

**BEFORE the HEARING EXAMINER for the
CITY of GOLD BAR**

DECISION

FILE NUMBER: LS-001-2025

APPLICANT: John & Dinah Pillion
15108 229th Drive SE
Monroe, WA 98272

TYPE OF CASE: Conditional Use Permit for Short-Term Rental of the residence at
1617 Birch Court

STAFF RECOMMENDATION: Approve

EXAMINER DECISION: GRANT subject to conditions

DATE OF DECISION: January 5, 2026

INTRODUCTION¹

John & Dinah Pillion (“the Pillions”) seek a Conditional Use Permit (“CUP”) for Short-Term Rental (“STR”) of the residence at 1617 Birch Court.

The Pillions filed an application for a CUP on November 10, 2025. (Exhibit 1²) The Gold Bar Public Works Director (“Director”) deemed the application to be complete on November 13, 2025.³ (Exhibit 5) The City issued a Notice of Application on November 13, 2025. (Exhibit 6)

The subject property is located at 1617 Birch Court. Its Assessor’s Parcel Number is 01236300003700 (“Lot 37”). (Exhibit 1, PDF 5⁴)

¹ Any statement in this section deemed to be either a Finding of Fact or a Conclusion of Law is hereby adopted as such.

² Exhibit citations are provided for the reader’s benefit and indicate: 1) The source of a quote or specific fact; and/or 2) The major document(s) upon which a stated fact is based. While the Examiner considers all relevant documents in the record, typically only major documents are cited. Citations to exhibits that are available electronically in PDF use PDF page numbers, not source document page numbers. The majority of the exhibits in this case are contained in one consolidated PDF file with PDF page numbers from 1 – 89; the Pillions’ slide presentation is a separate file. The Examiner’s Decision is based upon all documents in the record.

³ The Director has the lead City staff responsibility for processing land use applications. [Gold Bar Municipal Code (GBMC) 19.05.020]

⁴ The parcel number as listed on the application is incorrect. The Examiner is quite familiar with the Snohomish County Assessor tax parcel number system. All tax account numbers contain 14 digits. The number on the application has only 13 digits. Thus, the Examiner knew there was a one-digit error somewhere. The County’s online system revealed that the application number was missing the “3” after the “6.” That correction has been made here by way of Official Notice of a public domain document.

The Gold Bar Hearing Examiner (“Examiner”) viewed the subject property via Google Earth imagery: Overhead imagery dated June 7, 2025; Street View imagery dated August 2025.

The Examiner held a hybrid open record hearing on December 18, 2025: In-person participation was available at the City Hall; remote participation was available through the “Zoom” platform. The Director gave notice of the hearing as required by the Gold Bar Municipal Code (“GBMC”). (Exhibits 7 - 10)

The following exhibits were entered into the hearing record during the hearing:

- Exhibits 1 - 14: As enumerated on the City’s exhibit list prepared before the hearing.⁵
- Exhibit 15: Pillions’ slide presentation at the hearing

The action taken herein and the requirements, limitations and/or conditions imposed by this decision are, to the best of the Examiner’s knowledge or belief, only such as are lawful and within the authority of the Examiner to take pursuant to applicable law and policy.

FINDINGS OF FACT

1. On June 21, 2022, the Gold Bar City Council adopted Ordinance No. 757 establishing business licensing and zoning requirements for STRs. STRs had not previously been allowed in Gold Bar. Ordinance No. 757 became effective later that same month. The business license provisions for STRs are contained in Chapter 5.20 GBMC; the zoning regulations for STRs are contained in GBMC 17.16.030 - .038. STRs are a listed Conditional Use in all residential zones. [GBMC 17.16.030(f), 17.20.040, and 17.24.030]

The Pillions’ STR CUP is the second application to be processed under Ordinance No. 757 regulations.

2. Lot 37 is one of 39 lots in the relatively new *Fall View* subdivision. The *Fall View* preliminary subdivision was approved on June 6, 2023. The subdivision’s infrastructure was subsequently installed and the final plat was recorded. Home construction followed. *Fall View* is located on the west side of Ley Road, a short distance from Wallace Falls State Park. *Fall View* has two streets: Alder Lane and Birch Court. Birch Court is a short cul-de-sac around which 10 lots are located. As of the date the Google Earth overhead imagery was captured, eight single-family homes and one duplex residential structure (containing two residences) had been completed; the last home on the street was under construction. (Exhibit 15, PDF 17; Official notice: Google Earth imagery; City file number LS-001-23)

⁵ The City added a two-page, anonymous comment letter to Exhibit 11 on or about December 17, 2025. The Examiner does not consider materials submitted anonymously. Therefore, those two pages in Exhibit 11 have not been considered.

3. Lot 37 is a relatively flat lot containing 0.41 acres. (Exhibit 1, PDF 6 & 7) The Pillions' house on Lot 37 is a two-story, gable-roofed structure with an enclosed two-car garage on the first floor and a large rear yard. (Exhibit 4, PDF 19 & 22) Birch Court is a paved, two-lane street with curbs, gutters, planter strips, and sidewalks. (Exhibits 4, PDF 19 & 21; 15, PDF 17)
4. Dinah Pillion testified that their family has lived in the Skykomish Valley for nearly 10 years. John Pillion testified that their family enjoys outdoor recreation in the Valley and purchased 1617 Birch Court as a vacation home for their use. They want to also use it for short-term rentals to off-set the cost of owning the home. (Testimony)
5. Section 17.16.035 GBMC sets forth criteria for approval of an STR CUP. Those criteria and the facts associated with each are:

“The following criteria shall be met in order for Conditional Use approval of a property to be authorized by the city as a short-term rental dwelling.

- “1. Occupancy. Maximum occupancy of the rental shall be based on the International Building Code standards. The property owner shall be responsible for ensuring that the dwelling unit is in conformance with its maximum occupancy.”

Facts: The International Building Code (“IBC”) rating of the residence is R-3. The maximum permitted occupancy under that rating is 10. (Exhibit 13) The house as configured can sleep eight; the Pillions may allow up to 10 renters with their prior approval. (Exhibit 12, PDF 62; testimony)

- “2. Parking. At least one (1) additional off-street parking space shall be provided for the vacation rental use, in addition to all other parking required for the dwelling. Parking on-site along the front property line shall not exceed forty (40) percent of the front-yard frontage. The number of vehicles at a vacation rental residence shall not at any time exceed the number of available parking spaces on the subject property. However, this limitation shall not apply to condominium dwellings.”

Facts: The driveway has space for two vehicles; the garage has space for two additional vehicles. The Pillions intend to limit renters to two vehicles maximum which will park in the driveway. (Exhibits 4, PDF 19; 12, PDF 59; 13, PDF 79; 15, PDF 14)

- “3. Signage. No outdoor advertising signs related to the vacation dwelling shall be allowed on the site.”

Facts: No such signs are proposed.

- “4. Solid Waste Collection. Weekly solid waste collection is required during all months.”

Facts: This requirement is not addressed directly in the record. The Pillions' guest rules require guests to place their trash "in the designated bins outside" before checking out. (Exhibit 12, PDF 57)

"5. Local Property Representative. Where the property owner does not reside full-time within twenty-five (25) miles driving distance of Gold Bar, a local property manager shall be designated. The local property manager shall reside full-time within twenty-five (25) miles driving distance from Gold Bar. The local representative or property owner shall be responsible for responding to complaints about the rental. The name, address, and telephone contact number of the property owner or local representative shall be kept on file at the city of Gold Bar. Additionally, a notice that states the name, address, and telephone number of the property owner or local representative will be sent to all property owners within one hundred fifty (150) feet of the short-term rental property. If the local representative changes, the owner of the short-term rental property shall be required to send out new notices to all property owners within one hundred fifty (150) feet of the subject property."

Facts: The Pillions' residence is approximately 12.5 miles from Lot 37. ⁶ Except during peak congestion periods on SR-2 (aka US-2), their home is about a 22-minute drive from Lot 37. The Pillions have arranged with a person who lives seven miles from Lot 37 in Sultan to respond for them if they would be unable to respond in a timely fashion. (Exhibit 15, PDF 10)

"6. Informational Sign. A sign shall be posted conspicuously inside the dwelling to provide information on maximum occupancy, location of off-street parking, contact information for the property owner or local representative, evacuation routes, and the renter's responsibility not to trespass on private property or to create disturbances."

Facts: The Pillions have developed a guidebook which will be kept in the residence for guest usage. The guidebook includes the required information as well as a list of local businesses that guests may find helpful. (Exhibit 12, PDF 55 – 76)

"7. Other Standards. The short-term rental dwelling shall meet all applicable requirements of the zone in which it is located, including, but not limited to:

"a. Setbacks."

Facts: Setback compliance was established when the residence was constructed. No exterior additions are proposed.

"b. Maximum height."

⁶ Thier address places them off Old Owen Road about one-third of the distance between Monroe and Sultan according to Google Earth.

Facts: Building height requirements were established when the residence was constructed. No exterior additions are proposed.

“c. Lot coverage.”

Facts: Lot coverage requirements were established when the residence was constructed. No exterior additions are proposed.

“d. All short-term rentals must be separated by two hundred fifty (250) feet from any other short-term rental. Measurement is from building to building.”

Facts: There is no STR within 250 feet of the residence on Lot 37. (Exhibit 13, PDF 79) A line drawn 250 feet from the corners and sides of the residence on Lot 37 encircles every one of the residences on Birch Court, including the duplexes at the far end of the cul-de-sac. [Measured by the Examiner from Google Earth imagery using the program’s line measurement tool.] Therefore, no other STRs could be approved on Birch Court under the City’s current STR regulations.

6. Lot 37 has a large rear yard. (Exhibit 4, PDF 22) The abutting property owner to the east has enclosed his/her/their rear yard with a six-foot wood fence. (Exhibit 4, PDF 19, & 21, especially the latter) John Pillion testified that he and a relative are in the process of enclosing Lot 37’s rear yard with a similar fence. (Testimony) The Pillions’ renter’s guide states: “Our fully fenced backyard is available for your enjoyment.” (Exhibit 12, PDF 62)
7. The Pillions have installed external security cameras and decibel meters to provide them with instantaneous information at their residence of activities at Lot 37. The Pillion’s house rules: Limit rental-associated vehicles to two which must be parked in the driveway, ban unauthorized guests, require quiet hours between 10:00 p.m. and 9:00 a.m., minimize noise at all times, prohibit any parties or events, and prohibit trespassing on other lots. (Exhibit 12, PDF 59 & 62)
8. The Pillions’ proposal to use their residence on Lot 37 for STR purposes is opposed by essentially every resident on Birch Court (but by no one else). The neighbors on Birch Court fear that STR use of the residence will destroy the quiet, small-town neighborhood that they thought they were getting when they purchased their home on Birch Court. They fear noise, violence, and lack of safety for their children. They assert that the Pillions simply cannot guarantee them that such problems will not occur. They doubt the thoroughness of client vetting that any STR agency (such as AirBnB, VRBO, etc.) could provide. They believe that the Pillions bought Lot 37 to operate an STR as a business; they oppose any commercial uses on their short block. (Exhibit 11; testimony)
9. The Pillions have also applied for the required business license. (Exhibit 3, PDF 15)

The criteria for approval of an STR business license differ somewhat from the STR CUP approval criteria.⁷ The business license criteria expressly prohibit use of an STR “for a wedding, banquet, reception, bachelor or bachelorette party, concert, fundraiser, sponsored event, or any similar group activity.” [GBMC 5.20.020(A)(3)] They also require proof “that the dwelling is insured as a short-term or vacation rental.” [GBMC 5.20.020(A)(7)] The business license criteria also require issuance of a Certificate of Occupancy as a transient accommodation and an “annual safety inspection.” [GBMC 5.20.020(A)(8)] Lastly, the business license criteria require that “[a]ll short-term or vacation rentals must comply with all city codes and ordinances, including but not limited to GBMC Chapter 8.16, Nuisances and Chapter 8.20, Fireworks.” [GBMC 5.20.020(A)(9)]

10. The Director recommends approval of the STR. (Exhibit 14)
11. Any Conclusion of Law deemed to be a Finding of Fact is hereby adopted as such.

LEGAL FRAMEWORK⁸

The Examiner is legally required to decide this case within the framework created by the following principles:

Authority

A CUP is a Type III application which is subject to an open record hearing before the Examiner. The Examiner makes a final decision on the application which is subject to the right of reconsideration and appeal to Superior Court. [GBMC 2.26.120, .125, and .140; GBMC 19.01.030; and GBMC 19.06.060]

The examiner’s decision may

grant, deny, or grant with such conditions, modifications, and restrictions as the examiner finds reasonable to make the application or appeal compatible with its environment, the Gold Bar Municipal Code, the Gold Bar Comprehensive Plan, other official policies and objectives, and land use regulatory enactments. Examples of the kinds of conditions, modifications, and restrictions that may be imposed include, but are not limited to, additional setbacks, screenings in the form of fencing or landscaping, easements, dedications, or additional right-of-way and performance bonds[.]

[GBMC 2.26.120(B)]

Review Criteria

Short-Term Rental

The special review criteria for STRs in GBMC 17.16.035 have been listed in Finding of Fact 5, above.

⁷ Which is not surprising given that one is licensing a business and the other is authorizing a land use: The focus of each is different.

⁸ Any statement in this section deemed to be either a Finding of Fact or a Conclusion of Law is hereby adopted as such.

Conditional Use Permit

The GBMC does not specify review criteria for CUPs. However, several code sections provide guidance. In addition to GBMC 2.26.120(B), quoted immediately above, GBMC 17.72.060 and GBMC 19.04.010(B) are particularly relevant:

When considering an application for a conditional use permit or special use permit, the [Examiner] shall consider the applicable standards, criteria, and policies established by this title as they pertain to the proposed use and may impose specific conditions precedent to establishing the use in order to satisfy the criteria of this chapter. The conditions may:

- A. Increase requirements in the standards, criteria, or policies established by this title;
- B. Stipulate the exact locations and means of minimizing hazards to life, limb, property damage, erosion, landslides, or traffic;
- C. Require structural features or equipment essential to serve the same purpose set forth in subsection (B) of this section,
- D. Impose conditions similar to those set forth in subsections (B) and (C) of this section as deemed necessary to establish parity with uses permitted in the same zone and their freedom from nuisance generating features and matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards, and similar matters; provided, the [Examiner] may not, in connection with action on a conditional use permit or special use permit, reduce the requirements specified by this title as pertaining to any use nor otherwise reduce the requirements of this title in matters for which a variance is the remedy provided;
- E. Assure that the degree of compatibility with the purpose of this title shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses within the general area in which the use is proposed to be located;
- F. Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, dust, fumes, vibrations, odors, and hazards or public need;
- G. Require the posting of construction and maintenance bonds or other securities sufficient to secure to the city the estimated costs of construction and/or installation and/or maintenance of required improvements.

[GBMC 17.72.060]

During project permit application review, [Gold Bar] shall determine whether the items listed in this subsection are defined in the development regulations applicable to the proposed project. In the absence of applicable development regulations, [Gold Bar] shall determine whether the items listed in this subsection are defined in [Gold Bar's] adopted comprehensive plan. This determination of consistency shall include the following:

1. The type of land use permitted at the site, including uses that may be allowed under certain circumstances, if the criteria for their approval have been satisfied;

2. The level of development, such as units per acre, density of residential development in urban growth areas, or other measures of density; and
3. Availability and adequacy of infrastructure and public facilities identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by RCW Chapter 36.70A; and
4. Character of the development, such as development standards.

[GBMC 19.04.010(B)]

Vested Rights

The City has no vesting regulations. “Vesting” serves to “fix” the regulations against which a development application is judged. [*Potala Village Kirkland, LLC v. City of Kirkland*, __ Wn. App. __ (Div. I, 2014)]

In the 1950s, the [state] supreme court first adopted the common law vested rights doctrine [for building permit applications]. ... In cases that followed, Washington courts applied the vested rights doctrine to permit applications other than building permit applications. They included conditional use permit applications, grading permit applications, shoreline substantial development permit applications, and septic permit applications.

In 1987, the legislature enacted legislation regarding the vested rights doctrine. The session laws added ... RCW 19.27.095(1) and RCW 58.17.033(1) respectively ... [which] only refer to building permit applications and subdivision applications. ...

Most recently, in *Town of Woodway v. Snohomish County*, the [state] supreme court reiterated that “[w]hile it originated at common law, the vested rights doctrine is now statutory.”

[*Potala*, Slip Opinion 6 – 8 and 11] “With these points in mind, [the *Potala* court held] that the filing of [an] application for [a] shoreline substantial development permit, without filing an application for a building permit, [does] not vest rights to zoning or other land use control ordinances.” [*Potala*, Slip Opinion at 12] The *Potala* court “express[ed] no opinion on whether or to what extent the vested rights doctrine applies to permits other than shoreline substantial development permits. These questions [were] not before [it].” [*Potala*, Slip Opinion at 25] Therefore, whether the vested rights doctrine still applies to CUPs is debatable.

Vesting is not particularly important in this case as the City has made no development regulations changes between the time the applications were filed and this date.

Standard of Review

The standard of review is preponderance of the evidence. The applicant has the burden of proof. [GBMC 19.05.060]

Scope of Consideration

The Examiner has considered: all of the evidence and testimony; applicable adopted laws, ordinances, plans, and policies; and the pleadings, positions, and arguments of the parties of record.

CONCLUSIONS OF LAW

1. A Hearing Examiner is a quasi-judicial hearing officer, not a legislative official. In simple terms, that means that the Examiner must apply the regulations as adopted by the City's legislative officials, not write an alternate version. The Examiner has no authority to rewrite or otherwise amend adopted regulations. Likewise, the Examiner has no authority to entertain challenges to the content of adopted regulations when considering an application before the Examiner. [RCW 36.70B.030 & .040]

In the context of this case, that means that the Examiner cannot consider the objections and concerns of those who testified in opposition to all or some of the City's STR regulations. The Examiner understands the sincerely held concerns of the full-time residents on Birch Court. But their concerns are not unique to the Pillions' application. They would apply to any STR application anywhere in the City. The question and issue before the Examiner is: Does the Pillions' application comply with the adopted criteria for approval? If not, Can the application be conditioned to comply with those criteria? If it can, it must be approved. The question is not: Does the Examiner think that the adopted regulations should be different in some fashion? The Examiner has no authority to consider that question.

2. The evidence in Finding of Fact 5, above, shows by well more than a preponderance that the Pillions' application complies with all of the established criteria in GBMC 17.16.035 with but one exception. The exception is Criterion 4: "Weekly solid waste collection is required during all months." In reality, Criterion 4 is an on-going requirement more than it is an initial approval requirement. An applicant could include a statement in their application that they will provide weekly garbage collection year round, but that doesn't prove that weekly garbage collection has occurred. In fact, no statement made before the STR is in operation could prove that weekly garbage service has occurred.

The solution is simple: Impose a condition on the permit requiring weekly solid waste collection during all months. Such a condition will be added.

3. The Pillions' have represented that the maximum allowed number of guests will be eight (8) unless they give advance approval to have up to ten (10) guests. The house has three bedrooms. (Exhibit 12, PDF 74) Eight people is an appropriate capacity for a three-bedroom residence; eight people presumes two people in each bedroom plus two on a sofa bed in the living room. Since the floor plan demonstrates comfortable capacity for eight guests, the STR permit will limit guest occupancy to eight.
4. Unless the Pillions' rear yard is fenced, an STR renter would have free reign over all the adjacent lots (except the lot to the east which is already enclosed by a fence). That would not be fair to the other owners in *Fall View*. As STR operators, the Pillions, not their neighbors, are responsible to maintain their yard so as to prevent trespass onto the property of others. According to his testimony,

John Pillion is currently in the process of fencing their rear yard; according to the users guide, their rear yard will be fenced. A condition will be added requiring that the fence be completed before any STR occupation occurs.

5. The Pillions live within 25 driving miles of Lot 37. Subsection 17.16.035(5) GBMC requires the owner to live full-time within 25 driving miles of the STR or retain a local agent who does live within 25 driving miles of Parcel 003. Nothing in the GBMC ties a travel time from the owner's main residence to the STR. It only imposes a mileage limit. Every STR operator in Gold Bar faces the same SR-2 travel issues as will the Pillions. SR-2 travel issues are, thus, not unique to the Pillions location or application. The neighbors' complaint that the Pillions, on certain occasions, may not be able to reach Gold Bar in as short a time as they have said they could, applies to every STR operator whose contact person lives anywhere west of Gold Bar. (Possibly even east of Gold Bar.) That complaint is against the regulation, not against anything unique to the Pillions' application. A permit condition is unnecessary as the code mandates that the owners or their agent live full-time within 25 driving miles of Lot 37.
6. No need exists for imposition of the type of special conditions discussed in GBMC 17.72.060. This STR will use an existing single-family residence; no new construction is proposed (except completion of the rear yard fence). The STR will use the residence as a residence with appropriate occupancy limits; it will not inherently be any more dangerous to the neighborhood than any other residence. Neither construction nor maintenance bonds are necessary as there will be no new construction nor any new landscaping that would need maintenance until well established.
7. The Pillions' STR passes the "consistency" test: STRs are allowed as Conditional Uses in all residential zones in the City; the STR does not change the density of development; utilities will not be taxed beyond their present level of use; and the existing residence matches the physical character of the neighborhood.
8. Any Finding of Fact deemed to be a Conclusion of Law is hereby adopted as such.

DECISION

Based upon the preceding Findings of Fact and Conclusions of Law, the testimony and evidence submitted at the open record hearing, and the Examiner's site view, the Examiner **GRANTS** the requested Conditional Use Permit for Short-Term Rental of the residence at 1617 Birch Court **SUBJECT TO THE ATTACHED CONDITIONS**.

Decision issued January 5, 2026

ls\ *John E. Galt*

John E. Galt
Hearing Examiner

HEARING PARTICIPANTS ⁹

Dinah Pillion
Rich Norris
Matt Rhodes
Anthony Hackworth
Danielle Paliga

John Pillion
William Morgan
Jeff Paliga
Taeya Hackworth

NOTICE of RIGHT of RECONSIDERATION

This Decision is final subject to the right of any party of record to file a written request for reconsideration within seven (7) calendar days of the date this Decision was mailed to the parties. See GBMC 2.26.125 for additional information and requirements regarding reconsideration.

NOTICE of RIGHT of APPEAL

This Decision is final subject to the right of a party of record with standing, as provided in RCW 36.70C.060, to file a land use petition in Superior Court in accordance with the procedures of GBMC 2.26.140 and 19.06.060. Any appeal must be filed within 21 days following the issuance of this Decision unless reconsideration has been requested. See GBMC 2.26.140 and 19.06.060 for additional information and requirements regarding judicial appeals.

<p>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.”</p>

⁹ The official Parties of Record register is maintained by the City’s Hearing Clerk.

CONDITIONS OF APPROVAL
LS-001-2025
PILLION SHORT-TERM RENTAL

This Conditional Use Permit is subject to compliance with all applicable provisions, requirements, and standards of the Gold Bar Municipal Code, standards adopted pursuant thereto, and the following special conditions:

1. This Conditional Use Permit authorizes the single-family residence at 1617 Birch Court to be used as a short-term rental for up to eight (8) persons.
2. Before any STR occupancy occurs, the rear yard at 1617 Birch Court shall be fully enclosed by a permanent fence at least four (4) feet in height. The owner may install a taller fence at owner's option so long as the taller fence complies with Gold Bar fence regulations. A solid board fence is preferred.
3. The owner/permittee shall provide weekly solid waste collection for the residence at 1617 Birch Court during all months as required by GBMC 17.16.035(4).