conditions of approval from the memo are included with this recommendation (Conditions 5 and 7).

Chapter 30.66A SCC Park and Recreation Facility Impact Mitigation

The proposal is in the Kayak Point Park Service Area and is subject to Chapter 30.66A SCC. This requires payment of impact fees at the rate in effect at the time of filing a complete application for the development; however, if the building permit is not issued within five years after the application is deemed complete, the fee will be based upon the rate in effect at the time of the building permit application. Payment is required prior to building permit issuance unless deferral of a fee payment is requested by the applicant and approved by PDS pursuant to SCC 30.66A.020(4). Based on the fee schedule in effect on May 05, 2025 the impact fee for townhouse units in Kayak Point Park service area is \$681.97 per dwelling unit. Such payment is acceptable mitigation for parks and recreation impacts in accordance with county policies and is included as a recommended condition (Condition 11).

Chapter 30.66B SCC Traffic Mitigation

Traffic impacts of the proposed project were analyzed and reviewed for consistency with the traffic mitigation regulations of the Snohomish County Code (SCC) Chapter 30.66B and for access and road network requirements Chapter 30.24 SCC as well as the Snohomish County Engineering Design and Development Standards (EDDS). Specifically, the development meets or is conditioned to meet the following:

- Traffic Concurrency
- Inadequate Road Conditions (IRC)
- Road System Impact Fee
- Frontage improvements
- Access and Circulation requirements
- Right-of-way deeding/dedication
- Transportation Demand Management (TDM)
- Impacts of State Highways or Other Jurisdictions Streets and Roads
- Pedestrian Facilities (including safe walking routes to schools or bus stops)
- Bicycle Facilities

Comments received from the Lakewood School District (Exhibit H.4) and Washington State Department of Transportation (WSDOT) (Exhibit H.5) were also reviewed. The Snohomish County PDS Transportation Reviewer Memo dated December 12, 2025 (Exhibit H.9), describes how the proposed development is in compliance or is conditioned to be in compliance with the transportation impact mitigation and concurrency Chapter 30.66B of the Snohomish County Code. Conditions of approval from the memo are included with this recommendation (Conditions 12, 24, and 31).

Chapter 30.66C SCC School Impact Mitigation

In accordance with Chapter 30.66C SCC, school impact mitigation fees will be determined according to the Base Fee Schedule in effect for the Lakewood School District 306 at the time of building permit submittal and collected at the time of building permit issuance for the proposed units. A recommended condition of approval has been included to comply with the requirements of Chapter 30.66C SCC (Condition 10).

Utilities

Snohomish Health Department

Sewer service will be provided by on-site septic systems for all lots. In submitted correspondence (Exhibit H.3), the Snohomish Health Department recommended preliminary subdivision approval, subject to appropriate conditions for the protection of public health, safety, and general welfare (Condition 17).

Water

A group well system is proposed servicing each lot as the domestic water source for future development. The property is located within Water Resource Inventory Area 5 (Stillaguamish Watershed) as discussed earlier in this decision and is subject to water usage restrictions. The Snohomish Health Department provided conditions of approval for the proposed group well system (Conditions 16 and 18).

Electricity

Electricity will be supplied by Snohomish County Public Utility District No. 1. The PUD has concluded that it currently has sufficient electric system capacity to serve the proposed development as noted in the comment letter dated May 30, 2025 (Exhibit H.2).

CONCLUSIONS

- A. The proposed development is consistent with the GMACP, GMA-based county codes, the type and character of land use permitted on the project site, the permitted density, and applicable design and development standards.
- B. Adequate public services will be available to the property.
- C. If approved with the recommended conditions, the proposal would comply with county codes and regulations, which will assure adequate provisions for the public health, safety, and general welfare.
- D. The development has been deemed concurrent. This concurrency decision may be appealed pursuant to SCC 30.66B.180. The decision applying a traffic impact fee under Chapter 30.66B SCC may be appealed pursuant to SCC 30.66B.370.

STAFF RECOMMENDATION

Snohomish County Planning and Development Services hereby recommends APPROVAL of the requested Rural Cluster Subdivision with the following conditions:

Conditions

General

1. The preliminary plat received by Snohomish County Planning and Development Services on November 24, 2025, shall be the approved preliminary plat map under 30.41A SCC for the development. Any discrepancies between the approved preliminary plat map and Title 30 SCC shall be resolved in the favor of title 30 SCC.
2. The landscape plan received by Snohomish County Planning and Development Services on May 05, 2025 shall be the preliminary landscape plan. A final landscape plan must be submitted with a Land Disturbing Activity permit for review and approval prior to LDA issuance.
3. All water, sewer, electrical and communication distribution and service lines shall be underground except as may be allowed per SCC 30.41C.070(3)(a).
4. Nothing in this approval excuses the applicant, owner, lessee, agent, successor or assigns from compliance with any other federal, state, or local statutes, ordinances, or regulations applicable to this project.

Prior to Any Site Disturbance

Prior to any development activity on the site except surveying and marking:

5. The applicant shall apply and receive approval for a Land Disturbing Activity (LDA) permit as required by SCC 30.63A and SCC 30.63B.
6. Clearing shall not occur beyond the clearing limits of the building lots, tracts 104 and 105 and tract 994 unless a site specific tree preservation and landscaping plan is submitted to PDS in accordance with SCC 30.41C.070.

Prior to Final Approval of Site Development Permits

7. All land disturbing activities and site development shall comply with the recommendations of the Geotechnical Engineer.

Final Plat Text

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

8. "This property is within the Water Resource Inventory Area (WRIA) 5 (Stillaguamish Basin) and must comply with the water usage limits established in the in-stream flow rule (WAC 173-505-090), generally limited to less than 5,000 gallons per day annual average."
9. "Membership in the homeowners' association and payment of dues or other assessments for maintenance purposes shall be a requirement of lot ownership and shall remain an appurtenance to and inseparable from each lot. If the homeowners' association is dissolved, then each lot shall have an equal and undivided ownership interest in the tracts previously owned by the association as well as responsibility for maintaining the tracts."
10. "The dwelling units within this development are subject to the school impact fees for the Lakewood School District 306 the amount of \$0 per dwelling unit, the certified amount within the Base Fee Schedule in effect on May 05, 2025 in accordance with the provisions of SCC

30.66C. For building permit applications received by PDS after May 05, 2030, five years from the filing of the complete land use application, the amount of the fee shall be based on the fee schedule in effect at the time of the building permit application. Payment of these mitigation fees is required prior to building permit issuance except as provided for in SCC 30.66C.200(2)."

11. "The dwelling units within this development are subject to the park and recreation facility impact fees for the Kayak Point Park Service Area of the county parks system in the amount of \$681.97 per dwelling unit, the certified amount within the Base Fee Schedule in effect on May 05, 2025 in accordance with the provisions of Chapter 30.66A SCC. For building permit applications issued by PDS after May 05, 2030, five years from the filing of the complete land use permit application, the amount of the fee shall be based on the fee schedule in effect at the time of the building permit application. Payment of these mitigation fees is required prior to building permit issuance except as provided for in SCC 30.66A.020(4)."
12. "Chapter 30.66B SCC requires the new lot mitigation payments in the amounts shown below for each single-family residence or twice the amount shown for each duplex:

\$1,895.43 per dwelling unit (to total \$3,790.86) for mitigation of impacts on County roads paid to the County in accordance with the payment timing provisions of Chapter 30.66B SCC. The impact fee shall be distributed to each Transportation Service Area in accordance with SCC 30.66B.350.

Payment of these fees is due prior to or at the time of building permit issuance, unless deferment is allowed pursuant to Chapter 30.66B SCC, for each single-family residence. Notice of these mitigation payments shall be contained in any deeds involving this subdivision or the lot[s] therein."
13. "Tracts 104, 105, and 994 are open space tracts reserved for future development when the Urban Growth Area is expanded to include the open space parcel. Future development of these tracts may include residential, commercial and industrial uses commonly found in an urban area. The open space tracts are not intended to be preserved in perpetuity."
14. "Your real property is located within the Airport Influence Area of a Snohomish County public use airport. Occupants of properties within the Airport Influence Area may be subject to inconveniences or discomforts arising from aviation activities, including but not limited to noise, odors, fumes, dust, smoke, hours of operation, low overhead flights and other aeronautical activities. Snohomish County Code (SCC) 30.32E.080, requires that you receive this disclosure notice in connection with permits you are or may be seeking. A provision of SCC 10.01.050 provides that "sounds originating from aircraft in flight and sounds which originate at airports and are directly related to flight operations" are exempt from noise control regulations. Snohomish County has adopted airport compatibility regulations in chapter 30.32E SCC which may affect you and your land. You may obtain a copy of chapter 30.32E SCC from Snohomish County. In addition, current and future property owners are notified that the Federal Aviation Administration establishes standards and notification requirements for potential height hazards that may be caused by structures, buildings, trees and other objects affecting navigable air space through 14 Code of Federal Regulations Federal Aviation Regulations Part 77. This disclosure may no longer be applicable if the subject property is removed from the Airport Influence Area."
15. "Your real property is on, adjacent to, or within 1,300 feet of designated farmland; therefore, you may be subject to inconveniences or discomforts arising from agricultural activities, including but not limited to, noise, odors, fumes, dust, smoke, the operation of machinery of any kind (including aircraft), the storage and disposal of manure, the application by spraying

or otherwise of chemical or organic fertilizers, soil amendments, herbicides and pesticides, hours of operation, and other agricultural activities.

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

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

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

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

Prior to Approval of Final Plat:

16. Submit a complete application for final short subdivision review to the Snohomish County Health Department including a copy of the proposed final subdivision map, appropriate fees and required submittals outlined on application form.
17. Submit accurate scale designs for each proposed lot to the Snohomish County Health Department, demonstrating area for one unit volume sewage plus a 100% reserve drainfield area. Drainfield(s) must be located within the areas of approved test holes and reflect soil type and minimum vertical separations. Designs must show all features potentially affecting the placement of sewage disposal facilities, e.g. wells, wetlands, drainage, native growth protection area, house, driveway, surface water, etc.
18. Submit a letter of water availability to the Snohomish County Health Department from the water purveyor, Blue Jay Water System (Group B well), stating that water is available to each proposed lot (lots 1 and 2).
19. Any required site improvements, fencing, recreation facilities, open space and landscaping depicted on the approved plans shall have been installed, inspected and approved unless deferral of the improvements is allowed by PDS and a bond or guarantee of performance is submitted to PDS.
20. A valid signed plat name reservation shall be obtained.
21. The applicant shall have established a homeowners' association as a Washington corporation (profit or non-profit) for the purposes of tract ownership and maintenance. The applicant shall provide PDS with a copy of the articles of incorporation of the homeowners' association filed with the Washington Secretary of State. The homeowners' association shall remain the owner of tracts unless tract ownership by all lots in the subdivision is authorized pursuant to a final plat alteration. The articles of incorporation must provide that if the homeowners' association is dissolved, each lot shall have an equal and undivided ownership interest in the tracts previously owned by the association and shall have responsibility for maintaining the tracts.
22. The applicant shall have submitted to PDS covenants, deeds, homeowners' association bylaws, and any other documents guaranteeing maintenance and common fee ownership of

open space, any community facilities, CAPA/Easements, and private roads, and drives, and any other commonly owned, maintained, or operated property.

23. The applicant shall have recorded with the County Auditor:

- a. Documents that identify the rights and responsibilities of the property owners and the homeowners' association for use and maintenance common parking and vehicle access areas, on-site recreation areas, landscaping, underground utilities, common open space exterior building facades and roofs, and other similar features.
- b. Any access and construction easements.
- c. Any joint use and maintenance agreements.
- d. Any instruments necessary to convey ownership of property to be held by the homeowners' association. These instruments may be recorded contemporaneously with the final plat.
- e. Covenants, conditions, and restrictions. The covenants shall restrict use of the tracts to the uses specified in the approved preliminary plat and require compliance with the county regulations and conditions of final subdivision approval. The covenants shall also provide that Snohomish County is an intended beneficiary of the covenants with standing to enforce them and shall preclude the avoidance of performance obligations required by county code through lease agreements. Further, the covenants shall state they are binding upon and inure to the benefit of the homeowners' association, the owners of all the lots within the subdivision, and all others having any interest in the tracts or lots.
- f. A final open space management plan that has been approved by the director as a separate document from the subdivision. The plan shall include protections for all open space areas, and provisions for updating the file if open space is transferred. The final open space management plan shall also contain a provision indemnifying the county should the responsible parties not fulfill their management obligations.

Prior to Issuance of Any Building Permit:

24. The applicant shall pay an Impact Fee to Snohomish County for traffic impacts on the County's road system in the amount of \$3,790.86. The impact fee shall be distributed to each Transportation Service Area in accordance with SCC 30.66B.350. This payment may be made proportionately with each building permit.
25. Building plans shall demonstrate building heights in compliance with SCC 30.32E.060(2).
26. Building plans shall depict front yard setback variation a minimum of 10 feet from those structures on adjacent lots in accordance with SCC 30.41C.130.
27. Building plans shall demonstrate compliance with all bulk regulations in accordance with SCC 30.41C.140.
28. Prior to the issuance of any building permits, the applicant shall have paid the parks and school mitigation fees described in conditions 10 and 11.

29. Verification of third party enrollment shall be submitted.

Prior to Approval for Occupancy or Final Inspection of Each Dwelling Unit

30. Third party certification checklist shall be submitted

31. A paved approach to 197th St NE shall be required for each lot.

Timing of approval expiration:

32. In accordance with SCC 30.70.140, a preliminary subdivision approval under Chapter 30.41A SCC expires five years from the date of approval and must be recorded within that time period unless an extension has been properly requested and granted under SCC Table 30.70.140(1) or SCC 30.41A.300.

SEPA (State Environmental Policy Act) Exemption Determination

File Name: Blue Jay RCS

File Number(s): 25 106910 PSD

Project Description: 2-lot Rural Cluster Subdivision

Location: 2413 197TH ST NE LOT 1 ARLINGTON, WA 98223-9756

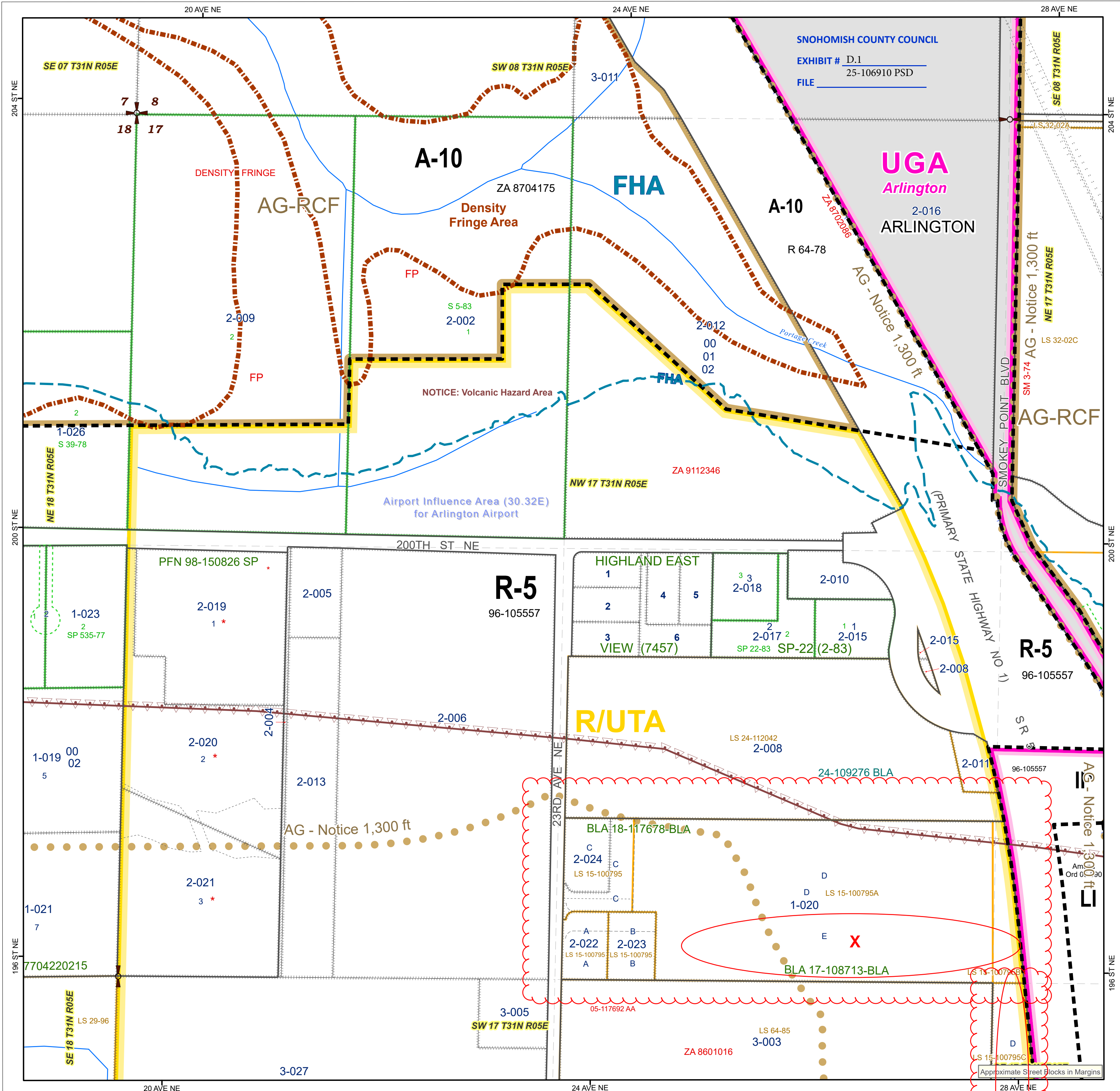
Tax Account Number(s): 310517-002-034-00, 310517-004-043-00

Applicant: Ginger Amundson

This project is meeting the SEPA exemption threshold for minor new construction per SCC 30.61.035.

February 25, 2026

Mara Wiltshire



Urban Growth Area (UGA)

Rural/Urban Transition Area (R/UTA)

Short Plat Lots

Short Plat Easement

Lot Status

Lot Status Easement

Agriculture - RCF, UCF, LCF

Agriculture Notice 1,300 ft.

Conservation Futures

Commercial Forest (CF, LF)

Commercial Forest (CF w/FTA)

Commercial Forest Transition Area

CF, LF Notice (500 ft.)

Mineral Resource Lands (MRL)

MRL Notice 2,000 ft.

Airpark Notice 2,500 ft.; Airport Influence Area

Hazard Areas Notice w/ 200 ft. (SCC 30.62B)

Minimum Lot Size 10AC

Density Fringe

FHA-FEMA 100 Year Flood

Area of Multi-Family Code Amendments and TDR Requirements (SCC 30.23, Ord. 18-026)

TDR - Receiving Area

Cities

Tribes

Cadastral Easement

Cadastral Parcel

PLSS Section Lines

Block

ROW

Vac ROW

Vac Lot

Lot

Subdiv

Other Lot

Other Subdiv

Gov Lot

This product is not a survey, nor an instrument to make definitive Critical Area determinations. Water body features (rivers, streams, canals, etc.) have been partially revised to follow digital orthophotos and field observations by the County. All geo-datasets used to create this map have spatial uncertainties, including this depiction of tax parcels, zoning, and/or future land use features. Persons seeking the most current tax parcel, zoning, or future land use designations should consult the official files with the Snohomish County Assessor or the Department of the Planning & Development Services (PDS) respectively. For more information, please call (425) 388-3311, or visit the Snohomish County website.

Refer to Snohomish County Code SCC 30.21.020 for Zoning Definitions.

Urban Growth Area (UGA)

Rural/Urban Transition Area (R/UTA)

Short Plat Lots

Short Plat Easement

Lot Status

Lot Status Easement

Agriculture - RCF, UCF, LCF

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Refer to Snohomish County Code SCC 30.21.020 for Zoning Definitions.

0 100 200 400 Feet

1:2,400

Snohomish County

Date Printed:

October 25, 2024

Department of Planning and Development Services

ZONING

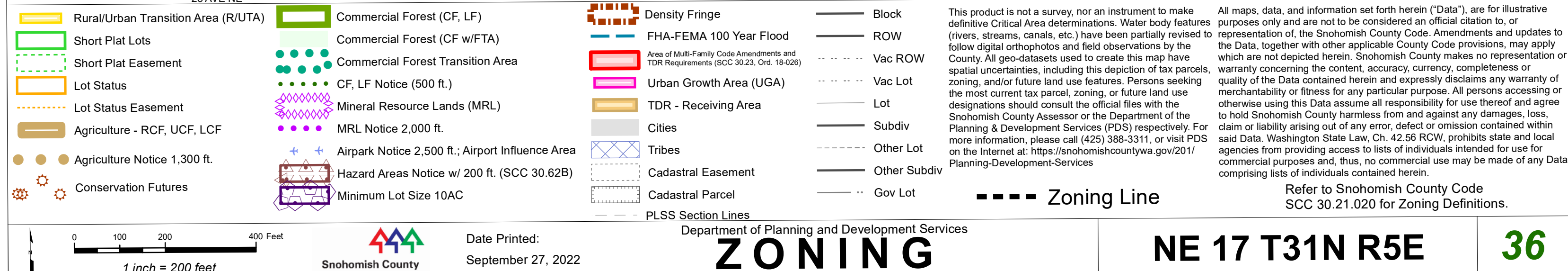
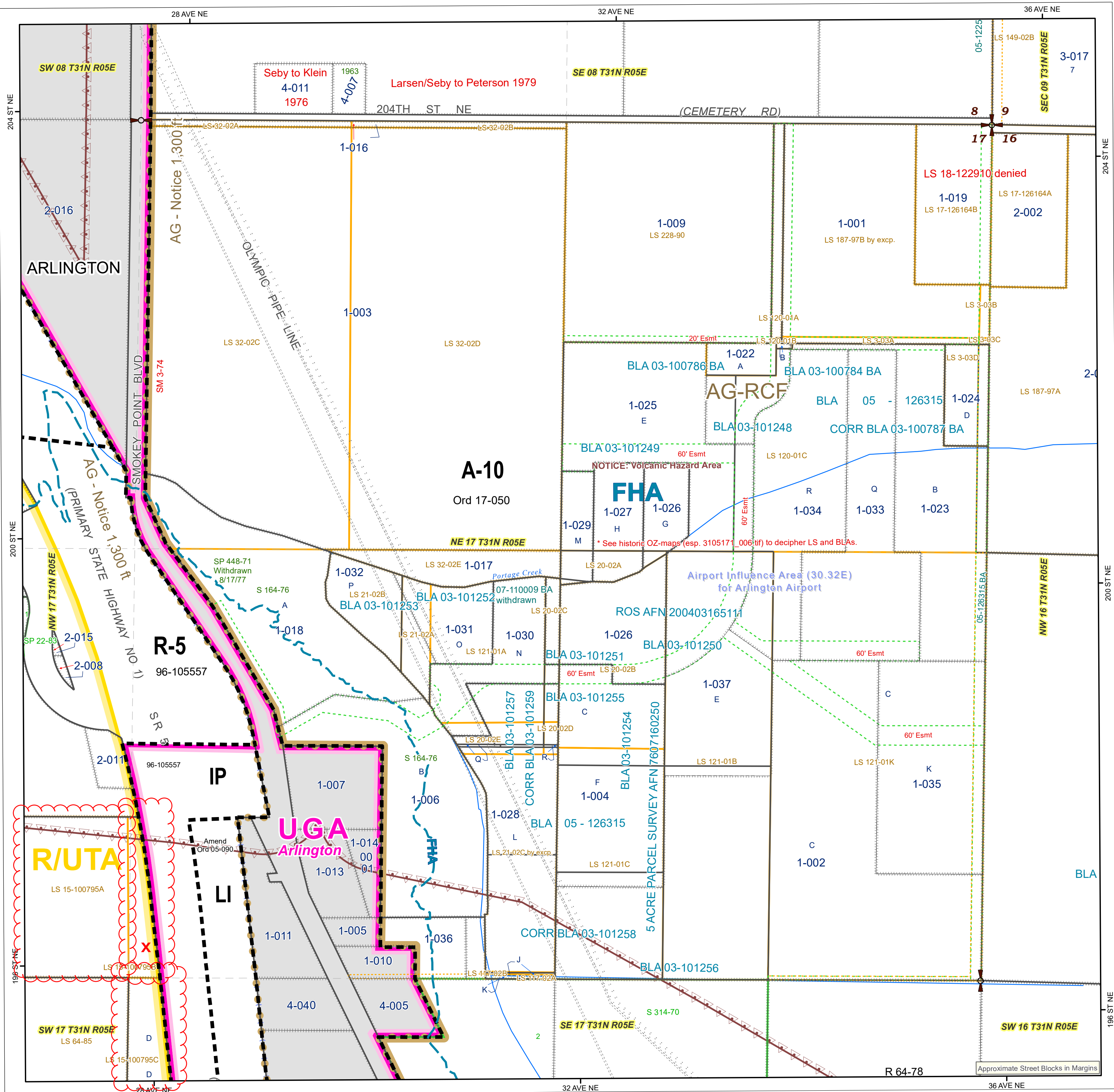
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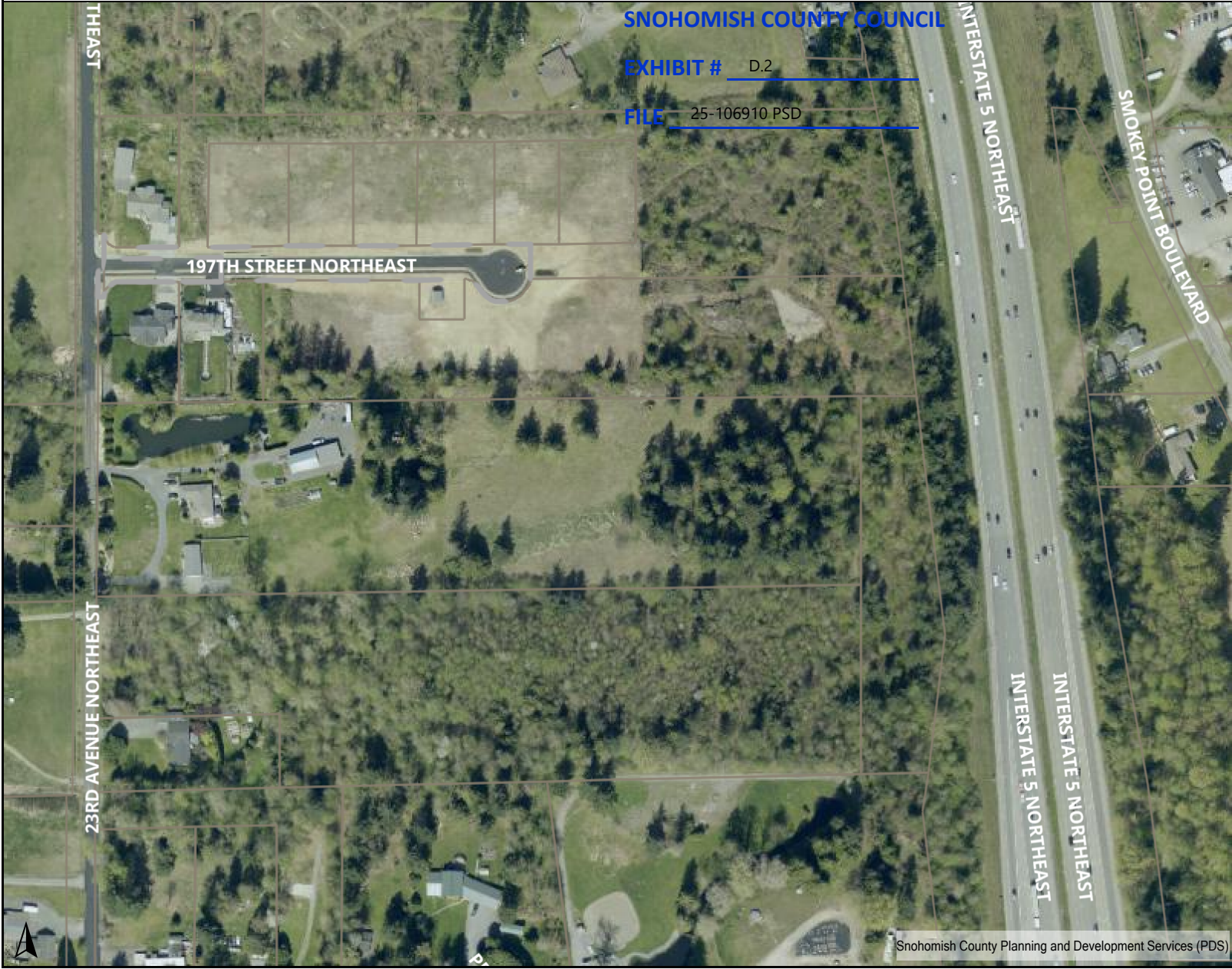
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Exhibit D.1

PNF: 25 106910 PSD

Page 1 of 3





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ft

Scale 1 : 4597

All maps, data, and information set forth herein ("Data"), are for illustrative purposes only and are not to be considered an official citation to, or representation of, the Snohomish County Code. Amendments and updates to the Data, together with other applicable County Code provisions, may apply which are not depicted herein. Snohomish County makes no representation or warranty concerning the content, accuracy, currency, completeness or quality of the Data contained herein and expressly disclaims any warranty of merchantability or fitness for any particular purpose. All persons accessing or otherwise using this Data assume all responsibility for use thereof and agree to hold Snohomish County harmless from and against any damages, loss, claim or liability arising out of any error, defect or omission contained within said Data.

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

April 17, 2026

Snohomish County Council
3000 Rockefeller Ave. M/S 609
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:

Appellant Robinett Investment Company, LLC herewith withdraws its appeal of Condition C. 10 of the Hearing Examiners Decision in the above referenced matter.

Very truly yours,

ROBINETT INVESTMENT COMPANY, LLC



Martin H. Robinett
Its Managing Member



Snohomish County
Planning and
Development Services

VERIFICATION OF APPEAL RECEIVED

FILE NO(S): 25 106910 PSD

APPELLANT: Robinett Investment Company, LLC

DOCUMENT: Appeal for **Blue Jay RCS**

I, **Steven R. Clausen**, Permit Technician, Planning & Development Services, certify under penalty of perjury under the laws of the State of Washington that:

1. I received by e-mail an appeal on April 14, 2026, at 3:56 PM.
2. Fees were paid by credit card in the amount of \$500.00 on April 14, 2026, at 4:11 PM.
3. Receipt # 26411-1067438

Steven Clausen

Signature

**SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON
NOTICE OF CLOSED RECORD APPEAL HEARING
SPECIAL MEETING**

NOTICE IS HEREBY GIVEN that the Snohomish County Council will hold a Special Meeting closed record appeal hearing on **Friday, May 29, 2026**, at the hour of 10:30 a.m. in the Henry M. Jackson Board Room, 3000 Rockefeller Avenue, 8th Floor, Robert J. Drewel Building, Everett, Washington, in conjunction with a remote meeting platform via the following Zoom link, to consider an appeal received on April 14, 2026, from a decision of the Snohomish County Hearing Examiner dated March 31, 2026, regarding the application described below:

Zoom Webinar Information:

Join online at <https://zoom.us/j/94846850772>
or by telephone call 1-253-215-8782 or 1-301-715-8592

PROJECT NAME & APPLICATION FILE NO: Blue Jay RCS 25-106910 PSD

LOCATION: South of 2413 197th Street NE, Arlington, WA 98223

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

APPLICANT: Robinett Investment Company, LLC

APPELLANT: Robinett Investment Company, LLC, by and through Marty Robinett

NATURE OF APPEAL HEARING: Snohomish County Code Section 30.72.110 provides that the appeal will be heard at a closed record appeal hearing. **Appeal issues shall be limited to those expressly raised in the written appeal.** The appeal will be on the record with no new evidence allowed unless specifically requested by the County Council. No new appeal issues may be raised by a party of record after the close of time allowed by law for filing an appeal. Because this is not an open record hearing, members of the public who are not parties of record will not be allowed to present argument.

PRESENTATION OF ARGUMENT: **Parties of record, other than the appellant,** may file written arguments with the council clerk no later than 5:00 p.m. on May 5, 2026. **Arguments are limited to the issues expressed in the written appeal; no new appeal issues may be raised. The appellant** may file written rebuttal arguments with the council clerk, no later than 5:00 p.m. on May 12, 2026. **Such rebuttal is limited to the issues raised in written arguments filed by parties of record.** Arguments are encouraged to be submitted to the County Council through e-mail to contact.council@snoco.org. They may also be submitted or mailed to 3000 Rockefeller Ave., M/S 609, Everett, WA, 98201. Any party of record may present oral argument at the hearing.

AVAILABILITY OF RECORD: The record, including the written appeal statement and written arguments presented by parties of record, is available upon request at the County Council Office, at the above address. Copies of documents may also be obtained by calling the Asst. Clerk of the Council at 425-388-3901 or by e-mailing contact.council@snoco.org.

WEBSITE ACCESS: Copies of the record will also be available through the council website at: <https://snohomish.legistar.com/Calendar.aspx> or <http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>.

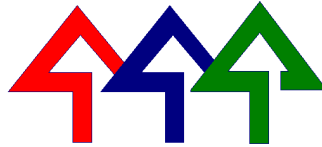
COUNTY COUNCIL ACTION: At the conclusion of the hearing, the County Council will adopt findings and conclusions in support of its decision, which may adopt any or all of the findings and conclusions of the Hearing Examiner. The Council may affirm the Hearing Examiner's decision, may reverse the Hearing Examiner's decision, wholly or in part, or may remand the matter to the Hearing Examiner for further proceedings in accordance with the Council's findings and conclusions.

ACCOMMODATION OF DISABILITIES: Accommodations for persons with disabilities will be provided upon request. Please make arrangements at least one week prior to the hearing by calling Lisa Hickey at (425) 388-3494, (800) 562-4367 x3494, or TTY/Voice Communication 1-800-877-8339.

Dated this 21st day of April 2026.



Asst. Clerk of the Council



**SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON**

AFFIDAVIT OF MAILING

PROJECT NAME FILE NO: Blue Jay RCS 25-106910 PSD

APPLICANT: Robinett Investment Company, LLC

DOCUMENT: Notice of Public Hearing
E-mailed and U.S. Mailed April 21, 2026

I, Lisa Hickey, Asst. Clerk of the Snohomish County Council, certify under penalty of perjury under the laws of the State of Washington that:

1. I have been authorized by the Snohomish County Council to mail notices required by the Snohomish County Code.
2. I have made a good-faith effort to mail the above described document to each person entitled thereto. The names, mail addresses and e-mail addresses of the persons to whom said document was mailed are attached hereto.
3. I E-mailed and U.S. Mailed said document on April 21, 2026.

Signed at Everett, Washington on April 21, 2026.



Lisa Hickey
Asst. Clerk of the Council

Ginger Amundson	ginger@robinettland.com	email
Jacqueline Evans	jacie@orcalandsurveying.com	email
Ry McDuffy	ry@orcalandsurveying.com	email
Gene Enick	genick@tulaliptribes-nsn.gov	email
Mara Wiltshire, PDS Plar	mara.wiltshire@snoco.org	email
Doug McCormick	dmccormick@snoco.org	email
Natalie Delacruz	natalie.peterson@snoco.org	email
Chief Strotz	kstrotz@firedistrict19.com	email
SnoCo Fire	info@southsnofire.org	email
Nakita Strangeways	nstrangeways@stillaguamish.com	email
Mary Wicklund	mlwicklund@snopud.com	email
PETER ALM	peter.alm@wsdot.wa.gov	email
DAWN ANDERSON	dawn.anderson@wsdot.wa.gov	email
Craig Kackman	ckk51@live.com	email

Emailed Notice of Closed Record Appeal Hearing 4/21/2



Snohomish County

County Council

April 21, 2026

**Megan Dunn
Sam Low
Nat Nehring
Jared Mead
Strom Peterson**

Blue Jay RCS
Ry McDuffy
3605 Colby Ave
Everett, WA 98201

3000 Rockefeller Avenue
Everett, WA 98201-4046
(425)388-3494
FAX (425)388-3496
TTY (800)877-8339

RE: Posting of Notice
Snohomish County Council Closed Record Appeal Hearing
Blue Jay RCS

Mr. McDuffy,

Snohomish County Code 30.72.100(4) and 30.70.045 describe posting requirements required by the applicant. Enclosed are two copies of the notice of closed record appeal hearing for the aforementioned case and two sets of "bumper stickers". These are for posting on the large signs on the subject site.

After posting, please have the posting affidavit signed and notarized and return it to me at the Council office.

If you have any questions, please call me at (425) 388-3901. Thank you.

Sincerely,

Lisa Hickey
Asst. Clerk of the Council

Encl.

EXHIBIT # L.8FILE 25-106910 PSD

SNOHOMISH COUNTY COUNCIL

SCANNED AND RECEIVED

DATE: 5/7/26 Time 11:53 a.m.

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

This form shall be notarized, a copy of the notice attached hereto
and presented to the office of the Snohomish County
Council prior to the scheduled closed record appeal date.

FILE: Blue Jay RCS
File No: 25-106910 PSD

CLOSED RECORD APPEAL HEARING DATE: May 29, 2026 @ 10:30 a.m.

I hereby certify that I, Ry McDuffy, posted the above property in two or
more conspicuous places on the subject property, in accordance with the
requirements of SCC 30.72.100(4).

Posted on the 18th, day of May, 2026.

Dated this 18th day of May, 2026.

Print Name: Ry McDuffy

Signed: Ry E. McDuffy

Notary Signature: [Signature]

STATE OF WASHINGTON)

COUNTY OF SNOHOMISH)

Subscribed and sworn before me this 2nd day of May, 2026.

NOTARY PUBLIC
STATE OF WASHINGTON
JACQUELINE LEIGH EVANS
License Number 20114476
My Commission Expires 06-13-2028

Notary Public in and for the State
of Washington residing at [Signature]

DATE: 5/7/26 Time 11:53 a.m.

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

This form shall be notarized, a copy of the notice attached hereto
and presented to the office of the Snohomish County
Council prior to the scheduled closed record appeal date.

FILE: Meadowood East RCS
File No: 22-104584 PSD; 22-104584 WMD

CLOSED RECORD APPEAL HEARING DATE: June 10, 2026 @ 1:30 p.m.

I hereby certify that I, Ry McDonald, posted the above property in two or
more conspicuous places on the subject property, in accordance with the
requirements of SCC 30.72.100(4).

Posted on the 2nd day of May, 2026.

Dated this 2nd day of May, 2026.

Print Name: _____

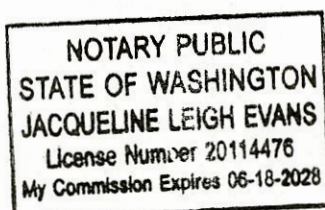
Signed: Ry McDonald

Notary Signature: [Signature]

STATE OF WASHINGTON)

COUNTY OF SNOHOMISH)

Subscribed and sworn before me this 2nd day of May, 2026.



Notary Public in and for the State
of Washington residing at Everett

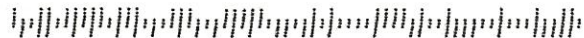
SEATTLE WA 980

5 MAY 2026 PM 3 L



Snohomish County Council
Lisa Hickey
3000 Rockefeller Ave. M/S #609
Everett, WA 98201

98201-406099



Everett Daily Herald**Affidavit of Publication****State of Washington }****County of Snohomish } ss**

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH1029882 SPECIAL MEETING as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 04/24/2026 and ending on 04/24/2026 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$116.25.

Subscribed and sworn before me on this

27th day of April.

2026.

Randie P

Notary Public in and for the State of Washington.

Snohomish County Planning & Development | 14107010
LISA HICKEY



SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON
NOTICE OF CLOSED RECORD APPEAL HEARING
SPECIAL MEETING

NOTICE IS HEREBY GIVEN that the Snohomish County Council will hold a Special Meeting closed record appeal hearing on Friday, May 29, 2026, at the hour of 10:30 a.m. in the Henry M. Jackson Board Room, 3000 Rockefeller Avenue, 8th Floor, Robert J. Drewel Building, Everett, Washington, in conjunction with a remote meeting platform via the following Zoom link, to consider an appeal received on April 14, 2026, from a decision of the Snohomish County Hearing Examiner dated March 31, 2026, regarding the application described below:

Zoom Webinar Information:
Join online at <https://zoom.us/j/94846850772>
or by telephone call 1-253-215-8782 or 1-301-715-8592

PROJECT NAME & APPLICATION FILE NO: Blue Jay RCS 25-106910 PSD

LOCATION: South of 2413 197th Street NE, Arlington, WA 98223

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

APPLICANT: Robinett Investment Company, LLC

APPELLANT: Robinett Investment Company, LLC, by and through Marty Robinett

NATURE OF APPEAL HEARING: Snohomish County Code Section 30.72.110 provides that the appeal will be heard at a closed record appeal hearing. Appeal issues shall be limited to those expressly raised in the written appeal. The appeal will be on the record with no new evidence allowed unless specifically requested by the County Council. No new appeal issues may be raised by a party of record after the close of time allowed by law for filing an appeal. Because this is not an open record hearing, members of the public who are not parties of record will not be allowed to present argument.

PRESENTATION OF ARGUMENT: Parties of record, other than the appellant, may file written arguments with the council clerk no later than 5:00 p.m. on May 5, 2026. Arguments are limited to the issues expressed in the written appeal; no new appeal issues may be raised. The appellant may file written rebuttal arguments with the council clerk, no later than 5:00 p.m. on May 12, 2026. Such rebuttal is limited to the issues raised in written arguments filed by parties of record. Arguments are encouraged to be submitted to the County Council through e-mail to contact.council@snoco.org. They may also be submitted or mailed to 3000 Rockefeller Ave., M/S 609, Everett, WA, 98201. Any party of record may present oral argument at the hearing.

AVAILABILITY OF RECORD: The record, including the written appeal statement and written arguments presented by parties of record, is available upon request at the County Council Office, at the above address. Copies of documents may also be obtained by calling the Asst. Clerk of the Council at 425-388-3901 or by e-mailing contact.council@snoco.org.

WEBSITE ACCESS: Copies of the record will also be available through the council website at:
<https://snohomish.legistar.com/Calendar.aspx> or
<http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>

COUNTY COUNCIL ACTION: At the conclusion of the hearing, the County Council will adopt findings and conclusions in support of its decision, which may adopt any or all of the findings and conclusions of the Hearing Examiner. The Council may affirm the Hearing Examiner's decision, may reverse the Hearing Examiner's decision, wholly or in part, or may remand the matter to the Hearing Examiner for further proceedings in accordance with the Council's findings and conclusions.

ACCOMMODATION OF DISABILITIES: Accommodations for persons with disabilities will be provided upon request. Please make arrangements at least one week prior to the hearing by calling Lisa Hickey at (425) 388-3494, (800) 562-4367 x3494, or TTY/Voice Communication 1-800-877-8339.

Dated this 21st day of April 2026.

/s/Lisa Hickey
Asst. Clerk of the Council
107010
Published: April 24, 2026

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