

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 26-218

AFFIRMING THE HEARING EXAMINER'S DECISION
IN THE CLOSED RECORD APPEAL OF PBSS INVESTMENTS, LLC,
FILE NOS. 25-105874 REZO AND 25-105880 VAR

WHEREAS, applicant and appellant PBSS Investments, LLC (PBSS) applied to Snohomish County for a rezone of 2.86 acres of its 8.08-acre parcel from R-5 to Rural Business and for variances from certain Rural Business standards; and

WHEREAS, the Hearing Examiner held an open record hearing on February 24 and March 3, 2026; and

WHEREAS, the Hearing Examiner issued a decision on March 27, 2026, denying the rezone application and denying the variance applications; and

WHEREAS, on April 10, 2026, PBSS filed an appeal of the March 27, 2026, decision of the Hearing Examiner to the County Council under SCC 30.72.070 challenging only the denial of the rezone application; and

WHEREAS, the County Council held a closed record appeal hearing on May 22, 2026, to consider the appeal issues, which challenged the Hearing Examiner's decision on the rezone application; and

WHEREAS, the County Council did not consider any appeal issues not raised in the written appeal or any evidence not in the record from the Hearing Examiner, consistent with SCC 30.72.110; and

WHEREAS, after considering the appeal based upon the record and the argument of the appellant/applicant and parties of record, the County Council approves a motion to affirm the Hearing Examiner's March 27, 2026, decision, with additional findings and conclusions described below;

NOW, THEREFORE, ON MOTION:

Section 1. The Snohomish County Council makes the following findings of fact and conclusions:

1. The County Council adopts the findings and conclusions of the Hearing Examiner in the matter of PBSS Rural Business Rezone & Variance decision, File Nos. 25-105874 REZO and 25-105880 VAR.
2. The County Council adopts the following additional findings and conclusions:
 - a. The evidence of impacts to and disturbance of adjacent properties since 2022 is relevant and provides substantial evidence in the record to support the conclusion that the requested rezone is not consistent with the comprehensive plan LU Goal 6 and that it does not bear a substantial relationship to the health, safety, and welfare of the public. Testimony of Gary Davis before the Hearing Examiner. Testimony of Voronica Robinson before the Hearing Examiner. Testimony Roderic Robinson before the Hearing Examiner. Exhibits J-1 – J.8. Exhibits N.5 – N.11.
 - b. The actions by PBSS in 2022 to expand its operations on the property resulted in the loss of trees and the clearing of brush, which had created a natural visual and sound buffer to the neighboring properties. That change to the property will not be resolved by rezoning a portion of the property.
 - c. Evidence in the record is that impacts to and disturbance of the neighboring properties remain ongoing despite efforts by PBSS to limit the extent of its operations and to block the sound and visibility of its operations.
 - d. The County's adoption of SCC 30.31F.020(4) [former SCC 18.65.020(3)] is not a change of circumstances that justifies PBSS's requested rezone under SCC 30.42A.100(3).
 - e. Even assuming without deciding that SCC 30.31F.020(4) applies to PBSS's rezone application, the existence of that SCC provision and its application to PBSS's rezone application does not demonstrate a change of circumstances as required in SCC 30.42A.100(3).

Section 2. The County Council hereby affirms the decision of the Hearing Examiner dated March 27, 2026, in the matter of the rezone application of PBSS Investments.

DATED this 27th day of May 2026.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:



Asst. Clerk of the Council