

**REPORT and DECISION of the SNOHOMISH
COUNTY HEARING EXAMINER PRO TEM**

DATE OF DECISION: May 23, 2007

PLAT/PROJECT NAME: *STONECREST ESTATES*

APPLICANT/
LANDOWNER: Stonecrest LLC

FILE NO.: 06-128509-000-00-SD

TYPE OF REQUEST: 10 lot rural cluster subdivision of approximately 22.48 acres

DECISION (SUMMARY): GRANTED subject to conditions

BASIC INFORMATION

GENERAL LOCATION: The property is located at the south side of SR 531, east of the intersection of Lakewood Road and 31st Drive NW, Arlington in Section 22, Township 31 North, Range 4 East, W.M., Snohomish County, Washington.

ACREAGE: 22.48 acres

AVERAGE LOT AREA: 32,121 square feet

NUMBER OF LOTS: 10

SMALLEST LOT AREA: 30,141 square feet

ZONING: R -5

COMPREHENSIVE PLAN DESIGNATION:

General Policy Plan Designation: Rural Residential (1 du/5 acres Basic)

SCHOOL DISTRICT: Lakewood

FIRE DISTRICT: #12

WATER SOURCE: Seven Lakes Water Association

SEWER SERVICE: Individual On-Site Septic

INTRODUCTION

The applicant is requesting approval of a preliminary rural cluster subdivision of 22.48 acres for 10 single family lots as specified in Snohomish County Code (SCC) 30.41C. The property is currently zoned R-5. The subdivision would result in the creation of ten building lots in two clusters and one restricted open space tract. The open space tract would be used as recreational open space with unbuildable steep slopes protected as a Native Growth Protection Area Easement (NGPA/E). It will also be used as site obscuring buffers. The largest of the proposed building lots is 35,352 square feet; the smallest is 30,141. The average building lot size is 32,121 square feet. Seven Lakes Water Association is proposed to provide public water. Private individual on-site septic systems are proposed for wastewater disposal.

The preliminary plat application was originally submitted to Planning and Development Services (PDS) on August 25, 2006 and was determined to be complete as of the submittal date. Resubmittal of the application was received on March 9, 2007 and April 12, 2007. (Exhibit 1)

The Department of Planning and Development Services (PDS) gave proper public notice of the open record hearing as required by the county code. (Exhibits 20 -22)

A SEPA determination was made on March 21, 2007. (Exhibit 11) No appeal was filed.

The Examiner conducted a site visit on May 8, 2007.

The Examiner held an open record hearing on May 9, 2007, the 32nd day of the 120-day decision making period. Witnesses were sworn, testimony was presented, and exhibits were entered at the hearing.

PUBLIC HEARING

The public hearing commenced on May 9, 2007 at 9:05 a.m.

1. The Examiner announced that he had read the PDS staff report, reviewed the file and viewed the area and therefore was generally apprised of the particular request involved.
2. The Examiner admitted into the record the staff report and exhibits 1-36.
3. The applicant, Stonecrest LLC, was represented by Merle Ash of Land Technologies. Snohomish County was represented by Paul MacCready of the Department of Planning and Development Services.
4. Witnesses expressing a desire to testify where sworn under oath.

5. Paul MacCready appeared and testified. He presented the county staff report. The county has reviewed the applications and recommends approval subject to various conditions. The proposed project meets county standards for a rural cluster subdivision. There are no wetlands or streams on the site but there are steep slopes. There are subdivisions with smaller lots surrounding this project.
6. Merle Ash, the applicant's representative, appeared and testified. He has reviewed the county's staff report and it is accurate and the conditions are appropriate. He reviewed the project for the examiner. Access will be from state highway 531. The property is currently zoned R-5 and will remain in the same zoning classification. Open space will comprise 58% of the project, well over the minimum 45% required of RCS. He feels more forest lands will remain in the project than if it were developed as separate 5 acre lots.
7. Robert Craig, 3504 Lakewood Road, appeared and testified. He lives near the project. There are some lots in the vicinity which are much smaller, but his property and other nearby lots are zoned R-5. He understood this meant a five acre minimum lot size. He had questions for the developer on how there could be increased density within the project.
8. Merle Ash, the applicant's representative, reappeared and testified. Discussed how the RCS potentially could apply to Mr. Craig's property which would allow more building lots.
9. Robert Craig, reappeared with more questions for Mr. Ash. He wanted to know whether Seven Lakes Water was the supplier. He was told "yes" by Mr. Ash. This project should not impact the system capacity. There was a discussion with Mr. Ash about other proposed projects on their use of the water. Paul MacCready also answered questions regarding the county's approval based on the water district's willingness to make water available.
10. Paul MacCready reappeared and testified regarding the RCS provisions of the county code. The council has said this preferred to lot by lot development.
11. The applicant consented to short delay in preparation of the Examiner's decision.

The hearing concluded at 9:27 a.m.

NOTE: For a complete record, an electronic recording of this hearing is available in the Office of the Hearing Examiner.

FINDINGS, CONCLUSIONS AND DECISION

FINDINGS OF FACT

Based on all the evidence of record, the following findings of fact are entered.

1. The master list of exhibits and witnesses which is a part of this file and which exhibits were considered by the Examiner, is hereby made a part of this file, as if set forth in full herein.
2. The applicant is requesting approval of a preliminary rural cluster subdivision of 22.48 acres for 10 single family lots as specified in Snohomish County Code (SCC) 30.41C. The property is currently zoned R-5. The subdivision would result in the creation of ten building lots in two clusters and one restricted open space tract. The open space tract would be used as recreational open space with unbuildable steep slopes protected as a Native Growth Protection Area Easement (NGPA/E). It will also be used as site obscuring buffers. The largest of the proposed building lots is 35,352 square feet; the smallest is 30,141. The average building lot size is 32,121 square feet. Seven Lakes Water Association is proposed to provide public water. Private individual on-site septic systems are proposed for wastewater disposal.
3. The preliminary plat application was originally submitted to Planning and Development Services (PDS) on August 25, 2006 and was determined to be complete as of the submittal date. Resubmittal of the application was received on March 9, 2007 and April 12, 2007.
4. The subject site consists of one original parcel. The property is currently undeveloped and contains no structures. The site is forested primarily by second and third growth Douglas fir. No streams or wetlands are located on the lot. The terrain undulates with 3.6 percent of the slopes greater than thirty three percent, the greatest being over forty percent. Fifty one percent of the slopes are less than fifteen percent. According to the Snohomish County Soil Survey, the soil consists of Alderwood Gravelly Sandy Loam.
5. The subject site is outside the urban growth area (UGA) and currently zoned R-5. It is located approximately 1,200 feet west of Lake Ki and 3,500 feet east of Lake Goodwin along the southern edge of State Route 531 (Lakewood Road). The property is surrounded by smaller developed single family residential lots. All of the surrounding property is zoned Rural 5-Acre (R-5).
6. The proposal is within Kayak Point Park District No. 301 and is subject to Chapter 30.66A SCC, which requires payment of \$811.29 per each new single-family residential unit. This payment is an acceptable mitigation for parks and recreation impacts in accordance with county policies.
7. PDS Traffic has reviewed the proposal for compliance with Title 13 and Chapter 30.66B of Snohomish County Code, Snohomish County Engineering Design and Development Standards (EDDS), and the appropriate policies and procedures.
 - a. Road System Capacity [SCC 30.66B.310]

The impact fee for this proposal is based on the new average daily trips (ADT) generated by 10 lots, which is 9.57/lot. This rate comes from the 7th Edition of the ITE Trip Generation Report (Land Use Code 210). The development will generate 95.70 new ADT and has a road system capacity impact fee of \$25,264.80 (\$2,526.48/lot) based on \$264/ADT. This impact fee must be paid prior to building permit issuance.

b. Concurrency [SCC 30.66B.120]

The subject development has been evaluated for concurrency under the provisions of SCC 30.66B.120 and a preliminary determination has been made that the development is concurrent as of October 4, 2006. The expiration date of the concurrency determination will be six years from the concurrency date, which is October 4, 2012.

The development has been deemed concurrent on the following basis:

Small or Medium-Sized Development in TSA with one or more arterial unit in arrears, SCC 30.66B.160

The subject development is located in TSA A which, as of the date of submittal of the application, had no arterial units in arrears. The subject development generates 7.50 a.m. peak-hour trips and 10.10 p.m. peak-hour trips which is not more than the threshold of 50 peak-hour trips in which case the development would also have to be evaluated under SCC 30.66B.035.

c. Inadequate Road Condition (IRC) [SCC 30.66B.210]

The subject proposal will not impact any IRC locations identified at this time within TSA A with three or more of its p.m. peak hour trips, nor will it create any. Therefore, it is anticipated that mitigation will not be required with respect to inadequate road conditions and no restrictions to building permit issuance or certificate of occupancy/final inspection will be imposed under this section of Chapter 30.66B SCC.

d. Frontage Improvements [SCC 30.66B.410]

The County has received comments addressing this project from Washington State Department of Transportation (WSDOT) dated August 30, 2006 (Exhibit 32). WSDOT is not requesting frontage improvements on State Route 531 for this project.

e. Access and Circulation [SCC 30.66B.420]

The proposed access road is considered public if not labeled as private on the plat. The access road shall be built to EDDS Plates 3-40 & 3-60. No road stubs to the project boundary are required.

f. Dedication of Right-of-Way [SCC 30.66B.510 and 30.66B.520]

The County has received comments addressing this project from Washington State Department of Transportation WSDOT dated August 30, 2006 (Exhibit 32). WSDOT is not requesting right-of-way dedication for this project. Therefore, no additional right-of-way is required.

g. State Highway Impacts [SCC 30.66B.710]

This development is subject to the Washington State Department of Transportation (WSDOT)/County Interlocal Agreement (ILA) which became effective on applications determined complete on or after December 21, 1997. Comments from the WSDOT dated August 30, 2006 (Exhibit 32) stated that the development will not have a significant adverse traffic impact upon state highways, therefore no traffic mitigation is requested. An access permit to State Route 531 must be obtained from WSDOT.

h. Other Streets and Roads [SCC 30.66B.720]

The County has ILAs with the Cities of Marysville, Arlington and Stanwood and this development is within their influence areas and requires traffic mitigation be considered for these cities. The applicant's traffic study indicates that trips will not pass through the Cities of Arlington or Stanwood to such an extent that traffic mitigation is required. The applicant's traffic study does not address traffic mitigation for the City of Marysville.

The City of Stanwood, in comments dated September 15, 2006 (Exhibit 28), accepted the applicant's mitigation offer of \$0.00.

The City of Arlington, in comments dated February 12, 2007 (Exhibit 34), has accepted the applicant's traffic mitigation offer of \$6,710.00.

The City of Marysville, in comments dated April 4, 2007 (Exhibit 24), has accepted the applicant's traffic mitigation offer of \$7,937.50.

There are no other City jurisdictions that have an ILA with the County that will be significantly impacted by the subject development.

i. Transportation Demand Management (TDM) [SCC 30.66B.630]

This proposal lies outside of the Urban Growth Area. Therefore, the provisions of this section do not apply.

j. Pedestrian Facilities [RCW 58.17.110]

Comments have been received from the Lakewood School District dated September 9, 2006, (Exhibit 31) indicating that all students will be picked up at the entrance to the subdivision. Therefore, no offsite improvements are required.

8. The Snohomish County Council amended Chapter 30.66C SCC by Amended Ordinance 97-095, adopted November 17, 1997, which became effective January 1, 1999, in accordance with

Amended Ordinance 98-126, to provide for collection of school impact mitigation fees at the time of building permit issuance based upon certified amounts in effect at that time. The subject application was determined to be complete after the effective date of amended Chapter 30.66C SCC. Pursuant to Chapter 30.66C SCC, school impact mitigation fees will be determined according to the Base Fee Schedule in effect for the Lakewood School District, at the time of building permit submittal and collected at the time of building permit issuance for the proposed units. Credit is to be given for the one existing lot.

9. There are no streams or wetlands on or within 100 feet of the subject property (see Exhibit 16). Steep slopes are located within the restricted open space, Tract 999. One area with slopes over 40 percent is located in center of the tract. Those slopes, which are considered “unbuildable land” as defined in SCC 30.91U.060, are to be contained within a NGPA/E per SCC 30.41C.200(5).
10. Full site dispersion will be employed as provided in the Department of Ecology (DOE) Manual. This will be achieved using splash pads, runoff management, and dispersion trenches. Full site dispersion will also be employed for water quality treatment using Best Management Practices (BMPs). A waiver was approved to allow full dispersion (Exhibit 17). PDS concluded that the conceptual drainage approach, the submitted targeted drainage plan, shows that the development can feasibly conform to the requirements of SCC 30.63A.

Planning and Development Services (Engineering) reviewed the concept offered and recommends approval of the project, subject to conditions which would be imposed during full drainage plan review pursuant to Chapter 30.63A SCC. Grading quantities are anticipated to be approximately 7,400 cubic yards of cut and fill, primarily for road, drainage facility, and home site construction. Water quality would be controlled during construction by use of silt fences and straw bales in accordance with a Temporary Erosion and Sedimentation Control Plan (TESCP) required by Chapter 30.63A SCC.

11. This project meets zoning code requirements for lot size, bulk regulations and other zoning code requirements and meets the standards for a rural cluster subdivision as specified in Chapter 30.41C SCC.
12. On December 21, 2005, effective February 1, 2006, the Council adopted Amended Ordinances 05-069 through 05-079, 05-081 through 05-085, and 05-090, which amended the map and text of the Snohomish County GMA Comprehensive Plan, extended the Urban Growth Area boundaries, and adopted area-wide rezones within the county’s Urban Growth Areas. This application was complete on August 25, 2006 after the effective date of the ordinances.

The subject property is designated Rural Residential (1 du/5 acres Basic) on the GPP Future Land Use map, and is located outside the Urban Growth Area (UGA). The implementing zones within this designation are the Rural-5 Acre zone and other zones with a minimum lot size requirement larger than 5 acres. The base density of 1 dwelling unit per 5 acres may be increased consistent with Policy LU 6.B.9. Policy LU 6.B.9 states that within the Rural Residential designation subdivisions may exceed the basic density of 1 lot per 5 acres if the rural cluster subdivision technique is used, all of its criteria and requirements for the maintenance and

enhancement of the rural character are met, and the maximum lot yield does not exceed 1 lot per 2.3 acres.

The 10 lots proposed are consistent with the density provisions of Snohomish County's GMA-based zoning regulations under Subtitle 30.2.

13. PDS issued a Determination of Nonsignificance (DNS) for the subject application on March 21, 2007 (Exhibit 11). The DNS was not appealed.
14. The request complies with the Snohomish County Subdivision Code, Chapter 30.41A SCC as well as the State Subdivision Code, RCW 58.17. The plat has been reviewed for conformance with criteria established by RCW 58.17.100, .110, .120, and .195. Such criteria require that the plat conform with applicable zoning ordinances and comprehensive plans, and make appropriate provisions for the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and other planning features including safe walking conditions for students.

The proposed plat conforms with applicable zoning codes and the comprehensive plan. There is open space provided within the plat in the form of steep slopes, the single-family homes on small lots will be in character with the existing neighborhood. Provisions for adequate drainage have been made in the conceptual plat design which indicates that the final design can conform to Chapter 30.63A SCC and State DOE drainage standards. The plat, as conditioned, will conform to Chapters 30.66A, B and C SCC, satisfying county requirements with respect to parks and recreation, traffic, roads and walkway design standards, and school mitigation. Water service would be provided by Seven Lakes Water Association. Private on-site septic systems would provide wastewater disposal, as approved with conditions by Snohomish Health District.

15. The proposed plat also meets Chapter 30.41A SCC requirements. A complete application for the proposed plat was received by PDS on August 25, 2006. The proposed plat as conditioned also meets the general requirements under Section 30.41A.100 with respect to health, safety and general welfare of the community as noted in this report. As proposed, the subject lots will not be subject to flood, inundation or swamp conditions. The lots as proposed are outside of all regulated flood hazard areas. As conditioned, the plat will meet all SCC 30.41A.210 design standards for roads.
16. The subject rural cluster subdivision (RCS) application has been reviewed for conformance with the RCS standards in Chapter 30.41C SCC. The applicant has provided the information required on an RCS development plan and preliminary plat, the latest versions of which were received by PDS on March 9, 2007 (Exhibit 18A & B), and in an open space management plan (Exhibit 14) that is to be implemented by a homeowner's association. The RCS application meets all of the criteria required for preliminary approval listed in SCC 30.41C.200. All utilities shall be located underground. The proposal meets requirements for restricted open space and bulk regulations, lot yield, and bonus residential density.

The proposal complies with the provisions of SCC 30.41C.010 by clustering the lots on the most buildable and least environmentally sensitive portion of the site while retaining approximately 58.6% (13.2 acres) of the property in restricted open space; the proposal is considered preferable to traditional lot-by-lot development through its efficient use of the most buildable portion of the site together with the retention of environmentally sensitive areas in permanent open space tracts; the use of the clustering concept provides greater compatibility with the surrounding development by providing buffers between adjoining properties; the use of the clustering concept has reduced the need for impervious surfaces resulting in the protection of groundwater and potential water pollution from erosion and other drainage related problems; the project complies with critical areas regulations, thereby minimizing the loss of the county's environmentally sensitive areas.

The application has been reviewed for compliance with the requirements of SCC 30.41C.200 as follows: critical areas have been identified and designated as Native Growth Protection Areas; a sight obscuring buffer of native vegetation has been provided, in accordance with the provisions of Table 30.41C.210(1), DPW has indicated that the public roads shall be constructed to EDDS standards; all utility lines are to be located underground; there is unbuildable land as defined by Chapter 30.41C SCC located on site which is included in a native growth protection area easement; no on-going agriculture or forestry uses are proposed within the open space tracts; there are no adjacent designated open spaces which affect the location of the open space in the RCS; an open space management plan has been provided detailing the required maintenance and management tasks for the proposed open space; physical separation of clusters is provided; at least 75% of the residential lots abut a required buffer or open space tract; the proposed RCS has been designed in accordance with the natural features of the site, maintains rural character, and maximizes the visibility of the open space tracts from the adjoining road; the proposal is not served by public sanitary sewer; clusters of lots are located near the interior of the site and are not located on prominent topographic features, to the extent feasible; and the site is located within a rural fire district.

The application complies with the provisions of SCC 30.41C.230 and SCC 30.41C.240 based on the following analysis:

Basic lot yield: 980,854 square feet/100,000 square feet = 9.8 lots

Bonus residential density	= 0%
Additional bonus density	= 0%
Total lot yield	= 9.8 lots
Total lot yield-rounded	= 10 lots

Total lots proposed = 10 lots

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

CONCLUSIONS OF LAW

Based on the findings of fact entered above, the following conclusions of law are entered.

1. The Examiner having fully reviewed the PDS staff report, hereby adopts said staff report as properly setting forth the issues, the land use requests, consistency with the existing regulations, policies, principles, conditions and their relationship to the request. It is therefore hereby adopted by the Examiner as a conclusion as if set forth in full herein, in order to avoid needless repetition.
2. The Examiner has jurisdiction to conduct the public hearing on this application and to render a decision thereon.
3. The proposal 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.
4. Adequate public services exist to serve the proposal.
5. If approved with the recommended conditions, the proposal would make adequate provisions for the public health, safety and general welfare.
6. Any conclusion in this decision which should be deemed a finding of fact is hereby adopted as such.

DECISION

Based on the findings of fact and conclusions of law entered above, the decision of the Hearing Examiner on the application is as follows:

The request for a 10-lot **RURAL CLUSTER SUBDIVISION** on 22.48 acres is hereby **CONDITIONALLY APPROVED**, subject to the following **CONDITIONS**:

CONDITIONS:

- A. The revised preliminary plat/rural cluster subdivision received by PDS on March 9, 2007 (Exhibit 18) shall be the approved plat configuration. Changes to the approved plat are governed by SCC 30.41A.330.
- B. Prior to initiation of any site work; and/or prior to issuance of any development/construction permits by the county:
 - i. All site development work shall comply with the requirements of the plans and permits approved pursuant to Condition A, above.
- C. The following additional restrictions and/or items shall be indicated on the face of the final plat:
 - i. "The dwelling units within this development are subject to park impact fees in the amount of \$811.29 per newly approved dwelling unit pursuant to Chapter 30.66A.

Payment of these mitigation fees is required prior to building permit issuance; provided that the building permit has been issued within five years after the application is deemed complete. After five years, park impact fees shall be based upon the rate in effect at the time of building permit issuance.”

ii. “The lots within this subdivision will be subject to school impact mitigation fees for the Lakewood School District to be determined by the certified amount within the Base Fee Schedule in effect at the time of building permit application, and to be collected prior to building permit issuance, in accordance with the provisions of SCC 30.66C.010. Credit shall be given for one existing parcel. Lot 1 shall receive credit.”

iii. “Chapter 30.66B SCC requires the new lot mitigation payments in the amounts shown below for each single-family residential building permit:

\$2,526.48 per lot for mitigation of impacts on County roads paid to the County,

\$671.00 per lot for mitigation of impacts on City streets for the City of Arlington paid to the City. Proof of payment shall be provided.

\$793.75 per lot for mitigation of impacts on City streets for the City of Marysville paid to the City. Proof of payment shall be provided.

These payments are due at the time of building permit issuance for each single-family residence. Notice of these mitigation payments shall be contained in any deeds involving this subdivision of the lots therein. Once building permits have been issued all mitigation payments shall be deemed paid.”

D. All development activity shall conform to the requirements of Chapter 30.63A SCC.

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.

Preliminary plats which are approved by the county are valid for five (5) years from the date of approval and must be recorded within that time period unless an extension has been properly requested and granted pursuant to SCC 30.41A.300.

Decision issued this 23rd day of May, 2007.

James Densley, Hearing Examiner Pro Tem

EXPLANATION OF RECONSIDERATION AND APPEAL PROCEDURES

The decision of the Hearing Examiner is final and conclusive with right of appeal to the County Council. However, reconsideration by the Examiner may also be sought by one or more parties of record. 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 Examiner and Council Rules of Procedure.

Reconsideration

Any party of record may request reconsideration by the Examiner. A petition for reconsideration must be filed in writing with the Office of the Hearing Examiner, 2nd Floor, County Administration-East Building, 3000 Rockefeller Avenue, Everett, Washington, (Mailing Address: M/S #405, 3000 Rockefeller Avenue, Everett WA 98201) on or before **JUNE 4, 2007**. 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 on the date of filing.” [SCC 30.72.065]**

A petition for reconsideration does not have to be in a special form but must: contain the name, mailing address and daytime telephone number of the petitioner, together with the signature of the petitioner or of the petitioner’s attorney, if any; identify the specific findings, conclusions, actions and/or conditions for which reconsideration is requested; state the relief requested; and, where applicable, identify the specific nature of any newly discovered evidence and/or changes proposed by the applicant.

The grounds for seeking reconsideration are limited to the following:

- (a) The Hearing Examiner exceeded the Hearing Examiner’s jurisdiction;
- (b) The Hearing Examiner failed to follow the applicable procedure in reaching the Hearing Examiner’s decision;
- (c) The Hearing Examiner committed an error of law;
- (d) The Hearing Examiner’s findings, conclusions and/or conditions are not supported by the record;
- (e) New evidence which could not reasonably have been produced and which is material to the decision is discovered; 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. Where the reconsideration process of SCC 30.72.065 has been invoked, no appeal may be filed until the reconsideration petition has been disposed of by the hearing examiner. An aggrieved party need not file a petition for reconsideration but may file an appeal directly to the County Council. 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, County Administration-East Building, 3000 Rockefeller Avenue, Everett, Washington (Mailing address: M/S #604, 3000 Rockefeller Avenue, Everett, WA 98201) on or before **JUNE 6, 2007** and shall be accompanied by a filing fee in the amount of five hundred dollars (\$500.00); PROVIDED, that the filing fee shall not be charged to a department of the County or to other than the first appellant; and PROVIDED FURTHER, that the filing fee shall be refunded in any case where an appeal is dismissed without hearing because of untimely filing, lack of standing, lack of jurisdiction or other procedural defect. [SCC 30.72.070]

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

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 and/or conditions are not supported by substantial evidence in the record. [SCC 30.72.080]

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: Paul MacCready

<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." A copy of this Decision is being provided to the Snohomish County Assessor as required by RCW 36.70B.130.</p>
