

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

ORDER DENYING RECONSIDERATION

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

WHEREAS, the City of Gold Bar Hearing Examiner (“Examiner”) issued a Decision in the above-entitled matter on January 5, 2025; and

WHEREAS, Examiner Decisions are subject to the right of reconsideration pursuant to Gold Bar Municipal Code (GBMC) 2.26.125(A):

All decisions or recommendations of the hearing examiner are subject to reconsideration, unless reconsideration is waived. Reconsideration is waived unless within seven (7) calendar days of the date of mailing of the decision or recommendation, the applicant, the city, or a party of record submits a written request for reconsideration in accordance with rules issued by the hearing examiner.

[GBMC 2.26.125(A), emphasis added] Section 2.26.080 GBMC provides, in relevant part, that the Examiner “shall have the power to prescribe rules for the scheduling and conduct of hearings and other procedural matters related to the duties of his office.” On June 5, 2013, the Examiner adopted Rules of Procedure (“RoP”) for the City of Gold Bar Hearing Examiner. The Examiner has amended those RoP twice in the intervening 12+ years: on October 3, 2016, and on September 1, 2025. The Examiner has sent an electronic copy of those RoP and amendments to two City Hall employees (the Public Works Director and the Office Manager) on each of those occasions; and

WHEREAS, Matthew Rhodes (“Rhodes”) filed two timely Requests/Motions for Reconsideration. Rhodes personally prepared and submitted a request for reconsideration by email addressed to the City on January 6, 2026 (the “First Request”). The City forwarded the First Request to the Examiner on January 7, 2026. Legal counsel retained by Rhodes filed a Second Motion for Reconsideration by email addressed to the City on January 12, 2026 (the “Second Request”). The City forwarded the Second Request to the Examiner on January 12, 2026; and

WHEREAS, the RoP address reconsideration in RoP 504. Section 504(b) addresses the content requirements for reconsideration requests:

Requests for reconsideration must include: the name, mailing address, and daytime telephone number of the petitioner; identify the specific findings, conclusions, actions, and/or conditions for which reconsideration is requested; specify the error of law or fact which forms the basis of the request, and/or identify new evidence which could not reasonably have been presented at the Examiner's hearing; and describe the specific relief requested.

The First Request fails to comply with any of those requirements. It does not contain Rhodes' mailing address or telephone number. It does not identify "specific findings, conclusions, actions, and/or conditions" to which Rhodes objects; in fact, it never even mentions any part of the Decision. It does not allege any error of law or fact. It does not suggest that there is new evidence to be considered. (It does indirectly ask the Examiner to reverse the Decision and deny the application.) The First Request is essentially a reiteration of the oral testimony offered by Rhodes and other opponent witnesses during the hearing; it presents nothing new; and

WHEREAS, the Second Request begins by asserting (in Footnote 1) that a person from the legal counsel's office "contacted the City of Gold Bar to obtain [a copy of the RoP] but the City indicated that no such rules exist." [Second Request, P. 1, Fn. 1, ll. 25 & 26] One cannot determine who spoke to whom or what was said from the text of Footnote 1. The Examiner has no personal knowledge of that exchange. What the Examiner does know is that Examiner RoP were initially adopted in 2013 and have been in effect ever since. The Examiner is also certain that the RoP were sent to the City when issued and when amended. There can be no doubt: the RoP exist and the City has them; and

WHEREAS, the Second Request asserts that Planning Commission review of the application was required before Examiner review and decision. [Second Request, Part A] The basis for this assertion is the definition of a Conditional Use as set forth at GBMC 17.08.040. That code citation is incorrect. The correct citation for the definition of "Conditional Use" is GBMC 17.08.480 which does call for review by the Planning Commission of Conditional Use Permit applications. An additional code section, not cited by Rhodes' legal counsel, is GBMC 17.72.040 which states "Upon application therefor, the planning commission may grant conditional use permits for such use and under such circumstances as set forth in this title." According to the on-line GBMC, both of those code provisions were adopted (or last amended) by Ordinance 543, § 1, enacted in 2001. As noted in the titling block, above, the Pillion application is for a Short-Term Rental ("STR") Conditional Use Permit. The STR provisions of the GBMC were added by Ordinance 757 in 2022, some 21 years after the Conditional Use Permit provisions were added/last amended. The STR provisions make no mention of Planning Commission review. In fact, Gold Bar has not had a Planning Commission since 2013. The Hearing Examiner position was created by Ordinance 642, § 2, and the Planning Commission enabling chapter was "deleted in its entirety" by Ordinance 642, § 3, adopted in 2013. The remnant code references to the Planning Commission are simply scrivener's oversights and convey no authority or requirements relating to a non-existing entity; and

WHEREAS, the Second Request asks the Examiner to reconsider his findings and conclusions regarding compatibility based upon "substantial evidence about concerns raised about noise, smoke, and other anticipated disturbances associated with short-term rental use." [Second Request, Part B, quote from P.

3, ll.. 10 & 11] In fact, the opposing witnesses, including Rhodes, presented no substantive evidence to support their allegations of adverse impacts. Rather, they presented impassioned assertions of their fears of adverse impacts unsupported by any facts. Neighborhood opposition alone may not justify denial of an application. [*Sunderland Services v. Pasco*, 127 Wn.2d 782, 797, 903 P.2d 986 (1995)] Such decisions must also be based upon facts, not fears. [*Dept. of Corrections v. Kennewick*, 86 Wn. App. 521, 937 P.2d 1119 (1997)] For example, their fear of smoke impact is based on an assertion that tenants would smoke outdoors. That assertion ignores the fact that every other house on Alder Lane may have residents who also smoke outdoors, or that STR tenants may not smoke at all. It was clear from the testimony that the neighbors oppose the entire concept of STRs – they are not seeking to impose conditions to reduce impacts, they are seeking to have STRs banned from their neighborhood. While that is an understandable point of view, it is a challenge to a legislative decision made three and a half years ago by the City Council. The Examiner cannot change that legislative action. Seeking reconsideration of an STR Decision is not the proper way to go about seeking change of that legislative decision; and

WHEREAS, finally, the Second Request asks the Examiner to reconsider the effect of an STR on neighborhood property values. [Second Request, § C] Here, again, the Second Request is based on assertions made by opponent witnesses not supported by any evidence. The Second Request worries about “gradual transformation of the neighborhood’s land use character.” [Second Request, p. 4, ll. 8 & 9] This fear ignores the fact that the GBMC bars STRs within 250 feet of one another; the Examiner found and concluded that no other residence on Birch Court would qualify for an STR given that separation requirement. [Examiner Decision, Finding of Fact 5, p. 5]; and

WHEREAS, the Examiner fully understands and appreciates that the opponent residents on Birch Court simply don’t want an STR on their short cul-de-sac, no matter what conditions might be imposed. Nevertheless, the Examiner concludes that the Decision correctly applied the GBMC requirements to the Pillion application; and

WHEREAS, GBMC 2.26.125(A) provides that “a party of record” may submit “a written request” for reconsideration. In plain English, that provision allows each party of record to submit one, and only one, request for reconsideration, not multiple requests. If the Examiner strictly applied that code requirement, he would have to disregard the Second Request. Under the circumstances here present (where neither request provides grounds to change the Decision as issued), the Examiner declines to enforce the no-multiple-requests rule; and

WHEREAS, Rhodes has failed to show that the Decision as issued on January 5, 2026, should be changed in any regard; and

WHEREAS, any Recital herein deemed to be either a Finding of Fact or a Conclusion of Law is hereby adopted as such.

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NOW, THEREFORE, the Examiner **DENIES** the request for reconsideration and reaffirms the Decision as issued on January 5, 2026.

ORDER issued January 15, 2026.

\s\ *John E. Galt*

John E. Galt
Hearing Examiner

NOTICE OF RIGHT OF APPEAL

The initial Decision, as affirmed by this Order Denying Reconsideration, is the final and conclusive action for the City. Any appeal must be filed within 21 days of the date of issuance of this Order. (See RCW 36.70C.020(2).)

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."

Rich Norris

From: Matthew Rhodes <matthewrhodes3949@att.net>
Sent: Tuesday, January 6, 2026 10:07 PM
To: Rich Norris
Subject: NOTICE of RIGHT of RECONSIDERATION

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good evening,

I am writing to request a reconsideration for the permit approval of 1617 Birch Ct Gold Bar WA 98251.

As this is a newly developed community built all within the past year the intended land use for these affordable housing units were never ment nor intended to be short term rentals. By granting this permit you are effectively monoplozing a single family residential neighborhood. This is already setting the stage and same precedent for our sister street Alder lane to have their short term rental approved later this month.

These are not just some sparsley populated cabins in the woods. The people who bought these homes and applied for the STR petmit are operating as a business and do not need them, they are just turning them into side hustle pet projects at the expense of all other local residents as this will effect our property valuation and neighborly community.

All these permit approvals will continue to do is drive up affordability for starter homes and price people trying to grow or start a family totally out of the market. As housing prices have rapidly climbed over the years and have only just recently modestly stopped growing, "I believe somewhere around 0.9% to 1.4% depreciation" depending on which metric you use the average couple let alone individual can not compete with those wealthy enough to own multiple homes that they do not need.

It is my understanding that the housing developers Cornerstone Homes received grant money for programs to build this community from state and county tax initiatives funded for affordable housing and to stop these exact issues and that's literally the opposite of what Gold Bar City Council has just approved. Further note Snohomish County is currently taking comment for issues such as this for upcoming grant session 2026.

None of these homes were ever built or zoned to be a business yet local Gold Bar officials have greenlighted approving it anyway. This was all while giving us a town hall wasting current residents time with false hopes we had a voice which was soon after admitted local residents voice carried no weight in decision making at all. This was all telling that the city council had no on the record comments to make during the hearing.

I find it very concerning that no formal in person viewing/inspection of the completed community was preformed. The fact a google maps view, county land map plot lines, and applicant provided pictures were the only things referenced is very unprofessional as the whole community was not even completed in those pictures either.

This backdoor loophole of the wealthy acquiring housing they do not need destroys neighborhoods, pulls money from local hotel/motel businesses as they are forced to compete with these short term rentals, and has a direct downstream effect on the local job growth leading to cuts in investment, such as reduced amounts of employees working in the hospitality service industries. Last but not least this also has a direct impact on taxes raised by the residing county and city.

In conclusion, the approval of this permit does nothing to address affordable housing, only continues to decrease the tax base, price out people from ever owning a home, and destroys the local residential community that was never intended or zoned for such a business all at the expense of the residents within the neighborhood.

Matt Rhodes

From: Rich Norris <r.norris@cityofgoldbar.us>
Sent: Monday, January 5, 2026 7:42:08 AM
Subject: LS-001-2025 Hearing Examiner Decision

Please see the attached decision from the Gold Bar Hearing Examiner for Conditional Use Permit LS-001-2025.

The decision will be posted on the property Tuesday, January 6th, 2026. The posting will remain until January 17, 2026.

Thanks,
Rich

Rich Norris
Public Works Director, WDM II, CCCS
City of Gold Bar

Hours: Monday – Thursday, 7am – 5pm
Mobile 425-238-4649
Office 360-793-1101
Fax 360-793-2282

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The City of Gold Bar is an Equal Opportunity Provider.

1 Hon. John E. Galt
2 City of Gold Bar Hearing Examiner
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5 BEFORE THE LAND USE HEARING EXAMINER
6 IN AND FOR THE CITY OF GOLD BAR

7 IN RE:

8 Appeal of Pillion Short-Term Rental
9 Conditional Use Permit

Department File:
LS-001-2025

**SECOND MOTION FOR
RECONSIDERATION BY
MATTHEW RHODES**

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11 Party of record Matthew Rhodes hereby files this second motion for reconsideration of the
12 Examiner's Findings of Fact, Conclusions of Law, and Final Decision ("Decision") in the above-
13 referenced matter. This motion is filed in addition to Mr. Rhodes' first motion for reconsideration
14 submitted on January 6, 2026.¹

15 **A. The Examiner should require planning commission review before ruling on the
16 conditional use permit.**

17 The Decision overlooks a mandatory procedural prerequisite for the issuance of a conditional
18 use permit, and it was therefore premature for the Examiner to issue a ruling on this appeal. Under the
19 GBMC, a "conditional use" is defined as:

20 [A] use listed among those classified in any given use zone but
21 permitted to locate ***only after review by the planning commission*** and
22 the granting of a conditional use permit imposing such performance
standards as will make the use compatible with other permitted uses in
the same vicinity and zone and assure against imposing excessive
demands upon public utilities.

23 GBMC 17.08.040 (emphasis added).

24
25 ¹ As a preliminary point, the Gold Bar Municipal Code ("GBMC") provides that motions for
reconsideration of a hearing examiner decision must be submitted in accordance with the rules of the hearing
examiner. GBMC 2.26.125. The undersigned contacted the City of Gold Bar to obtain any such rules, but the
City indicated that no such rules exist. We have also been unable to locate any rules on the City's website.
Accordingly, we submit this motion for reconsideration via email to the Examiner and the City of Gold Bar's
director of Public Works, Rich Norris.

The plain language of the code explicitly requires planning commission review before a conditional use is permitted. The record contains no evidence that the planning commission reviewed the applicants' short-term rental or the associated conditional use permit application. Because planning commission review is an express component of what constitutes a "conditional use" under the GBMC, absence of such review means the application does not satisfy the threshold requirements for conditional use permitting.

Without Planning Commission review, the Examiner lacks a procedurally complete record upon which to grant a conditional use permit. Accordingly, the Examiner should reconsider the Decision.

B. The Examiner should reconsider whether the short-term rental is compatible with other permitted uses in the vicinity.

If the Examiner determines that planning commission review is not required, reconsideration is nevertheless warranted because the Decision fails to properly evaluate whether the proposed short-term rental is compatible with other permitted uses in the vicinity, as required by the GBMC. See GBMC 2.26.120(B) (providing that the Examiner's decision should be made to ensure the application is compatible with the environment, the GBMC, and other relevant policies and regulations).

The Decision states that “[t]he GBMC does not specify review criteria for CUPs,” and refers to GBMC 17.16.035, 2.26.120(B), and 19.04.010(B) as guidance. Decision at 7. But this interpretation is incomplete. While, as the Examiner notes, GBMC 17.16.035 sets forth seven discreet criteria for conditional use approval, these criteria are not exclusive.

The definition of conditional use itself, quoted above, expressly requires that such uses be made compatible with other permitted uses in the same vicinity and permit imposing performance standards should be reviewed by the planning commission to ensure that it is “***compatible with other permitted uses in the same vicinity and zone.***” GBMC 17.08.480 (emphasis added). The Decision finds that “[t]he Pillion’s STR passes the ‘consistency’ test,” Decision at 10, without actually applying the section of the code that establishes what constitutes a “compatible use.” See GBMC 17.04.080.

1 The GBMC defines “compatibility of uses” as

2 [A]ny proposed use permitted in this title shall be prohibited if it
3 unreasonably interferes or is likely to unreasonably interfere with
4 existing permitted uses in adjoining properties or any other existing
5 permitted uses in the city of Gold Bar by reason of odor, dust, noise,
6 smoke, gas, vapor, or vibrations beyond the boundaries upon which the
7 proposed use will be operated.

8 GBMC 17.04.080.

9 Although the Decision concludes that the Pillions’ short-term rental “passes the consistency test,”
10 Decision at 10, it does not analyze compatibility under GBMC 17.04.080 or make findings regarding
11 unreasonable interference.

12 The record contains substantial evidence about concerns raised about noise, smoke, and other
13 anticipated disturbances associated with short-term rental use. Over a dozen residents of Birch Court
14 and the Fall View subdivision submitted written comments detailing these anticipated impacts. See
15 Ex. 11. The applicants’ response consists largely of generalized, boilerplate assurances that the rental
16 will not disrupt the neighborhood, without enforceable or site-specific analysis. *See* Exs. 1, 12.

17 Given the proposed maximum occupancy of ten individuals and the transient nature of short-
18 term rental use, impacts such as noise and other disturbances are not speculative. They are reasonably
19 foreseeable and directly relevant to the compatibility standard in GBMC 17.04.080. The Examiner
20 should therefore reconsider whether the permit satisfies the Code’s compatibility requirements under
21 both GBMC 17.08.480 and GBMC 17.04.080.

22 **C. The Examiner should reconsider whether the conditional use permit for a short-
23 term rental will help stabilize property values.**

24 The Decision narrowly evaluates the CUP under the seven criteria listed in GBMC 17.16.035,
25 but it does not address the broader purpose of conditional use permitting articulated in the Code.
26 GBMC 17.16.030 provides that certain land uses are permitted only upon issuance of a conditional
27 use permit, the purpose of which is to “better protect the higher uses of land and assist the stabilization
28 of property values.” GBMC 17.16.030.

29 The language of GBMC 17.16.035 confirms that the enumerated criteria are necessary
30 conditions for approval—“shall be met”—but it does not state that those criteria are sufficient to the

1 exclusion of other applicable provisions or stated purposes of the code. Nothing in GBMC 17.16.035
2 negates the requirement that conditional uses advance the overarching goals set forth in GBMC
3 17.16.030.

4 Residents of Birch Court and the Fall View subdivision submitted detailed comments
5 expressing concern that approval of a short-term rental in their cul-de-sac would erode neighborhood
6 stability, undermine expectations of owner-occupied residential use, and negatively affect property
7 values. See Ex. 11. Neighbors also raised concerns about precedent and cumulative impacts, noting
8 that approval could lead to additional short-term rentals and a gradual transformation of the
9 neighborhood's land-use character. The concerns are directly relevant to the purpose of conditional
10 use permitting.

11 Under GBMC 17.04.020, the requirements of the code are the minimum standards designed
12 to accomplish its purposes, but where the code imposes greater restrictions, those provisions govern.
13 The Examiner therefore must do more than check compliance with the minimum criteria. The
14 Examiner must evaluate whether the proposed use affirmatively advances—or at least does not
15 undermine—the code's stated goal of stabilizing property values.

16 Finally, the applicants bear the burden of proof in this case. GBMC 19.05.060. Yet, despite
17 the detailed objections raised in the neighborhood petition letters regarding property values,
18 neighborhood character, residential integrity, and safety, the applicants offer little more than a generic
19 Airbnb manual and unenforceable assurances. This showing is insufficient to demonstrate that the
20 proposed use will help stabilize property values or protect higher residential uses.

21 For these reasons, the Examiner should require planning commission review before issuing a
22 decision in this appeal. Otherwise, the Examiner should reconsider whether the application (1) is
23 compatible with other permitted uses in the vicinity and (2) satisfies the overall purpose of conditional
24 use permitting under GBMC 17.16.030. Finally, the Examiner should reconsider whether the record
25 supports approval in light of the substantial evidence submitted by neighboring residents.

1 Dated this 12th day of January, 2026.

2 Respectfully submitted,

3 TELEGIN LAW PLLC

4 By:

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