

BEFORE THE
SNOHOMISH COUNTY HEARING EXAMINER

DECISION of the DEPUTY HEARING EXAMINER
ON REMAND FROM THE COUNTY COUNCIL

In the Matter of the Application of)
) **FILE NO. 06 135148 LU**
BROOKSTONE INVESTMENT LLC)
)
Rezone from Residential-8,400 (R-8,400) to)
Low Density Multiple Residential (LDMR))

DATE OF DECISION: October 31, 2007

PLAT/PROJECT NAME: *64th Avenue LDMR*

DECISION (SUMMARY): Rezone from R-9,600 to R-7,200 is **DENIED**.

BASIC INFORMATION

GENERAL LOCATION: The property is located at 17425 64th Avenue W, Lynnwood, WA

ACREAGE: .67

ZONING: CURRENT: R-8400
PROPOSED: LDMR

COMPREHENSIVE PLAN DESIGNATION:

General Policy Plan Designation: Urban Medium Density Residential (6-12-du/ac)

UTILITIES:

Water: Alderwood Water and Wastewater District
Sewage: City of Lynnwood

SCHOOL DISTRICT: Edmonds

FIRE DISTRICT: No. 1

INTRODUCTION

The applicant filed the Master Application on January 2, 2007. (Exhibit 1)

The Deputy Hearing Examiner Pro Tem (Examiner) made a site familiarization visit on May 28, 2007 in the morning.

The Department of Planning and Development Services (PDS) gave proper public notice of the open record hearing as required by the county code. (Exhibits 11, 12 and 13)

A SEPA determination of nonsignificance was made on May 3, 2007. (Exhibit 10) No appeal was filed.

The Deputy Hearing Examiner Pro Tem held an open record hearing on May 29, 2007, the 50th day of the 120-day decision making period. Witnesses were sworn, testimony was presented, and exhibits were entered at the hearing.

On June 11, 2007 the Deputy Hearing Examiner Pro Tem issued a decision denying the application for failure to demonstrate a substantial relationship to the public health, safety and welfare. (Exhibit 61) On appeal by the applicant, the County Council reversed and remanded (Exhibit 59, Motion 07-447) for a more thorough analysis of site-specific, project-level information as to how the application meets or does not meet the rezone decision criteria set out at SCC 30.42A.100(1) and (2). The County Council identified seven specific issues for supplemental review: (1) the proposed rezone's consistency with the Comprehensive Plan beyond merely the future land use map, (2) whether the proposed rezone bears a substantial relationship to the public health, safety and welfare, and neighbors' concerns regarding (4) drainage, (5) pedestrian safety, (6) fire safety, (7) tree removal, (8) parking and (9) neighborhood character.

PUBLIC HEARING ON REMAND

The public hearing on remand commenced on October 4, 2007 at 2:02 p.m.

1. The Deputy Examiner stated that he had read the PDS staff report, reviewed the file and viewed the area.
2. The applicant, Brookstone Investment, LLC, was represented by Ken Williams of Insight Engineering, Edward Koltonowski of Gibson Traffic Consultants and Brian Kaleb of Insight Engineering. Snohomish County was represented by Roxanne Pilkenton, Michelle Newman and Duane Overholser of the Department of Planning and Development Services.
3. Testimony was given by the following local residents: Lori Badgley, Florence Gustafson, Rico O'Reilly, Steve Pfeiffer, Sherry Pfeiffer, Scott Tomchick and Marilyn Wheeler. (The Deputy Examiner also has reviewed all exhibits, including those submitted by members of the general public, for the May 29, 2007 open record hearing and for the closed record appeal hearing before the County Council held August 1, 2007.)
4. The hearing lasted approximately three hours and concluded at 5:05 p.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 applicant, Brookstone Investments, LLC, filed an application for a rezone from the existing R-8,400 to Low Density Multiple Residential (LDMR) for the purpose of future development of seven single-family detached dwellings on approximately two-thirds of an acre (.67 acre) addressed 17425 64th Avenue West, Lynnwood. No critical area (steep slope, wetland, or stream) is on or near the site. The subject site is within a community known as Maple Precinct in the Meadowdale vicinity. This decision on remand is tailored to describe that community and examine the proposed rezone in that context, consistent with County Council Motion No. 07-447.

Community Character

2. The subject site is an island of Snohomish County surrounded by the City of Lynnwood. The surrounding community is characterized by detached, traditional single-family homes with one home per lot and with yard setbacks of 15 – 30 feet from property lines. (Exhibit 72) The lots vary from one-third acre to two-thirds acre. (Exhibit 50) The lots which comprise the neighborhood tend to be treed. (Exhibit 72) Residents describe that pattern as providing substantial lawn areas and a sense of space and privacy. Roads are narrow and without sidewalks. (Exhibit 72) It is an older neighborhood: one resident has been in her home for more than 55 years. The homes were built in the late 1950's. All are well maintained.
3. Residents point out that the proposed rezone would allow seven homes on one lot with a setback of only five feet for buildings of 35-foot height. No landscaping is required or proposed at adjoining neighbors' property lines: only at the street frontage. (Exhibit 71) The neighbors used Google Earth to obtain aerial photographs of developments such as could be built in the proposed zoning. From those photographs, the neighbors assert (Exhibit 72) that the other LDMR projects built in the vicinity were built in the midst of other apartments and commercial buildings or next to Interstate 5. The colored photographs appended to Exhibit 72 are persuasive in support of the assertion that the proposed zoning would result in seven homes compressed onto one lot in absolute contradiction of the established character of the immediate neighborhood. (See also Exhibit 51.) The Examiner here makes that contradiction a formal finding of fact. (The supplemental staff report considers only the issue of privacy, not the broader issue of compatibility of which privacy is but a part.)
4. The rezone would allow development intense enough to result in removal of all trees from the subject site. The trees are Cedar and Fir and are large at approximately 20-inches in diameter. They not only reflect the character of other treed lots in the neighborhood but they take up water from the soil in quantities arguably sufficient to change drainage patterns in an area of septic systems plagued by standing water in roadside ditches. (See Exhibit 25 as an example of a neighbor's concerns.)
5. The applicant and the staff respond that there is no tree preservation ordinance in Snohomish County. Thus, the trees could all be cut at the whim of the current or a future owner of the subject site. The Examiner acknowledges that position but finds as fact that the stand of significant trees on the subject site is integral to the site's drainage, which has a direct link to the septic drainfields in the vicinity and, thus, a positive and substantial relationship to the public health, safety and welfare. The fact that the trees may be cut under the current zoning does not warrant a rezone that assures they will be cut. If cut, the water they now absorb will threaten to carry failed septic waste into roadside ditches.

Drainage

6. Neighbor W. Scott Badgley points out (Exhibit 50):

“...there are substantial concerns about public health. The water issues are of great concern for all of us in the neighborhood. We consider safety the number one issue and there is nothing being done to address these concerns.” (Exhibit 50)

7. That same level of concern is expressed by neighbor Rico O’Reilly, who states “...*drainage...is my main concern.*” (Exhibit 71) The highest elevation contour in the neighborhood runs through the proposed rezone site. Vicinity resident W. Scott Badgley notes (Exhibit 50) that with the loss of about 20 large trees of 20-inch or more diameter, runoff from the subject site will be increased by the substitution of seven homes and related paving with less absorption and he adds that all storm runoff goes to ditches now and that those ditches flow nowhere. He notes that water from any detention vault on the subject site will just sit in the ditches. He adds:

“...It should flow north down the hill into another neighborhood which has, a few years ago, been able to Jet Ski on the flood waters.

*“During the wetter months the water table is very high. I am able to monitor the water level because I have a large sump hole in my backyard. The neighbor directly east of the subject property has a sump pump running almost constantly to keep their basement free of water...**The owner of the subject property also uses a sump pump most of the year to keep water out of their basement.***

“All homes in this neighborhood, except two, are using septic tanks....System failure will be more likely when the status quo is disrupted.” (Emphasis added.)

8. Rico O’Reilly described in detail (Exhibit 71) a septic drainfield failure at 17430 62nd Avenue West abutting the proposed development and allegedly surreptitious attempts to repair it resulting in the stench of sewage all summer. That attempted repair overlaps a 10-foot easement intended to serve the subject rezone site.
9. The supplemental staff report filed in response to the County Council’s remand deals with drainage at page 3 but does not address the facts described above herein. Fundamentally, the staff’s response is a statement that a drainage plan has been prepared which meets code. That is not the analysis of project-level factors for a site-specific rezone required by the Council’s remand Order.
10. The Examiner finds as fact that the evidence recounted above establishes by a preponderance of the evidence that the subject site must have public sewers and not septic systems and should not be rezoned for higher density until it is established that the City of Lynnwood will serve the subject site. This record does not establish that service. Nor, on these facts, does the Washington State Court of Appeals decision in MT Development, LLC vs. City of Renton (No. 59002-2-1, August 27, 2007) require that Lynnwood provide that service until compliance with any reasonable and lawful conditions which may yet be imposed by Lynnwood. (See Exhibits 38 and 73)

Pedestrian Safety, Fire Safety and Parking

11. Three related topics remanded for further analysis are pedestrian safety, fire safety and parking. The analysis begins by noting that the average weekday vehicular trip generation of the seven homes allowed by the proposed rezone would be 9.57 trips per day for each home for a total of 67 daily trips. Not even peak hour impact would be severe enough to be an issue in this instance. The supplemental traffic study prepared on remand by the Gibson Consultancy so concludes, noting that seven homes would provide approximately a vehicular trip each 10 to 15 minutes. However, the record shows there are five schools in the vicinity and no sidewalks. Although no traffic improvements are required by Code, the applicant offers off-site widening along 64th Avenue south of the project to allow for a paved shoulder to 176th Street NE to include a school bus stop waiting area. The staff report acknowledges that offer but does not evaluate that offer. Nor have the schools commented on the offer. If the Examiner were to recommend approval of the rezone, a condition to impose such off-site improvements would be evaluated. That analysis is not reached in this matter.
12. The issue of parking arises as an element of fire safety because insufficient parking spaces can result in parked vehicles impeding emergency response apparatus. The record shows that Code requires 14 stalls within the site but the applicant is providing 28 stalls and, in addition, widening of 64th Avenue West to include an 8-foot wide parking lane. Neighbors Chris and Ellen Scanzon (Exhibit 28) point out that 64th Avenue West is barely wide enough for two cars to pass by safely and that, during the last snowfall, drivers parked at the top of the hill, thus blocking the only route to their home for themselves and emergency vehicles. They express concern that such blocking may occur more often if seven homes are built when one home now exists because of the seven homes' extra vehicles, guests' vehicles, recreational vehicles, motorcycles, trailers and boats that will be parked or stored on 64th Avenue West. Scott C. Tomchick, PE, points out (Exhibit 27) that there are 15 houses located beyond the proposed rezone site that rely on 64th Avenue as the only vehicular access. (He also testified at the hearing.) Charlie Felzer notes (Exhibit 26) that the neighborhood is made up of approximately 25 single-family detached homes on a series of dead end streets which straddle the unincorporated County and the City of Lynnwood.
13. Based on the evidence summarized above, the Deputy Examiner finds as fact that the additional traffic volume of seven homes (six of which are new) is not itself greater than the local streets could accommodate. However, the evidence of record establishes that the inevitably greater parking and other roadside impediments of seven homes rather than a single home on the critical passage to the surrounding homes makes the increased density allowed by the proposed rezone contrary to the public health, safety and general welfare.

Comprehensive Plan Consistency

14. The supplemental staff report on remand (Exhibit 70) reports that the proposed rezone implements the Comprehensive Plan's designation of the subject site as Urban Medium density residential on the Future land Use Map. That report adds the text of Land Use Goal 1 and Objectives 1.A and 1.A.3 and the text of Land Use Goal 2 and Objectives 2.A, 2.A.4 and 2.A.5. The report notes that the seven dwellings proposed are consistent with the density provisions of SCC Ch. 30.2. That is all.

15. Any analysis of the project-specific and site-specific features of the proposed development are left in this record to the applicant's consultant, Insight Engineering. Its Senior Planner, Ken Williams, submitted into the record Exhibit 68 titled "Comprehensive Plan Analysis", to document that the proposed rezone meets the rezone decision criteria of Snohomish County Code 30.42A.100: (1) that the proposed rezone is consistent with the Comprehensive Plan and (2) that the proposed rezone bears a substantial relationship to the public health, safety and welfare. The six-page, single-spaced document identifies and restates or paraphrases applicable Comprehensive Plan goals, objectives and policies. Narrative about project-specific facts purporting to show consistency with some of those sections is provided. It is not productive to repeat that entire document in this document.
16. The Examiner concurs with the applicant's Exhibit 68 assertions that the proposed rezone is consistent with the Comprehensive Plan's Land Use Element's Goals 1 and 2 and the objectives and policies cited therein as to each; i.e., Goal LU 1, Objective 1.A and Policies LU 1.A.3 and .4 and Goal LU 2, Objective LU 2.A.3, .4 and .5. The Examiner also concurs with the applicant's assertion that the proposed rezone is consistent with the Comprehensive Plan's Utilities Element's Goals UT 2, Objective UT 2.A and UT Policy UT 2.a.1. regarding potable water. However, the Examiner is not convinced by the evidence of record that the application is consistent with Goal UT 3, Objective UT.3.A and Policy UT 3.A.1 regarding sewer service. At issue is whether the City of Lynnwood has unconditionally committed to providing sewer service to the development made possible by the proposed rezone. The related documents of record can be read to approach such commitment but to withhold approval pending further review. In view of the facts found above concerning drainage and septic issues herein, the Examiner finds as fact that the provision of sewer service is too nebulous in this instance to warrant finding as fact that the proposal is consistent with the above-referenced Comprehensive Plan provisions.
17. Turning to the Comprehensive Plans' Housing Element, the Examiner concurs that the proposed rezone is consistent with Goal HO 1, Objective HO 1.B. and Policy 1.B.1 and Objective HO 1.D and Policy 1.D.3. That is, the proposed rezone would provide an opportunity for more affordable housing of various and cost-effective types as infill development rather than sprawl. However, the Comprehensive Plan urges that those achievements be attained without the loss of the **"...vitality and character of existing residential neighborhoods."** (Goal HO 2, emphasis added) That language clearly articulates the intent of the Snohomish County Council that the character of stable neighborhoods is to be preserved. (Policy HO 2.A.1.) The office of the Hearing Examiner in any jurisdiction exists to carry out the intent of the local legislative body.
18. The Comprehensive Plan recognizes that one technique to preserve the character of a stable neighborhood is to apply selective and innovative land use measures. (Policy HO 2.A.1) The Examiner does not concur that the proposed rezone demonstrates the application of such selective or innovative land use measures. The applicant asserts (Exhibit 68, p. 3) that the proposed LDMR zoning would allow development with building setbacks and heights similar to the existing neighborhood. To so find as fact in this instance would ignore the fundamental inconsistency of seven homes on one lot given the pattern of the Maple Precinct and Meadowdale community. Further, the applicant asserts that landscaping at the street frontage and internal to the development are praiseworthy but the record shows that where such visual relief is needed most – along abutting property lines – there will be no landscaping at all. Finally, the applicant points out that the detached dwellings allowed by this proposed rezone are, at least, not as incompatible with the surrounding community as would be the stacked, multi-family apartments or attached townhouses that are also permitted in the LDMR zone. That statement raises the concern that a future owner of the subject site might decide to develop or redevelop the site as, for example, stacked apartments if rezoned as requested herein. That prospect hanging over a stable residential community does not ensuring the vitality and character of the existing residential community that surrounds the subject site.

19. 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.
20. Any finding of fact above which should be deemed a conclusion of law is adopted as such.

CONCLUSIONS OF LAW

1. The Hearing Examiner's decision on a rezone application is a Type 2 decision based on (1) a report by the County staff and a file assembled by that staff and (2) evidence received through an open record public hearing. The burden of proof is on the applicant to demonstrate by a preponderance of the evidence that the proposed rezone meets the two applicable rezone decisional criteria set out at SCC 30.42A.100: (1) that the proposed rezone is consistent with the Comprehensive Plan and (2) that the proposed rezone bears a substantial relationship to the public health, safety and welfare. The Hearing Examiner's decision on those criteria is the final County action unless appealed to the County Council. (SCC 30.72.020 -.025)
2. The request is for a site-specific rezone and, therefore, must be consistent with the GMA Comprehensive Plan and Snohomish County Code regulatory provisions which implement that plan. The request for LDMR zoning here is consistent with the type and character of land use permitted on the project site by the General Policy Plan (GPP) ULDR designation of the property. However, in addition to being consistent with the map designation, the proposal must also be consistent with relevant Plan policies such as (but not limited to) Land Use Policy 1.A.4 concerning infrastructure capacity, Land Use Policy 2.A.3 concerning critical areas, and Housing Policy 2.A.1 concerning preservation of the character of stable residential neighborhoods. (See County Council Motion No. 07-447.) In fact, the General Policy Plan provides at page LU-15 that the County will broaden the variety of housing types in traditional single-family and multi-family neighborhoods:

“...while respecting the vitality and character of established residential neighborhoods A mix of housing types with a range of densities will be encouraged throughout UGA's, as long as they are carefully sited, well designed, and sensitively integrated into existing communities.” (Emphasis supplied.)

3. As noted above, the instant proposal's consistency with the Comprehensive Plan is only one of the two applicable criteria set out at SCC 30.42A.100 which must be met before a rezone can be approved. A rezone must also comply with the second criterion: i.e., the rezone must bear a substantial relationship to the public health, safety and welfare. The bold-quoted language above is an expression of the second of the two rezone criteria. Stated in the converse, the quoted language provides that until it is determined that a proposed rezone's housing types are carefully sited, well designed, and sensitively integrated into an existing community, the proposed rezone cannot be found to bear a substantial relationship to the public health, safety and welfare. That burden of proof which must support that determination cannot be met without actual consideration of site-specific facts. A conclusory statement that a proposed rezone meets the criteria is no more acceptable than would be a conclusory statement that the proposed rezone fails to meet the criteria. The departmental staff and, in turn, the Hearing Examiner, must “show your work” and rationale in concluding whether or not a proposed rezone meets or does not meet the applicable criteria.

4. The requirement to actually consider the applicable criteria, particularly when relevant citizen concerns are expressed, is mandated by the County Council's Amended Ordinance No. 07-022 effective June 4, 2007, which at page 2 repeats the above-quoted Comprehensive Plan provision encouraging a mix of housing types with a range of densities only if "*carefully sited, well designed, and sensitively integrated into existing communities...*" The County Council reinforced that requirement to "show your work" in its Motion No. 07-447 of August 8, 2007 remanding this matter for failure to have adequately evaluated all project-level factors concerning the two criteria discussed above herein.
5. Having now completed the hearing on remand and having entered findings of fact based on the evidence of record, the Deputy Examiner concludes as a matter of law that the proposed rezone should be denied. The proposal is consistent with the Comprehensive Plan designation of density pursuant to the Future Land Use Map. However, as to community character, the record establishes that the LDMR density would result in a housing development not carefully sited, not well designed and not sensitively integrated into the existing community. As to drainage, the surrounding community has existing problems with failing septic systems' residue standing in roadside ditches and there is no evidence indicating that a rezone to LDMR will help alleviate that health hazard. As to pedestrian safety, fire safety and parking-related issues, the evidence of record compels the conclusion that the community of dead end streets and narrow roads with only a single access to some homes has to maintain emergency access. The compression of seven households onto one lot strategically placed at the vehicular vortex of the community would repeatedly threaten that emergency access despite the applicant's provision of more parking spaces than required by code. Half the spaces provided are garages, often used as storage facilities for items other than the family vehicles.
6. For all of the above reasons, it is concluded as a matter of law that the proposed rezone does not bear a substantial relationship to the public health, safety and welfare and should be denied.
7. 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 rezone from Residential-8,400 to Low Density Multiple Residential for this property is hereby **DENIED**.

Decision issued this 31st day of October 2007.

Ed Good, Deputy Hearing Examiner

EXPLANATION OF RECONSIDERATION AND APPEAL PROCEDURES ON REMAND

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 **NOVEMBER 12, 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

Issuance of the decision by the hearing examiner in response to the remand order shall commence a new appeal period pursuant to SCC 30.72.070. Issues on appeal shall be limited to the issues remanded to the hearing examiner.

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 **NOVEMBER 14, 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: Roxanne Pilkenton

<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>
