

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

DATE OF DECISION: April 23, 2008

PLAT/PROJECT NAME: Sunnyside Lift Station

APPLICANT/
LANDOWNER: Lake Stevens Sewer District
1106 Vernon Road Suite A
Lake Stevens, WA 98258

FILE NO.: 07-100279-000-00-LU

TYPE OF REQUEST: Major Modification to Conditional Use Permit (CUP) and Landscape Modification

DECISION (SUMMARY): APPROVED SUBJECT TO CONDITIONS

BASIC INFORMATION

GENERAL LOCATION: The property is located at 500 Sunnyside Boulevard, Everett, Snohomish County, Washington. Tax parcel 290514-001-029-00

Acreage: 46.2 acres

Current Zoning: A10

Comprehensive Plan
General Policy Plan: Riverway Commercial Farmland

School District: Lake Stevens Number 4 Fire District: #8

Water Source: PUD # 1 Sewer Service: Lake Stevens Sewer District

INTRODUCTION

The applicant filed the Master Application on January 10, 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 15, 16, and 17)

Lake Stevens Sewer District issued a Mitigated Determination of Nonsignificance (MDNS) for the subject application on December 11, 2007 (Exhibit 10). The DNS was not appealed.

The Deputy Examiner, Ed Good, held an open record hearing on February 20, 2008, the 104th 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 February 20, 2008 at 3:02 p.m.

1. The Deputy Examiner, Ed Good, 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 applicant, Lake Stevens Sewer District, was represented by Ms. Cami Anderson. Snohomish County was represented by Mr. Ed Caine, planner for the Department of Planning and Development Services.
3. Those present who expressed a desire to testify were administered the oath.
4. Appearing and giving testimony were Ms. Cami Anderson, Ed Caine and Greg Harem.

The hearing concluded at 3:26 p.m.

Examiner Pro Tem James A. Densley listened to the audio recording of the proceedings, reviewed the file and made a decision on this case.

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. Exhibits 30- 33 were introduced and made part of the record during the public hearing.
2. Nature of Application: The applicant is requesting a Major Modification to the existing Conditional Use Permit (ZA 8211216) for the Lake Stevens Sewer Treatment facility. The modification is to install a five-million (5,000,000) gallons per day sewer lift station on the site, immediately south of the current access road and adjacent to Sunnyside Boulevard. The long range plans for Lake Stevens Sewer District are to construct a new wastewater treatment facility to the south of the existing site, near the intersection of SR-204 and Sunnyside Boulevard within

the city limits of the City of Lake Stevens. The sewer lift station is necessary to pump sewage from the existing gravity line that carries sewage to the existing sewage treatment plant, and is one of the initial steps for the development plan.

The construction of the sewer lift station will include a retaining wall to the west of Sunnyside Boulevard, with an ultimate elevation that is approximately the elevation of Sunnyside Boulevard. The lift station will be placed between the retaining wall and Sunnyside Boulevard.

The Landscape Modification application is to modify the SCC 30.25.020 requirement for a 10-foot Type B Road Frontage landscape because the landscaping would create a safety hazard by reducing the sight distance when exiting the lift station (onto Sunnyside Boulevard). The Landscape Modification also is to waive the SCC 30.25.020(2) requirement for a 20-foot Type A perimeter landscaping because the perimeter landscaping would both require additional development actions within the floodplain of Ebey Slough and because the property to the south, west, and north of the proposed sewer lift station is under the ownership and control of Lake Stevens Sewer District. That is, the code requirement for a landscape buffer to shield adjacent property owners from the visual impact of the sewer lift station would, if applied, shield the view of the proposed Lake Stevens Sewer District lift station from the existing Lake Stevens Sewer District wastewater treatment facility.

3. Site Description: The site is pasture, with an access road to the existing wastewater treatment facility on the northern property border. The eastern side of the property fronts onto Sunnyside Boulevard. The site is level, and the eastern border fronts onto the slope for Sunnyside Boulevard.
4. Adjacent Zoning/Uses: The west side of Sunnyside Boulevard is zoned A-10 and designated as Riverway Commercial Farmland in the General Policy Plan (GPP). The east side of Sunnyside Boulevard is zoned R-5 and is either undeveloped or developed as single family residential. To the west of the project is the wastewater treatment plan.
5. Matters of Concern: No adverse public comments were received for the project. No agencies identified any unresolved issues. A comment letter was received from the City of Lake Stevens, which was in support of the project.
6. Parks Mitigation: The proposal is within Park District No. 306 (Centennial). The proposed CUP is not subject to Chapter 30.66A SCC mitigation fees.
7. School Impact: The subject application is located in Lake Stevens School District No. 4. The subject CUP application is not subject to impact mitigation fees of amended Chapter 30.66C SCC.
8. Drainage and Grading: Application for a grading permit (07-112583-CG) and a retaining wall permit (07-112588-RC) were made on October 23, 2007. The retaining wall is approximately 12 feet high and establishes the area to be occupied by the sewer lift station. The space that is confined by the wall is approximately 5,300 square feet. The total volume of the space to be confined by the wall, and to include both the compartments for the sewer lift station and structural fill materials is 2,500 cubic yards of material.

Drainage will be allowed to sheet flow across the adjoining pasture.

Planning and Development Services (Engineering) has reviewed the concept offered and recommended approval of the project, subject to conditions which would be imposed during full drainage plan review pursuant to Chapter 30.63A SCC. 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.

9. Critical Areas: The site contains a small portion of a large Category 3 riparian shoreline wetland that is associated with Ebey Slough. The wetland is dominated by reed canary grass, an invasive/exotic weed of low habitat value. Approximately 2,130 square feet of permanent wetland impact and 19,550 square feet of temporary wetland impact are anticipated for placement of the lift station. The temporary impact is related to construction of a temporary access road to the lift station. A restoration plan is required prior to grading permit issuance.

Permanent wetland impacts are unavoidable since the lift station must be of sufficient size and situated to allow use of the existing wastewater treatment facility (WWTF) until the new WWTF is on line. Wetland banking credits will be purchased from either the Skykomish or Snohomish Mitigation Bank to compensate for the permanent wetland impacts. The use of the bank is favorable in this situation given the lack of area outside the already existing wetland, dominance of invasive/exotic reed canary grass and combined credits in the amount of 1.34 acres for wetland impacts associated with the new waste water treatment facility in the City of Lake Stevens. (Exhibit 30)

10. GMA Compliance: On December 21, 2005, effective February 1, 2006, the Council adopted Amended Ordinances 05-069 through 05-079, 05-081 through 05-085, 05-090 which amended the map and text of the Snohomish County GMA Comprehensive Plan, added rural lands to Urban Growth Areas and adopted area-wide rezones within the Urban Growth Areas of the county respectively.

The subject property is designated Riverway Commercial Farmland (RCF) on the GPP Future Land Use map. This designation includes farmland areas generally characterized by being in a river valley, floodplain or shoreline area, having continuous prime farmland soils, and having approximately fifty percent or more of the land area in parcels of forty acres and larger. The Agriculture-10 Acre zone is the implementing zone. (LU-94)

The GMA interim plan mapped and characterized farmlands included in the 1982 Agricultural Preservation Plan, as well as other identified areas fulfilling state and local criteria for designation as agricultural lands of long-term commercial significance. Three types of agricultural land were classified and designated:

- Riverway Commercial Farmland,
- Upland Commercial Farmland, and
- Local Commercial Farmland.

Protective measures were adopted for each of the three farmland classifications together with supplemental policies for land use and zoning, adjacent land uses, innovative land use techniques, road and utility restrictions, water management, and industry enhancements. Where appropriate, future policy needs were identified along with a strategy to ensure their timely consideration. (LU-49)

The 1982 Agricultural Preservation Plan was replaced by the 1995 GMA Comprehensive Plan: General Policy Plan (GPP). The current GPP became effective on February 1, 2006, and supercedes the 1995 version of the GPP.

Under the 2006 GPP, the following Land Use components are applicable to this application:

GOAL LU 7 Conserve agriculture and agricultural land through a variety of planning techniques, regulations, incentive and acquisition methods.

Objective LU7.A. Classify and designate agricultural land of long-term commercial significance

Objective LU 7.B. Conserve designated farmland and limit the intrusion of non-agricultural uses into designated areas.

LU Policies 7.B.4. The county should work to find alternatives to the planning or construction of public or private infrastructure improvements such as electrical substations, sewer lines and treatment facilities and services on designated farmland. If located on or adjacent to designated farmland the county shall ensure that impacts on commercial agriculture are minimized.

Under the 2006 GPP, the following Utilities components are applicable to this application:

The utility systems of water supply, wastewater collection and treatment, and electric power are widely considered as essential infrastructure to support urban development, and will be treated accordingly in this plan. There are some general goals, objectives, policies, and implementation measures that apply to all three utility systems, and these represented in this and the next text section. Utility-specific issues and corresponding goals, objectives, and policies are discussed in sections to follow. (UT-1 and UT-2)

Wastewater Collection and Treatment

GOAL UT 3 Work with cities and special districts to produce coordinated wastewater system plans for both incorporated and unincorporated areas within UGAs that are consistent with the land use element, UGA area plans, and city plans.

Objective UT 3.A Utilize wastewater system plans as a basis for orderly development or expansion within UGAs in accordance with the countywide planning policies.

A CUP was approved for the site in 1982 (ZA 8211216) for a wastewater treatment facility under the control of the Lake Stevens Sewer District. The approved CUP was for two tax parcels (290514-002-005-00 and 290514-001-029-00), with the proposed sewer lift station being located on 290514-001-029-00. The change of use that was authorized by the approved Conditional Use permit is not reflected in the GPP Future Land Use map designation for the site. This means the property is still zoned A-10.

The current Facilities Plan for the Lake Stevens Sewer District includes construction of a new wastewater treatment facility that is located outside of the Ebey Slough floodplain and within the city limits of the City of Lake Stevens. Typically, wastewater collection lines are gravity lines that flow down gradient. At low points, sewer lift stations are installed to push the wastewater upgradient. The existing wastewater treatment facility is at the low point of the collection lines, which are located along Sunnyside Boulevard, and then follow the access road off of Sunnyside Boulevard. When the new wastewater treatment facility goes on line, the existing wastewater treatment facility will be decommissioned. The sewer lift station, which is the subject of this proposal, is required to pump the wastewater from the low point located near the existing wastewater treatment facility to the new facility.

11. Zoning: SCC 30.91U.110 "Utility" means any public or private entity whose principal purpose is to provide electricity, water, sewer, storm drainage, gas, radio, television, telephone and/or other forms of communication utilizing the electromagnetic spectrum to the public, except personal wireless telecommunications services.

The proposed sewer lift station is designated as "Utility Facilities – All Other Structures" in the SCC 30.22.110 Rural and Resource Zone Categories- Use Matrix, which requires a CUP for placement in an A-10 zone.

12. Conditional Use Permits:

30.42C.100 Decision criteria – conditional use permit

1. The hearing examiner may approve, approve with conditions, or deny a conditional use permit only when all the following criteria are met:
 - (a) The proposal is consistent with the comprehensive plan;
 - (b) The proposal complies with applicable requirements of this title;
 - (c) The proposal will not be materially detrimental to uses or property in the immediate vicinity; and
 - (d) The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding property.
2. As a condition of approval, the hearing examiner may:
 - (a) Increase requirements in the standards, criteria, or policies established by this title;
 - (b) Stipulate the exact location as a 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 30.42C.100 (2)(b);
 - (d) Impose conditions similar to those set forth in items 30.42C.100 (2)(b) and 30.42C.100 (2)(c) as may be deemed necessary to establish parity with uses permitted in the same zone in their freedom from nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards, and similar matters. The hearing examiner may not in connection with action on a conditional 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, vibration, odors, and hazard or public need;
 - (g) Require the posting of construction and maintenance bonds or other security sufficient to secure to the county the estimated cost of construction and/or installation and maintenance of required improvements; and
 - (h) Impose any requirement that will protect the public health, safety, and welfare.

The proposed CUP modification, with conditions of approval, is consistent with the comprehensive plan and complies with the applicable requirements of this title. The proposal,

in conjunction with the existing CUP, is consistent with the comprehensive plan. The Agricultural Lands portion of the GPP is satisfied because the existing use of the property as a wastewater treatment facility predates the adoption of the GPP and is specifically allowed by the issued CUP for the property. Since the portion of the property that will be used as a sewer lift station is already under the ownership and control of the Lake Stevens Sewer District, the proposal will not be detrimental to uses or to property in the immediate vicinity.

13. Landscape Modifications: A minimum of a 20-foot Type A perimeter landscaping and a 10-foot Type B road frontage landscaping is required for any development that is permitted as a conditional use (SCC 30.25.020(2)). SCC 30.25.040 allows landscape modifications. The applicant applied for a landscape modification on January 10, 2007 as a part of the application for the Major Modification to the Conditional Use Permit (Exhibit 2a).

SCC 30.25.040(2) stipulates that the decision maker (either the department or the hearing examiner) may approve a request for modification when:

- a) The proposed landscaping represents an equal or better result than would be achieved by strictly following the requirements of the code; or
- b) The proposed landscaping fulfills its intended purpose as described in this chapter or, when applicable, Chapter 30.42B SCC.

SCC 30.42B is not applicable to this application.

20 foot Type A Perimeter Landscaping

Type A landscaping requires planting of a mixture of evergreen and deciduous trees at 25 feet on center in a triangular pattern, evergreen and deciduous shrubs at 3 feet on center in a triangular pattern, and evergreen groundcover at 12 inches on center in a triangular or offset pattern (SCC 30.25.017(1)). The intent of this section is to "... significantly separate residential uses and zones from nonresidential uses and zones, and to buffer single family development from multifamily development." Neither of these conditions applies to this location. The sewer lift station is located within the property that is a part of the existing wastewater treatment facility. The surrounding property is under the ownership and control of Lake Stevens Sewer District and is used as pasture. The stated purpose for the landscaping is not present.

10 foot Type B Road Frontage Landscaping

Type B landscaping requires planting of a mixture of evergreen trees and deciduous trees to be planted at 30 foot intervals, evergreen shrubs and deciduous shrubs to be planted at 5 foot intervals, and evergreen groundcover planted at 12 inch intervals (SCC 30.25.017(2)). This planting distribution creates a safety hazard in this particular location. The slope of the western shoulder of the existing roadway and the width of the existing right-of-way will result in the retaining wall and fill materials necessary for the sewer lift station to be placed within the public right-of-way for Sunnyside Boulevard. There is an existing electrical utility pole located within the right-of-way of Sunnyside Boulevard at the proposed location of the sewer lift station. Safe access is required for the periodic site visits by the Lake Stevens Sewer District personnel, and the presence of trees and shrubs will interfere with line of sight requirements along Sunnyside Boulevard. The combination of the utility line and access requirements to the site result in a recommendation from PDS for the proposed road frontage landscaping be modified. Thus, it is a finding that required landscaping as proposed by the applicant (Exhibit 2a), with the exclusion of the trees that are indicated, is appropriate.

14. Environmental Policy: Lake Stevens Sewer District issued a Mitigated Determination of Nonsignificance (MDNS) for the subject application on April 20, 2007 (Exhibit 10). The MDNS is for the entire project, including the new Waste Water Treatment Facility(WWTF), sewer line realignment, conveyance pipeline, and the Sunnyside Lift Station. The mitigation measures that are relevant to the sewer lift station are:

Earth

1. Any grading/fill on this site would be done so as to not impact the surrounding properties.
2. Code requirements of Snohomish County and the City of Lake Stevens will be followed and Best Management Practices will be used to control erosion.

Air

None of the 5 conditions are relevant to the sewer lift station.

Water

1. Compensatory mitigation will be required for the loss of 56,628 square feet of wetland at the proposed WWTF are in the area of the lift station. Approximately 10.8 acres of wetland restoration/enhancement will be provided on-site to the degraded wetland adjacent to Ebey Slough, at the existing plant site (8:1 mitigation ratio). Mitigation will increase the habitat value of the wetland with native indigenous trees, shrubs and herbaceous species plantings and the area will be protected permanently as a Native Growth Protection Area (NGPA).
2. Construction monitoring, performance monitoring, maintenance and remediation will be provided to ensure mitigation is successful.
3. The condition is not relevant to the sewer lift station.

Transportation

1. The District has received approval by Snohomish County for two Engineering Design and Development Standards (EDDS) Deviation as described below:

A 7-foot shoulder width will be installed on the east side of Sunnyside Boulevard, instead of construction a 5-foot planter and a 5- to 7-foot sidewalk on both sides of the street. The improvements will be constructed along the developed portion of Sunnyside Boulevard.

The second EDDS deviation is not relevant to the sewer lift station.

The DNS was not appealed.

15. Shoreline Management: The boundaries of the proposed project area includes a portion of the floodplain of Ebey Slough designated as Rural Shoreline Environment. The courts have previously held that a project having an interrelated effect on both uplands (non-shoreline jurisdictional areas) and shoreline areas cannot be segmented for purposes of complying with the Shoreline Management Act (SMA). Therefore, the entire site shall be treated as a whole in determining SMA compliance.

The project, as proposed, requires the issuance of a Shoreline Substantial Development Permit by Snohomish County, to allow construction of the sewer lift station. The proposal is therefore subject to use regulations for the Rural Shoreline Environment as well as environmental management, use element and use activity policies, and natural system consideration listed in the Snohomish County Shoreline Management Master Plan (SCSMMP). The proposal was reviewed by PDS. The Shoreline Substantial Development Permit was issued on January 25, 2008.

CONCLUSIONS OF LAW

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

1. The Examiner has jurisdiction to hear this case and render a decision thereon.
2. 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.
3. Adequate public services exist to serve the proposal.
4. The proposal will make adequate provisions for the public health, safety and general welfare.

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 proposed Major Modification to the existing Conditional Use Permit for the Lake Stevens Sewer Treatment Sewer Lift Station and the Landscape Modification are **APPROVED** subject to the following **CONDITIONS**:

CONDITIONS:

- A. The Conditional Use Permit plans received by PDS on January 2, 2008 (Exhibits 3a and 3b), shall be the Conditional Use Permit official site plans for the sewer lift station. Any revisions to the Conditional Use Permit and/or development plans exhibits shall be in accordance with SCC 30.42C.110.

The Landscape Modification plans, with the elimination of planting trees, received by PDS on January 10, 2007 (Exhibit 2a) shall be the Landscape Plans for the sewer lift station.

- B. Prior to initiation of any further site work; and/or prior to issuance of any development/construction permits by the county:
 - i. The recipient of any Conditional Use Permit shall file a Land Use Permit binder on a form provided by the department (Planning and Development Services) with the County Auditor prior to any of the following: initiation of any further site work, issuance of any

development/construction permits by the county, or occupancy/use of the subject property or buildings thereon for the use or activity authorized. The binder shall serve both as acknowledgement of and agreement to abide by the terms and conditions of the conditional use permit and as a notice to prospective purchasers of the existence of the permit. (SCC 30.42C.200)

- C. Prior to any ground disturbing activity on the site, the applicant shall obtain the following Snohomish County permits:
- i. A Shoreline Substantial Development Permit for the sewer lift station project.
 - ii. A grading permit for the sewer lift station project.
 - iii. A retaining wall permit for the sewer lift station project.
 - iv. A building permit for the sewer lift station project.
 - v. A Flood Hazard Permit for the sewer lift station project.
- D. The Sunnyside Boulevard sewer lift station project shall be subject to all of the conditions and requirements established under the permits that are specified in Condition C (above).

Nothing in this permit/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.

Decision issued this 23rd day of April, 2008.

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 **MAY 5, 2008**. 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 **MAY 7, 2008** 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: Ed Caine

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.