

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 26-228

AFFIRMING THE HEARING EXAMINER'S DECISION IN THE CLOSED RECORD
APPEAL OF BLUE JAY RCS, FILE NO. 25-106910 PSD

WHEREAS, Robinett Investment Company, LLC applied to Snohomish County for approval of a preliminary two-lot rural cluster subdivision in the Rural/Urban Transition Area on property located in unincorporated Snohomish County south of 2413 197th Street NE; and

WHEREAS, under SCC 30.41C.110(2), a homeowners' association is one of four entities that may own and maintain open space tracts in a rural cluster subdivision; and

WHEREAS, Robinett Investment's application provided the Blue Jay Homeowners' Association would own and maintain the open space tracts; and

WHEREAS, the Snohomish County Hearing Examiner held an open record hearing on March 10, 2026; and

WHEREAS, the Snohomish County Hearing Examiner issued a decision on March 31, 2026, approving the preliminary two-lot rural cluster subdivision subject to specific conditions; and

WHEREAS, Robinett Investment Company, LLC, appealed the March 31, 2026, decision of the Hearing Examiner, under SCC 30.72.070, challenging conditions 10, 15, and 24; and

WHEREAS, Robinett Investment Company, LLC, withdrew its appeal of condition 10 by letter dated April 17, 2026, and

WHEREAS, the County Council held a closed record appeal hearing on May 29, 2026, to consider the appeal; and

WHEREAS, although conditions 15 and 24 could have been more broadly worded to encompass all four entities that may own and maintain open space tracts in a rural cluster subdivision, the conditions as worded are consistent both with the application submitted by Robinett Investment Company, LLC and with SCC 30.41C.110(2) and, therefore, the Hearing Examiner did not commit an error of law or exceed jurisdiction; and

WHEREAS, condition 15 allows the department of Planning and Development Services (PDS) to authorize different ownership and maintenance responsibility for the tracts; and

WHEREAS, it follows that if PDS authorizes different ownership and maintenance responsibility for the tracts, then those tracts may be conveyed to the ownership authorized by PDS under condition 24; and

WHEREAS, after considering the appeal based upon the record and the argument of Robinett Investment Company, LLC, and other parties of record, the County Council approves a motion to affirm the Hearing Examiner's March 31, 2026, decision, as described below;

NOW, THEREFORE, ON MOTION:

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

- a. The County Council adopts the findings and conclusions of the Hearing Examiner in the matter of Blue Jay RCS, File No. 25-106910 PSD.
- b. The Snohomish County Council modifies Condition 15 on page 15 to correct a typographical error as follows:

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

Section 2. The County Council hereby affirms the decision of the Hearing Examiner dated March 31, 2026, in the matter of Blue Jay RCS, File No. 25-106910 PSD.

DATED this 2nd day of June 2026

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:



Asst. Clerk of the Council